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April 24, 2023

Defiance County Commissioner David Kern, Williams County Recorder Patti Rockey, and Representative Roy Klopfenstein (R-Haviland), himself a former Paulding County Commissioner, at the OCCO Legislative Reception held last Wednesday.

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ASSOCIATION AND MEMBER NEWS

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CCAO President Glenn Miller testifies on the House Substitute Budget Bill

Last Thursday, CCAO President and Henry County Commissioner Glenn Miller testified before the House Finance Committee on its substitute bill for the state operating budget, House Bill 33 (Representative Jay Edwards).

President Miller discussed the critical importance of indigent defense reimbursement in the budget. The House Substitute Bill decreases funding for reimbursement from the Executive Budget by $48 million over the biennium (as a context note, the appropriations in the House Substitute Bill do still represent a modest increase from the current biennium). The Office of the Public Defender estimates that the level of funding in the House Substitute Bill would provide about 78% reimbursement.

President Miller noted that CCAO is supportive of the $75 per hour cap on reimbursement to help maintain the targeted percentage level of reimbursement by helping prevent a significant rate increase in one county from consuming an inordinate amount of the appropriation.

Representative Gail Pavliga (R-Portage County) asked a clarifying question asking if it's the position of the Association that CCAO supports a phased-in state takeover of the indigent defense system. President Miller affirmed that, noting that since the counties are essentially a middleman in the system, it would function more efficiently if counties were removed from the process and the state administered it.

President Miller thanked the committee for two other important provisions. First, the increase in the appropriation for county jail projects. In the Executive Budget, there was $25 million available in each fiscal year; the House Substitute Bill increases the funding to $100 million each year. This massive investment will help fund even more badly needed projects across the state.

Second, the House Substitute Bill included a long-needed revision to statutory bidding thresholds and the allowable difference between a public improvement project's estimated cost and the contract price. The bidding threshold increases from $50,000 to $75,000; while this is less than the language in the CCAO Platform, the provision includes an annual 3% increase beginning in 2025. The allowable difference provisions increases the allowable percentage difference from 10% to 20%. These changes will help make government operations more efficient and help counties, along with other local governments, get vital projects operational in a timely manner.

Please refer to President Miller's testimony for his comments on changes to the Local Government Fund that were included in the House Substitute Bill.

Representative Dan Troy (D-Willowick), himself a former Lake County Commissioner and CCAO President, asked a question concerning a provision that would require the board of county commissioners of a county to pass a supporting resolution before the Ohio Housing Finance Agency can utilize its resources to support a housing project in the county. President Miller made it clear that it was not a provision that the Association asked for and that it's a provision CCAO would like removed.

You can view President Miller's testimony on the House Finance Committee archive, beginning at the 03:07:07 mark.

CCAO expects the House Omnibus Amendment to be released and adopted this week.

Governor DeWine announces jail grants funded under HB 687 of the 134th General Assembly

In the capital budget passed in 2022, there was included $25 million in each of State Fiscal Year 2023 and SFY 2024. On Thursday, April 20, 2023, The DeWine-Husted Administration announced the details of projects that will be funded through that appropriation. Projects fall into three categories: construction/renovation, security upgrades, and needs/feasibility assessments.

The counties that will receive funding are:

- Construction/Renovation Projects:
    - Auglaize County: $2,035,970
    - Columbiana County: $462,500
    - Greene County: $15,000,000
    - Lucas County: $10,065,000
    - Wayne County: $15,000,000
    - Williams County: $4,662,756
- Security Upgrades:
    - Carroll County: $227,300
    - Hancock County: $248,480
- Needs/Feasibility Assessments:
    - Jackson County: $1,000,000
    - Miami County: $175,000
    - Ottawa County: $350,000

"Ensuring public safety is one of the most important services that counties provide," said CCAO President and Henry County Commissioner Glenn Miller, "and the robust partnership with state leaders to keep county jails well-funded to make needed improvements to address the complex needs that jail populations have is vital to the provision of that service. CCAO expresses deep thanks to the Administration and the General Assembly for their support in keeping the public safe and ensuring that justice-involved individuals are kept in humane environments and receive mental health and addiction services that they may need."

CCAO is actively working with the Ohio House of Representatives on additional funding for jail construction and renovation projects in the operations budget.

CCAO thanks the DeWine-Husted Administration and the General Assembly for their strong support for this vital component of the state-county partnership.

Deadline for registration for the Northeast District Meeting is *today*!

Registration on the CCAO website for the Northeast District Meeting to be held on May 5 must be completed by the end of the day today. 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.

STATE AND FEDERAL NEWS

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TIME SENSITIVE: Cleveland, Columbus, and Cincinnati MSAs eligible for federal funds

The US EPA's Climate Pollution Reduction Grants Program's deadline for Planning Grant Notice of Intent to Participate (NOIP) is this Friday, April 28. You can access the program guidance here.

The program will be awarding $1 million to each of the 67 most populous metropolitan areas in the country; in Ohio, this applies to the Cincinnati, OH-KY-IN Metro Area, the Columbus, OH Metro Area, and the Cleveland-Elyria, OH Metro Area. This window is open to "municipalities," as definied by the Clean Air Act, which includes the common definition of municipalities as well as counties.

Each area must have a lead organization submit a NOIP, a sample of which can be downloaded here.

The following list shows the counties that are included in each MSA.

- **Cincinnati, OH-KY-IN MSA**
    - Brown County
    - Butler County
    - Clermont County
    - Hamilton County
    - Warren County
    - *(An additional 11 counties in Indiana and Kentucky)*
- **Cleveland-Elyria, OH MSA**
    - Cuyahoga County
    - Geauga County
    - Lake County
    - Lorain County
    - Medina County
- **Columbus, OH MSA**
    - Delaware County
    - Fairfield County
    - Franklin County
    - Hocking County
    - Licking County
    - Madison County
    - Morrow County
    - Perry County
    - Pickaway County
    - Union County

CCAO regrets the late notification of this federal funding opportunity.

ARPA Project and Expenditure Reports due in *ONE WEEK*

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.

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.

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.

CCAO, OACBHA to host ADMAH Board property tax levy training

This 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.

Upcoming Small Business Administration and Ohio EPA webinars

CCAO would like to inform our members of three upcoming webinars that the Ohio Environmental Protection Agency is taking part in.

The first, occurring this Wednesday at 11:00 a.m., is intended for small businesses to help get to know the regulatory environment from the US Department of Labor, the Internal Revenue Service, and the Ohio EPA from officials with each agency. Registration for the event is free and can be completed here.

The next will be held on May 2, at 9:00 a.m. The Ohio EPA will host the webinar focusing on noncompliance at small wastewater treatment plants. The webinar will go over tools that the Ohio EPA uses to diagnose problems and monitor treatment systems to keep them in compliance with regulations. The webinar fulfills continuing education units for three hours for Registered Enviornmental Health Specialists, Environmental Health Specialists in Training, and Wastewater Operation Certifications. Registration is free and can be completed here.

The third webinar will take place on May 17, at 1:00 p.m. It will cover the Construction Stormwater General Permit and recent changes related to it. The webinar will give an overview of the changes and has ample time reserved for Q&A. The webinar fulfills continuing education units for one hour for Registered Enviornmental Health Specialists, Environmental Health Specialists in Training, and Wastewater Operation Certifications. Registration is free and can be completed here.

Grant opportunity spotlight: PROTECT, Hazardous Materials, Safe Streets & Roads

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

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.

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.

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.

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

Governor DeWine pledges $10M for new Lucas County jail

The Toledo Blade, April 20, 2023

More money is coming to the state's jail system, including $10 million in state grant funding toward the construction of a new Lucas County jail in Toledo, Gov. Mike DeWine announced on Thursday.

In addition, the Corrections Center of Northwest Ohio (CCNO) will receive $4.6 million in state grant money, Mr. DeWine said during a visit there on Thursday.

CCNO served as the backdrop for the funding announcement where Mr. DeWine was joined by several officials including Lucas County commissioners president Pete Gerken, commissioners Tina Skeldon Wozniak and Lisa A. Sobecki, and Lucas County Sheriff Mike Navarre.

"There are jails in Ohio that are so old and so functionally obsolete that quite frankly they are dangerous to staff, inmates, and family members," Mr. DeWine said at CCNO, which is about 55 miles west of Toledo in Williams County.

Northeast District

Cuyahoga Council still divided over who sheriff should report to; former sheriff Bob Reid, Executive Ronayne weigh in

Cleveland.com, April 19, 2023

The debate over who the Cuyahoga County sheriff should report to continues as more officials weigh in, including former Sheriff Bob Reid, who believes the position should be independent, and County Executive Chris Ronayne, who wants to maintain direct oversight.

The answer largely hinges on which competing legislation will get the most votes from a split county council: either Councilman Martin J. Sweeney's proposal codifying that the sheriff reports directly to the executive, or Councilman Patrick Kelly's legislation, which would allow the sheriff to make decisions about jail operations without requiring permission from the executive.

Ronayne favors Sweeney's legislation.

In a letter addressed to Councilman Patrick Kelly Tuesday, Ronayne said he did not support legislation that would move the sheriff out from under his direction. He questioned the optics of removing oversight amid national calls for police reform and pointed to the recent decision to take control of the jail commissary accounts following mismanagement by the sheriff's office as reasons for why the sheriff's office should not be an independent.

Central District

Richland County commissioners approve ARPA funds for B&O Trail tunnel

Mansfield News Journal, April 15, 2023

The Richland County commissioners have agreed to provide $200,000 in American Rescue Plan Act funds designated as revenue replacement to help pay for part of the cost of a tunnel under Trimble Road for Mansfield's planned connector trail between the city's Trimble Road trail and the county park district's Richland B&O Trail.

Board members felt the tunnel was the safest of several trail crossing options presented at their regular meeting Thursday by City Engineer Bob Bianchi.

Bianchi told commissioners the tunnel is part of a project presented last August for which they agreed to provide ARPA funds for that would connect with the B&O Trail just south of Marion Avenue east to Trimble, then north on Trimble to Millsboro Road and then east to the Mansfield Arts Center. The tunnel is planned for about 200 feet south of Raemelton Boulevard near the Akron Children's Hospital facility. At that point, Trimble is 63 feet wide with four lanes of traffic that generally travel at 40 to 45 miles-per-hour in an area with a posted 35 mph speed limit.

Southwest District

Commissioners, engineer agree on Cooks Hill repair, but need funding

Chillicothe Gazette, April 16, 2023

Elected officials say they support repairing Cooks Hill Road, but they need to secure funds first.

Cooks Hill Road has been closed since 2018 due to 10 major slips. American Legion Post 757, which is located on the open section of the road, held its first meeting about Cooks Hill Road on March 20 where community members voiced their concerns about the road not being repaired soon.

The Ross County Commissioners, County Engineer Charlie Ortman and state representative Mark Johnson attended American Legion Post 757's second meeting about the Cooks Hill Road closure on April 10.

County engineer Charlie Ortman said Cooks Hill Road "has been on my mind every day." He said the road has been slipping "on and off ever since the state gave it to us." However, it all comes down to money.

Southeast District

Holmes County eyes $3.1M in road paving projects

The Daily Record, April 17, 2023

Holmes County commissioners received one bid for the county's road paving project for 2023.

Melway Paving submitted the lone bid for just over $1.2 million. The engineer's estimate is more than $1.3 million.

The base bid covers two projects:

- 9.5 miles of County Road 150 between state Route 83 in Clark Township and U.S. Route 62.
- County Road 600 from Charm to New Bedford.

Six alternate projects covering about 15 miles of county roads will be addressed as funds allow. The projects are listed in no particular order:

- County Road 141 estimated at $228,000;
- County Road 145 at a cost of $152,000;
- County Road 229 for just under $385,000;
- County Road 316 estimated at just under $263,000;
- County Road 320 at a cost of less than $674,000;
- County Road 626 for $34,000.

The county uses the 0.25% sales tax to pay for paving work.

DATES TO REMEMBER

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

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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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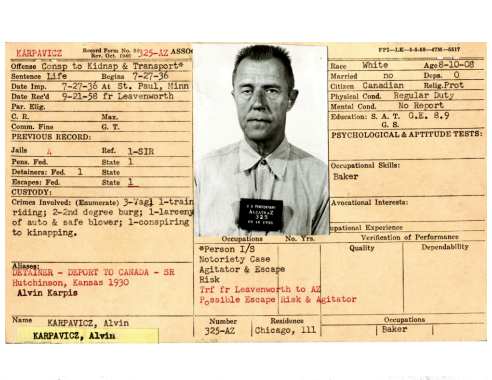
Portage County

The Federal Bureau of Investigation only gave four men the title of "Public Enemy #1," and only one of them was captured alive. That man was Alvin "Creepy" Karpis and his last high-profile criminal acts took place in the Portage County village of Garrettsville.

On November 7, 1935, Karpis and members of his gang intercepted a train at the Garrettsville Train Depot and absconded with more than $46,000 in cash and securities (just under $1.4 million in today's terms). Despite a large response from the FBI in Garrettsville, Karpis escaped. He would be arrested in New Orleans six months later, bringing an end to the "Golden Age" of gangsters.

Even to today, the James A. Garfield Local School District, which includes Garrettsville in its service area, has the unique sports mascot of the "G-Men," a slang term in the early days of the FBI for federal agents.

In 2014, the Ohio Historical Society (now the Ohio History Connection), the James A. Garfield Historical Society, and the James A. Garfield LSD dedicated a Remarkable Ohio historical marker on the site of the former Garrettsville train depot.



A copy of one of Alvin Karpis' prison records after his sentence following the Garrettsville train robbery. He was sentenced to life but received parole in 1969 and deported to his native Canada.

A photo of the Garrettsville Train Depot's platform, courtesy of the James A. Garfield Historical Society. Photo is dated November 9, 1935, two days after the train robbery, by the Cleveland Press.

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