County Commissioners Association of Ohio
Legislative Program for the 128th Ohio General Assembly

Restoring the Partnership

County government and state government are partners in delivering vital services to the citizens of Ohio. In this partnership, counties administer health and human services programs, serve justice and prosecute criminals, improve infrastructure, manage the complex property tax system, and foster needed economic and community development. In some of these areas, the state/county partnership has been challenged.

During this decade, the state has shifted costs to counties in the areas of human services, indigent defense, and court and jail operations. While the state's commitment to Local Government Funds (LGF) was restored last session, decline in state revenue performance has resulted in foregone revenue losses in this area as well as cuts in other state program dollars. Counties are willing to be true partners with the state in the LGF area; however, the state should recognize that county resources are finite, too. Local governments’ service delivery and state mandates should be re-evaluated.

Counties have asked the General Assembly for tools to improve efficiency and modernize county operations. Working with legislators and administrations, we have made progress, yet there is more work to be done. Counties basically are creatures of state statute and only can act when specifically authorized or required 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, provide broad flexibility to efficiently deliver services among Ohio's diverse 88 counties, and exhibit constant vigilance to stop unfunded mandates.

Moreover, county commissioners understand the challenging outlook for Ohio’s economy and subsequent budget revenue loss to the State and are open to evaluating the consolidation of some governmental operations and services, particularly through discussions of the Ohio Commission on Local Government Reform and Collaboration. We look forward to working with the General Assembly and Administration to achieve these objectives.

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 strengthen the state and county partnership. County commissioners understand the challenging outlook for Ohio’s economy and subsequent budget revenue loss to the state and are open to evaluating the consolidation of some governmental operations and services, particularly through discussions of the Ohio Commission on Local Government Reform and Collaboration.

Protecting Core Services in Human Services and Workforce Development

Achieve a funding balance that preserves core services, including Food Stamps, Medicaid, Ohio Works First cash assistance, and child care, which are vital to maintaining the support system that keeps people working and helps them in temporary times of unemployment.

County Revenues and Budget Control

Increase and update various county fees established in the Revised Code, oppose unfunded mandates, give commissioners more oversight over all county budgets, and allow commissioners access to special funds during periods of fiscal stress, thereby granting them similar authority that the Administration has at the state level.

Indigent Defense

Increase state support for public defender services to create a more equitable partnership with county government.

Elections Administration

Oppose unfunded mandates and address the growing cost and administrative issues resulting from recent reforms, and establish a line item in the state budget to fully finance the compounding costs of state legislation and Secretary of State directives.

Replacement of Tangible Personal Property Tax Revenue

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.

Energy

Support the development of responsible policies encouraging alternative energy sources and clean coal technologies in full partnership with the state.
Committee Priorities

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, CCAO encourages exploration of and support for more alternative sources of energy, including bio-energy, solar, geothermal, and wind energy, as well as support for enhanced traditional sources such as clean coal technology.

Bio-energy 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 technological advances in harnessing wind energy have offered great opportunity to Ohio. CCAO supports state policies, such as renewable portfolio standards, to encourage the use of alternative and renewable energy resources. CCAO has played and will continue to play a large role in the development of state policy encouraging the responsible use of wind turbine technology.

Clean coal technology also has helped remove 70 percent of the regulated emissions from America’s coal-generated electric power plants over the last 30 years, and continued research may lead to a future with power plants that are nearly emissions-free. Ohio stands at the heart of this research today, with more than $400 million in current projects, including carbon dioxide injection and storage technologies. CCAO supports the General Assembly’s and Administration’s continued commitment to one of the state’s greatest natural resources.

CCAO also believes that the state’s vision and commitment of resources to alternative energy, in particular those of the Public Utilities Commission of Ohio, Ohio Department of Development, and Ohio Department of Taxation, should include not only industrial size development of alternative energy sources, but also support of smaller independent and individual users.

The state should continue to support efforts for bio-energy, solar, geothermal, wind energy, clean coal, 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. Further, CCAO believes that as Ohio joins the race to embrace new alternative energy technologies, the state should commit to including local governments in developing applicable state policies, particularly given the potential siting and taxation impacts.

FARMLAND PRESERVATION

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

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

Legislation also should 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, agricultural economic development, as well as infrastructure projects.

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 a higher funding level for farmland preservation as well as the inclusion of farmland for eligibility in greenspace/openspace project funding. In addition, CCAO will offer suggestions to the Office of Farmland Preservation to ensure a simpler, user-friendly application for farmland preservation easements.

When discussing farmland preservation, there are two sides of the coin that 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. CCAO supports increased mechanisms or “tools in the toolbox” for future planning.

RURAL ROAD FUNDING

While CCAO supports the expansion and development of agribusinesses, as well as all industries, including new alternative energy infrastructure development, counties need more resources and assistance to address new infrastructure demands caused by this expansion and development. County roads are impacted by the development of new industry in rural areas and the day-to-day operation of certain facilities. CCAO supports additional grants and resources from the state to help finance such infrastructure. Such grants should give consideration to the amount of roadway impacted. CCAO also supports a requirement that any industry that unduly impacts roadways works with commissioners and engineers to identify financing for infrastructure improvements. These industries should exercise some responsibility when roads have been unduly impacted. CCAO also supports a restructuring of the fees and fines associated with load limits on highways to combat irresponsible use of county roadways.

In addition, CCAO supports a requirement that, in addition to local governments, county engineers also be notified of anticipated major new operations or expansions of businesses. County engineers also should be permitted more flexibility in force accounts to provide for rural road and bridge repair.

Committee Recommendations

FUEL QUALITY TESTING

CCAO supports a state-funded or, alternatively, an industry-funded fuel quality testing program. This program also should include the quality testing of bio-diesel and ethanol blended fuels.

FAIRGROUND FUNDING

CCAO supports continuation of state funding for county and independent fairground improvements. These facilities often are one of the most important economic development tools a local government has and highlight the largest industry in Ohio. Fairground funding should be included in the state capital budget bill.

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. OSU Extension also should receive similar funding priority status like the state extended to higher education, if Extension must follow certain guidelines set by the University Administrative Offices. CCAO, likewise, supports an increase in state funding for the Ohio Agricultural Research and Development Center.

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 communication challenges 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 provide cost efficient 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-9-1-1 services. In addition, counties should have the permissive authority to make use of utility infrastructure, such as cell and cable towers, for county emergency communication equipment.

R C & D FUNDING

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

PERMANENT REPLACEMENT OF 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.

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.

ACCESS TO SPECIAL REVENUE FUNDS DURING PERIODS OF FISCAL STRESS

Just as the state has the authority to divert money from certain special revenue funds to the state general revenue fund during periods of significant fiscal stress, county commissioners should be authorized to divert money in special funds to the county general fund. Such authority should be exercised in accordance with all of the following: (1) not apply to funds comprised of voted property tax levies for specific purposes, (2) be done pursuant to a resolution of the board after public notice to other elected officials and the public and after a public hearing, (3) assure that adequate funds remain in the fund to meet any specific statutory mandate, and (4) be authorized through a resolution that applies only to the current fiscal year.

TITLE FEES

CCAO supports an increase in the clerk of court’s title fee in order to avoid a county general fund subsidy of the clerk of court’s office. Title fees have not been raised since 1994, and Ohio has among the lowest title fees in the country. CCAO has worked with the Clerk of Courts Association on this issue, which has taken the lead in promoting an increase in title fees.

Title fees are deposited in the Certificate of Title Administration Fund and are used to defray the cost of operating the title department in the clerk of courts office. Due to cross county titling and the effects of inflation over the past 15 years, many title offices are short of funds to meet routine operational expenses. If title fees are insufficient to cover the cost of operation of the title department, commissioners are required to use general fund money to subsidize title operations so that titles may be processed in a timely fashion.

COUNTY SETTLEMENT FEES

CCAO supports revisions to the settlement fee formula so that all counties experience comparable rates of growth in settlement fees as settlement amounts grow over time. Many, mostly smaller, counties have experienced a rate of growth in settlement fee increases that has not come close to the rate of growth in property tax distributions. The settlement fee formula was last adjusted in 1986. A formula change as proposed by the County Treasurers Association would benefit all counties at a time when most counties are experiencing tight general fund budgets.

BUSINESS IMPACT ON ROADS

While CCAO supports the expansion and development of businesses, 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 businesses that could impact roads. CCAO supports a requirement that businesses/developers work with commissioners and engineers to identify financing for infrastructure improvements. Businesses/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 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.

**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 encourage the preservation of agriculture and agribusiness.
- Authority to require development proposed within areas designated for agricultural preservation in a county land use plan the board of county commissioners adopts 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 for projects of major significance. (Currently, county engineers routinely request and receive traffic impact analyses for major projects.)

**TAX ABATEMENT / COMMISSIONER APPROVAL**

CCAO supports legislation requiring notification and consent of each board of county commissioners affected by property tax abatement that a township or municipal corpo-

**Committee Recommendations**

**CLERK OF COURT DOCKETING FEES**

CCAO supports an increase in the costs and fees collected by the clerk of court of common pleas for processing documents and servicing requests directed to the clerk as required by law and as specified in ORC 2303.20. Such costs and fees were last revised in 1996.

**BILLING FOR COUNTY EMS RUNS**

The Association supports an amendment to the county EMS law explicitly granting counties authority to bill third parties for emergency medical service runs.

**LOCAL GOVERNMENT FUND ESTIMATES**

CCAO supports an amendment to the local government fund law to require the Department of Taxation to issue to the county auditor updated LGF estimates in the same manner in which such estimates are provided for the Public Library Fund during the calendar year in which such funds are to be distributed.

**ADDITIONAL PERMISSIVE MOTOR VEHICLE LICENSE TAXES**

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

**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 electors. However, the right to referendum should be retained.

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

**SALES TAX BASE BROADENING AND TAX REFORM**

As part of a continuing effort to provide stable revenues to counties, enhance county fiscal security, and generate rev-
enue 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.

Finally, if any new tax reform results in the repeal or modification of additional 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. (HB 429, which was supported by CCAO and took effect 4-18-08, addresses two out of the three items listed above.)

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, a percentage of the county’s annual budget, or other fair and equitable criteria, with special consideration given to the costs imposed on less-populated counties.

USER FEES

CCAO supports the increased utilization of user fees to fund specific county services. CCAO supports a thorough review of user fees and modernization of all user fees to reflect the cost of doing business. 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 provide appropriate oversight of spending of public monies.

In addition, the legislature should grant commissioners authority to establish fees for the services of the county auditor as the sealer of weights and measures. Counties also should 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.

CCAO also supports legislation to permit a board of commissioners to charge a fee to defray the costs and expenses incurred by the board in connection with road vacation proceedings when initiated by petition.

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 do all of the following:

• 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 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;
• 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 a court.

COMPETITIVE BIDDING

CCAO supports legislation that permits commissioners to waive bid bonds on commodities and services. In addition, permit larger counties to waive performance bond requirements on construction projects that do not exceed $250,000.

FIBER OPTIC SYSTEMS

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

CONTRACTS FOR FISCAL AND MANAGEMENT CONSULTANTS

CCAO supports legislation to provide that all contracts for fiscal and management consultants only can 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 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 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 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.

**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 the county certifies 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 provides 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 mil 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 FOR 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.

**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 legible certified copies of original invoices, receipts, bills, credit card statements, or checks in place of those original documents.

The generating agency, office, officer, board, or tribunal must make original invoices, receipts, bills, credit card statements, or checks available for the county auditor to inspect at a time and place mutually convenient to both.

The county auditor must not require a generating agency, office, officer, board, or tribunal 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.

**BUILDING PERMITS**

Support authorizing counties to issue citations for building permit offenses, compound or increase building permit fees for unresolved violations, and 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 / LAND BANKS

CCAO supports amendments to the land reutilization program to accomplish all of the following:

- Allow a board of revision to process tax foreclosures 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 GARAGE

CCAO supports legislation to permit a board of commissioners to operate a county motor vehicle maintenance garage or to enter into a contract with another county office to repair and maintain county motor vehicles.

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. We suggest that any additional state resources be divided between direct assistance to counties for emergency management capability and funding for community mitigation projects.

DONOR STATE STATUS

Currently, for every dollar of gas tax revenue Ohioans pay to the federal government, Ohio receives 88 to 90 cents in return. ODOT estimates that Ohio’s donor state status costs Ohio $140 million annually. During reauthorization 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. CCAO also supports permitting a sanitary engineer with funds appropriated by the commissioners for this purpose to use county personnel and equipment to undertake water and sewer projects instead of having to contract for all such improvements.

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.

ROAD AND BRIDGE IMPACTS

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

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

The Association seeks to enable 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

CCAO supports 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). Ohio has 97 general aviation grant-eligible airports. 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 30 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, CCAO supports permitting 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.
# 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 the General Assembly enacts 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 Controlling Board’s budget. We urge continued funding of the line item for the cost of prosecuting individuals who commit crimes at state institutions and funding of 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 or outdated mandates on county government:

**Indigent Defense:**
The state’s commitment to reimburse the counties for the cost of indigent defense has declined constantly ever since the Legislature replaced 50% reimbursement with “proportional reduction” for reimbursement. Although the state should begin moving toward the assumption of full responsibility for the provision of indigent defense, in the interim, 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 on to counties.

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 elections officials and state leaders 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 authorized specifically, 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 and directives make funding a board of elections operations and conducting elections a challenge for boards of county commissioners. 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 established additional unfunded requirements. Furthermore, directives the Secretary of State issued have included direct and indirect costs to counties. These costs, particularly when added together, continue to challenge commissioners, who often are forced to deal with the compounding expenses at the end of their county budget cycle. While a few directives have been fully-funded, it was done with one-time dollars.

To help understand the nature and costs of these various
requirements, CCAO proposes more ongoing communication between the Secretary of State’s Office, the Administration, key legislators interested in election reforms, representatives of the Ohio Association of Election Officials, and county commissioners to develop cooperative solutions and efficiencies. CCAO also is seeking a line item in the state budget to fully finance the compounding costs associated with recently and newly established state legislation and Secretary of State directives.

There also 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. Except for the judiciary, other county boards and offices usually do not have statutory authority to challenge appropriations.

In addition, county commissioners have limited discretion in considering transfers between line items boards of elections request. CCAO appreciates efforts made in the 126th General Assembly so that boards of elections independently cannot transfer funds between line items. While this is an improvement, we ask the state 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 GOVERNMENT STRUCTURE**

CCAO supports efforts to re-examine the structure of county government and explore ways to consolidate services and operations to gain efficiencies. In addition, CCAO is studying the need to allow consolidating counties and other local governments in urban counties. We look forward to participating in discussions of the Ohio Commission on Local Government Reform and Collaboration, as local government needs retool given finite revenues coupled with growing expectations for services.

**QUALIFICATIONS FOR COUNTY ENGINEER**

Presently under Ohio law, any person who seeks the office of county engineer must hold both a professional engineers license and a professional surveyor license. In many counties, this has limited the number of citizens eligible to seek the elected office of county engineer to less than 1% of the county's population. In a democracy, this seems patently unfair to the citizens wishing to elect from a broad base of qualified citizens. Therefore, CCAO advocates that the requirement of holding the professional surveyors license be dropped as a requirement for election to the office of county engineer. Additionally, we request that the law provide the county engineer may hold a professional surveyors license or may hire a person on staff who holds a professional surveyors license, or may, with the approval of the board of county commissioners, contract for services of a professional surveyor.

**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 and allow for the sale of delinquent real property on the internet. 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.

**Committee Recommendations**

**COUNTY COURTHOUSE RESTORATION AND FACILITIES FUNDING**

CCAO supports a state-sponsored building program to help fund and finance the restoration of county courthouses, as well as to develop county administrative offices.

**ELECTED OFFICIALS BONDS AND PERSONAL FINANCIAL LIABILITY**

CCAO supports changes to the elected officials bond statutes that increase the amounts of bonds required to reflect the effects of inflation. The law also should be standardized to provide for central filing and maintenance of bonds and should allow a broader use of blanket bonds versus individual bonds for most county elected officials and other officers required to have bonds. In addition, CCAO supports changes concerning the personal financial liability of elected officials under ORC 9.39 to more closely conform to the standard of liability in Ohio’s Political Subdivision Tort Liability Law, which provides for liability in cases of willful and wanton misconduct.
COUNTY ELECTED OFFICIALS COMPENSATION

CCAO supports 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 received an annual adjustment through 2008 that equaled the lesser of 3 percent or the consumer price index. These statutory cost of living increases ended in 2008, and the Legislature and Administration should take action to extend these conservative adjustments.

CCAO advocated a salary adjustment be adopted during the 126th and 127th General Assemblies, but such action did not occur. As a result, one third of the county commissioners, those who took office in 2007, are closed out of receiving a statutory increase in 2009 and 2010. The other two commissioners (those who took office in January 2009) will not be eligible for a cost of living adjustment during the next four years.

In addition, CCAO urges that legislation be enacted to ensure that all three commissioners in a county receive the same compensation every year in the future. Because of their split election cycle (i.e., two commissioners elected in the year of the presidential race, and one commissioner elected in the year of the governor’s race) and timing of legislatively-enacted pay bills, there have been occasions when one commissioner has been closed out of a salary increase for two years and, as a result, has earned less than their two colleagues for doing the same job. Commissioners in a county should make equal pay.

ANIMAL AND COYOTE CLAIMS

The dog owner and/or their 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.

HUMANE EUTHANASIA AND SAFE CAPTURE OF ANIMALS

Support legislation to permit dog wardens and assistant dog wardens under rules adopted by the state board of pharmacy to use tranquilizers for the safe capture of dogs and to sedate certain dogs prior to euthanasia. Existing law (ORC 4729.531) permits animal shelters including dog pounds to be issued licenses for dangerous drugs used in euthanasia, but does not permit employees of animal shelters to use tranquilizers.

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 9-1-1 TAPES

9-1-1 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. 9-1-1 tapes also should not be subject to release until the prosecutor determines whether 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 clarifications to the Sunshine Law that require full compliance when the commissioners perform legislative-type functions, but exempts executive and administrative functions. Legislation also should provide that commissioners may attend meetings and social functions for organizations like the Farm Bureau and the Ohio Township Association along with other non-legislative functions to which commissioners are invited.

CCAO supports legislation granting permissive authority for a Joint County Ditch Maintenance meeting to be held by teleconference or videoconference. CCAO believes this authority actually would enhance public participation and save taxpayer monies by removing the time and expense of travel. CCAO also supports reviewing the petition ditch process for other potential modernization updates.

PUBLIC RECORDS IDENTITY THEFT PROVISION

CCAO commends the General Assembly’s commitment to preventing identity theft that can occur from public records requests. CCAO has worked with numerous local government officials, law enforcement, and legislative members in drafting legislation to accomplish this goal. Because county governments handle such vast amounts of the public’s sensi-
RECORD RETENTION MANAGEMENT CLARIFICATION

CCAO, the Ohio Historical Society, local government practitioners, and record management professionals have identified various inconsistencies in Ohio law regarding public record retention management. These inconsistencies have led to an increasing frustration by both local government practitioners and the Ohio Historical Society in the inability to properly dispose of transient records. CCAO supports uniformity and clarification in current Ohio statutes on proper record retention procedures. In particular, a strict interpretation of Ohio law is preventing the disposal of transient records in compliance with a county’s Record Retention Schedule (also known as an RC-2), that has been approved by both the State Auditor and the Ohio Historical Society. The Historical Society recently started requiring a Certificate of Disposal (RC-3) for transient records, prior to a jurisdiction following their disposal procedure outlined in their “approved” Record Retention Schedule. This extra step and form should not be required if the “approved” Record Retention Schedule does not require it. CCAO is committed to partnering with the Ohio Historical Society in developing responsible and effective record management processes and law.

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 be deposited and disbursed from the county treasury and all outside bank accounts be closed. Exceptions to this general rule would be allowed for child support custodial monies and 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 either a commissioner or other qualified person to the board of directors of the district.

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.

The General Assembly and Taft Administration made tremendous progress in updating Ohio’s civil service laws. CCAO appreciates these efforts and will work with the 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.

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, and pre-employment drug testing of prospective county employees.

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 all of the following:

- 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;
• 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 all of 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 establish 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 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

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). In October 2008, USEPA approved Ohio EPAs 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 2007, USEPA re-designated the following areas to attainment: Canton-Massillon, Dayton-Springfield, Lima, Parkersburg-Marietta, Steubenville-Weirton, Toledo, Wheeling, and Youngstown-Warren. As of November 2008, the Cincinnati area, Cleveland-Akron-Lorain, and the Columbus area remain designated as non-attainment.

In March 2008, USEPA adopted a more stringent ozone standard, and Ohio EPA estimates that 32 counties will not meet the more stringent standard. USEPA plans to designate these areas as non-attainment in 2010, and Ohio EPA will have three years to develop and submit it compliance plans.

All or part of 27 Ohio counties remains 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. In addition, USEPA adopted a more stringent fine particulate standard in September 2006. New non-attainment designations will be effective February 2009, and OEPA will be required to prepare and submit plans by February 2012.

USEPA adopted a more stringent lead standard on October 16, 2008. The revised standards are ten times tighter than the previous standards and will improve health protection for at risk groups, especially children. Ohio EPA anticipates that some Ohio counties will not meet the revised standard. The new lead standard will require increased monitoring for lead and the development of plans to bring Ohio counties into attainment.

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 30 years.
Committee Priorities

PARTNERSHIP IN DELIVERING HUMAN SERVICES AND WORKFORCE PROGRAMS

In partnership with the state, counties operate a host of human services and workforce development programs aimed at helping county residents achieve and maintain employment, protecting children and older adults, and providing food, clothing, and shelter. CCAO and county commissioners welcome the growing partnership between the state and counties concerning setting policy and implementing programs and look forward to fostering an improved partnership. With this partnership comes better collaboration and coordination of services so that those in need receive the vital services upon which they rely. County governments are experiencing increased demand for services at a time of strained state and county budgets. In this difficult economic environment, counties and the state must work together to find a balance in funding so that Ohioans in need of services are not impacted severely.

PROTECTING CORE SERVICES BY FINDING A BALANCE

County departments of job and family services provide core services to families, children, and adults throughout Ohio. Included in these core services are Food Stamps, Medicaid, Ohio Works First cash assistance, and child care. In a strained economic climate, preserving these core services is vital to maintaining the support system that keeps people working and helps them in temporary times of unemployment.

However, counties and the state face an extra challenge in keeping these services when the economy suffers. Harder financial times necessitate greater funding to core programs because more people are in need of services. But, as CCAO and the commissioners recognize, we must live within our means. Thus, we must strive to find a balance to preserving core services.

In order to be able to meet the needs of our constituents and find the necessary balance, CCAO urges the Governor and General Assembly to do the following:

* Maintain the TANF amount invested with counties in the last biennial budget to preserve programs critical to families reaching and maintaining self-sufficiency.

* Improve county TANF funding flexibility so that each county may determine which services their citizens need, and prioritize those services with funding. For example, a cut in Prevention, Retention, and Contingency (PRC) funding by allocating more TANF to other programs removes this flexibility and would result in great reductions of work and training programs and child protection.

* Work with counties to implement efficiencies that can save precious dollars in the areas of child care, Medicaid, and Food Stamps.

* Ensure that counties have adequate Income Maintenance Control funding to manage increasing program participation. In 2007 and 2008, the number of Ohioans accessing county human service programs has increased by more than 15 per cent.

WORKFORCE DEVELOPMENT

Because county government in Ohio has played such a critical role in local economic development initiatives and implementing many human services programs aimed at helping residents obtain, maintain, or improve their employment, county commissioners agreed to take on Workforce Investment Act (WIA) implementation in 1999. The commissioners viewed this as the next logical step in a series of efforts to reduce duplication of services and make the most of limited training dollars.

CCAO and the commissioners commend the Administration for coordinating workforce and economic development by shifting workforce development efforts to the Department of Development. In fact, commissioners also have been working diligently to unite these two systems. However, this unity cannot come at the expense of the locally-driven system that connects to many small, local businesses. While expanding workforce development efforts is crucial to Ohio’s success, we must be careful not to undermine the relationships One Stops have built with businesses throughout the state.

We also ask that the state strive to use workforce funding collaboratively and creatively to reduce overlapping services. While the services the state and our local One Stops provide are vital to growing Ohio, we agree with the state that we must use our funding wisely.
Our local One Stop systems work with businesses to help provide them with adequately trained workers and work with individuals to help them obtain jobs and training. Our workforce system must continue to grow as a state and local partnership in order to leverage success for Ohio's employers and workers.

**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. 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.

CCAO and the commissioners are grateful to the Administration and General Assembly for restoring the child protection allocation to 10 percent of the total child protection budget after several years of inadequate funding. We urge this allocation to remain at this 10 percent level provided this does not occur at the expense of other human service programs or other county-intended revenue. This funding allows counties to help keep families together and keep children safe.

We also support retaining the specific TANF investments made for Kinship Permanency, Adoption Incentives, and Independent Living, provided these investments do not affect the counties' base TANF allocation. In the last biennial budget, the Governor and General Assembly invested $10 million per year for Kinship, $5 million per year for Adoption, and $2.5 million per year for Independent Living. Additionally, CCAO and the commissioners urge a change in law to allow the counties to provide these services instead of mandating that counties contract out to other providers.

**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 worked successfully 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.

In 2006, the child support program sustained a funding change as part of the federal Deficit Reduction Act that would have created a $20 million dollar annual shortfall in funding. The Administration and General Assembly filled this hole with state GRF, for which we were appreciative; however, the Governor pulled back some of this funding later in the biennium. Thus, CCAO and the commissioners support finding replacement funding for those federal dollars lost due to the DRA. We ask, however, that this replacement funding not come from other human service programs or other county-intended revenue.

We support the child support directors' initiatives for a pass through of child support payments provided any maintenance of effort and Food Stamp eligibility issues are resolved. Additionally, CCAO and the commissioners support the directors' in seeking simplification of medical support orders to ensure adequate coverage for children.

**ADULT PROTECTIVE SERVICES**

Counties are charged with providing a uniform adult protective services (APS) 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.

In the final version of the last budget bill, the General Assembly re-established the APS line item and appropriated $500,000 each year of the biennium. While we are grateful to the General Assembly for re-creating the line item, it came with a catch. $400,000 of the $500,000 was taken from an ODJFS line item (GRF 600-523) that counties utilize to pay for such services as APS. Additionally, the act tied the $500,000 appropriated specifically for APS to a county maintenance of effort requirement. CCAO and the commissioners urge the Governor and General Assembly to remove the MOE requirement and appropriate funds not already used for protective services to the line item.

**OHIO COMMISSION ON FATHERHOOD**

CCAO supports retaining the $2 million per year investment in the Ohio Commission on Fatherhood made in the last biennial budget. CCAO recognizes the Commission's important work, including assisting fathers in the justice system, reconciling fathers with their families, creating a culture of compliance with fathers for the child support system, and connecting low-income fathers with workforce development opportunities.

**Committee Recommendations**

**RULES GOVERNING COUNTY DEPARTMENTS OF JOB AND FAMILY SERVICES**

The Ohio Department of Job and Family Services issues rules to manage county departments of job and family services through Chapter 111. of the Revised Code. Rules released under this chapter are not required to go through the Joint Committee on Agency Rule Review (JCARR) process. The rules are considered internal management rules.

In the last biennial budget, counties officially became sub-recipients of federal human services funds and no longer are considered an arm of the state as in the past. ODJFS, however, still issues rules to county departments through Chapter 111. as if the counties still were an arm of the state. In this new world of sub-recipiecy, we urge ODJFS to begin issuing rules under Chapter 119., which requires that the rules go
through JCARR. This change would help cement the notion that counties now are sub-recipients.

INFORMATION TECHNOLOGY ADVANCEMENTS

Often times in periods of economic hardship, information technology advances are some of the first cuts made in order to conserve spending. For example, ODJFS requested, in the Governor’s budget, more funding to begin implementing a replacement system for CRIS-E, which is a state and county Medicaid database. However, because the state’s budget was tight, the General Assembly pulled back some of this funding.

While technological advances cost dollars on the front end, these advances save large amounts of money when implemented. Over the years, many advocates, along with the state, would have liked to see improvements and changes made to CRIS-E. But, because the system is built on such an old foundation, these changes are very difficult, if not impossible, to make. While many of these changes would have saved state and county dollars, they could not be realized.

CCAO and the commissioners urge the Governor and the General Assembly to focus available resources in the coming years on technological advancements in the human services arena. Such investments would yield great returns in terms of providing services to Ohioans and saving the state and counties precious dollars.

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 all of the following:

* Increasing or, at the very least, maintaining funding for the administration of local family and children first councils.
* Making the application process for the councils’ funding less cumbersome.
* 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.
INTRODUCTION

Ohio counties located in metropolitan areas are experiencing unique problems requiring specific actions and responses from the Administration and the General Assembly to aid them in the delivery of services to their constituents. Metropolitan counties also understand the importance of regional economies and the need to look at regional solutions to address the myriad of problems they confront. While most issues of metropolitan counties are covered in other areas of this platform document, the following are unique and of special importance to metropolitan counties.

COMMITTEE PRIORITIES

Metropolitan counties share many of the same issues and problems faced by other counties in the State of Ohio. While the problem in Metropolitan counties often times is distinguished by the magnitude, size, and concentration of the problem, Metropolitan counties especially want to stress the importance of the following policies that have been addressed in detail by various other CCAO Standing Committees:

CHILDREN SERVICES
See page 18

CHILD SUPPORT
See page 18

INDIGENT DEFENSE
See page 22

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 up 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
See page 9 for recommendations on auto title fees, real estate settlement fees, impact fees and other user fees

Provision of Municipal Prosecution
Metropolitan counties support legislation giving commissioners flexibility to provide municipal prosecutors either through municipal law directors, the county prosecutor, or by contract with private law firms.

Committee Recommendations

CASINO GAMBLING
In the event legislation is passed or a statewide ballot question is advanced that enables 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 now is limited to capital projects, can be employed more flexibly by local transit systems. The Ohio Department of Transportation also should 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 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 public utilities, as are municipal water and sewer lines, for purposes of ODOT sponsored road improvement projects.

COOPERATIVE BOND POOLS

Metropolitan counties 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 commissioners in larger counties to waive bid and performance bond requirements on commodities and construction projects, provided that in the case of construction projects, the waiver is only for projects up to $250,000.

TRANSFER OF REAL ESTATE TO NON-PROFITS

Metropolitan counties support granting 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 also will study the pros and cons of 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

Metro counties support increasing funding for metropolitan infrastructure, improving relationships between MPOs and ODOT, and providing additional funding for non-highway uses like transit and for air and water quality.

PROVISION OF SERVICES WHEN LAND IS ANNEXED

CCAO supports 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, the law should provide for enforcement authority or penalties to the municipality not delivering committed services.

BOARD OF REVISION NOTICE REQUIREMENTS

CCAO supports changes to the “certified mail, return receipt requested” requirement in state law so that the Board of Revision has flexibility to provide other means of delivery that does all of the following: (1) confirms service has been provided, (2) results in cost savings to the county, and (3) is more desirable from the perspective of the parties affected by a decision of the Board of Revision. Additional changes are proposed in the Fiscal, Economic Development, and Infrastructure Committee on page 7.

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 provides 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 mil per dollar on the assessed value of the property of the county should be reviewed to assess its relevance to current fiscal realities.
Committee Priorities

INDIGENT DEFENSE – A STATE RESPONSIBILITY

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.” The Task Force Report found “an excessive portion of the burden of providing indigent criminal representation is being borne by county governments,” and stated it strongly believed that “counties should be responsible for no more than 50 percent of the costs.”

In a July 2008 report evaluating the operation of the Hamilton County Public Defender’s Office that the Hamilton County Commissioners requested, the National Legal Aid & Defender Association (NLADA) claimed that Ohio is abdicating its constitutional duty under the 1963 U.S. Supreme Court decision in Gideon v. Wainwright to provide indigent counsel and that state government primarily is responsible for this failure. Ohio is one of only two states that have reduced the reimbursement percentage to counties over the past thirty years. Meanwhile, thirty states fund their public defender systems totally from state revenues and require no contribution from their county governments. While the NLADA report acknowledged that state policy makers must balance other demands for funding and that they could argue they lawfully were entitled to pass along their obligations to counties, the report maintained that the failure of the counties to meet constitutional muster regarding the right to counsel does not absolve state government of its original responsibility to assure its proper provision.

This issue remains one of the top priorities of CCAO and goes well beyond funding concerns. The issue is about systemic reform and social justice. The state should begin moving toward the assumption of full responsibility for the provision of indigent defense representation in Ohio. In the interim, counties will seek to meet the indigent defense obligations of the state to the best of their ability while urging the state to live up to its original agreement to reimburse the counties for 50% of their expenses incurred to provide indigent defense counsel.

Legislative Steps

The 126th General Assembly included provisions in the FY 06/07 budget bill (HB 66) establishing an up-front indigent defense application fee to be paid by persons seeking indigent defense representation and eliminating the statutory, rather than constitutional, obligation to provide indigent defense to certain parties in certain civil proceedings involving private custody and visitation procedures in juvenile court.

Three legislative initiatives occurred during the 127th General Assembly. HB 119 (the FY 08/09 biennial budget bill) included a provision that required the transfer of the unencumbered balance in the Supreme Court’s operating line item at the end of FY 08 to county reimbursement during FY 09. Although the Legislature anticipated this would provide an additional $1.5 to $2 million for reimbursement, the actual amount turned out to only be about 10% of the expectation. SB 209 placed a “surcharge,” levied on a graduated scale, on the penalties for “operating a motor vehicle while intoxicated” (OVI) convictions. HB 562, the budget correction and capital appropriations bill, included the creation of a new $10 court cost on all moving violations and allocated $5 of this new cost toward indigent defense reimbursement. The revenue from these sources will be allocated to a “rotary fund” dedicated for indigent defense reimbursement. Consequently, this revenue has been, in effect, “earmarked” for reimbursement and will supplement, not supplant, general revenue fund appropriations made for indigent defense reimbursement.

While these small steps move the state/county partnership in the right direction, their collective result offers minor relief to the counties from the excessive burden the state places upon the counties to meet the state’s constitutional obligations to provide indigent counsel.

One area that the counties continue to grapple with is the verification of indigency. Although it is the courts’ responsibility to determine an applicant’s indigency or eligibility for a reimbursement, recoupment, contribution, or partial payment program pursuant to Rule 22 of the Supreme Court Rules of Superintendence, we find the courts lax in accepting and fulfilling this responsibility. Commissioners are without power to insure the courts comply with their obligations and consequently are frustrated in their belief that the system costs are greater than they should be and look to the legislature for a remedy to this issue.
An additional small step that could be taken would be to increase the current Indigent Defense Application Fee of $25 up to $50 and allocate the increase to the county collecting the fee.

Reimbursement History

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 hit an all-time low in FY 08 at 26.8% and has steadily fallen off from 48.8% in FY 2000. At the same time, the statewide cost of providing indigent defense has increased at an alarming rate. In FY 2000, the system wide costs were $70 million. In FY 08, the actual cost was $112.9 million and, for FY 09, it is projected to be $120 million. This is an increase of 70.2% since FY 2000.

HB 119 (the FY 08/09 biennial budget bill) provided general fund appropriations of $30.8 million for FY 08 and $30.5 million for FY 09 for indigent defense reimbursement. The final level of reimbursement for FY 09 will be affected by several factors. The amount left unencumbered in the Supreme Court operating line item was only about 10% of what the Legislature anticipated. Executive budget cuts, which will need to be taken in order to balance the state budget at the end of FY 09, will reduce the GRF appropriations for reimbursement. But also, as noted above, the counties will be seeing the two additional revenue sources dedicated to reimbursement come online. The Public Defender’s Office estimates that the increase in OVI penalties and receipt of 50% of the new $10 court cost should yield about an additional $5 million for reimbursement for the balance of FY 09. The end result should be a reimbursement rate that is in the neighborhood of 28%.

DYS JUVENILE JUSTICE FUNDING

The state should increase funding through the Department of Youth Services for juvenile detention services. RECLAIM and the Youth Services Grant (510 line item) are the major components for juvenile justice funding and absolutely are critical funding programs for Ohio’s juvenile courts, accounting for approximately 33% of all of their operating budgets. RECLAIM saw a $600,000 increase in funding for the FY 08/09 biennium over the previous biennium, raising the appropriation to $30.6 million for both years of the biennium. The Youth Services Grant continued to be flat funded, as it has been since FY 03, at $18.6 million in each year of the FY 08/09 biennium. Together, these line items have seen almost a 10% reduction in funding from the FY 02 appropriation levels.

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.

DRC COMMUNITY CORRECTIONS FUNDING

The Department of Rehabilitation and Correction funds locally based programming through the Division of Parole and Community Services. These “community corrections act” line items saw slight increases in funding for the FY08/09 biennium. The Felony Diversions (407 line item) increased about $300,000 to $16.5 million in FY08 and then another $30,000 for FY09. The Misdemeanor Diversions (408 line item) increased by about $200,000 to $9.3 million for both years of the biennium.

These programs are extremely successful, and CCAO asks that their funding be increased. DRC now bases its funding for these programs upon evidence-based analysis and best practices models. The Felony Diversions 407 line item currently supports 49 programs in 44 counties and serves over 9,500 felony offenders. The Misdemeanor Diversion 408 line item currently supports 109 programs in 78 counties, which divert over 19,400 individuals a year from the county jails.

DRC SUPPORT FOR COUNTY PROBATION SERVICES

The DRC Division of Parole and Community Services currently provides assistance to county common pleas courts by providing staff resources from the Adult Parole Authority to assist those courts with probation services. The Adult Parole Authority currently has agreements in 52 counties providing probation supervision for over 13,000 county probationers and pre-sentence investigation reports for the local common pleas courts. This assistance, which is valued at approximately $680,000 annually, must be continued.

COUNTY JAIL INMATE MEDICAL COSTS

Counties greatly appreciate the provision in the state biennial budget bill for FY 06/07 requiring that health services provided to jail inmates must be billed at the Medicaid reimbursement rate. This has been a significant step towards helping to control the spiraling increases in jail medical costs. Prior to that time, counties found themselves unable to negotiate effectively for competitive discounts because of their constitutional obligation to provide such care. Counties also support the recent policy change adopted in HB 215 of the 127th General Assembly that will suspend, rather than terminate, an individual’s Medicaid eligibility while that individual is incarcerated in a state or local correctional facility. This will allow an individual to begin again receiving benefits immediately upon release from confinement rather than having to go through the time consuming process of applying to reestablish benefits. The Ohio Department of Job and Family Services has been directed to take the steps necessary to begin implementation of this policy not later than September 2009.
CCAO asks that the state support federal reform (Restoring the Partnership for County Health Care Costs Act - H.R. 5698 – last Session) that would remove the so-called “inmate exception” that prevents federal medical benefits from being paid for people in jail whether or not they have been convicted of a crime. Current federal benefits rules that states must follow leave counties solely responsible for the medical expenses of jailed individuals. As a result, qualified individuals who have been jailed automatically are stripped of their federal benefits before they have been convicted of anything. This appears to be a direct contradiction of the basic presumption of innocence, which is the foundation of the American criminal justice system.

The state also could 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 CAPITAL CONSTRUCTION FUNDING FOR COUNTY JAIL FACILITIES

County jail overcrowding and facility age are threatening severely the integrity of Ohio’s system of justice and the public safety for all Ohioans.

Ohio’s county jails continue to exceed their recommended capacities. The average daily jail population now exceeds 20,000, with over 560,000 bookings per year. More than half of the individuals in county jails are there as a result of felony charges brought on behalf of the state. Jails are not a “local problem.” Counties’ jails are an integral part of the state’s criminal justice system, playing a critical role in the administration of justice and the protection of public safety. However, no state support currently is provided for jail operating or capital costs.

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. 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.

Many county juvenile detention facilities similarly are reaching the end of their useful life expectancy. The General Assembly should provide capital construction funding for juvenile detention facilities to help offset the significant construction costs, which counties will be incurring.

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 doing any of the following: (1) serving sentences for a felony conviction, (2) being held by the Adult Parole Authority pending a parole revocation hearing, (3) being 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.

EMERGENCY 9-1-1 FUNDING AND MANAGEMENT

In the near future, management of a 9-1-1 system will be capable of significant consolidation with the advent of the next generation E-9-1-1 system, which will be IP based. At that point, it should be a priority to ensure that all counties have E-9-1-1 in place for all wireline, wireless, IP-based, or other mobile communication devices. CCAO recommends that E-9-1-1 management become the responsibility of commissioners as a county department. CCAO recommends that all calls to E-9-1-1 be received at a single centralized PSAP location within the county, complimented with appropriate redundancy, for dispatch to the public safety/service provider covering the area where the call originates. There should be a statewide uniform monthly charge against all numbers/addresses that will be able to access E-9-1-1. This charge should be in an amount that will raise sufficient revenue to allow for the operation the E-9-1-1 centers throughout the state; acquisition of the necessary hardware, software, and technology upgrades; annual maintenance of the system; and establishment of a reserve for funding the major system technology advances that will occur over time. CCAO believes that all voice/video/data communication providers should be guaranteed access to route their customers to PSAPs and be given the ability to recover their access technology costs from their subscribers.

Committee Recommendations

STATE FUNDING OF LEADS AND MARCS SYSTEMS

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 and should make funding available to local jurisdictions to cover the cost of hardware and software upgrades required by new technology applications.

The state also has committed to the MARCS radio system to provide interoperability among local responders’ communications equipment. One of the challenges to local govern-
ments wanting to utilize MARCS, however, is the cost prohibitive monthly user fee the state currently charges local responders for use of the system. The state should eliminate the monthly user fee for local governments.

MISDEMEANANT COURT SYSTEM RESTRUCTURING

CCAO believes that the current system of county and municipal courts is balkanized, functioning inefficiently and ineffectively, and, consequently, costing local government more than it should to operate. CCAO recommends that a complete review and restructuring of the misdemeanor court system take place. At that time, CCAO would be willing to reconsider the role of mayor’s courts.

COMMUNITY BASED CORRECTIONS FACILITIES

Community Based Corrections Facilities (CBCFs) are secure residential facilities that house individuals who have been diverted from the state’s prison system in order to provide them with intensive programming and rehabilitation services that will lead them to choose not to reoffend. CBCFs are created by the common pleas courts through the establishment of a judicial advisory board and are managed by a local facility governing board comprised of individuals appointed by the judicial advisory board and the county commissioners of the member counties. CBCF funding is provided through grants administered by the Department of Rehabilitation and Correction. An expansion of the current funding would allow for the diversion of more individuals from prison into the CBCF programming.

State law limits the time an individual can stay in a CBCF to a period of six months or less. However, new research and empirical analysis suggests that programming objectives and results are more effective and successful if treatment is extended beyond six months. CCAO recommends that the legislature work with the Department of Rehabilitation and Correction to determine if state law should be amended to allow for a longer maximum stay in a CBCF.

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 that they would not have engaged in had their cases been properly monitored and treated. The jails’ mission is not 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 cost upon these facilities and clearly is 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 healthcare 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 recently has 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 that 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 that would distribute all fine revenues to the jurisdiction that operates the police agency that 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.
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. The impact of legislation must 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 also 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 at 614-221-5627.

CCAO Policy Staff: (back row, left) John Leutz, Senior Policy Analyst; Josh Hahn, Policy Analyst; Brad Cole, Senior Policy Analyst; Larry Long, Executive Director. (front row, left) Cheryl Subler, Managing Director of Policy; and Beth Tsvetkoff, Policy Analyst.