County Commissioners Association of Ohio

2007-2008

Legislative Program

127th Ohio General Assembly
County Commissioners Association of Ohio
Legislative Program for the 127th Ohio General Assembly

Restoring the State & County Partnership

County government and state government are partners in the delivery of vital services to the citizens of Ohio. Counties are essentially an arm of state government in delivering health & human services programs; administering justice & prosecuting criminals; improving infrastructure; managing the complex property tax system; and fostering needed economic & community development. In some of these areas, the state/county partnership has been challenged.

In recent years, the state has been shifting more costs to counties in the areas of human services, indigent defense, as well as, court and jail operations. In addition, there have been freezes and a reduction to the Local Government Funds, which help pay for many state-mandated responsibilities performed by counties.

At the same time, counties have been asking the General Assembly for tools to improve efficiency and modernize county operations. Working with lawmakers, counties have made progress, yet there is more work to be done. Counties are basically creatures of state statute and only can act when specifically authorized by state law, unlike home rule municipalities.

To restore and strengthen the state/county partnership, county commissioners are asking the Ohio General Assembly and the Administration for assistance. From a local perspective, we believe the partnership must be anchored by a firm commitment to provide counties with adequate funding, must provide broad flexibility to efficiently deliver services among the diverse 88 counties in this state, and must exhibit constant vigilance to stop unfunded mandates. We look forward to working with lawmakers and the Administration to achieve these objectives.

Following is the County Commissioners Association of Ohio’s Legislative Program for the 127th General Assembly. This Program was adopted by county commissioners from across Ohio in December 2006.

Areas of Interest for Ohio’s County Commissioners

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LEGISLATIVE PRIORITIES

County Commissioners seek the support of the General Assembly and Administration for these Legislative Priorities to better serve the citizens of Ohio and to strengthen the State & County Partnership.

LOCAL GOVERNMENT FUNDS

Restore the state/county partnership by providing a stable, growing revenue source(s) for the LGF’s & increase the annual distribution to local governments, which had been frozen.

[Election Administration - page 21]

ELECTION ADMINISTRATION

Oppose unfunded mandates & address the growing costs and administrative issues resulting from recent reforms.

[General Government - page 11]

ADMINISTRATION OF JUSTICE

Increase state responsibility for Public Defender services, rehabilitation of juvenile offenders, and incarceration of adults.

[Courts and Corrections - page 6]

SERVICES TO CHILDREN

Increase state support for Children Services and Child Support.

[Social Services and Workforce Development - page 19]

REPLACEMENT OF LOST TANGIBLE PERSONAL PROPERTY TAX REVENUES

Address the unfinished business of tax reform by providing long-term funding replacement for local revenues lost due to the elimination of the tangible personal property tax.

[Taxation and Finance - page 21]

IMPACT FEES

Authorize counties to levy impact fees to help pay for new infrastructure and capital improvement.

[Infrastructure and Environment - page 15]
Committee Priorities

FARMLAND PRESERVATION

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

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

Legislation should also be enacted to give counties the tools they need to preserve farmland and encourage quality urban development while respecting property rights. This includes legislation to allow counties to increase the period of recoupment for CAUV, with the added proceeds going towards farmland preservation efforts. In addition, CAUV eligibility criteria should be increased from 10 acres to 20 acres.

Any state program to preserve farmland should recognize that the primary responsibility rests with landowners and local governments, and that significant state matching dollars are needed to supplement local efforts. State programs should include technical assistance to promote a strong agricultural industry.

The Ohio Department of Agriculture’s Office of Farmland Preservation, in partnership with local governments and private land conservancies, should provide funding for the purchase of agricultural easements to compensate farmers for agreeing to keep agricultural land in farm production permanently. This has occurred due to the successful passage of the Clean Ohio Bond Initiative. CCAO supports the renewal of Clean Ohio, and supports a higher funding level for farmland preservation.

It has been said that when discussing farmland preservation there are two sides of the coin which cannot be separated. If the “head” of the coin is farmland preservation, then the “tail” is the compilation of issues related to planning, urban growth, and the revitalization of our urban cores. In this spirit of a holistic approach to farmland preservation, the state should examine its policies to address these issues and explore mitigation efforts where appropriate.

RURAL ROAD FUNDING

While CCAO supports the expansion and development of agribusinesses, counties need more resources and assistance to address new infrastructure demands caused by that expansion and development. County roads are impacted by the development of new, high-density livestock operations and by the day-to-day operation of certain facilities. CCAO supports additional grants and resources from the state to help finance such infrastructure; grants should give consideration to the amount of roadway impacted. CCAO also supports a requirement that farmers/developers work with commissioners and engineers to identify financing for infrastructure improvements. Farmers/developers should exercise some responsibility when roads have been unduly impacted.

In addition, CCAO supports a requirement that county commissioners and county engineers be notified of anticipated major new operations or expansions of agribusinesses that could impact roads, and that such notice includes information about anticipated roadways to support operations as well as whether manure from livestock operations will be pumped or hauled and the anticipated haul route, if applicable.

Committee Action Items

FUNDING OF OHIO STATE UNIVERSITY EXTENSION

CCAO supports increasing the level of state support for Extension Services provided that an appropriate share of new funds will be used to relieve county general fund contributions.

FAIRGROUND FUNDING

CCAO supports continuation of state funding for county and independent fairground improvements.

R C & D FUNDING

CCAO supports a state subsidy to aid in funding Ohio’s Resource Conservation and Development Councils (R C & D).
COMMUNICATIONS

Counties want to encourage and secure more reliable cell phone service as well as access to broadband capability to provide efficiency in the workplace and to their residents. These services also are critical in attracting economic development. While communications are not unique to rural counties, they can experience more challenges than other counties due to access issues, terrain, and density.

Counties would like to continue to explore ways to cost effectively provide emergency services communications and secure adequate funding to provide these critical services. This can range from partnerships for radio systems and towers to appropriate long-term funding for E-911 services.

ENERGY

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

In addition, efforts should be made to explore and support more alternative sources of energy, including bioenergy, and to provide more consistency across the state to allow for interconnection and standardization of how entities hook into the power grid.

Bioenergy is stored energy from the sun contained in materials such as plant matter and animal waste, known as biomass. Biomass is considered renewable because it is replenished more quickly when compared to the years required to replenish fossil fuels. The wide variety of biomass fuel sources include agricultural residue, pulp/paper mill residue, urban wood waste, forest residue, energy crops, landfill methane, and animal waste.

Energy in the form of electricity, heat, steam and fuels can be derived from these sources through conversion methods such as direct combustion boiler and steam turbines, anaerobic digestion, co-firing, gasification and pyrolysis.

The state should support efforts for bioenergy and other alternatives, recognizing the delicate balance of cost efficiency and the willingness on the part of some consumers to pay more, up to a point, in order to support renewable energy.
Committee Priorities

INDIGENT DEFENSE

The Report of the Supreme Court Task Force on Pro Se and Indigent Litigants issued in April 2006, concludes that “the system of providing counsel to indigent criminal defendants is inefficient and ineffective, and in need of significant improvements.” This issue remains one of the top priorities of CCAO and goes well beyond funding concerns – it is about systemic reform and social justice.

Supreme Court Task Force Report:

CCAO concurs in and supports the Task Force's recommendations that the State Public Defender Commission become an independent entity within the judicial branch; no less than 50% of the financial responsibility for indigent defense be borne by the state; and, several new surcharges providing non-GRF revenue to support county reimbursement be implemented.

Reimbursement:

As noted in the Task Force Report, “an excessive portion of the burden of providing indigent criminal representation is being borne by county governments,” and the “task force strongly believes that counties should be responsible for no more than 50 percent of the costs.”

Indigent defense is now costing over $120 million per year. Counties are currently responsible for over $88 million of this constitutionally mandated obligation while the state’s contribution of GRF dollars is a mere $5 million. Over $26 million comes from the state-wide court cost for indigent defense. As a result, the state is committing only about 4% of the costs through GRF revenues.

Indigent defense reimbursement remains a continuing crisis for Ohio's county governments. The rate of reimbursement to counties for the constitutionally mandated representation of indigents in criminal matters reached new lows in the FY 06/07 budget bill. It was 28.3% in FY 06 and estimated to be around 25% in FY 07. The appropriation for reimbursement was flat funded at $30 million for both years of the FY06/07 biennium. This was a cut of $1.2 million or 4.1% from the FY 05 appropriation level of $31.2 million.

CCAO appreciates the General Assembly's taking two important steps during the last biennial budget bill [HB 66] which were helpful to counties. First, an up-front indigent defense application fee is now required, as it is in 20 other states, to be paid by persons seeking indigent defense representation. Secondly, the statutory obligation to provide indigent defense to certain parties in certain civil proceedings involving private custody and visitation procedures in juvenile court was removed. The Ohio Supreme Court had found that based upon the way the section of the Revised Code involved had been written, it provided a right to counsel as a matter of state statute rather than by constitutional mandate.

CCAO urges the state, either in the FY 2008-2009 biennial budget or separate legislation, to:

- Implement the recommendations of the Task Force to the extent supported by CCAO as noted above;
- Establish an Indigent Defense Council Support Fund which would receive revenue from any source allocated to funding indigent defense reimbursement to the counties including any state GRF appropriation;
- Allocate to indigent defense reimbursement a percentage of the receipts from the interest earned on Lawyers Trust Accounts (IOLTA) and Real Estate Escrow Accounts (IOTA) and the civil filing fee which are now totally committed to the provision of purely discretionary civil legal representation;
- Include an allocation to indigent defense reimbursement as a part of the Driver's License Reinstatement Fee; and,
- Increase the Indigent Defense Application Fee to $50.00.

JUVENILE JUSTICE FUNDING

RECLAIM & Youth Services Grant funding:

There is considerable need to increase state funding of juvenile detention services. RECLAIM and the Youth Services Grant [510 line item] are the major components for juvenile justice funding and are absolutely critical funding programs for Ohio's juvenile courts, accounting for approximately 33% of all of their operating budgets. RECLAIM was flat funded at the FY 05 level of $30 million for both years of the FY 06/07 biennium, and the Youth Services Grant was flat funded, as it has been since FY 03 at $18.6 million in each year of the FY 06/07 biennium. Together these line items have seen almost a 10% reduction in funding from the FY 02 appropriation levels.

CCAO requests that the General Assembly increase FY 08/09 biennial funding for both RECLAIM and the Youth Services Grant.
Services Grant. Failure to fund these line items adequately will lead to increased commitments to DYS institutions because the resources will no longer be available locally to serve these youth in their communities.

**County Detention Facility and Rehabilitation Center funding:**

Both of the subsidies to counties for operation of their juvenile detention facilities and rehabilitation centers have been eliminated completely from the last two biennial budgets. They had been collectively funded at approximately $8 Million during FY 01, and their funding was reduced to a minimal level during the FY 02/03 budget.

CCAO asks that the General Assembly reinstate the concept of providing state funding assistance for counties’ operation of juvenile detention centers and rehabilitation centers. Many county juvenile detention facilities are reaching the end of their useful life expectancy and will need extensive renovations, repairs and retrofits to their structural, mechanical and operating systems in order to maintain operating viability. The General Assembly should provide capital construction funding for juvenile detention facilities to help offset the significant construction costs which counties will be incurring.

**COMMUNITY CORRECTIONS FUNDING**

County Community Corrections (CCA) Act Programming funding for jail diversion has not been treated similarly nor equally to funding for the state’s prison diversion programs. In the last biennium the General Assembly funded the county CCA non-residential felony [line item 407] and misdemeanor [line item 408] diversion programs at the levels recommended by the Governor, but these appropriation levels were below FY 01 funding levels. The state prison diversion programs for both half-way houses and Community Based Corrections Facilities (CBCFs) were recommended by the Governor to be funded at levels which exceeded their FY 01 appropriations and then received final appropriations from the General Assembly beyond what the Governor requested. Half-way houses and CBCFs further gained language giving each the opportunity to receive, at a minimum, an additional $3.25 Million from transfers approved by the Controlling Board from unencumbered funds within DRC’s biennial budget during FY 05.

CCAO asks that funding be increased for county community corrections programs for jail diversion and that it be provided on par with the state’s prison diversion programs. Counties deserve to have adequate resources to expand alternatives to incarceration and reduce county jail overcrowding and costs. CCAO also supports continued funding for Community Based Corrections Facilities (CBCFs) so that all counties will be served by a CBCF paid for entirely with state dollars.

**STATE CAPITAL CONSTRUCTION FUNDING FOR COUNTY JAIL FACILITIES**

County jail overcrowding and facility age are severely threatening the integrity of Ohio’s system of justice and the public safety for all Ohioans. Ohio’s county jails generally exceeded their recommended capacities by 6% in 2003, 10% in 2004 and 14% in 2005. The average daily jail population has increased over 20% in the last five years. Almost one third of our jails are reaching the end of their cycle of useful life expectancy and will be in need of extensive renovations, repairs and retrofits to their structural, mechanical and operating systems in order to maintain operating viability.

CCAO, the Buckeye State Sheriffs Association, the Ohio Judicial Conference, and the Ohio Prosecuting Attorneys Association together offered a proposal for funding to be included in the capital appropriations bill considered by the 126th General Assembly, however, no funding was provided. The state last provided capital construction dollars for county jails in FY01/02. On average approximately $15.8 million per year was provided over the 18 year period covering the initial appropriation in FY85/86 through the FY01/02 appropriation.

**Committee Action Items**

**COUNTY LAW LIBRARY FUNDING**

In light of technological advances in the reporting of judicial decisions and access to legal research and writing through media other than by print publication, county responsibility for funding and providing space to support law libraries should be reevaluated. The CCAO appreciates the General Assembly’s recognition of our concern and the actions taken in the last state budget bill to phase out the counties’ responsibility for law library funding and the creation of the Law Library Task Force which is to issue its report in October 2007. CCAO takes the position that major, systemic reform of the current county law library structure must be accomplished.

**STATE SUBSIDY FOR HOUSING CERTAIN PRISONERS IN COUNTY JAILS**

State laws and policies have contributed to the significant increase in county jail population. State funds should be appropriated to reimburse counties for the costs of housing prisoners in county jails that are: 1) serving sentences for a felony conviction; 2) being held by the Adult Parole Authority pending a parole revocation hearing; 3) incarcerated pursuant to the provisions of the Domestic Violence Preferred Arrest Law (HB 335); or 4) serving mandatory jail sentences under the state’s OMVI laws. A model that may provide an appropriate policy for shared responsibility and financial support to counties is the DYS RECLAIM program. CCAO is committed to pursuing this concept and urges the Department of Rehabilitation and Corrections to develop a similar program regarding adult offenders.

**COUNTY JAIL INMATE MEDICAL COSTS**

The state biennial budget bill for FY 06/07 contained language requiring that health services provided to jail inmates must be billed at the Medicaid reimbursement rate. CCAO believes that this is a significant step towards helping to control the spiraling increases in jail medical costs. Counties had found themselves without ability to effectively negotiate
for competitive discounts because of their constitutional obligation to provide such care.

The state, however, has failed to assist counties in providing an efficient and accurate mechanism for processing these medical charges and left counties on their own to navigate the complicated state established system for Medicaid and pharmacy reimbursement. These costs, however, can easily be determined for the counties through the ODJFS Medicaid and pharmacy processing computer platforms without the disclosure of any proprietary or drug rebate information to the counties. CCAO asks that either ODJFS or DRC be assigned the responsibility for processing and determining the appropriate Medicaid reimbursement due to the providers of jail medical services.

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

STATE FUNDING OF LEADS SYSTEM

The increased cost of maintaining and upgrading the state’s Law Enforcement Automated Data System (LEADS) has become particularly onerous on counties, especially the smaller ones. The state should provide adequate funds to the Department of Highway Safety to eliminate the need for county contributions for maintaining the system.

INCARCERATION OF THE MENTALLY ILL IN COUNTY JAILS

Statistics show that approximately 16% of the county jail population is affected by mental illness. In many instances these individuals have become incarcerated due to conduct which they would not have engaged in had their cases been properly monitored and treated. It is not the mission of jails to treat or house the mentally ill.

The state must accept responsibility for the management and care of the mentally ill population. The continued incarceration of mentally ill individuals in county jails places an undue burden of risk and of cost upon these facilities and is clearly outside the purpose for county jails. Jail employees are not trained to manage individuals with mental illness. This population is at high risk for injuring themselves or others. The health care costs for these individuals are excessive. And the housing of these individuals in a jail threatens public safety by taking up scarce bed space that was designed for and should be used for housing real criminals.

STATE SUPPORT FOR “SPECIALIZED COURT DOCKETS”

Emphasis has recently become placed upon the development of “specialized dockets” designed to aid a specific type of offender in their rehabilitation. These include “drug,” “DUI,” and “mental health” courts. DRC has now begun a “re-entry court” initiative which will involve the sentencing court in an offender’s return to their community after serving a prison sentence. While these programs have merit, they are carried out almost exclusively with local court personnel and resources. If the state seeks to promote such programs, then the state ought to provide the funding for them rather than impose another unfunded mandate upon the counties for the costs associated with these “specialized dockets.”

PROSECUTION OF CRIMES OCCURRING ON STATE PROPERTY

The state should provide a biennial appropriation line item to pay 100% of the costs incurred by counties for prosecuting offenders who commit crimes at state institutions, such as state prisons, or on state owned property. Currently counties may apply to the Office of Criminal Justice Services for reimbursement of their costs to prosecute offences committed by inmates at state institutions out of the Mandate Assistance line-item. CCAO appreciates the financial support from this line item and urges that new funding be appropriated to a separate and distinct line item for such purpose.

DISTRIBUTION OF FINES AND COSTS

Ohio law on distribution of criminal fines to various subdivisions is very complex and bears little relationship to the costs borne by the various subdivisions in dispensing criminal justice. CCAO supports changes in state law which would distribute all fine revenues to the jurisdiction that operates the police agency which made the arrest, as long as the law also requires that jurisdiction to enter into intergovernmental agreements with the county to share the local costs of prosecution, indigent defense and incarceration of those arrested by the jurisdiction.

MAYOR’S COURT

CCA0 supports the continuation of mayor’s courts in Ohio. These local courts carry and fairly administer a significant docket of traffic and misdemeanor cases in a manner that is closer to and more convenient for defendants. The additional case load brought upon by the transfer of this docket, through the elimination of mayors courts, would swamp the county court system, reduce its efficiency, and increase its physical needs and operating costs. The costs to municipalities would also increase significantly due to the inconvenient off-site prosecution of these purely local matters and the overtime costs associated with municipal police officers’ court appearances.
Committee Priorities

LAND USE REGULATION AUTHORITY

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

- Authority to impose impact fees on new development to assure the general taxpayer does not pay for the entire cost of expanded infrastructure needed as a result of new development.
- Authority to enact zoning for the purpose of promoting the general welfare and to encourage the preservation of agriculture and agribusiness.
- Authority to require development proposed within areas designated for agricultural preservation in a county land use plan adopted by the board of county commissioners to develop pursuant to planned unit development regulations if the county or township zoning resolution specifically provides. This would waive the general requirement that PUDs only be created at the election of the property owner.
- Authority to approve transfer of development rights (TDR) in both zoned and unzoned areas in order to promote preservation of open space and farmland. In the event a property owner is compensated in conjunction with a TDR, no public funds may be granted to the owner for an agricultural or conservation easement.
- Authority to request developers to prepare a fiscal impact statement and a traffic impact analysis for projects of major significance.

TAX ABATEMENT / COMMISSIONER APPROVAL

CCAO supports legislation requiring notification and consent of each board of county commissioners affected by property tax abatement granted by a township or a municipal corporation within a county.

Committee Action Items

TAX ABATEMENT / ENTERPRISE ZONES

CCAO supports the concept of tax abatement as a valuable local economic development tool. CCAO supports flexibility for county officials to make tax abatement decisions that reflect local needs and benefit the local community. Counties should not be placed at a disadvantage in the competitive arena of economic development.

BUILDING PERMITS

CCAO supports authorizing counties to issue citations for building permit offenses, to compound or increase building permit fees for unresolved violations, and to link separate building code violations and separate sites for violations involving the same owner or contractor that continues to violate the law.

ENFORCEMENT OF FLOOD PLAIN REGULATIONS

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

ZONING OF CELLULAR TOWERS

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

LAND REUTILIZATION PROGRAM

- Support amendments to the land reutilization program to accomplish the following:
  - Allow tax foreclosures to be processed by a board of revision as opposed to the courts;
  - Permit electing political subdivisions to acquire delinquent properties without the requirement of waiting for the property to be offered for sale at two sheriff sales;
  - Allow the county to retain their own legal counsel to prosecute tax delinquencies instead of being required to use the prosecutor;
• Require property owners to pay all back taxes and assessments within one year of delinquency and not be able to enter into a payment program to avoid foreclosure, however, a special provision should be included to allow payment plans for senior citizens on limited incomes and for the properties that are delinquent and taxes have not been paid as a result of a death and final disposition of the estate has not occurred;
• Allow counties to sell property acquired through this process to be sold for less than fair market value.

COUNTY BUILDING DEPARTMENTS

Permit a certified county building department to perform inspections of plumbing in new construction and renovation of one, two and three family residential structures, and commercial and industrial structures whenever a county building department employs certified plumbing inspectors to promote a one-stop shop and non-duplication for all building related functions.
Committee Priorities

UNFUNDED MANDATES

While the enactment of SB 33 in 1994 was a positive move to establish a process to require local fiscal impact statements on bills affecting counties and other units of local government, the General Assembly still passes laws that mandate actions that are not funded. All bills enacted by the General Assembly that impose new or additional requirements on counties should be fully funded by a state appropriation.

CCAO supports the continuation and expansion of the Mandates Assistance line item in the budget of the Controlling Board. We urge continued funding of the line item for the cost of prosecuting individuals who commit crimes at state institutions and to fund other county unfunded mandates as an interim measure until permanent funding, repeal or modification of specific unfunded state mandates is accomplished.

In addition, the General Assembly should modify or fully fund the following onerous and/or outdated mandates on county government:

Indigent Defense:
The state’s commitment to reimburse the counties for the cost of indigent defense has constantly declined ever since the Legislature replaced 50% reimbursement with “proportional reduction” for reimbursement. The state should repeal the “proportional reduction” provision of the law and honor its commitment to its initial promise by providing 50% funding for indigent defense.

Conducting Elections/HAVA:
As new federal and state requirements have been enacted in recent years, there has not been adequate federal funding or any state funding tied to certain mandates. CCAO is very concerned about the compounding nature of these mandates, and urges full funding for requirements passed onto to counties.

In addition, county commissioners would like to work with boards of elections along with the Secretary of State and the General Assembly to review and update the cost allocation methodology for conducting elections. Counties also request that the state reimburse counties for statewide ballot issues and other existing statutory requirements during the same county fiscal year in which the expense is incurred.

Counties are impacted by the growing records requests at boards of elections. While county officials recognize the importance of making records available and having an open elections process, commissioners would like to work with the above listed parties to explore ways to mitigate these growing strains and expenses yet respond to the public in a timely, positive manner.

County Health Department Office Space:
Office space costs of general health districts should become operating costs of the district in the same way such costs are classified in combined health districts. In addition, the use of voted health levies to fund office space costs should be specifically authorized, thereby providing an additional means to eliminate the unfunded mandate on the county general fund.

Tuberculosis Treatment Costs:
County commissioners have an antiquated statutory duty to pay for treatment and detention costs for those afflicted with Tuberculosis (TB). Counties used to receive a small amount of funds from the Department of Health to help offset this cost. However, the Department of Health zeroed out these funds in SFY 05 to absorb their budget cuts. With an average of 300 active TB cases each year in Ohio that can range from several hundred to well over $60,000 per case, counties need relief from this unfunded mandate. The state should either fully fund this duty or put the responsibility in a more logical place.

Medically Handicapped Children:
The Public Health Council currently has the authority to require counties to withhold inside millage in order to pay for programs run through the Ohio Department of Health’s Bureau for Children with Medical Handicaps. This state-administered public health program should be funded by state revenue sources.

FUNDING FOR BOARD OF ELECTIONS

Existing laws make it a unique challenge for boards of county commissioners to fund board of elections operations and the conduct of elections. These challenges come in several realms.
First is the nature of unfunded and under-funded mandates from the federal Help America Vote Act (HAVA) as well as House Bill 3 and other measures. The federal government did not fully fund HAVA, and the Ohio Legislature has added additional requirements without funding. While the Ohio Legislature took efforts to sunset a notification mailer regarding new voting ID requirements, the Legislature did not provide any funding for the notification that was necessitated by state legislative action; when a similar situation occurred in the early 2000's that related to counties redrawing precinct lines in preparation for the state's redistricting & apportionment process, partial state reimbursement was given to counties to notify voters of changes in their voting location. A similar symbiotic relationship should continue as opposed to unfunded mandates at the local level.

To further help understand the nature and costs of these various requirements, CCAO proposes more ongoing communication as well as meetings between the Secretary of State’s Office, key legislators interested in election reforms, representatives of the Ohio Association of Election Officials and county commissioners to develop cooperative solutions and efficiencies.

Included in these discussions should be possible changes to the cost allocation methodology in the Ohio Revised Code. In addition, counties would like to receive reimbursement from the state for things like statewide ballot advertising costs and other matters already required by the law during the same county fiscal period in which they are incurred. And, there should be discussions about the growing demand for public records in boards of elections offices just prior to Election Day and ways to mitigate the growing strains and expenses while responding to the public in a timely, positive manner.

A second challenge is that the board of county commissioners, which is the budgetary authority for most county operations, does not have control over appropriations to the boards of elections. Ohio law enables a board of elections to apply to the court of common pleas to fix the necessary and proper expenses of the board of elections pertaining to the conduct of elections. During the 126th General Assembly, the phrase “pertaining to the conduct of elections” was added to help qualify when court relief could be sought. Until this language is clarified through court interpretation, it will be hard to predict how the scope of court action was limited. It is uncommon for other county boards and offices, except the judiciary, to have statutory authority to challenge appropriations.

In addition, county commissioners have limited discretion in considering transfers between line items requested by boards of elections. CCAO appreciates efforts made in the 126th General Assembly so that boards of elections can not independently transfer funds between line items. While this is an improvement, it is important to recognize that the financial relationship between a board of elections and board of county commissioners relating to transfers is different from other county elected officials’ offices and county agencies.

### County Elected Officials Compensation

CCAO is seeking an extension of the Annual Cost of Living Adjustments for county commissioners and other county elected officials.

Ohio law sets the salaries for county commissioners along with other county elected officials, judges, boards of election members and township officials coupled with statewide officeholders and state legislators. Such offices are to receive an annual increase through 2008 that equals the lesser of 3 percent or the consumer price index. These raises were put into place by House Bill 712 of the 123rd General Assembly. As these statutory cost of living increases come to end, it is most appropriate for the Legislature to take action to extend the annual increases.

In addition, CCAO urges the 127th General Assembly to enact legislation that assures all three county commissioners in a county receive the same compensation every year in the future.

CCAO advocated that a salary adjustment occur during the 126th General Assembly, but such action did not occur. As a result, one third of the county commissioners in the state will be closed out of receiving a statutory increase in 2009 and 2010, should the Legislature and Governor take action in 2007 or 2008 to provide for an increase. That’s because the commissioners who took office in 2007 will be constitutionally barred from receiving a salary adjustment that was enacted during the middle of their term of office.

During approximately the last two decades, there were 8 years in which the commissioner elected in the same year the Governor is elected earned a lesser salary than the other 2 commissioners in the same county simply due to the timing of when salary legislation was enacted. In other words, 40% of the time in approximately the last 20 years 1 commissioner received less pay than the other 2 commissioners who were elected to do the same job. While the ideal timing of a pay bill’s enactment has transpired, CCAO still urges the Legislature and Governor to pass a law that simply states that all three county commissioners in a county shall receive the same compensation.

### E-Commerce Applications for County Government

CCAO supports permissive enabling legislation that allows counties to use the full power of the internet to conduct county business. This legislation should provide a broad range of options for counties, including the development of systems by counties and the ability to contract with the private sector to provide services.

The legislation should allow counties to perform internet purchasing and bidding instead of or in addition to current bidding requirements; allow for the sale of delinquent real property on the internet; and allow for the payment of county obligations through electronic funds transfer provided such payments do not reduce county revenue as a result of financial transaction fees charged by banks and credit card
companies and other third party receivers of payments. To the maximum extent feasible the legislation should promote economies of scale and coordination of services by requiring commissioners to publicly bid opportunities for county internet business with internet service providers on behalf of county offices.

The legislation should reduce and minimize current law requirements for newspaper advertising, provided adequate notice is given in a newspaper of general circulation so that the public knows where and how to access the information that is provided on the internet. The legislation should authorize internet advertising of tax rates, delinquent tax lists, sheriff sales and similar required tax-related advertising in lieu of newspaper advertising.

**COUNTY HOME RULE**

Municipalities are granted home rule power under Article XVIII, Section 3 of the Ohio Constitution. Townships are granted limited home rule authority under Ohio Revised Code Chapter 504. CCAO supports a change in law that authorizes a Board of County Commissioners to submit the question of the adoption of a county charter directly to the electors without the requirement of utilizing a county charter commission.

CCAO also supports additional home rule power for counties, under a statutory plan based on Ohio Revised Code Chapter 302, that would authorize counties to exercise powers that may conflict with general laws, unless the exercise of those powers is specifically prohibited by act of the General Assembly. The statutory plan based on Chapter 302 shall grant no additional taxing authority to counties, and counties shall enact no taxes other than those specifically authorized by act of the General Assembly. The statutory plan based on Chapter 302 shall not eliminate or abolish the office of any county elected official and shall provide that county commissioner seats are elected in “head-to-head” elections.

In addition, CCAO is studying the need to allow for the consolidation of counties and other local governments in urban counties.

**CLEAN OHIO PROGRAM REAUTHORIZATION**

CCAO appreciates adoption of amendments to the capital budget permitting up to $200 million in debt for conservation purposes and an additional $200 for brownfield revitalization purposes to be outstanding at any one time. The capital bill also permits any unused debt capacity to be added to the $50 million in debt that may be issued in support of each program in any given year. Together these changes will permit additional bonds to be issued, thus allowing more local projects to proceed. While CCAO commends the legislature for these steps in support of the Clean Ohio Program, CCAO supports the long-term reauthorization of the Clean Ohio Fund in order to continue to provide state bond financing to support environmental projects which promote the protection of habitats, the remediation of abandoned polluted sites, and the preservation of Ohio’s natural heritage and way of life. It is recommended that the program be reauthorized for at least a 10 year period and that the annual funding level should be maintained at a minimum of at least the current level of $100 million per biennial funding cycle.

**Committee Action Items**

**ANIMAL AND COYOTE CLAIMS**

Ohio’s dog laws should be amended to eliminate the mandatory requirement that counties pay for animal claims from the dog and kennel fund. Private homeowners insurance should be the payer of first resort on animal claims. In addition, county dog wardens should not be required to investigate coyote claims without reimbursement from the Department of Agriculture. The state should be required to assume statewide responsibility for control of wild animals, including exotic animals.

**COUNTY DATA BOARD/INFORMATION SERVICES**

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

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

The second option is to allow the county commissioners to establish a county information services board to replace the data board, microfilm board, and records commission. The county information services board would assume all information and records related functions of these separate boards.

**PUBLIC RECORD STATUS OF 911 TAPES**

911 tapes should not be subject to release as a public record in the case of death, accident, illness or similar event until relatives of the affected party have been notified. 911 tapes should also not be subject to release if the prosecutor determines they will be used for criminal prosecution and, after petitioning a court, the court prohibits their release. After conclusion of the legal proceedings, the tapes will then become subject to release.

**COMMISSIONERS SUNSHINE LAW**

CCAO supports changes to the Sunshine Law that require full compliance when the commissioners perform legislative-type functions, but exempts executive and administrative functions. Legislation should also specifically exempt commissioners from the law when they attend meetings and social functions for organizations like the Farm Bureau and the Ohio Township Association along with other similar functions to which commissioners are invited.
DEPOSIT OF ALL FUNDS IN COUNTY TREASURY

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

GOVERNANCE OF CONSERVANCY DISTRICTS

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

AGRIBUSINESS IMPACT ON ROADS

While CCAO supports the expansion and development of agribusinesses, counties need more resources and assistance to address new infrastructure demands caused by that expansion and development. CCAO supports additional grants and resources from the state to help finance such infrastructure.

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

IMPACT FEES

The legislature should authorize counties to impose impact fees for new development. Permissive authority to impose impact fees should require counties, subject to public notice and comment, to conduct a careful study of additional costs attributable to new development and to provide an equitable system for distributing costs among benefiting users. Impact fees could be used to pay for highway improvements, recreational facilities, and water, sewer and drainage improvements.

FIBER OPTIC SYSTEMS

Provide counties with specific statutory authority to own and operate fiber optic systems for telecommunication purposes. CCAO supports programs which encourage greater internet and broadband accessibility statewide.

Committee Action Items

DONOR STATE STATUS

Currently for every dollar of gas tax revenue paid by Ohioans to the federal government, Ohio receives 88 to 90 cents in return. It is estimated by ODOT that Ohio’s “donor state” status costs Ohio $140 million annually. During re-authorization of the federal transportation budget in 2010, CCAO recommends that Ohio’s donor state status be reduced or eliminated.

FORCE ACCOUNT

CCAO supports indexing thresholds for the performance of force account work to increases in the construction price index so that force account limits will keep pace with inflation.

EMERGENCY MANAGEMENT AND MITIGATION FUNDING

CCAO supports increased state funding for emergency management and mitigation efforts. CCAO supports the creation of a dedicated funding stream in the form of either a surcharge on homeowner and commercial property insurance policies or another appropriate funding source that will result in effective emergency management efforts. It is suggested that any additional state resources be divided between direct assistance to counties for emergency management capability and funding for community mitigation projects.

SOLID WASTE

CCAO supports giving solid waste districts maximum flexibility to meet the requirements of the state solid waste management plan through locally directed and approved plans with minimal state oversight.

CCAO supports changes in the solid waste fee structure that include:

- Permitting districts to adjust fees within previously approved ranges and eliminating the minimum disposal fee provision of law;
- Eliminating the restriction on the use of certain fees solely for out-of-state waste inspection; and
- Authorizing public landfill owners to negotiate volume discounts with large generators in order to level the playing field with the private sector.

CCAO also supports the following major changes in the solid waste law:

- Clarifying solid waste districts’ authority to adopt rules requiring the approval of plans for the construction, modification and use of solid waste facilities by specifying distinct responsibilities for OEPA and solid waste districts.
• Requiring solid waste districts composed of three or more counties to ratify solid waste district plans and solid waste fees by a simple majority of the boards of county commissioners and the largest municipal corporations within each county in the district, instead of with the unanimous consent of each board and municipal corporation.

• Continuing the authority of districts to exert reasonable flow control, especially where tax exempt bonds have been issued to finance public facilities.

• Requiring OEPA to notify local officials of beneficial use projects for scrap tires and to hold a public hearing on the proposed project within the affected jurisdiction, if requested by local officials. Require the applicant to post bond to assure remediation in the event of project failure.

• Providing for more public accountability and simpler and less costly processes, including changes on plan updates, district reporting requirements, authority to require accurate and complete data on recyclable and waste reduction by the private sector, and authority to establish regional cooperatives to purchase goods and services.

PREVAILING WAGE LAW

The prevailing wage law should be changed to prohibit changes in the prevailing wage during the term of a contract and to allow prevailing wages to be established locally rather than by standard metropolitan statistical area. Every effort should be made by legislative or administrative means to simplify the reporting requirements of complying with the prevailing wage law.

AIR QUALITY

In order to comply with the Clean Air Act Amendments of 1990, the General Assembly enacted legislation (SB 18) establishing the Automotive Inspection and Maintenance Program (E-Check) during the 120th General Assembly (1993). The state law was intended to enable Ohio to achieve attainment of the National Ambient Air Quality Standards for ozone and carbon monoxide pollution. The Federal Clean Air Act established non-attainment area classifications based on the severity of the air pollution problem. These classifications are marginal, moderate, serious, severe and extreme. The USEPA assigns each non-attainment area to one classification. In Ohio, any non-attainment area that fell into the moderate or serious non-attainment classification was required to institute an E-Check program. The contract for the E-Check program was allowed to expire at the end of 2005 for the Dayton (Clark, Greene and Montgomery) and Cincinnati areas (Butler, Clermont, Hamilton and Warren). Ohio EPA proposed rules to USEPA establishing alternative emission reduction programs to replace the benefits associated with the E-Check program in the Dayton and Cincinnati areas. The E-Check program continues in the Cleveland-Akron area (Cuyahoga, Geauga, Lake, Lorain, Medina, Portage and Summit Counties) which remains a moderate non-attainment area. In 2006, OEPA requested re-designation to attainment with respect to the eight hour ozone standard and submitted a maintenance plan for the following areas: Canton-Massillon, Columbus, Lima, Parkersburg-Marietta, Steubenville-Weirton, Toledo, Wheeling, and Youngstown-Warren.

All or part of 27 Ohio counties remain out of compliance with the USEPA annual standards for fine particulate matter (PM 2.5). OEPA must prepare and submit to USEPA a plan which will enable Ohio to comply with the PM 2.5 standard by April 2008. Because of the substantial costs of such programs and the regional nature of their application, CCAO strongly recommends that responsibility for implementing air pollution controls remain with the state. CCAO encourages the state to work with local air pollution control agencies, local governing bodies, MPO’s, regional councils of government and business to utilize opportunities to use land use law and regulations to meet the clean air attainment standards. Identify additional revenue to pay for more regionally dispersed monitoring stations.

WATER QUICK TAKE ACQUISITION

CCAO supports legislation that would allow the “quick take” method of property acquisition for the construction of water supply and drainage facilities similar to that for transportation right-of-way acquisition. Many important water supply projects are delayed for long periods of time because of inability to obtain necessary property easements promptly.

WATER AND SEWER GRANT PROGRAM

Capitalizing on the highly successful State Capital Improvement Program, the General Assembly should issue bonds to finance additional water and sewer improvements with funding directed through the Ohio Public Works Commission. Priority should be given to areas under EPA orders and communities that demonstrate financial distress.

ROAD AND BRIDGE IMPACTS

Provide counties with additional authority to classify roads according to use and to designate haul routes for heavy truck traffic.

PERMIT HEALTH DISTRICTS TO REQUIRE SEWER CONNECTIONS FOR BUILDINGS LESS THAN 400 FEET FROM COUNTY SEWER LINE

Permit general health districts to require property owners who own a building within 400 feet of a county sanitary sewer line to connect to the county sewer line.

AIRPORT FUNDING

Support legislation that would establish a trust fund comprised of all state sales tax revenue from the sale of aviation fuel (approximately $6 million per year). There are 97 general aviation grant-eligible airports in Ohio. An aviation study prepared for ODOT in 1999 estimates that it would take $8 million per year over a 20-year period to rehabilitate these airports. The sales tax from aviation fuel dedicated to safety and runway improvements would go a long way toward providing the level of funding recommended in the ODOT study.
LEASE OF COUNTY REAL ESTATE

CCAO supports legislation to permit county commissioners to lease real property as well as county owned towers to telecommunication companies for a period of up to 25 years.

ROAD VACATIONS

When petitioned by property owners to locate, establish, alter, widen, straighten, vacate, or change the direction of a public road under ORC 5553.04, permit a board of county commissioners to charge a fee to defray the costs and expenses incurred by the board in connection with the proceedings initiated by the petition.

COUNTY DITCH LAW ASSESSMENTS

The time period for payments by property owners of assessments levied under ORC 6131.23 to make improvements to a ditch or watercourse should be extended from the current 5 years, if county general funds were used to pay for the improvement, and 8 years, if bond or note financing was used, to not more than a maximum of 15 years. This is similar to the repayment period provided for soil and water conservation improvements completed pursuant to ORC 1515.24.
Committee Priorities

HEALTH CARE COSTS

Health care costs have been spiraling out of control. Programs need to be developed to help counties and other employers continue to offer employees health care benefits in an affordable manner.

CCAO has put together a consortium of counties and other local public appointing authorities to pool their purchasing power in leveraging affordable and quality health care benefits for their employees. The Association will continue to foster this level of cooperation and collaboration among counties.

In addition, efforts should be taken to monitor health care benefits for current and future public employment retirees and safeguard this benefit for those individuals who count on it.

COUNTY EMPLOYEE RELATIONS

Counties are requesting various changes in Ohio’s laws to help employers manage county offices in a cost-efficient manner for Ohio’s taxpayers.

It is important to recognize that the General Assembly and Administration made tremendous progress in updating Ohio’s civil service laws last session with the passage of House Bill 187. CCAO appreciates these efforts and will work with the new Administration to implement a more valued relationship between counties and the Department of Administrative Services in administering Ohio’s civil service laws.

CCAO continues to seek more flexibility in managing the workplace by allowing more options in establishing alternative leave schedules. In addition, counties should have the ability to reduce work week hours and furlough employees on a limited basis to address lack of funds or lack of work situations.

In addition, Ohio’s collective bargaining law needs to be brought into line with the National Labor Relations Act (NLRA). The playing field should be leveled between employers and employees in this area.

WORKERS’ COMPENSATION

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

Committee Action Items

UNEMPLOYMENT COMPENSATION ELIGIBILITY

CCAO supports legislation to tighten eligibility for unemployment compensation, including appeal rights for employers who are not the last employer of record. Also, CCAO supports legislation exempting seasonal or temporary workers from unemployment compensation.

CONFIDENTIALITY OF PERSONNEL FILES

CCAO supports legislation to restrict access to public employee personnel information, except disciplinary action and performance evaluations.

DRUG TESTING

CCAO supports legislation enabling counties to conduct drug testing programs as a way to improve employee performance and safety in the workplace. These programs could include random testing on a lottery basis, testing after accidents and post offer, pre-employment drug testing of prospective county employees.
Committee Priorities

TRUE PARTNERSHIP IN DELIVERING SOCIAL SERVICE AND WORKFORCE PROGRAMS

A whole host of social service and workforce development programs aimed at helping county residents achieve employment, maintain employment or help residents take the next step in their career path are operated through the county. CCAO and county commissioners need the state to embrace a true partnership between the state and counties when it comes to setting policy and implementing programs. There is a general consensus among counties that the relationship between counties and the Ohio Department of Job and Family Services (ODJFS) needs improvement. Counties are focusing on how to integrate a host of federal and state funding silos as well as conflicting rules and regulations into a coherent and easy to use resource for healthy communities and job creation at the local level. All too often, a county department of job and family services’ only involvement with ODJFS comes in the form of after-the-fact audits and abrupt policy changes instead of meaningful technical assistance and mutual goal setting and problem solving. Counties need a strong state partnership to ensure that compliance does not take precedence over outcomes for Ohioans.

WELFARE REFORM

Counties have delivered success for Ohio by dramatically reducing the state’s cash assistance caseload and developing more flexible, effective and efficient methods for supporting families in their transition to financial independence. Ohio’s approach to welfare reform transformed public assistance from a cash entitlement to a program focused on personal responsibility and employment. Other programs offered at the county level such as food stamps, child care, and Medicaid are also viewed as ways to remove barriers to employment instead of being viewed as separate entitlement programs.

In order to be able to meet the needs of our constituents, CCAO urges the General Assembly to do the following:

- Maintain the TANF amount allocated to counties in the last biennial budget to preserve programs critical to families reaching and maintaining self-sufficiency, such as meeting transportation needs and providing employment and training.

WORKFORCE DEVELOPMENT

Because county government in Ohio has played such a critical role in local economic development initiatives and implementing many social service programs aimed at helping residents obtain, maintain or improve their employment, county commissioners agreed to take on Workforce Investment Act (WIA) implementation in 1999. It was viewed as the next logical step in a series of efforts to reduce duplication of services and make the most of limited training dollars. Additionally, tailoring programs for businesses as close to where employers and employees live makes good sense in a state like Ohio where there are so many diverse business sectors with differing needs.

Implementing WIA has been a bumpy road, with many implementation hurdles. There were times where state and federal regulations, extremely restrictive and limited funding, the absence of a state computer reporting system, and other obstacles threatened to derail the county vision of what workforce development should be all about – doing whatever it takes to provide employers with the skilled workers they need.

In spite of these obstacles, county commissioners have been diligently working to bring economic and workforce development together locally. We have stretched the limited training dollars as far as possible, given the restrictions that come with them.

We look forward to working with the Administration and General Assembly to improve our workforce system in Ohio by:

- Identifying funds that can be used to provide services businesses are demanding, such as screening for qualified employees and helping them with hiring costs.

- Improving coordination between the state departments, local economic development entities and One Stop centers so that we have a unified and easily identifiable point of interaction with employers.

- Investing in our One Stop system.

- Remaining committed to a workforce system that is locally driven.
CHILDREN SERVICES

One of the most difficult challenges facing county commissioners is the administration of programs and services for children who are abused, neglected, or dependent. Whether children services are operated by the county department of job and family services or a separate children services board, the board of county commissioners ultimately has responsibility for protecting children in the county from abuse and neglect. The costs of providing child protective services are growing due to more children in care, increased federal and state mandates, high staff attrition rates, and increased demand for more intensive services. Some counties have successfully obtained levies or committed county GRF to fill the void, while others have had to make do with considerably fewer resources.

The financial burden on counties to fund children’s services has grown considerably, while the state currently funds less than 10% of the total cost of child protective services. County commissioners want the state to better fund core child protective services to ensure that adequate resources are available statewide.

CCAO would also like to work with the Legislature and Administration to identify programming and necessary funding to address Ohio’s unruly and delinquent youth. In 2004, 28% of the children in our county public children service agencies were unruly or delinquent. With these youth come very different issues than those of abused or neglected children. They tend to stay in county custody longer and require more expensive placements. CCAO would like to work with the state to identify better options than having these children come through our children services system.

CHILD SUPPORT

Ohio’s child support system impacts one in every three children in the state. Only the public education system touches a larger number of children than this program.

Counties have successfully worked to increase overall collections and paternity establishments, resulting in a higher standard of living for many children. The more successful we are in child support administration, the less likely families will need other social service programs.

However, Ohio has significantly reduced the state allocation for county child support enforcement agencies in the past two budgets. Additionally, the child support program sustained a funding change as part of the federal Deficit Reduction Act that will create a new $20 million dollar annual shortfall in funding. A top child support concern for CCAO is to identify replacement funding to offset these federal cuts. CCAO also supports a $25 administrative fee to be obtained by the county on non-public assistance child support cases in excess of $500.

ADULT PROTECTIVE SERVICES

Counties are charged with providing a uniform adult protective services program for older adults who require protection from abuse, neglect, or exploitation. Counties are the logical delivery mechanism for adult protective services due to the close proximity necessary to investigate allegations of abuse and neglect and the legal relationships with prosecutors and sheriffs to enforce protective services.

Counties used to receive state general revenue funds to perform this task, but the state has since stopped funding adult protective services. While counties may use a small portion of federal Title XX to perform adult protective services, they often do so at the expense of other programs and services for other vulnerable population groups. CCAO supports restoration of the state line-item and sufficient funding to ensure adequate resources exist to perform this critical program.

Committee Action Items

ACCESS TO HEALTH CARE

Family self-sufficiency for low-income Ohioans cannot be achieved without access to medical coverage. The General Assembly’s traditional support for health care access for Ohio’s working poor has been integral to welfare reform efforts. It has also been a critical economic development tool, especially for small businesses. Consider the following:

- Families and children account for approximately 70% of the caseload, but only 23% of the total cost.
- 80% of new jobs in Ohio are created by small businesses, where small size and tight profit margins often place medical benefits outside of an affordable price range. If Medicaid for the working poor is reduced, many parents will be unable to take or retain these jobs.

Since this population is such a small portion of the state’s Medicaid costs and so important to the local economy, CCAO supports maintaining the current eligibility criteria for children and restoring a cut in eligibility for adults with children from 90% of the federal poverty level (FPL) back to 100% of the FPL.

CHILD CARE

Access to quality child care is essential to the continued success of welfare reform. Without it, counties cannot enroll parents in meaningful work activities to achieve self-sufficiency. Therefore, CCAO recommends that the General Assembly aim sufficient TANF dollars toward child care to maintain the financial eligibility criteria at 185% of the federal poverty level.

FAMILY & CHILDREN FIRST COUNCILS

Counties have worked diligently to piece together a seamless delivery system for families seeking assistance for their children out of a patchwork of state and federal programs that tend to leave gaps and create overlaps in services and often contain conflicting regulations. In order to perform these coordinating functions, each county, regardless of size, is given $20,000 to administer Family and Children First Councils. Additionally, the scope of duties delegated to county councils by the state continues to grow. Therefore, CCAO recommends:

- Increasing funding for the administration of local family and children first councils.
- Retaining existing permissive fiscal oversight authority for county commissioners and ensure that the local family and children first councils remain a county based entity that has to be accountable at the local level.
Committee Priorities

FULL FORMULA FUNDING FOR LOCAL GOVERNMENT FUNDS

CCAO urges the Governor and the General Assembly, in the next biennial budget, to preserve the existence of the Local Government Funds and to restore full formula funding to them. Actions taken during the 124th General Assembly initially froze funding at prior year levels, but later provided for adherence to the distribution formula, but only if revenue receipts were less than the “freeze” amount. Under this model, the Local Government Funds share the problems of economic downturns. They do not share the benefits of economic growth. Actions to freeze the growth of the funds continued in the 125th and 126th General Assemblies. The long-standing partnership that these funds traditionally exhibit between the state and local governments, libraries and park districts should be restored.

Tax reform enacted during the 126th General Assembly significantly impacted the viability of the current LGF formula. The state should establish a new funding formula based on a percentage of tax receipt approach. The Local Government and Library Revenue Distribution Task Force in November 2006 recommended that the state move the LGF funding formula from a “percentage of tax source” to a “percentage of tax receipts.” Rather than allocating percentages of individual tax source proceeds (a piece of the income tax, a piece of the public utility tax, etc…), the Task Force recommended that the LGF’s receive in statute a percentage of the general revenue fund tax receipts in total collected by the state.

CCAO supports this recommendation as it will help blunt the impacts of past and possible future tax reform by creating a revenue-sharing package that carves out a percentage of the whole. The state and the Local Government Funds will rely on GRF tax receipts in total rather than the Funds having to seek reimbursement or replacement offsets every time a specific tax source has a significant change.

Furthermore, CCAO believes that the recommendation has several advantages including:

• Growth - the proposal removes Local Governments Funds from the freeze and places them back onto a formula that should grow with state tax revenues.
• Stability - the percentage of tax receipts approach would apply broadly to all state taxes slated for deposit in the general revenue fund and thus should be relatively immune to dramatic fluctuations in revenue.
• Simplicity - tax reform has rendered the old formula and methodology for funding the three Local Government Funds obsolete. The percentage of tax receipts approach will not require constant adjustments and recalculations as various state taxes are phased in or phased out under tax reform.

It is important to acknowledge the benefits that the state has received by the LGF’s being frozen the last several years. Specifically, in the last six state fiscal years, counties and other local governments have foregone approximately $890 million in revenue that has benefited the state. In the first year coming off the freeze, it is appropriate for there to be a moderate increase from the freeze level. For example, an increase of only three percent equates to $37 million dollars more in funding from the state. Given the benefits the state has reaped from the past several years, it is very reasonable that the LGF’s receive a moderate increase in the first year.

ADDRESS THE UNFINISHED BUSINESS OF PERMANENTLY REPLACING TANGIBLE PERSONAL PROPERTY TAX LOSSES

CCAO supports the creation of a state fund to fully and permanently reimburse counties for revenue losses experienced due to the phase-out and elimination of the tangible personal property tax.

CCAO also supports legislation to create state funds to fully and permanently reimburse counties for foregone revenue in any instance in which the assessment rates or percentage rates of real property or tangible personal property taxes are lowered, or in instances where real property or tangible personal property taxes are reduced or eliminated.

EMERGENCY 911 FUNDING

CCAO supports changes in state law that authorize counties to impose a uniform charge on all telephones to pay the county costs of equipping and operating E-911 systems and training E-911 dispatchers. CCAO also supports legislation imposing fees on cellular phones, provided appropriate funds are distributed to counties to expand and maintain E-911 services. CCAO supports the indefinite extension of the current E-911 charge on wireless phones, which is set to expire on December 31, 2008. These changes are vital for the protection of Ohio’s residents in the era of enhanced homeland security.
Committee Action Items

PERMISSIVE TAXES

As part of its continuing joint effort with the state to provide stable funding sources for counties, CCAO supports increased flexibility for counties to levy permissive taxes to fund needed services at the local level. Counties should be given flexible authority to levy an additional sales and use tax for any purpose now authorized by state law and should not require commissioners to submit the proposal to the electorate. However, the right to referendum should be retained.

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

SALES TAX BASE BROADENING AND TAX REFORM

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

CCAO objects to, and will strongly oppose, efforts to reduce or eliminate, or to recapture for the benefit of the state at the expense of counties, any additional sales and use tax revenue generated by counties through any broadening of the sales and use tax base that extends the tax to additional services, or to additional types of sales such as Internet, catalogue or telephone sales.

CCAO urges the General Assembly to undertake fair and comprehensive tax reform that will convert our outmoded tax system to one that will make us economically competitive, will attract high paying jobs, and that will provide adequate revenue to fund important state and local programs at appropriate levels. The revised system should also provide better balance between taxes paid by individuals and by businesses. Finally, if tax reform results in the repeal or modification of major local taxes, the General Assembly should provide full, complete and permanent replacement of lost revenue to local governments.

INTERNET SALES TAX

In the interests of preserving the base of the state and local sales tax and ensuring that the merchandise marketplace is equitable, with no segment given an unfair advantage, CCAO supports federal legislation that would create an opportunity for states to simplify their sales tax collection systems and enhance their ability to collect taxes from remote sellers.

Any such legislation should ensure that the state will distribute any local share of sales and use taxes collected from remote sellers to the counties of origin in a timely and efficient manner. The manner in which this revenue is distributed should correspond as closely as possible to the manner in which the state distributes sales and use tax revenue from non-remote sales that occur within the state.

Counties that suffer significant losses in county piggyback sales tax revenue due to implementation of any state or federal legislation related to remote sales should be compensated for their losses.

INDIRECT COST

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

CONTROL OF AUDIT COSTS

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

USER FEES

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

In addition, authority should be granted to establish fees for the services of the county auditor as the sealer of weights and measures. Counties should also be given permissive authority to test the quality of fuel, but only if fees are charged to the fuel providers to fully fund the initiative.

In addition, CCAO supports an increase in the clerk of court’s auto title fee amount to avoid county general fund subsidy of the clerk of court’s office.

COUNTY BUDGET PROCESS AND BUDGET CONTROL

CCAO supports the modernization of Ohio budget and appropriation laws so that the process is better understood by the public, concentrates on decisions that actually authorize the expenditure of public dollars, and gives enhanced expenditure control to the board of county commissioners as the appropriation authority.

The proliferation of special revenue funds and the trend to earmark certain fees for the exclusive use of certain officials reduces flexibility for commissioners to allocate scarce resources to programs most needed and removes effective oversight of the spending of public dollars. Too often when funds are earmarked for functions of specific county elected officials, these officials feel this money is “theirs” to do with as they choose.

CCAO opposes any new mandatory earmarking of county revenue sources. Ohio’s budget laws should be amended to give commissioners more oversight over all county budgets.
COUNTY BOARD OF REVISION CHANGES

CCAO supports legislation to allow any member of the board of county commissioners, as selected by the board, to serve on the county board of revision. Current law allows only the president of the board of commissioners to serve on the board of revision.

CCAO also supports legislation to:
• create a more informal review process for adjustments to disputed valuations of $50,000 or less;
• allow county auditors, with the approval of the board of revision, to correct errors in real property valuations after the tax duplicate is delivered to the county treasurer;
• allow a board of revision to issue subpoenas and compel the attendance of witnesses and the production of records and documents;
• allow a board of revision to issue protective orders to restrict discovery of a complainant’s confidential information;
• file complaints with the probate court to compel compliance with the board’s directives; and
• prevent any complainant who fails to provide to the board of revision any evidence or information that affects a property valuation from introducing that unprovided evidence or information in any appeal to the board of tax appeals or to a court.

INSIDE MILLAGE GUARANTEE

CCAO supports legislation establishing that each subdivision’s guaranteed inside millage is an average of the inside millage collected during the most recent five-year period.

COMPETITIVE BIDDING

CCAO supports legislation that:
• permits counties to purchase goods and services through a competitive request for proposal process as authorized for the state by ORC 125.071;
• permits commissioners to waive bid bond requirements on commodities, and on construction projects with costs of up to $250,000; and
• authorizes counties, on any road and bridge improvement project or any drainage and sewer line improvement project, to pay a total project cost of up to ten percent more than the awarded bid, in cases where unforeseen situations arise during the course of the improvement project that raise the cost of the project above the original estimated cost or the original amount of the awarded bid.

CONTRACTS FOR FISCAL AND MANAGEMENT CONSULTANTS

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

ADVERTISEMENT OF DELINQUENT PROPERTY TAXES

CCAO supports legislation to establish a dollar threshold below which the listing of delinquent property taxes would not have to be advertised in newspapers of general circulation and to allow the full delinquent property tax list to be published on the Internet.

STATE TERM CONTRACTS

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

RAILROAD GRADE SEPARATION FUND

CCAO supports continuation of the existing program that provides increased funding for railroad grade separation projects in communities most affected by increased train traffic because of the acquisition of Conrail by the Norfolk Southern Corporation and CSX Transportation.

CCAO also supports legislation that would provide funding increases above the original amount proposed by the previous administration for those projects and that would expand the eligibility list to include communities other than those targeted in the original program, as long as state bonding limits, including limits imposed for Issue II funding, are not exceeded.

ELIMINATION OF MANDATORY DUTY TO PLACE LEVIES FOR GENERAL HEALTH DISTRICTS ON THE BALLOT

CCAO supports legislation that would amend ORC section 3709.29 to eliminate the mandatory duty of a board of county commissioners to pass a resolution, at the request of the board of health of a general health district, to place on the ballot a tax levy in excess of the ten mill limitation because the board of health has certified to the board of county commissioners that taxes within the ten mill limitation will not provide sufficient funds to meet the expenses of the general health district.

COLLECTION OF COUNTY FUNDS FROM STATE INCOME TAX REFUNDS

CCAO supports legislation that would authorize the tax commissioner to collect from state income tax refunds unpaid fines, restitution, unpaid parking citations or forfeitures that have been certified by the county to the tax commissioner for collection.

REVIEW PROCESS FOR COUNTY VETERANS SERVICE COMMISSION BUDGETS

CCAO supports the enhanced ability for boards of county commissioners to review and revise the budgets of county veterans service commissions. Additional checks and balances are needed to ensure that needy veterans are receiving essential financial assistance and other services in a cost efficient and responsible manner that fully utilizes other health, human service and employment programs. Current law pro-
vides no real check and balance in the utilization of scarce public dollars. The mandate contained in ORC 5901.11 to fund veterans service commissions at a level of up to five-tenths of a mill per dollar on the assessed value of the property of the county should be reviewed to assess its relevance to current fiscal realities.

**PRESERVATION OF PROPERTY TAX CREDIT PROGRAMS TAXPAYERS**

CCAO opposes efforts to reduce in scope or eliminate the current state-funded property tax relief program, which grants a 10 percent reduction in each taxpayer’s real property tax bill and an additional 2.5 percent reduction in real property tax bills for owner-occupied dwellings, and additional reductions under the homestead program for homeowners over age 65.

**PAYMENT OF SALES AND USE TAX ON MOTOR VEHICLES PURCHASED IN OTHER STATES BY OHIO RESIDENTS**

CCAO supports legislation to require Ohio residents who purchase motor vehicles and watercraft in other states to pay full Ohio sales and use tax on their purchases, unless the state in which the motor vehicle was purchased provides an exemption to the Ohio resident from the payment of that state’s sales and use tax.

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

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

Original invoices, receipts, bills, credit card statements or checks shall be made available by the generating agency, office, officer, board or tribunal for inspection by the county auditor at a time and place mutually convenient to both.

No generating agency, office, officer, board or tribunal shall be required by the county auditor to provide original invoices, receipts, bills, credit card statements or checks if those documents are required to remain in the possession of the presenter for use in connection with any state, federal or other audit.

**LAND BANKS**

Amend the land bank law (ORC chapter 5722) to accomplish the following:

- Allow tax foreclosures to be processed by a county board of revision as opposed to the courts;
- Permit electing political subdivisions to acquire delinquent properties without the requirement of waiting for the property to be offered for sale at two sheriff’s sales;
- Allow the county to retain their own legal counsel to prosecute tax delinquencies instead of being required to use the prosecutor;
- Require property owners to pay all back taxes and assessments within one year of delinquency and not be able to enter into a payment program to avoid foreclosure;
- Allow counties to sell property acquired through this process to be sold at less than fair market value.
INTRODUCTION
Ohio’s urban counties are experiencing unique problems requiring specific actions and responses from the General Assembly to aid them in the delivery of services to their constituents. While most issues of urban counties are addressed in other areas of this platform document, the following are unique to urban counties.

Committee Priorities

CHILDREN SERVICES
Urban counties concur in the recommendations of the Social Services and Workforce Development Committee’s regarding Children Services [see page 23]

CHILD SUPPORT
Urban counties concur in the recommendations of the Social Services and Workforce Development Committee’s regarding Child Support [see page 24].

INITIATIVES TO GENERATE ADDITIONAL REVENUE AND CONTAIN CURRENT COSTS

Sales Tax Administrative Fees of the Department of Taxation:
The Ohio Department of Taxation is entitled to retain an administrative fee equal to one percent of the total collections of counties and transit authorities that enact a permissive sales and use tax. This fee should be reduced to more accurately reflect the true cost of administration and distribution of local permissive sales and use taxes.

User Fees:
Urban counties concur in the recommendations of the Tax and Finance Committee regarding User Fees [see page 41].

Provision of Municipal Prosecution:
Support legislation granting commissioners more flexibility in utilizing municipal law directors, county prosecutors or private contracts to prosecute misdemeanant offenses.

Committee Action Items

CASINO GAMBLING
In the event legislation is passed or a statewide ballot question advanced that authorizes casino gambling, permissive authority should be granted to the electors in counties to approve casino gambling in their respective jurisdiction.

FUNDING FOR URBAN PUBLIC TRANSIT
Urban counties urge the Ohio Congressional delegation to modify federal law so that Federal Transit Administration Section 5307 funds, whose use is now limited to capital projects, can be more flexibly employed by local transit systems. The Ohio Department of Transportation should also pass through the full amount of the federal obligation ceiling to local entities for critical transit needs.

COMPETITIVE BIDDING WAIVER DURING DECLARED DISASTERS
Urban counties support a waiver of competitive bidding requirements when the President of the United States or the Governor issues a disaster declaration.

RELOCATION OF UTILITIES IN ODOT FUNDED ROAD IMPROVEMENT PROJECTS
Current ODOT policy does not recognize county water and sewer lines located in the right of way during road improvement projects as a “public utility.” Therefore, the relocation of such lines - even if required by the project – is ineligible for state funding. Urban counties support a change in ODOT policy and/or state law to mandate that county water and sewer lines be considered, as are municipal water and sewer lines, public utilities for purposes of ODOT sponsored road improvement projects.
COOPERATIVE BOND POOLS

Support legislation to allow counties to form cooperative bonding pools with either their intra-county communities or neighboring counties and their communities. Specific authority should be provided to pledge either tax or non-tax revenue sources to retire the debt to enhance capital improvement needs of local governments.

COMPETITIVE BIDDING

CCAO supports legislation that permits counties to purchase goods and services through a competitive request for proposal process as authorized for the state by ORC 125.071; permits commissioners to waive bid bond requirements on commodities, and on construction projects with costs of up to $250,000; and, authorizes counties, on any road and bridge improvement project or any drainage and sewer line improvement project, to pay a total project cost of up to ten percent more than the awarded bid, in cases where unforeseen situations arise during the course of the improvement project that raise the cost of the project above the original estimated cost or the original amount of the awarded bid.

TRANSFER OF REAL ESTATE TO NON-PROFITS

Grant permissive authority to county commissioners under ORC 307.10 to transfer unneeded real estate to non-profit organizations instead of disposing of the property by bid or public auction. CCAO will also study the pros and cons of also allowing the disposal of unneeded real estate to private sector developers under exact procedures that protect the public interest for vital community and economic development purposes.

OVER AND UNDERPAYMENT OF PROPERTY TAXES

CCAO will work with the County Treasurer’s Association who should take the lead in developing legislation to address the issue of minor overpayment or underpayment of real property taxes by setting a minimum threshold below which payments back to taxpayers would not have to be made.

ADDITIONAL PERMISSIVE MOTOR VEHICLE LICENSE TAXES

CCAO supports county engineers and the County Engineers Association of Ohio in legislation to provide additional permissive motor vehicle license tax authority for counties, recognizing the special needs of urban counties.

FUNDING FOR METROPOLITAN INFRASTRUCTURE AND COOPERATION BETWEEN ODOT AND MPO’S

Increase funding for metropolitan infrastructure; improve relationships between MPO’s and ODOT; and provide additional funding for non-highway uses like transit and for air and water quality.

GENETIC TESTING/PATERNITY ESTABLISHMENT

Support federal legislation that restores reimbursement for genetic testing from 66% to 90% to aid in the establishment of paternity.

PROVISION OF SERVICES WHEN LAND IS ANNEXED

Support changes to Ohio’s annexation law to assure that the provision of municipal services that are included in a statement of municipal services submitted in conformance with the current annexation law are provided to the new residents of the municipality when promised. If such services are not provided as stated in the statement of municipal service provision, provide for enforcement authority or penalties to the municipality not delivering committed services.
About the County Commissioners Association of Ohio

The County Commissioners’ Association of Ohio (CCAO) is the oldest organization of its kind in the United States. Organized in 1880, CCAO continually works to anticipate the rapidly changing and complex challenges facing county government today so that it can respond with timely and effective technical support and services for its members. CCAO is governed by a 35-member board of trustees.

A major purpose of CCAO is to monitor legislation and educate members of the General Assembly on issues of importance to county government. Legislation enacted in Columbus directly influences the management and financing of county government. It is essential that the impact of legislation be understood by members of legislature. Every two years a legislative program is developed and approved by CCAO membership.

County commissioners develop association policy by participating on committees that work on a variety of issues of importance to county government. All commissioners are encouraged to serve on one or more committees. These committees not only deal with legislative issues, but provide a forum to share experiences and to learn from one another about similar and shared challenges.

CCAO staff members can easily be reached by calling the CCAO office 614-221-5627.

Ohio Statehouse with Cannon
One of the historic 1861 cannons that are on display at the Ohio Statehouse in Columbus, Ohio. They are fired today only for ceremonial or educational purposes.