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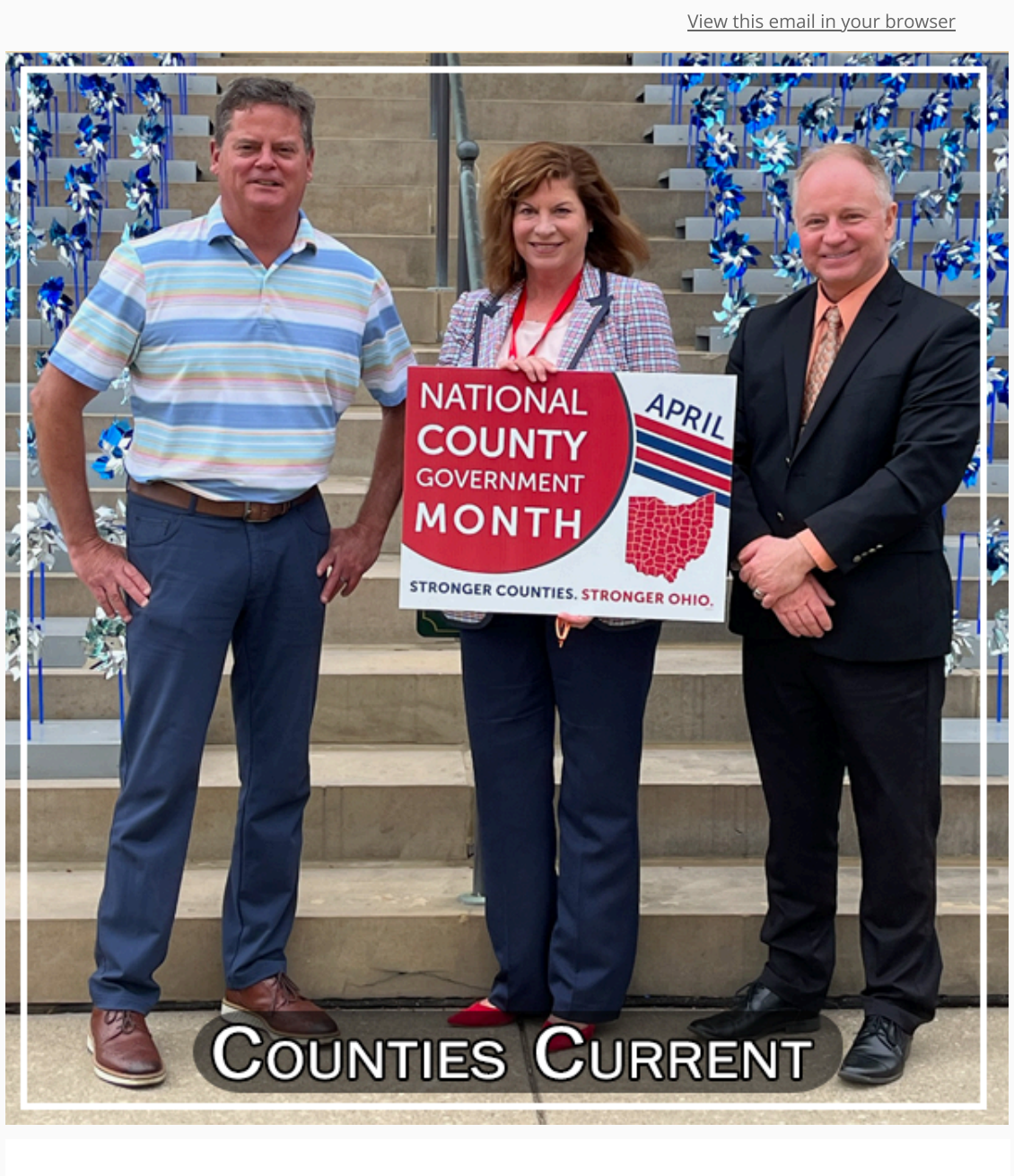
NATIONAL COUNTY GOVERNMENT MONTH
APRIL
STRONGER COUNTIES. STRONGER OHIO.
COUNTIES CURRENT

April 17, 2023

Tuscarawas County Commissioners Greg Ress, Kristin Zemis, and Chris Abbuhl with Ohio's National County Government Month sign in front of the Tuscarawas County Courthouse. The blue pinwheels lining the courthouse steps are in honor of Child Abuse Prevention Month.

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ASSOCIATION AND MEMBER NEWS

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Ohio Council of County Officials Legislative Reception is this week!

Registration for the 2023 Ohio Council of County Officials (OCCO) Legislative Reception is still open! The event will be held at the Statehouse Atrium from 5:00 p.m. to 7:00 p.m. on April 19. The event is free to attend and is a great opportunity to get to know your legislators and statewide office holders.

Registration can be completed at CCAO's website. If you have any questions about the event, please contact Robin Garrett, CCAO Boards' Liaison and Events manager at rgarrett@ccao.org.

Registration for the Northeast District Meeting now open!

Registration on the CCAO website for the Northeast District Meeting to be held on May 5 is now open! Registration is $15 per person and must be completed by April 24. Members from all regions are welcome to attend.

The event will take place at the Hall of Fame Village in Canton. The event will feature a welcome from leadership of the Hall of Fame Village, a legislative update from CCAO and CEAO, and a working lunch and presentations by Mark Havens of Constellation Energy and by Senator Kirk Schuring.

The event will conclude with a tour of the Tom Benson Hall of Fame Stadium and of the Pro Football Hall of Fame.

If you have difficulty registering, please contact Robin Garrett or Brandy Allen.

Registration for the Central District Meeting now open!

Registration for the CCAO/CEAO Central District Meeting on May 10 is now open! Registration can be completed here and costs $25 (credit card only). Registration must be completed by May 5 in order to attend.

The event will be held in Logan County, beginning with a breakfast at the Cranberry Resort and lunch at Six Hundred Downtown in Bellefontaine. Discussions will include the challenges of maintaining the natural health and beautify of Indian Lake and how to promote entrepreneurialship in small towns.

If you have questions regarding the event, please contact CCAO/CEAO Central District President and Logan County Commissioner Joe Antram.

CCAO publishes updated Data Exchange entries

Last week, CCAO published three entries in the County Data Exchange; two of these are updates and one is a new entry.

One of the two updates is the Data Exchange entry for gross casino revenue distributions to counties. In CY 2022, a total of $129.7 million was distributed to counties from the gross casino revenue tax, a 6.9% increase from CY 2021.

The second update is the entry for the Local Government Fund, both the total undivided LGF and the county share. The total LGF in CY 2022 was $452.9 million, a 7.0% increase from the prior year. Unfortunately, the county share of the LGF for CY 2022 is not yet available.

The new entry into the Data Exchange is the Enhanced Wireless 9-1-1 System payments to county treasuries. The total system payments in CY 2022 was $27.8 million, a small decrease from CY 2021 but more than the payments in the preceding eight years. Prior to CY 2021, total payments were frozen at $25.7 million per year.

CCAO will be continuing to update the Data Exchange as figures become available. If there is a datapoint that you think should be included in the Data Exchange but is not currently, please contact Research Analyst Nick Ciolli.

STATE AND FEDERAL NEWS

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Attorney General Opinions on OSU Extension funding, county official maintenance authority

In the March 6 issue of *Counties Current*, CCAO flagged two Attorney General Opinion requests that pertained to counties. Attorney General Dave Yost has since issued the opinions for both of them.

OSU Extension

The Muskingum County Prosecutor requested an AG Opinion on whether counties can be directly provided to the county Ohio State University Extension office instead of being paid into the county's Ohio State University Extension fund, and if the county can charge the Extension office rent and/or utilities for its office space.

The opinion, AGO 2023-004, states that the county may not do either of the actions in question. Following an earlier AG Opinion that stated that "when the language of a statute is plain and unambiguous, the statutory text controls," the opinion finds that the language in ORC 3335.37 governing county taxation for OSU Extension is plain and unambiguous that the revenue of such a tax must be paid to the credit of the OSU Extension fund.

To the second question, since ORC 3335.36 states that county "shall" provide offices to OSU Extension and an earlier AG Opinion states that "when a board of county commissioners has a duty to provide space for the operations of governmental entities, the board has no authority to charge such entities for rental of such space or for utilities used in that space, absent statutory authority to impose such a charge." Since the "shall" language establishes a duty for the county to provide space, and there is no clear statutory language permitting the county to charge OSU Extension for rent and utilities, the county cannot do so.

County official maintenance authority

The Ashtabula County Prosecutor requested an AG opinion concerning the authority of county elected officials to make changes to their office space without the approval of the board of county commissioners.

The opinion, AGO 2023-005, states because the board of commissioners has express and implicit statutory authority to control and care for county-owned buildings and offices, other elected county officials cannot perform maintenance or make repairs and improvements over the objection of the board of commissioners. Additionally, if the board of commissioners feels that funds allocated for maintenance, repairs, or improvements on county-owned buildings are not being used in the manner for which they were appropriated, the commissioners can stop the repairs and expenditure of funds.

The request from Ashtabula County also asked if the board of commissioners has the authority to enter a county-owned building or office space to oversee maintenance, repairs, or improvements without the permissions of the county official that is occupying said county building or office space. Since the commissioners have the express and implicit statutory authority to control and care for county-owned buildings and offices, the opinion states that commissioners do have the authority to access county buildings and office space to oversee maintenance, even without the permission of the county official occupying the space.

Finally, the request asked if the county prosecutor or county sheriff can use monies from the Furtherance of Justice (FOJ) Fund to perform maintenance or make repairs. The opinion does not make a determination on this question, due to the case-by-case nature of determining if FOJ fund expenditures are permissible. Further, the opinion states that guidance on FOJ fund expenditures should be directed to the Auditor of State.

President Biden ends COVID-19 National Emergency; ARPA premium pay usage affected

Last Monday, President Joe Biden signed a bill formally ending the COVID-19 National Emergency, effective immediately upon its signing.

The US Treasury Department released updated FAQs regarding how the end of the national emergency affects the allowable usage for ARPA funds. The main effect that the end of the national emergency has relates to premium pay. Treasury's Final Rule states that counties can use ARPA dollars to provide premium pay to eligible workers performing essential worker during the COVID-19 public health emergency, which is only eligible ***w*hen** there is an active Public Health Emergency.

Therefore, **counties MAY NOT USE ARPA funds to provide premium pay to essential workers for work conducted AFTER the end of the National Emergency (April 10, 2023).** Counties may continue to use ARPA funds to provide premium pay to essential workers for work conducted BEFORE the termination of the National Emergency.

OneOhio Recovery Foundation Board approves funding figures

During its April meeting, the OneOhio Recovery Foundation Board approved $51 million for opioid abuse relief, recovery, and prevention, $3.5 million for operations, and $3.67 million for the establishment of an endowment. These figures come from settlement payments for years one and two from the drug distributor settlement and the Johnson & Johnson settlement. The funding for the endowment is the foundation's share of the Mallinckrodt Pharmasecutial bankruptcy settlement.

The $51 million will be distributed to projects in the foundation's 19 regions and potentially statewide projects.

The OneOhio Recovery Foundation receives 55% of the Ohio-bound funds from opioid settlements; the remaining 45% is split between direct payments to local governments (30%) and payment to the state (15%).

State allocations under the Drinking Water State Revolving Fund announced for FY 2023

Last week, the Biden-Harris Administration announced a $6.5 billion investment in drinking water infrastructure through the Drinking Water State Revolving Fund (DWSRF).

Ohio is slated to receive $242.9 million under the investment:

- $11.2 million under the base DWSRF distribution.
  - At least $1.6 million must be provided as a subsidy.
  - Between at least $1.3 million and $3.9 million must be provided as a subsidy to disadvantaged communities.
- $47.5 million under the Bipartisan Infrastructure Law General Supplement of the DWSRF.
- $17.3 million under the "Emerging Contaminants" allocation.
- $166.9 million under the Lead Service Line Replacement allocation.

As CCAO learns how Ohio plans to invest and distribute these funds, we will keep our members informed.

You can read the official US EPA memo, which includes the allocation tables for each state.

Ohio Means Jobs Gen Z Virtual Career Fair

Ohio has more than 940,000 working-age individuals in the "Gen Z" generation. If your organization is interested in tapping the talents of young workers just starting their careers, consider participating in the first-ever statewide OhioMeansJobs.com **Gen Z Virtual Career Fair**.

The Ohio Department of Job and Family Services is hosting this event from 10 a.m. to 2 p.m. on Wednesday, **May 3**. Ohio employers of all sizes, industries, and from all parts of the state are invited to participate. You can advertise specific job openings and even interview candidates on the spot, for full-time, part-time, summer, or internship positions.

To learn more or register, email EmploymentServices@jfs.ohio.gov or contact a workforce specialist at your local OhioMeansJobs Center. To find your local OhioMeansJobs Center, visit jfs.ohio.gov/owd/wioa/map.stm.

The fair will take place during In-Demand Jobs Week, a statewide celebration of the jobs, industries, and skills that are in-demand in Ohio.

EDUCATION AND GRANTS

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Visit the Grants and Funding Opportunities page on the CCAO website for a detailed listing of open grant programs.

NACo hosting ARPA reporting requirements webinar this week

This week, on Wednesday, April 9, at 4:00 p.m., NACo will be hosting a webinar to help guide counties through the steps of how to submit a Project and Expenditure (P&E) Report, as well as new reporting requirements for P&E Reports.

This webinar is very timely since all counties must submit a P&E report by April 30. Registration is free and can be completed here.

CCAO, OACBHA to host ADMAH Board property tax levy training

On Friday, April 28 at 10:00 a.m., CCAO and the Ohio Association of County Behavioral Health Authorities (OACBHA) will be hosting a training on the topic of ADAMH Board property tax levies that will be open to members of both CCAO and OACBHA.

The training will be presented by representatives from OACBHA, CCAO, the Ohio Department of Taxation, and the Franklin County Auditor's office.

Registration is free and can be completed here.

Grant program to support infrastructure jobs accepting applications

The US Department of Labor is accepting grant applications for its "Building Pathways to Infrastructure Jobs" program. Applications are due by July 7 and are open to county governments, among other entities.

The objective of the grant program is to fund partnerships to develop worker-centered programs that train and prepare the skilled workforce that is needed to meet the demands of infrastructure projects funded via the federal Bipartisan Infrastructure Law.

A total of $80 million is available through the program, with individual grants capped at $5 million. Applicants must contribute at least 15% of the total amount of requested funds, either through leveraged funds or matching funds, depending on the program type the application is for.

You can access more information via the Grants.gov page listing.

Grant opportunity spotlight: Hazardous Materials and Safe Streets & Roads

CCAO is highlighting two grant opportunities which are currently accepting applications: the Hazardous Materials Training Grant, awarded through the Public Utilities Commission of Ohio (PUCO), and the Safe Streets & Roads grant, awarded through the US Department of Transportation.

PUCO is accepting applications for the Hazardous Materials Training Grant through May 31. The grants are available to local governments to train public safety and emergency services personnel in the proper techniques of managing hazardous materials spills and releases that occur during transportation. You can read more about the program, and access the application forms, on PUCO's website.

The US Department of Transportation is accepting applications for the Safe Streets and Roads for All grant program through July 10. The grants are open to a wide variety of entities, including counties. Awards under the program are intended to improve roadway safety by helping entities develop and implement safety action plans that focus on all roadway users, including pedestrians, cyclists, drivers, and public transportation users. You can read more about the program and access application information on the US Department of Transportation's website.

SAM.gov, federal grant portal, walkthrough available; grant writing resources available

Last month, the US General Services Administration hosted an online forum to help walk state and local officials through how to use SAM.gov. The website is the primary portal for intergovernmental assistance from the federal government to state and local governments.

The Administration has made the presentation slide deck and the recording of the session available for download, as well as a one-page guide.

Grants are a valuable resource for counties to utilize, but knowing how best to develop competitive applications can be difficult and the learning curve cause counties to lose out on grants. Luckly, federal agencies and nonprofits offer resources to assist in developing competitive applications. Federal agency websites point to internal and external sources and many conduct free training and targeted one on one or small group technical assistance. Here are some current resources to explore:

- Comprehensive Opioid, Stimulant, and Substance Abuse
- Great Lakes Community Action Partnership
- Local Infrastructure Hub
- National Wildlife Federation
- Rural Community Assistance Partnership
- State and Community Energy Programs-Tools and Resources
- US Department of Transportation
- USDA Rural Development
- 10,000 Communities Initiative

ARPA and BIL RESOURCES

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This section of *Counties Current* will be a permanent fixture for the foreseeable future to help counties with the ins and outs of the American Rescue Plan Act and the Bipartisan Infrastructure Law. These two laws provide a once-in-a-generation investment.

ARPA Project and Expenditure Reporting portal is open; due by April 30

The reporting portal for counties to submit their annual and quarterly ARPA Project and Expenditure (P&E) Reports is open.

ALL COUNTIES MUST SUBMIT A P&E REPORT BY APRIL 30.

Please note that there is new information that is required for these April P&E Reports. Counties are now required to include the following information (these requirements DO NOT apply to expenditures that are paid for using lost revenue – EC 6.1):

1. **Unique Entity ID Requirements for Subrecipients and Contractors:** All subrecipients and contractors are required to have a Unique Entity ID (UEI) and have that number included as part of the reporting process. The UEI is the replacement for the previously used DUNS numbers, and they are issued by SAM.gov. While this requirement is not new, starting in April 2023's P&E Report the report form will now return an error when no valid UEI is provided when creating new Subrecipient or Contractor entities. **This was previously not explicitly required, but strongly urged by Treasury.**
   1. Treasury has stated that for the April 2023 P&E reporting form, **if a pre-existing subrecipient or contractor record does not have a UEI, the system will simply flag it as a warning but not prevent them from submission of the entire P&E report.**
   2. However, **ANY NEW** subrecipient or contractor records will be required to have their UEIs provided and they cannot create those entities without one.
   3. Treasury has stated they **DO NOT KNOW** how long they will be able to keep this flexibility available after April 2023 so **counties should get their UEIs together ASAP.**
2. **New Subaward/Direct Payments Entity Type:** All Subawards/Direct Payments records will be required to have an "entity type" selected before a subaward can be created. This field will capture whether the entity receiving the award or payment is a Subrecipient, Contractor, or Beneficiary. **If a county attempts to create a new subaward for a subrecipient without a populated entity type field will result in an error.**

Information from the US Treasury Department on how to complete the P&E reports can be found in its User Guide and its Reporting and Compliance Guidelines.

Federal legislation increases ARPA flexibility for infrastructure, disaster response, and CDBG projects

The federal Consolidated Appropriations Act, 2023 was signed into law on December 29, 2022. The legislation contains important updates to how counties and other local governments may use their ARPA funds. First, the Act codifies the standard allowance included in the US Department of the Treasury's Final Rule that permits counties to use up to $10 million for the provision of government services under the "revenue loss" eligibility category without having to demonstrate losses through a complicated formula. This codification means that the Treasury Department cannot alter the standard allowance in any subsequent rulemaking.

The Act also permits counties to use the greater of $10 million or 30 percent of their total ARPA allocation for federal infrastructure projects, responding to natural disasters, or Community Development Block Grant (CDBG) projects. Counties must expend these funds no later than September 30, 2026, rather than the standard date of December 31, 2026. Eligible natural disaster responses include emergency relief and the negative economic impacts of natural disasters, including temporary emergency housing, food assistance, financial assistance for lost wages, or other immediate needs. CDBG projects must meet the requirements of Title 1 of the Housing and Community Development Act of 1974.

Some of the federal infrastructure programs eligible for ARPA match include the National Highway Performance Program; Bridge Investment Program; Surface Transportation Block Grant Program; and, the Rural Surface Transportation Grant Program. More information, and a complete list of eligible transportation programs, is available from NACo at this link.

Resources for ARPA Reporting and Compliance

The most recent version of the US Treasury Reporting Guidance was published September 20, 2022. Counties and other local governments with populations greater than 250,000 or ARPA distributions greater than $10 million are required to file Project and Expenditure Reports no later than 30 days after the end of each quarter throughout the grant period. Other recipients will file Project and Expenditure Reports annually by April 30.

Members are urged to consult resources from US Treasury, NACo, and the Ohio Office of Budget and Management for more information about reporting and how to use ARPA funds. CCAO maintains a list of ARPA links and resources, including a comparison of state and federal procurement laws, at the ARPA Resources page.

Ohio Ethics Commission issues statement regarding stimulus funds

Last week the Ohio Ethics Commission released a statement ensuring that public officials are aware that stimulus funds, such as those received under the federal American Rescue Plan Act and the funds that communities will receive under Governor Mike DeWine's Appalachian investment program, are public funds and that conflict of interest laws must be observed.

To that effect, the Commission also recirculated its Advisory Opinion No. 2009-006, issued in 2009 regarding stimulus funds made available to governments under the federal American Recovery and Reinvestment Act. It provides a more in-depth examination of potential conflicts of interest with stimulus funds, including a discussing regarding vendors.

CCAO encourages members refamiliarize themselves with this Advisory Opinion and conflict of interest laws to ensure good stewardship of ARPA and Appalachia funds.

Guidance and overview of available BIL funding available from NACo and the Ohio Department of Transportation

NACo and ODOT each host a resource page providing information to counties about the Bipartican Infrastructure Law. The pages are rich with information including multiple tables providing overviews and links to funding opportunities, a timeline of upcoming grant programs, and much more.

The NACo website can be found here and the ODOT website can be found here.

CCAO strongly encourages counties to frequently visit the sites and apply for funding through the myriad of programs to bring valuable federal funds to Ohio communities.

COUNTY NEWS

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Each week Counties Current highlights the happenings in our counties in the words of their local media. One county from each of the CCAO's five districts is highlighted.

Northwest District

County, townships approve road paving, chip and seal

LimaOhio.com, April 12, 2023

The Allen County commissioners and township trustees met Wednesday to approve the county's annual road program, which will see 13.5 miles of county and township roads repaved and another 79 miles sealed in 2023.

The road program is expected to cost about $2.9 million, or about $1 million more than last year, which will be split between the county and townships once bids are accepted.

Northeast District

Stark County Records Center: bid specs approved for renovation project

Canton Repository, April 12, 2023

Renovations will likely start late this summer to the building that will eventually become the Stark County Records Center.

County commissioners OK'd a resolution Wednesday approving bid specifications for the project. SoL Harris/Day Architecture has estimated that construction costs will total $2.7 million. The project will be paid for through Stark's permanent improvement fund.

The county houses public records — case files, appearance dockets, fiscal records and other administrative documents — on the basement level of a building on Third Street NE in Canton. The new records center will be in the eastern section of an existing building at 3041 Cleveland Ave. SW. The western half of that building was renovated into the new Stark County Coroner's Office in 2022. The building once served as a workshop run by the Board of Developmental Disabilities.

Central District

Stewart Announces TRAC Project in Pickaway County

Scioto Post, April 3, 2023

Pickaway County infrastructure project will receive $19 million to develop and construct a new, full-access interchange at the intersection of U.S. Route 23 and state Route 762 announced State Representative Brian Stewart (R-Ashville).

The Transportation Review Advisory Council (TRAC) approved their annual final list of projects to receive funding from the Ohio Department of Transportation's (ODOT) Major New Capacity Program. The project in Pickaway County was among 31 proposals to receive funding.

"Pickaway County has seen significant growth in the past decade, including numerous development projects in the area," Stewart said. "As traffic continues to increase around the Rickenbacker International Airport, we need to make sure we have the infrastructure to support the area's current and future needs and keep traffic commutes manageable for our residents. I was glad to be able to fight for this project at the Statehouse."

Southwest District

State of Warren County: Area is strong, well poised for economic growth, leaders say

Journal News, April 12, 2023

On a recent trip to visit her daughter at Ohio University, Warren County Commissioner Shannon Jones said she saw the beginning of development in the 20 miles along Interstate 71 between the county and U.S. 35.

"I saw lots of development along U.S. 35 and how close it was to Warren County and how it will affect the eastern side of Warren County," she said. "It's going to be tremendous."

Jones said the county will have more needs for transportation improvements, affordable child care, affordable housing, improving the workforce and schools with the next wave of economic growth comes in the coming years.

Jones and fellow commissioners David Young and Tom Grossmann presented the annual 'State of Warren County' update to nearly 150 local government and business leaders at a meeting of the Area Progress Council at Shaker Run Golf Course.

Southeast District

Carroll County adds administrative post to sewage treatment system

Canton Repository, April 10, 2023

Carroll County government created a new administrative position as Roy Ford was hired as superintendent of sewage services for Carroll County Environmental Services.

County commissioners agreed to place Ford on the job following a request from Ralph Castellucci, director of Carroll County Environmental Services. The agency, while under the county's authority, provides sanitary sewage service mostly for the Malvern area and parts of Brown Township, including Lake Mohawk.

"Our district encompasses all the unincorporated areas in Carroll County," Castellucci said. "Most of our users are in Brown Township. We used to have a satellite office in Carrollton. But we don't have it anymore."

DATES TO REMEMBER

Please view the CCAO Calendar for a comprehensive list of events to note.

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APRIL 19
CCAO Board of Directors Meeting
OCCO Legislative Reception

APRIL 27 - 28
CEBCO Board of Directors Retreat

MAY 5
Northeast District Meeting

MAY 10
Central District Meeting

MAY 12
CCAO Board of Directors Meeting

DID YOU KNOW?

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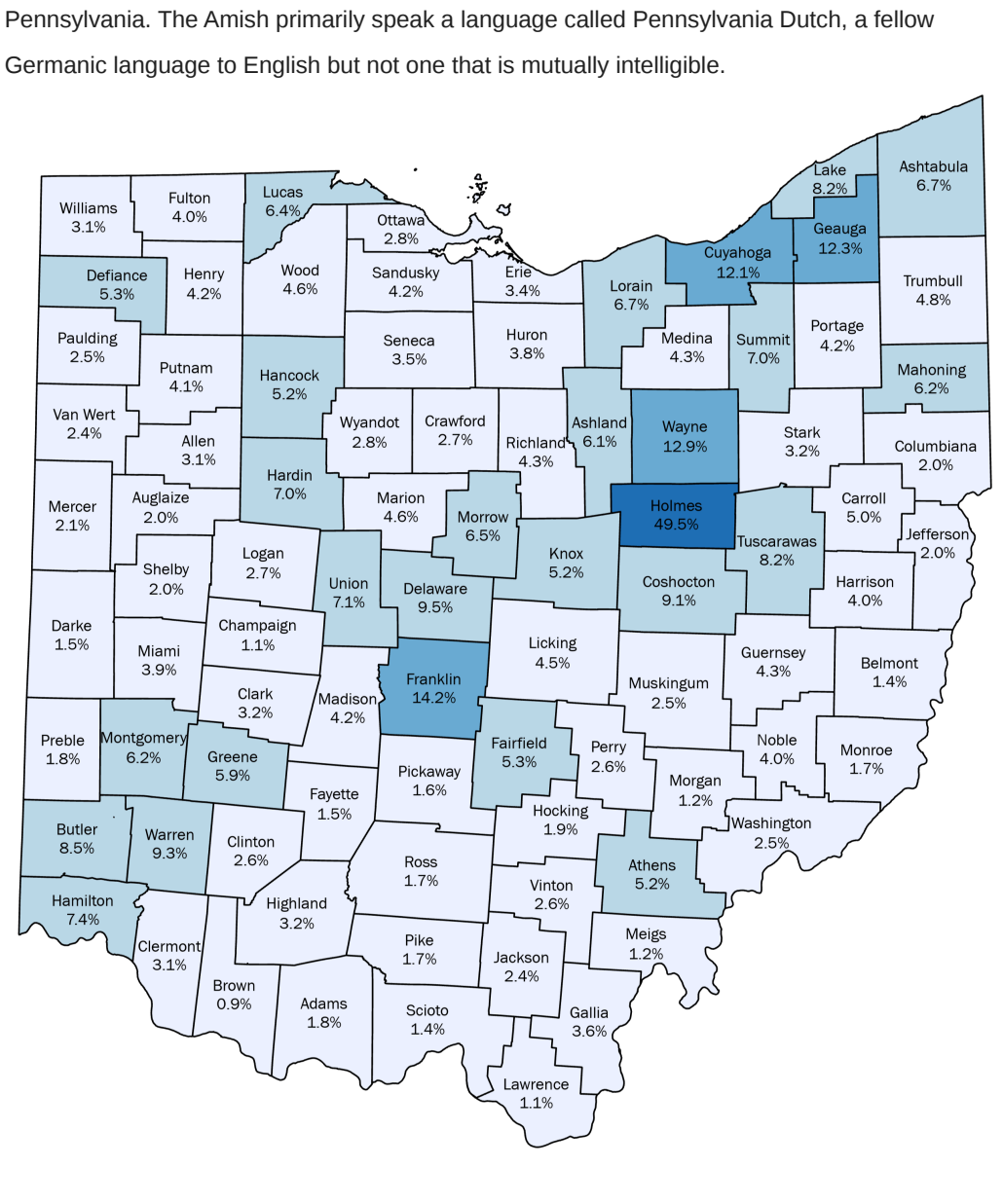
Holmes County

The map below shows the percentage of households in which the primary language spoken is not English. Holmes County has by far the most households speaking a non-English language, with 49.5%, according to the most recently available data from the Census Bureau.

At first blush, this may seem surprising, but this datapoint has a simple explanation: the Amish. According to estimates by Elizabethtown College and the Ohio State University, Holmes County has the second largest Amish population in the country, behind only Lancaster County, Pennsylvania. The Amish primarily speak a language called Pennsylvania Dutch, a fellow Germanic language to English but not one that is mutually intelligible.



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