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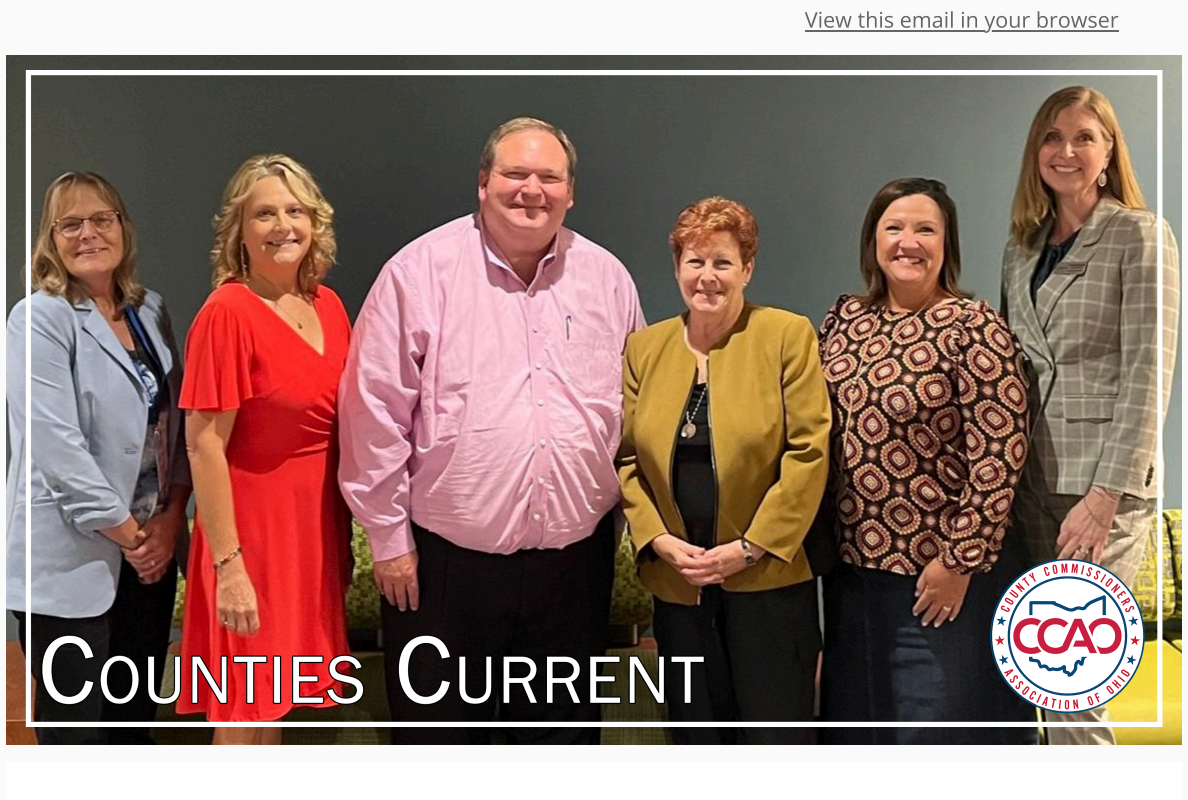
Counties Current
County Commissioners Association of Ohio
CCAO

August 28, 2023

Summit County Executive Ilene Shapiro, Summit County Children Services, Summit County Child Support Enforcement Agency, and OhioMeansJobs Summit County welcomed Ohio Department of Job and Family Services Director Matt Damschroder for a visit last week.

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ASSOCIATION AND MEMBER NEWS

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Membership survey: Projected indigent defense budget

CCAO is working with the Office of the Public Defender to collect county projections on indigent defense budgets to help the statewide office set reimbursement rates. Please take a few minutes to complete the survey, available here, by September 31. The survey includes an option to upload files if you would like. Please note that due to limitations in the survey software, only Word documents and PDFs are able to be uploaded. If you would like to provide an Excel document, please either save it as a PDF or email it directly to CCAO Research Analyst Nick Ciolli at nciolli@ccao.org.

The more information that we can provide OPD, the more accurate of a reimbursement rate the office can set. Thank you for your help!

Summer edition of County Leader available now!

CCAO published recently the Summer 2023 edition of our quarterly magazine, County Leader. Inside, you can read an overview of recently-passed state budget and its impacts on counties, meet the winners of the inaugural Ohio Counties Scholarship, learn more about Holmes County Commissioner Dave Hall, and more!

County Leader also includes insights from CORSA, CEBCO, and the CCAO Service Corporation. Learn how CEBCO is expanding, meet CORSA's newest board of directors member and learn about CORSA grant opportunities, and read about how to secure your county against emerging cyberthreats. Additionally, CORSA Loss Control Manager Frank Hatfield provides an overview of the recent Attorney General Opinion regarding off-site arrestee medical treatment policies.

Read on!

STATE AND FEDERAL NEWS

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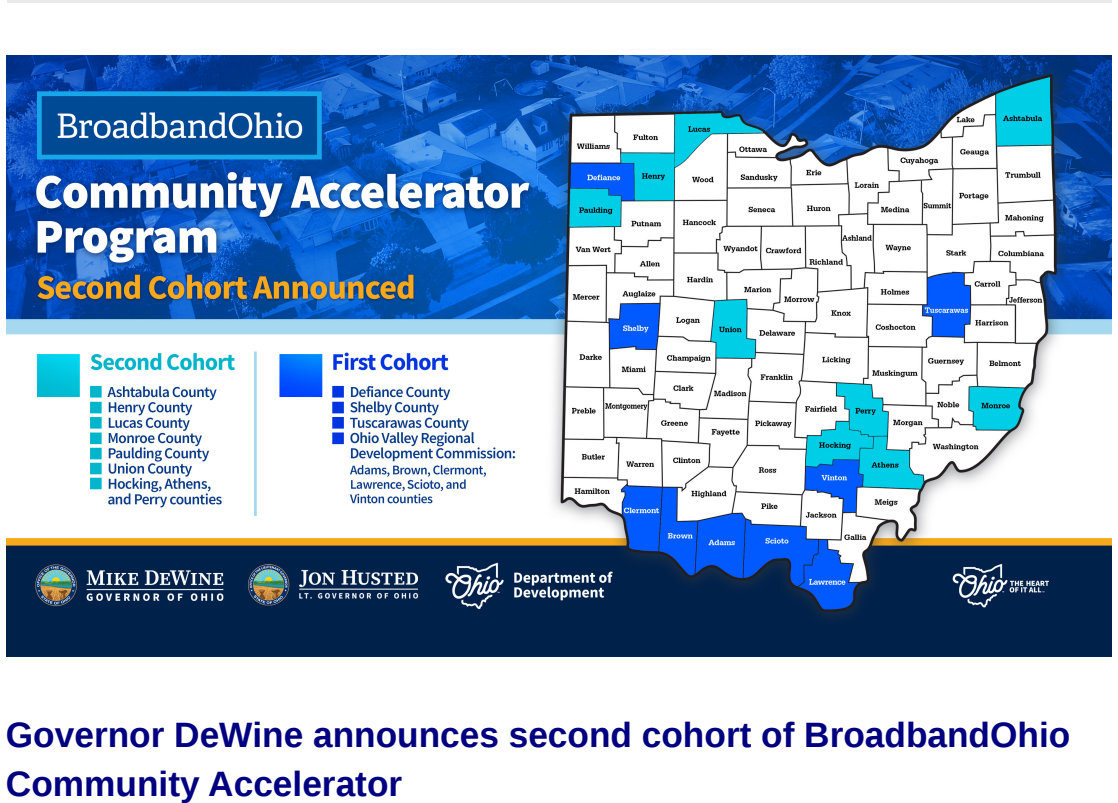

Governor DeWine announces second cohort of BroadbandOhio Community Accelerator

Governor Mike DeWine, Lt. Governor Jon Husted, and Ohio Department of Development Director Lydia Mihalik announced last week that seven teams from nine counties will participate in the second cohort of the BroadbandOhio Community Accelerator program.

The participating teams for this round of the Accelerator program include teams from Ashtabula County, Henry County, Lucas County, Monroe County, Paulding County, Union County, and a combined team representing Hocking, Athens, and Perry counties.

The program, which is aimed at helping communities create localized broadband expansion plans, is led by the Ohio Department of Development's BroadbandOhio and The Ohio State University Extension Office. Participating communities receive individualized support to identify broadband goals, gather data, understand available funding options, target capital dollars to support implementation, and expand workforce development.

The inaugural cohort of the Accelerator program included four teams made up of 50 representatives from 11 counties across the state.

The full release can be found here.

Auditor of State issues FAQs concerning prohibition on use of public funds to support the passage of a bond or tax levy ballot issue

Ohio law prohibits all political subdivisions, except charter counties and charter municipalities, from using public funds to support or oppose a ballot issue proposing a tax levy or bond issuance. This prohibition includes compensating employees for time spent on an activity intended to influence the outcome of an election. The Auditor of State (AOS) recently issued Frequently Asked Questions (FAQs) to clarify its interpretation of this statute.

The guidance is written to address circumstances that affect school districts and their relationship to outside levy committees, but similar compliance issues will affect counties when their levies are on the ballot. CCAO strongly recommends that counties review the guidance with their employees in order to avoid misunderstandings of the law.

In general, county officials and employees have the right to participate in the political process, but their activity should be during a time when they are not being compensated with public funds. In other words, these actions must be "on their own time and their own dime." The guidance recognizes that members of a public board have a duty to explain their vote, but any advocacy for a levy must occur outside of meeting times. Otherwise, the county employees may communicate neutral, verifiable, and factual information regarding a levy, but it should not be designed to influence support for or against the issue.

Public resources can be used to inform voters of likely consequences that would occur if a levy fails. AOS considers best practice to be the adoption at a board meeting, before the vote to authorize the levy, of the steps that would have to be taken if a levy were to fail. Public officials may thank voters for their support of a past levy, but these communications should not mention any upcoming ballot issue.

The FAQs go into detail about many other issues, such as facilities, signs, and the use of surveys. For example, county officials and staff should not wear pins, stickers, or any other item indicating support for a levy during the workday. If public facilities are used by pro-levy organizations, then they must be made available on the same basis to anti-levy organizations. Finally, supervisors should be reminded that county staff should not be asked or pressured to contribute to or otherwise support a levy campaign. The FAQs are available here.

Attorneys from the law firm Bricker Graydon will host a webinar on this topic on Friday, September 15, for CCAO members. More details will be forthcoming.

Members with questions should contact Senior Policy Analyst Jon Honeck, jhoneck@ccao.org.

BroadbandOhio's BEAD program proposal open for public comment

As part of the state's efforts to secure federal funding to help extend broadband services to every home and community in the state, BroadbandOhio has opened Volume I of its initial proposal for Broadband Equity, Access, and Deployment (BEAD) funding to public comment.

Volume I outlines the existing funding within Ohio, a list of locations designated "unserved" and "underserved" in the FCC Broadband Map, and more details. BroadbandOhio is looking for comments that would assist the agency in addressing issues beyond connectivity, such as affordability, device access, and digital skills.

The agency wants to hear from all Ohioans, but particularly those in unserved and underrepresentated populations. These include Ohioans on low-income or fixed incomes, veterans, individuals with disabilities, aging Ohioans, non-native English speakers, and other unserved communities.

Helping BroadbandOhio refine its BEAD proposal is vital to securing federal funding. Under recent Congressional actions, there is more than $45 billion available to state and local communities to expand and enhance broadband services. We want to make sure that Ohio gets as much of that money as possible.

Please share this information with those in your communities and take measures to facilitate comment by those in your communities who may not currently have broadband services.

You can learn more about the public comment period on BroadbandOhio's website. Comments on the draft should be sent to BroadbandOhio@development.ohio.gov by September 22.

NACo provides analysis of new allowable uses and guidelines for ARPA funds

On August 10, the US Department of Treasury released a new Interim Final Rule (IFR) for ARPA funding in light of an amendment that recently passed which expanded the allowable usages for the funds. All of the existing allowable usages are unchanged.

NACo has provided an analysis of the new IFR, available here. Additionally, last week NACo held a membership call to discuss the IFR. The slide deck is available here and a recording is available here.

The new IFR added three new allowable uses, discussed in turn.

Emergency Relief from Natural Disasters
Counties may now use ARPA funds to provide relief from natural disasters or mitigate the negative economic effects of a natural disaster. The eligible uses are broad, as long as they are tied to the natural disaster. The NACo analysis has a lengthy, but non-exhaustive, list of allowable usages.

Additionally, ARPA funds can be used to mitigate the threat of future natural disasters. Examples of eligible usages include structure elevation, structural retrofitting, and others.

Surface Transportation Projects & Community Development Block Grant Projects
ARPA funds can now be used for surface transportation projects and CDBH projects, subject to some limitations. These limits include a limitation on contribution, a prohibition on supplanting funds, and a compliance with other laws.

Counties may only use an amount equal to the greater of $10 million or 30% of the county's total ARPA allocation for transportation and CDBG projects. For example, if a county received a total allocation of $58 million, 30% of that is $17.4 million. That is the maximum amount the county can use for these two types of projects. It can be split between the two in any proportion as long as the total does not exceed $17.4 million.

Counties must use ARPA funds to supplement, not supplant, other funds being used for the project. For example, if a county is working on a surface transportation project and has already allocated $4 million for it, it cannot withdraw that $4 million and replace it with ARPA funds. The ARPA funding can be added to it to enhance the project, but not to keep the project scope the same while withdrawing local funds.

Generally speaking, using ARPA funds for surface transportation projects and CDBG projects must comply with other applicable laws. This includes certain environmental laws, procurement laws, and more. The NACo analysis provides more detail on this issue.

Finally, funds used for surface transportation or CDBG must be expended by September 30, 2026. This is earlier than the deadline for other usages (December 31, 2026).

Please utilize the resources linked to above to help gain an understanding of the guidelines for the new allowable usages.

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.

Opportunities for Ohioans with Disabilities to host county-only webinar on accessibility grants

On September 6, the Opportunities for Ohioans with Disabilities and the program manager for Accessible Ohio will be hosting a webinar solely for counties to discuss Accessible Ohio and grants available to local governments to increase accessibility for people with disabilities.

The webinar is being held only for counties and will feature a short presentation before moving to a dialogue session so the agency can learn about then needs that counties have in the accessibility space. CCAO highly encourage counties to take this opportunity to speak directly with the state body that will be administering these grants to inform them what their local needs are.

Registration is at no cost and can be completed here. We hope to have a robust conversation on September 6.

Treasurer of State and Auditor of State hosting fiscal officer educational event in October

On Tuesday, October 26, the Center for Public Investment Management (CPIM), a joint body of the Ohio Treasurer and the Ohio Auditor, will be hosting an event on the role of fiscal officers.

The event, titled "Leadership in Public Finance and Economic Development," will provide information and training tailored to the role that government fiscal officers play in economic development planning. Up to six hours of continuing education credits are available through the event.

Members of CPIM do not have to pay any cost to attend the event, as it is covered in the annual $100 fee. Non-members may still attend the event but must pay a $100 registration fee.

Registration can be completed here. More information, including course descriptions and speakers, are expected in the coming weeks.

Ohio Land Bank Association hosting webinar focused on rural areas

On Tuesday, August 29, the Ohio Land Bank Association will be hosting a webinar titled, "Regionalizing and Managing Rural Land Banks" with a presentation by Estee Miller, the Community Development Planner for the Maumee Valley Planning Organization. The organization assists five counties (Defiance, Fulton, Henry, Paulding, and Williams) with their land bank operations.

The webinar will discuss how land banks in different counties can work cooperatively to improve border areas. While the webinar is focused on the experience of the Maumee Valley counties, CCAO encourages all counties to attend to take home lessons on cross-county partnerships.

Registration is free and can be completed here.

MAPS courses for 2023-2024 announced by Glenn College of Public Affairs

The John Glenn College of Public Affairs at the Ohio State University has released the schedule for 2023-2024 Management Advancement for the Public Service (MAPS) courses.

MAPS is intended to sharpen the skills of individuals to lead in public affairs areas. Courses are single-day and cost $275 per course. Classes are either held via Zoom or in-person on the OSU Columbus campus. Continuing education credits are available for participation.

The full list of courses can be found here. CCAO is highlighting a few that may be of particular interest to counties.

October 10 & January 30:
Battling Emotional Exhaustion - Learn to address the issue of burnout and how to mitigate emotional exhaustion both for yourself and for your staff. Both offered virtually via Zoom.

November 2:
Elevation through Effective Delegation - Learn how to best address complex issues by efficiently delegating tasks to development members of your team. Offered virtually via Zoom.

February 8:
Accelerate Success: Mastering Onboarding and Role Transitions - Successful onboarding is vital to efficient operations, particularly in areas with high turnover. Learning how to create the best onboarding and transition procedures can help agencies perform at higher levels. Offered virtually via Zoom.

April 10:
Fundamentals of Grant Writing - Learn how to write a compelling and persuasive grant proposal to increase your likelihood of winning competitive grants. Offered in person on OSU's Columbus campus.

Registration now open for inaugural Ohio Workforce Association training conference

The Ohio Workforce Association (OWA), in partnership with the International Association of Workforce Professionals, is hosting an inaugural workforce training conference on September 21 and 22.

Registration for the event, to be held at the Nationwide Hotel and Conference Center in Lewis Center, Ohio, is open now and can be completed here. Registration fees are $395 for registrants before August 31, $355 for OWA member directors, WDB staff, and IAWP members, and $425 for registrants after August 31.

Tentative sessions include business services innovations, self-care for professionals, highlighting of innovative Ohio Means Jobs Center services, and more!

More information regarding the event, including how to book hotel rooms at a reduced rate, can be found on OWA's website.

Grant round-up: cemeteries, ambulances, reconnecting communities, and homeless youth

CCAO has posted a number of grant availabilities on its website. A brief listing of some of these grants is provided below, with information about the grants' purpose, funding available, and application deadline.

- Reconnecting Communities Pilot Program (Federal)
    - Purpose: To support planning and capital construction activities that aim to restore community connectivity through the removal, retrofit, mitigation or replacement of highways, roadways, or other infrastructure facilities that create barriers to mobility, access or economic development.
    - $198 million available
    - Deadline: September 28
- Youth Homeless Demonstration Program (Federal)
    - Purpose: To quickly re-house homeless individuals, families, persons fleeing domestic violence, and youth while minimizing the trauma and dislocation caused by homelessness; to promote access to and effective utilization of mainstream programs by homeless; and to optimize self-sufficiency among those experiencing homelessness.
    - $3.1 billion available.
    - Deadline: September 28

You can view the full listing of available grants and funding opportunities on the Grants and Funding Opportunities page on the CCAO website.

NACo offering cyberattack simulation training to NACo members

CCAO is highlighting three NACo cybersecurity offerings that it will host this year, all of which are cyberattack simulations. The simulations are designed and presented in partnership with the Professional Development Academy, risk managers, chief information security officers, chief information officers, and more.

Registration is open only to NACo members and a single event registration costs $150 per individual.

The second, scheduled for September 11 to Spetember 15, is a simulation of a ransomware attack. Ransomware attacks involve a virus typically disguised as a harmless file that prohibits access to vital and sensitive files until the owner pays a ransom to regain access. If the ransom is not paid, the files may be permanent erased or released to malicious third parties.

The third simulation is scheduled for December 4 to December 8 and will focus on the employee management aspect of cyberattacks and how an aware and conscious workforce can help prevent cyberattacks.

If you are interested in joining NACo to gain access to useful trainings such as these, please contact CCAO Assistant Director John Leutz, CCAO Service Corporation Manager Steve Caraway, or CCAO Boards Liaison and Events Manager Robin Garrett.

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.

Updated comparison of state and federal procurement law available

Bricker Graydon has shared a revised comparison of Ohio procurement law and federal uniform guidance. The document is intended to provide a comparison of the procurement rules and regulations prescribed by both federal law and state law, as they relate to Ohio counties using ARPA funds. Counties must comply with both state and federal law, where possible. Where federal requirements are more restrictive than state law, federal law must be followed. Where state law is more restrictive than federal requirements, state law must be followed.

The key revision regards state term contracts (page 8), which counties may participate in but Bricker Graydon suggests exercising caution and reviewing Auditor of State training materials before doing so.

The information presented in the chart was prepared by Bricker Graydon LLP as a service to CCAO. This information is intended solely for informational purposes of CCAO and its members and is not intended to constitute legal advice to, and may not be relied upon by, any party. Readers should engage legal counsel to provide legal advice related to any specific transaction.

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.

DATES TO REMEMBER

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

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SEPTEMBER 4
Labor Day

SEPTEMBER 8
CORSA Annual Meeting

SEPTEMBER 21
CCAO General Government Committee Meeting

SEPTEMBER 21-22
CCAO Board of Directors Retreat and Board Meeting

County Fair Dates:
You can access a full schedule here.

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