November 13, 2023

Shelby County Commissioner Juile Ehemann and NACo President Mary Jo McGuire (Ramsey County, Minnesota) at NACo's Rural Action Caucus Symposium held in Sulphur Springs West Virgina. Commissioner Ehemann serves as the Vice Chair to the Rural Action Caucus, which represents nearly 70% of America's counties and focuses on infrastructure development, broadband deployment, and many other issues facing rural counties.

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ASSOCIATION AND MEMBER NEWS

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Former Summit County Executive and Former Pickaway County Commissioner pass away

Two former county leaders passed away recently.

On October 29, James McCarthy passed away. A longtime Summit County resident, James served as Summit County Executive from 2001 to 2007 and had held several other elected positions before 2001 including as the county Clerk of Courts for 12 years and County Auditor for 11 years.

On November 6, Ula Jean Ater Metzler passed away. Ula Jean worked in the Circleville City School District and the Teays Valley Local School District for years until she won her first election as Pickaway County Commissioner in 2001. She would go on to serve as commissioner for three terms.

Please join CCAO in thanking James and Ula Jean for their dedicated service to their communities and in keeping their loved ones in our thoughts as they go through this difficult time.

County property tax issues fare well on November ballots

Tuesday was a busy election day across the state, as ballots featured at least 91 county property tax issues, 52 CCAO Service Corporation energy aggregation issues, and one special ballot issue. You can view the full list of county issues and outcomes here.

Of the 91 property tax levies that CCAO counted on the ballot, 84 passed (92.3% passage rate).

The passage rate for Service Corp aggregation issues was lower, at 53.8% (28 passed out of 52). However, CCAO Assistant Director John Leutz estimates that the 28 issues that passed account for about 70% of the individual meters on the ballot, so it was a successful election night for the Service Corporation.

Finally, Lorain County had a special ballot issue in front of its voters. The issue, placed on the ballot by petition, would have shifted the county from the default statutory structure (three commissioners, all elected at-large) to a structure comprised of seven commissioners elected by district, with an appointed county executive. The issue did not pass, failing 32% to 68%. If it had passed, Lorain County would have been the first county to adopt a statutory alternate structure.

Please note that election results are not official until a final canvas which incorporates all absentee ballots properly postmarked and valid provisional ballots. The Secretary of State will certify vote tallies, at which point election results are official.

Less than a month until the CCAO-CEAO Winter Conference!

Register today!

The County Commissioners Association of Ohio and the County Engineers Association of Ohio invite you to the CCAO/CEAO Annual Winter Conference! The event will be held December 6 - 8 at Hilton Columbus Downtown (402 North High Street, Columbus, OH 43215).

Registration for the event itself can be completed here.

Sessions will cover topics such as community-based solar, broadband, cybersecurity and more! Attendees will also have the opportunity to hear from guest speaker retired Rear Admiral Peter Cressy, who will share leadership strategies used by President George Washington. You can view the entire tentative agenda here.

Additionally, for the future you imagine, you will have the opportunity to secure an appointment for a one-on-one meeting with a dedicated Empower Retirement Plan Advisor during this year's conference. Registration details for these appointments are coming soon!

If you prefer to print a copy of the registration forms for affiliate associations, click here. For the county registration and or sponsor form, click here, and for the spouse or guest registration form, click here.

Counties light up in green for Operation Greenlight

Counties across the nation lit up in green for Operation Greenlight in support of veterans and in recognition of the role that counties play in providing vital services to America's armed forces veterans. You can see counties across the country here, and some of Ohio's counties below.

Top left: Clermont County Courthouse
Top right: Cuyahoga County's Terminal Tower
Top middle: Hamilton County Courthouse
Bottom middle: Scioto County Courthouse
Bottom left: Montgomery County Administration Building
Bottom right: Lake County Courthouse

STATE AND FEDERAL NEWS

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Administrative rules proposed for All Ohio Future Fund

Last week, the Office of Budget and Management (OBM) filed administrative rules regarding the All Ohio Future Fund with the Register of Ohio. This is one of the early steps in the process that programs must undergo before the state can start utilizing funds.

The proposed rules, visible here, are not final but do offer insight into how the state anticipates it will use the funding allocated to the fund.

As stated by the proposed rule, the All Ohio Future Fund will be used to make loans or grants (as determined by the agency responsible for securing Controlling Board release of funds, likely to be either OBM itself or the Department of Development) to "eligible applicants" for the purpose of site development. Eligible applicants include counties and other local governments and government entities, as well as nonprofit and for-profit organizations. Funds can be used for public roadwork, water and wastewater design and engineering, demolition, wetland mitigation, utility connectivity, and other "one-time" enhancements.

For all projects, the applicant must provide proof to the state agency that the county in which the project is located supports the project. If a project is located in multiple counties, it is likely that all counties will have to provide proof of support before funds can be awarded, but it is not explicitly stated in the proposed rule.

Recipients of funds will be required to submit periodic reports describing the status of the project, but the frequency and nature of these reports are not enumerated in the proposed rule.

The agency issuing the awards is also permitted to "recapture" funds if the entity or business the funds are being used to facilitate is not under an agreement to use the site within five years of the award's issuance.

OBM will be hosting a public hearing regarding the proposed rule on December 11. CCAO will continue to monitor the proposed rules regarding the All Ohio Future Fund and keep members informed as the situation develops.

Ohio voters pass Issue 2, legalizing adult use cannabis

In last week's elections, Ohio voters passed **Issue 2, To Commercialize, Regulate, Legalize, and Tax the Adult Use of Cannabis** by a vote of 57% to 43%. As an initiated statute, the provisions of Issue 2 will be inserted into the Revised Code and take effect 30 days after the election (December 7). However, practical matters, such as standing up and staffing the newly created Division of Cannabis Control, which is tasked with licensing grow operations and dispensaries, will likely delay the beginning of adult use cannabis sales into 2024.

As a note, Issue 2 was an initiated statute, which means its provisions are inserted into the Revised Code, not the Ohio Constitution. That means that the General Assembly is able to freely make changes to the provisions through the ordinary legislative process.

Counties have little direct involvement in the provisions of Chapter 3780: Adult Use Cannabis. Adult use cannabis sales will be subject to all applicable sales and use taxes, so counties will see some revenue increase, both from their own permissive sales tax levies and from increased revenue to the Local Government Fund.

Generally, criminal penalties for infractions such as selling cannabis to underage individuals (those under the age of 21) and operating a vehicle under the influence of cannabis are the same as the corresponding activities with alcohol. Additionally, selling or giving away cannabis in excess of a set amount is still classified as drug trafficking.

CCAO is working with Fishel Downey Albrecht Riepenhoff LLC to provide a County Advisory Bulletin (CAB) covering the specifics of the initiated statute and considerations for employers/appointing authorities because of the new law. We anticipate that the CAB will be available before Thanksgiving.

The firm will also provide a webinar and present a session during the upcoming Winter Conference to give CCAO members the opportunity to ask questions about the new statute and its implications.

The Policy Team expects the General Assembly to consider changes to the provisions of Issue 2 in December. We will keep our membership informed regarding changes to the adult use cannabis law that pertain to counties. These updates will be relayed via *Statehouse Report*.

Public comment open on Benefit Bridge Employer Pilot Program

The Ohio Department of Job and Family Services has posted a fiscal administrative procedure letter (FAPL) for the Benefit Bridge Employer Pilot Program that was authorized in the state operating budget earlier this year. The FAPL is open to public comment until next Monday (November 20).

The Benefit Bridge Employer Pilot Program is intended to incentivize employees enrolled in public assistance programs (SNAP, Ohio Works First, Medicaid, or publicly funded child care) to complete additional training programs. The pilot program will see county departments of job and family services award grants of up to $100,000 through employers over the two-year period (no more than $5,000 per participating employee).

You can review the FAPL here. Comments can be provided to the state through ODJFS' Office of Legal Services.

Longtime State Public Defender Tim Young to retire at year's end

Last week, the Ohio Public Defender Commission announced that Tim Young will be stepping down as State Public Defender at the end of the year. Tim has served as the State Public Defender for the last 16 years and led numerous initiatives in that office to improve the representation for the indigent in Ohio. CCAO would like to thank Tim for his years of service and wish him well in his future endeavors.

The Commission announced that Elizabeth Miller will become the new State Public Defender effective December 31, 2023. She has served as the Assistant Director of the Office of the Ohio Public Defender since 2013 and is very familiar with the indigent defense system at the county and state level. Additionally, she is the first woman to be appointed to this position. CCAO looks forward to working with Elizabeth to improve the funding and system delivery for indigent defense services in Ohio. The official appointment letter can be found here.

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.

Department of Development to host webinar on water and wastewater infrastructure grants

This Thursday at 10:00 a.m., the Department of Development will be hosting a webinar regarding the upcoming Water and Wastewater Infrastructure Grant program that was included in the state operating budget. An overview of the program can be found here.

The webinar will cover program guidelines, eligibility, the application process, and feature a Q&A section with key program staff.

Registration for the webinar can be completed here. CCAO encourages our members to attend the webinar to learn more about how to secure these helpful state dollars for water and wastewater infrastructure projects for their communities.

Appalachian Community Grant Program open for second round of applications

Applications are now being accepted for the second round of Appalachian Community Grants! There is $420 million remaining after the first round of planning and development grants were awarded earlier this year.

The grants are available only to projects in one or more of Ohio's 32 Appalachian counties. The program is intended for projects that will make a lasting significant impact on Appalachian communities by revitalizing downtowns, enhancing quality of life, and helping to rebuild local economies.

More information is available on the Department of Development's website. Additionally, the Governor's Office of Appalachia will be hosting a question-and-answer session on December 1 (registration is not open yet, please watch *Counties Current* in future weeks for the registration link).

Grant applications must be submitted by Friday, December 8.

OBM announces fourth annual Grants Summit

The Office of Budget and Management (OBM) will be hosting its fourth annual Ohio Grants Summit on November 29 and 30, from 9:00 a.m. to noon each day.

The event, which is free, brings state and local officials together to discuss the federal and state intergovernmental grant process. The event is also broadcast and archived on the Ohio Channel for those unable to come to Columbus.

The sessions this year are:

- **November 29:**
  - Tips for a Successful Grant Application
  - Proposed Updates to the Federal Uniform Guidance
  - Federal Grant Update
- **November 30:**
  - Closeouts and Continuing Responsibilities
  - Maximizing Federal Funds
  - Preparing for Infrastructure Funding

Registration for each day is separate and at no cost. You can register for November 29 here and November 30 here.

Two OEPA webinars upcoming: Mosquito Control and Brownfields

On November 16, the OEPA will host a webinar focusing on its Mosquito Control Grant for summer 2024. The webinar will share information regarding allowable uses (such as mosquito surveillance, control, and source reduction) and how to apply.

In past iterations of the program, local government entities have been eligible recipients, providing they receive a letter of support from their local health department.

The webinar is free and registration can be completed here.

On December 5, the OEPA will host a webinar focusing on what local officials should know about brownfield sites, including information on land use restrictions, potential liability concerns, and provide information regarding brownfield remediation funding.

Registration for this webinar is free and can be completed here.

ARPA and BIL RESOURCES

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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.

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

Officials break ground on new Lucas Co. jail

WTOL.com, November 6, 2023

Lucas County Commissioners and Sheriff Mike Navarre alongside project partners broke ground on the site of the new Lucas County jail Monday, a project now many years in the making.

The new detention center, which will house defendants awaiting trial, will be located in downtown Toledo, a block from the Lucas County Court of Common Pleas. According to a press release, foundation construction will begin in early 2024 with an expected completion date of fall 2026.

Its construction is estimated to cost $200 million. In April, Lucas County received a $10 million grant from the state of Ohio that will go toward the cost of construction.

"We are thrilled to officially break ground and move this project forward," Commissioner Pete Gerken said in the press release. "Our new detention center will mark a new day of efficient, economical and humane housing for inmates in Lucas County. Our current facility has cost taxpayers more money than it's worth over the years. This new detention center is a cost-effective solution that allows our sheriff's office to implement industry-best practices."

The Lucas County Commissioners, County Sheriff, and other county officials break ground on the new Lucas County Jail.

Photo by Kyle Petty, Managing Director of Policy

Northeast District

Phone reassurance programs serve to assist older adults in Lake County

News-Herald, November 5, 2023

Two programs for older adults in Lake County launched earlier this year by Lifeline, Inc. and the Lake County commissioners continue to serve in providing security and promoting social connection, officials recently announced.

The initiatives, "Are You OK" and "Phone Pal," are additionally designed to "address loneliness and enable older adults to remain independent at home."

Phone Pal works to match volunteers with older adults who may experience isolation or are looking for a "pal" to chat with twice a week.

Officials noted the program "works hard" to make sure participants and volunteers are matched based on similar interests.

Commissioner John Hamercheck said the program's core of volunteers, and the quality of matching, has made the venture a success.

Central District

Solar eclipse over Ohio: Counties continue planning process

10TV.com, November 9, 2023

A total solar eclipse is a natural phenomenon, but planning for one isn't.

On April 8, 2024, the skies over central and northern Ohio will go dark as the moon passes over the sun. Although the eclipse is five months away, it's taken years of planning between agencies across the state to ensure spectators – local, national, and international – can view it safely.

"It means coordinating not just with our own county level of government, but also the state," said Marion County Emergency Management Agency Director Sarah McNamee. "They're coordinating all 88 counties, and 33 of us are in the path of totality. It's a lot."

Just 50 miles north of Columbus, Marion County is in the path of totality and spectators will be able to view the eclipse for over three minutes. McNamee's team started planning for those three minutes almost three years ago.

"It takes a lot of work and a lot of effort to make things happen in a way that seems seamless," she said.

Southwest District

Commissioners vote to lower millage rate for property taxes

Wilmington News Journal, November 8, 2023

The Clinton County Commissioners voted unanimously this week to lower the millage rate for the general fund portion of property taxes, according to a news release.

This action will help mitigate increases in property taxes caused by anticipated increases in property values, according to the commissioners. The impact is estimated at just over $1.68 million of tax relief for property owners in Clinton County.

"As property values increase, the taxes that the homeowner pays increase," said Kerry R. Steed, president of the Board of Commissioners. "We've seen an unprecedented increase in property values, and we have an opportunity to reduce the impact of this increase by lowering the millage rate. This is possible because of the ongoing strong fiscal management and conservative spending of the county."

The county currently levies three mills (.30 for each $100 of valuation). The resolution passed by the board reduces this rate from 3.0 to 1.5 mills, according to the commissioners. The reduced rate will apply to the 2023 tax year which will be collected in 2024.

Southeast District

Zoning Board says no to proposed jail site, county files an appeal

Zanesville Times Recorder, November 5, 2023

The Muskingum County Commissioners have filed a notice of appeal for a variance to the current industry zone, following a decision by the Zoning Board last month.

On Oct. 12, the Zoning Board reviewed a presentation from the county and Muskingum County Sheriff Matt Lutz featuring information on the new facility plans. The county had filed an application to build the new jail on Pershing Road, on the site of the former Mosaic Tile property. The board said the county met the four criteria of the zoning application but denied the county's request.

The pending appeal could take anywhere between two weeks to six months to be approved or denied.

The Pershing Road property is owned by the land bank and has been cleared to provide a suitable environment for new construction. The county now has the option to purchase this land within the next 17 months.

DATES TO REMEMBER

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

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NOVEMBER 16
CCAO General Government Committee Meeting

NOVEMBER 17
CCAO Board of Directors Meeting

NOVEMBER 23
Thanksgiving

DECEMBER 6 - 8
CCAO-CEAO Annual Winter Conference

DID YOU KNOW?

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Wyandot County

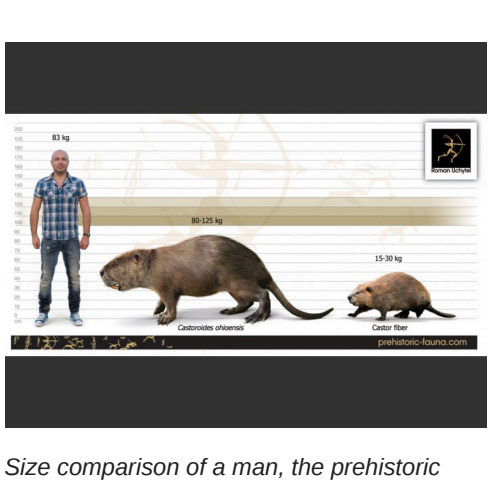
Sheridan Cave, located in the northwest of Wyandot County, is one of Ohio's oldest archaeological sites.

Artifacts found in the cave date back to the Paleo-Indian era, the era of the first peoples to cross the Bering Strait into the Western Hemisphere. Carbon dating of the artifacts date usage of the cave back to nearly 12,000 years ago.

Also found in the cave are remains of extinct mega-fauna, such as the giant beaver (average length of between six and seven feet, weighing between 200 and 275 pounds) and the stag-moose (average length of about eight feet, weighing an average of 1,500 pounds).

Sheridan Cave is one of several sites around Ohio that show the Buckeye State has been inhabited since early pre-history.

Below: Artist rendering of the sizes of the prehistoric giant beaver and stag-moose in comparison to an average-sized man. Images courtesy of Roman Uchytel.



Size comparison of a man, the prehistoric giant beaver, and a modern beaver.

Size comparison of a man and a prehistoric stag-moose.

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