Counties Commissioners Association of Ohio
Legislative Program for the 129th Ohio General Assembly

Maintaining & Advancing the Partnership

County government and state government are partners in delivering vital services to the citizens of Ohio. Under the partnership, counties are the agent of the state to deliver vital health and human services programs, serve justice and prosecute criminals, improve infrastructure, manage the complex property tax system, and foster needed job creation.

The challenge is how to maintain and advance the partnership given the state budget deficit and the significant reliance of counties on state revenues. While the need for stable state financial assistance to counties continues to be a centerpiece of county legislative initiatives, the realities of the state budget require a new approach and a new emphasis.

This legislative program thus looks at ways the Kasich Administration and the 129th General Assembly can remove or modify unfunded mandates; provide administrative flexibility and remove bureaucratic roadblocks that hinder common sense problem solving; empower county commissioners to generate additional revenue locally; and, institute management improvements to help county commissioners better manage county budgets.

Yet this legislative program goes even further by exploring basic structural changes in the way county government operates and in the way it interacts with other county elected officials, respected members of the judiciary and other local governments. How we can make counties work better for the taxpayer and reduce costs is a recurring central theme.

None of this will be easy. Many of our proposals will be opposed by other elected officials, judges, and other interests who like the status quo. Change is difficult, uncomfortable and threatening. Yet, CCAO believes that we must embrace change and look at opportunities during these times of economic challenge.

Areas of Interest for Ohio’s County Commissioners

Agriculture & Rural Affairs .......................................................... Page 5
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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.

Economic & Workforce Development
(Jobs, Economic Development, and Infrastructure - page 17)

Ohio’s economic development program must be customer focused, customer driven, and built collaboratively at the local level. Economic development initiatives should focus on business and employers as the customer of state/local coordinated assistance and must simplify and reduce the cost of doing business. In addition, workforce development must remain a locally-driven system connected to a community’s local businesses.

Preservation of Local Government Fund & Replacement of Tangible Personal Property Tax Revenue
(Taxation & Finance - Page 29)

The Local Government Fund (LGF) is the single most important element of state assistance to counties. The LGF formula must be retained as a fair approach to sharing revenue that is responsive to economic cycles. CCAO supports the unfinished business of tax reform by providing a long-term funding replacement for local revenues lost due to the elimination of the tangible personal property tax. The loss of revenue to county general funds and county levy funded agencies is $273 million.

Administration of Justice
(Public Safety & Criminal Justice - Page 25)

While an independent judiciary is a hallmark of our government, counties shouldn’t subsidize it. Counties are obligated to fund the budget requests of courts yet have no authority to manage, direct, or control court operations. Therefore, as with indigent defense, the state should begin moving toward the assumption of full responsibility for the operation and management of common pleas courts. The state also should undertake a restructuring of the misdemeanor court system and unify the probation system. Finally, as the state seeks to reduce its prison population, funding must be directed to support community corrections programs.

Provision of Core Human Services & Efficient Administration
(Health & Human Services - Page 13)

Adequately fund the core human service safety net including Food Assistance, Medicaid, Ohio Works First (cash assistance), adult protective services, child welfare, child support, and child care as vital to maintain supports to keep people working and for those unable to work. Support management efficiency initiatives, automation strategies, and shared service models while stressing that adequate county administrative funding is essential in times of expanding caseloads.

Shared Services
(General Government & Operations – Page 8)

CCAO seeks the ability for a board of county commissioners to require other county offices to use centralized services for purchasing, printing, human resource functions, electronic networks and phones, as well as mail functions.

County Government Reforms
(General Government & Operations – Page 7 and Metropolitan & Regional Affairs – Page 24)

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 seeks specific authority to share, combine, or reorganize structure and service delivery models within and across county boundaries. Commissioners also support changes in the statutory qualifications for county engineers. CCAO supports cost allocation to townships for all mandatory services provided by the county.

County Revenues & Budget Control
(Taxation & Finance – Pages 29-32)

Provide broad county revenue flexibility, adjust user fees established by state law and provide county flexibility for other user fees; repeal, modify or provide state funding or revenue source for unfunded mandates; give commissioners enhanced management control over all county budgets; and, allow commissioners to allocate general fund costs to special funds and to access special funds during periods of fiscal stress.

Elections Administration
(General Government & Operations – Pages 7-8)

Oppose unfunded mandates and address the growing cost of administration resulting from recent reforms.

Emergency 9-1-1 Funding & Management
(Public Safety & Criminal Justice – Page 27)

The current 28 cent monthly charge on wireless phones for 9-1-1 service expires at the end of 2012. In its place a permanent state-wide uniform monthly charge against all phones should be enacted. This charge should be sufficient to allow for the operation the E-9-1-1 centers; the acquisition of the necessary technology and upgrades; and, system maintenance and a reserve fund for technology advances. E-9-1-1 centers should be consolidated at a single PSAP location within a county or region managed as a commissioners department.

Development Impacts on Transportation Infrastructure
(Jobs, Economic Development & Infrastructure – Page 19 and Agriculture & Rural Affairs – Page 5)

Counties need additional resources to address new infrastructure demands of rural and urban areas. Developers need to notify county officials of major developments impacting roads and should collaborate in assuming shared maintenance responsibility. CCAO also supports new local tools like transportation innovation authorities to help with multi-modal projects that create jobs.
Committee Priorities

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, and 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 and funding to assist in local administration, monitoring and enforcement. In addition, authority should be granted so that the holder of any new easement may charge a fee to support mandated responsibilities.

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 review of Clean Ohio Fund distribution between the Ohio Farmland Preservation Office and Natural Resources Assistance Councils, as well as the inclusion of farmland for eligibility in greenspace/openspace project funding. In addition, CCAO supports efforts by 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 consult 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.

Ohio’s agricultural industry contributes $93 billion to the state’s economic growth and employs one-in-seven Ohioans. Thus, CCAO also recommends the state’s economic development efforts focus various incentives and or development grant monies toward development of rural infrastructure necessary to support this industry.
Committee Recommendations

FUEL QUALITY TESTING

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

FAIRGROUND FUNDING

CCAO recognizes the current limitations of state funding and supports the renewal of state funding for county and independent fairground improvements when funding is available. These facilities often are one of the most important economic development tools a local government has and highlight the largest industry in Ohio.

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 is required to follow certain guidelines set by the University Administrative Offices. CCAO also supports OSU Extension in recent efforts to provide flexibility in staff distribution and programming.

FUNDING OF OARDC

CCAO supports a continuation of 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. CCAO supports the efforts of entities such as Connect Ohio in assisting in these efforts, particularly in rural counties facing such unique challenges due to access issues, terrain, and density. These services also are critical in attracting economic development.

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. Counties should have the permissive authority to make use of utility infrastructure, such as cell and cable towers, for county emergency communication equipment. Similarly, counties should have permissive authority to work with utility providers to lease fiber lines and linear corridors for enhancing internet access.

R C & D FUNDING

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

JOINT COUNTY PROJECTS

The Ohio Revised Code is unclear on many issues under the county and joint county petition ditch law, soil and water conservation improvements as well as maintenance assessments which create unnecessary legal expenses and misunderstandings for boards and petitioners. The code is not clear as to the role and responsibilities of the “lead county” fiscal agent and the “lead county” responsibilities for handling administrative functions for the joint board. CCAO advocates for legislative changes that would add clarity to these issues.

STUMPAGE REVENUE

CCAO seeks a legislative change offering clarity to the sale of timber from state forests. The association is concerned the ODNR practices of “merchandised timber sales” is an attempt to avoid the state’s responsibility to redistribute the required 25% net value of standing timber sales with county governments under ORC Section 1503.05.

SOIL AND WATER FUNDING

CCAO supports the continuation of a state funding match to incentivize investment in soil and water conservation districts.

COMBINED AG LEVY AUTHORITY

The General Assembly recently passed legislation specifically authorizing the use of property levies for the support of OSU Extension and soil and water districts. CCAO supports similar authority for the funding of county fairgrounds as well as permissive authority to combine such levies under a single “county agriculture levy”.

FUNDING FOR ENVIRONMENTAL POLLUTION ABATEMENT PROGRAM

In light of recent concerns over environmental damage to state waterways, CCAO supports increased state and federal funding for the Ohio Department of Natural Resources’ environmental pollution abatement program to encourage best practices.
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 most 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. In addition, all legislation, including the state budget bill, should be reviewed prior to its enactment for possible impact on local governments.

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:**
While some improvement has been made in bolstering the state’s commitment to reimburse counties for the cost of indigent defense, the reimbursement remains below the 50% partnership benchmark, at an estimated rate of 35%. CCAO urges the state to continue to move in this positive direction and to work with the State Public Defender’s Office to implement a computerized information collection system that can produce data and foster analysis in order to facilitate a more efficient system overall.

**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. Absent such funding from the state, and given the unique power of local boards of elections to seek judicial relief in budget deliberations, CCAO would recommend boards of election members and staff become state employees and the state fund election services.

In recent years, counties have also been alarmed by the costs associated with unforeseen directives from the Secretary of State’s office. CCAO recommends a financial impact statement be shared with counties and the legislature prior to the adoption of any directive. In addition, recent legislative proposals have included cost prohibitive measures such as the expanded use of early absentee vote locations and the proposed use of vote centers. CCAO believes the decision to use such election tools is best left at the local level and advocates for a requirement of a super-majority or three of the four county board of election members vote before such measures are employed.

CCAO also supports consideration of potential cost-saving measures as a reduction in polling locations, elections by mail, and limits on back-up paper ballots for DRE counties. The Association also advocates for curtailed special elections or, in the event they cannot be limited, a requirement that the political jurisdiction necessitating such election pay the county a percentage of the estimated cost of the election in advance.

**County Health Department Office Space:**
Office space costs of general health districts should become operating costs of the district in the same way such costs are classified in combined health districts. In addition, the use of voted health levies to fund office space costs should be specifically authorized, thereby providing an additional means to eliminate the unfunded mandate on the county general fund, since counties are not required to provide money for health departments’ operating budgets.
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 230 active TB cases each year in Ohio that can range from several thousands to well over $100,000 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 the conduct of 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, in whole or in part, 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. The Association believes CCAO should have a seat on the state HAVA Advisory Committee. Further, CCAO believes any future additional HAVA dollars should be directed towards alleviating current election costs such as voting machine maintenance contract expenses, rather than diverted to new initiatives. 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 pleases 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.

In addition, CCAO seeks specific authority to enable boards of county commissioners to share, combine, or reorganize, in a larger district, the duties of the county coroner as well as the duties of the dog warden.

SHARED SERVICES
CCAO seeks the ability for a board of county commissioners to require other county offices to use centralized services for purchasing, printing, human resource functions, electronic networks and phones, as well as mail operations.

COST ALLOCATION TO TOWNSHIPS FOR MANDATORY SERVICES PROVIDED BY COUNTY
Townships should be charged, on a cost allocation methodology, for all mandatory services provided by the county, including but not limited to services provided by the county engineer and prosecutor.
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 surveyors 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, the ability to contract with the private sector to provide services, and the ability to advertise on county websites.

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. Counties should also be authorized to use internet reverse auctions for capital improvement projects. 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.

Recent legislative proposals would have furthered efforts to 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 would similarly have authorized 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 should also 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 individual 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.

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.

Keep in mind that an elected official cannot accept a legislatively established salary adjustment in the middle of a term of office. Thus, any change in compensation that is effective prior to January 2013, will result in the 2 commissioners elected in 2012 receiving the adjustment in 2013 while the third commissioner waits until after their election in 2014 and takes office in 2015. In such scenario, the latter official will have gone 7 years without a salary adjustment.
PERMIT COUNTIES TO ENTER INTO SALE AND LEASEBACK CONTRACTS FOR COUNTY BUILDINGS

CCAO supports legislation to permit a board of county commissioners to enter into an agreement for the sale and leaseback of county buildings. Such agreements may include provisions for the lessor to make improvements to such buildings as a condition for such an agreement, including but not limited to renovations, energy conservation measures, and other measures necessary to improve the functionality and reduce the operating costs of the building(s). This authority would be similar to the authority granted by law to state universities and transit authorities and is intended to provide counties with flexible options for rehabilitating buildings and lowering costs.

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.

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.

CONSTRUCTION CONTRACT REFORM

CCAO supports the recommendations of the Ohio Construction Reform Panel (2008-2009) which would give state and local contracting authorities the option of utilizing multiple prime bidding, single prime bidding, construction manager at risk, and design build for public improvement projects. The existing law which was originally adopted in 1877 generally requires multiple prime bidding where separate bids must be entertained for each trade or type of work. CCAO supports a long overdue modernization of the law to provide counties with additional options for construction contracting that will result in reduced project cost, fewer change orders, better coordination of the various trades, and more timely construction of the project.

ANIMAL PREDATOR CLAIMS

Recently the state stopped reimbursing owners’ whose animals were killed by coyotes and black vultures. Counties seek similar parity and ask that the law be changed so counties are not responsible for compensating owners for injuries caused by dogs.

In addition, county dog wardens should not be required to investigate 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.

DOG REGISTRATION

CCAO supports continued flexibility in the dog license renewal process. The association also supports “point of sale” registrations to enhance compliance with Ohio's dog license requirements.

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.
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 sensitive, personal information, CCAO supports legislation allowing, but not requiring, county governments to use cost recovery for redaction and masking technologies.

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.

CCAO also supports continued changes to retention requirements enabling cost-saving methods for storing and maintaining public records.

REDUCTION IN CERTIFIED MAIL REQUIREMENTS

CCAO seeks a reduction in certified mail requirements. Certified mail between county offices should not be required. And, other means of communication should be allowed first to reach individuals, such as email and regular mail in certain circumstances.

RESTORATION OF THE PUBLIC DUTY RULE/REDUCING LIABILITY EXPOSURE

Based upon the Ohio Supreme Court’s decision in Estate of Graves v. City of Circleville (2010 Ohio 168), a county employee is potentially liable for their conduct which is found to be wanton and reckless even where that employee did not owe a duty to an individual member of the public. While sovereign immunity protects county employees in instances of mere negligence if a county employee can be shown to have acted wantonly or recklessly in the performance of a duty they are required to perform, under statute they may be held liable for their actions. The determination of whether a county employee’s actions amount to wanton or reckless conduct is a question of fact that usually requires a jury trial.

We seek a restoration of the public duty rule to protect county workers in performing the tasks of their already very difficult job. A deputy sheriff acting to protect citizens or a children service agency worker acting to protect a child’s interests should not be hampered by the fear of being held liable for their actions stemming from a mistake the deputy or worker did not intentionally make.

In addition, CCAO seeks to re-enforce that the existing statutory reporting requirements for the Association’s service programs set forth the scope of records that should be disclosed upon request.

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. Counties were granted limited furlough authority in SFY 09 and 10, and seek to extend such authority without demonstrating lack of funds or lack of work as the statute currently provides. In addition, counties should have the ability to reduce work week hours for fiscal reasons and not just disciplinary purposes.

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. In addition, counties seek the ability to go to common pleas court as opposed to binding arbitration (to resolve disputes around collective bargaining).
EMPLOYEE COMPENSATION

At a time when many county appointing authorities are freezing salaries or reducing them through furloughs, there remains the ability, and the occurrence from time-to-time, whereby certain county appointing authorities go against the norm in the courthouse to control spending and provide salary adjustments to their staff. These increases can come by way of a judicial court order to a board of county commissioners for more money in the personnel line item or by other appointing authorities who have the ability to seek court action.

Therefore, CCAO seeks the ability for a board of county commissioners to moderate the ability of the common pleas court and its divisions, along with the any board of elections from granting pay raises that exceed the annual percentage amounts approved by the commissioners for the other county elected officials’ staff salaries.

In addition, CCAO seeks the following benefit changes:

• Provide counties with similar authority the state has, so that an employee can choose to receive their pay-out of accrued but unused leave time in two calendar years, as opposed to one.
• Limit the amount of accrued vacation time employees can carry-over to the following year to no more than one year’s amount of earned vacation time.
• Specify that the sick leave schedule provided in the Ohio Revised Code provides the maximum amount of sick leave that can be granted to an employee. Case law has interpreted the statutory provisions to be a minimum floor.
• Clarify that an appointing authority, subject to a specific appropriation by the board of county commissioners, can provide a cash incentive to employees to induce retirement.

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.

In addition, counties seek the following:

• Permissive authority to charge back administrative costs of operating a workers compensation program to participating county offices and departments.
• Allow claims for emergency management volunteer workers that arise during training to be charged to the state surplus fund. Currently, claims for such individuals during an actual emergency are covered by the surplus fund. CCAO would like all costs associated with training and an actual emergency for these individuals to be covered by the surplus fund.
• Authority for a group retro sponsoring association to manage the finances relating to assessments and refunds.
• Allow employers who elect to be self-insured for workers’ comp to purchase aggregate stop loss coverage in order to manage the financial risk.
• Collaborate with the bureau of workers’ compensation and other public employer associations to enhance the current group rating, group retro, and self-insurance programs, and to explore the feasibility of other options such as employer association sponsored group self-insurance programs.

UNEMPLOYMENT COMPENSATION ELIGIBILITY

CCAO supports legislation to tighten eligibility for unemployment compensation, including granting broader appeal rights to employers who are not the last employer of record but still fall within a claimant’s benefit period. 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.
Committee Priorities

PARTNERSHIP IN DELIVERING HUMAN SERVICES PROGRAMS

In partnership with the state, counties operate a host of human services and 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 desire to enhance the partnership between the state and counties. 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 an increased demand for services at a time of strained state and county budgets. Since 2007 county departments of job and family services experienced a 47% cut in income maintenance funds and an annual cut of $128 million, amounting to a 35% cut in TANF funds. During this same time period departments lost approximately 3,250 employees while experiencing a 54% increase in food assistance caseloads, a 34% caseload increase for Ohio Works First (cash assistance), and 30% growth in Medicaid. It is also expected that SCHIP will add an additional 79,000 children to the caseload and under health care reform it is estimated that an additional 525,000 Ohioans will qualify for Medicaid in 2014, a growth of 25%.

The math no longer works. County departments of job and family services simply cannot sustain additional cuts under the current service delivery model, and are working to see how they can implement management efficiencies, automation strategies and shared service models to assure that priority services can be delivered to those in need. 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 assistance, 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 in 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.
- Work with counties to implement efficiencies that can save precious dollars in the areas of child care, Medicaid, and Food assistance. Examples include developing multi-county call centers, sharing staff or services, and developing specialities within counties to provide services to other counties.
- Ensure that counties have adequate Income Maintenance Control funding to manage increasing program participation, and continue to allow flexibility in the use of state GRF funds at the county level.
HUMAN SERVICE TECHNOLOGY, MODERNIZATION AND EFFICIENCY INITIATIVES

Among the largest issues that transcend all of the human service programs, and is one of the largest barriers to efficiency, is the need to modernize technology. Current state databases and tracking systems were created almost 30 years ago and do not allow the state or counties to create a faster-moving, cost-effective, and stronger systems.

In periods of economic hardship, information technology advances are often some of the first cuts made in order to conserve spending. For example, ODJFS has requested, in recent budgets, 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, supported changes 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 urges 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. In addition, CCAO urges enhanced information exchange between local government agencies and systems by removal of state barriers to client specific data sharing between sets, CRIS-E, sawcwis and other systems.

Also, during challenging economic times an enhanced effort should be made to modernize current operations and make them more efficient. CCAO supports the following modernization and efficiency initiatives:

- Align Medicaid, TANF, and Food Stamp eligibility requirements and redetermination periods.
- Simplify the medical disability determination program. Changes to the current structure can be made cost effectively and would achieve great savings in the program by coordinating with the Social Security Administration.
- Waive the face-to-face interview requirement for the Medicaid Aged, Blind, and Disabled program.
- Waive the quarterly reporting requirement for Transitional Medicaid.
- Remove the signature requirement for initial applications and redeterminations so that phone interviews are permitted.

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 passed levies or committed county GRF to fill the void, while others have had to make do with considerably fewer resources.

CCAO was grateful when the Administration and General Assembly, in the FY 08/09 budget, restored the child protection allocation to 10% of the total child protection budget; however, cuts in the last state budget have reduced the state participation level to 6%. We urge this allocation be restored to the 10% level if funds become available and 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 restoring the specific TANF investments made for Kinship Permanency, Adoption Incentives, and Independent Living. In the FY 08/09 budget, if funds become available and provided these investments do not affect the counties’ base TANF allocation. In the FY 08/09 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. Unfortunately, these investments were cut by 50% in the last biennial budget. Additionally, CCAO urges 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 created a $20 million annual shortfall in local dollars which when matched with federal dollars creates a total shortfall of $60 million. Fortunately, the Administration and General Assembly originally filled this hole with state GRF; however, the ultimate solution is for the permanent restoration of the ability to use incentive for match at the federal level. Incentive match was restored for a two year period and CCAO urges Congress to restore the ability to use incentive for match for at least another two years. In the event federal restoration is not successful, CCAO supports replacement funding for those federal dollars. We ask, however, that this replacement funding not come from other human service programs.
programs or other county-intended revenue. The state should also reconsider its authority under the DRA to impose a $25 fee on child support parents as it could generate an additional $3-5 million in needed revenue to administer the system.

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

Finally, CCAO supports the streamlining of administration of county processes for county agencies including the provision of notices and modernization of child support forms; the enhancement of technology for customer access to reduce the number of inquiries to agency staff; and, urges implementation of the recommendations of the Guidelines Council.

ADULT PROTECTIVE SERVICES

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

In the final version of the FY 08/09 budget bill, the General Assembly re-established the APS line item and appropriated $500,000 each year of the biennium. This appropriation, however 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. Then during the last biennium, this miniscule statewide appropriation was cut by 10%. CCAO urges the Governor and General Assembly to remove the MOE requirement and appropriate funds not already used for protective services to adequately fund the line item.

Committee Recommendations

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.

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 ORC Chapter 111. 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.

Counties have now officially become 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 are not sub-recipients. In this new world of sub-recipiency, we urge ODJFS to begin issuing rules under ORC Chapter 119, which requires that the rules go through JCARR. This change would be consistent with the fact that counties now are sub-recipients.

HIGHER EDUCATION TRANSITIONAL FOSTER YOUTH SERVICES

Nationally 42% of children aging out of the foster care system end up in the penal system. CCAO supports better coordination between the Board of Regents and public universities to foster youth success by addressing housing plans during breaks and during the summer for former foster youth university students. CCAO also supports the use of Ohio instructional grants to fill gaps in foster youth tuition and book needs and encourages better coordination with Pell grants, university grants, and education and training vouchers.

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. Local Family and Children First Councils work to reduce duplication of services and to help families navigate health, social, and human services. In order to perform these coordinating functions, each county, regardless of size, was traditionally allocated $20,000 to administer Family and Children First Councils. This amount was reduced to 16,257 in FY 10 and $17,069 in FY 11, and should be restored. 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 and tracking processes for the funding administered by councils 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.
CHANGES TO THE COUNTY VETERANS SERVICE COMMISSION LAW

CCAO supports the enhanced ability for the board of county commissioners to review and revise the budget of the county Veterans Service Commission, especially as it pertains to the administrative and operational expenses of the commission. 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. The mandate contained in ORC 5901.11 to fund the Veterans Service Commission 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 studied by the Department of Veteran Services in an effort to identify alternative funding options to replace current county funding while still ensuring veterans receive assistance. The Department of Veteran Services should provide funding for any training that is mandated by the department. Finally, the board of county commissioners should become the appointing authority for veterans to serve as members of Veteran Service Commissions instead of judges.

MANDATED SHARE OF HUMAN SERVICES

Eliminate the mandate that county general funds pay a formula share to the department of job and family services. Local general funds must begin to focus on priority county services and be freed from the mandate to support the federal government’s programs. If the mandated share can not be eliminated, limit the maximum increase to not more than the previous year’s increase in the consumer price index.
Committee Priorities

ECONOMIC DEVELOPMENT – CUSTOMER FOCUSED

Counties are partners with the state in facilitating economic development by creating an environment which is conducive to job creation. Counties actively are engaged in constructing infrastructure, providing a trained workforce that meets an employer’s needs, assuring a competitive tax structure, and developing community assets that provide a quality of life that is attractive to employers.

During 2010 CCAO convened a forum comprised of commissioners, county economic and workforce development professionals, and other county partners who are involved in workforce and economic development to define the parameters for a successful economic development program for the State of Ohio, “Redefining Ohio’s Economic Development Assistance for Success - The County Commissioner Perspective” the full white paper developed by the CCAO as a result of this process is attached as Exhibit A.

CCAO believes that the primary goals for Ohio’s economic development program should:

• Recognize that the business/employer as the job creator is the customer, not the employee.
• Foster an approach that simplifies and reduces the cost of doing business in Ohio.
• Respond at the “speed of business” when offering government assistance.

In order to facilitate these goals Ohio’s economic development program must meet the following objectives to be:

• Customer focused and customer driven.
• Responsive to the business communities’ needs.
• Built collaboratively at the local level.
• Administered in a comprehensible and streamlined approach.

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.

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 alternative 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. However, CCAO believes the decision to incentivize such technologies with local tax abatements should remain with local political subdivisions. 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% 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.

**LAND USE REGULATION AUTHORITY**

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

- Authority to impose impact fees on new development to assure the general taxpayer does not pay for the entire cost of expanded infrastructure needed as a result of new development.
- Authority to enact zoning for the purpose of promoting the general welfare and to encourage the preservation of agriculture and agribusiness.
- Authority to require development proposed within areas designated for agricultural preservation in a county land use plan 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 or tax increment financing that a township or municipal corporation grants within a county. CCAO recognizes the value of tax abatement as an economic development tool and supports retention of county authority to provide tax abatement under a revised statutory format necessitated by the elimination of the tangible personal property tax.

**Committee Recommendations**

**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. CCAO also seeks authority for a “one stop shop” for permitting and inspections for construction occurring within the unincorporated areas of the county including the same authority that municipalities currently have to do plumbing inspections without the acquiescence of the county health department.
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.

BOND POOLS FOR ECONOMIC DEVELOPMENT

CCAO requests broader authority for county government to use its taxing authority for bond pools for economic development.

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, 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.

TRANSPORTATION INNOVATION AUTHORITIES

CCAO supports the enactment of legislation to allow local governments, with the consent of each of the participating local governments legislative authorities, to create transportation innovation authorities.

PERMIT HEALTH DISTRICTS TO REQUIRE SEWER CONNECTIONS FOR BUILDINGS LESS THAN 200 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.
RAILROAD GRADE SEPARATION FUND
CCAO supports continued funding of grade separation projects in communities experiencing high levels of train traffic along major rail corridors that intersect at grade with heavily traveled highways. Funding for grade separation projects should be paid for from existing revenue sources including motor vehicle gas taxes and state transportation bonds.

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.

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.

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. In addition, the law should be modified to conform with federal law providing that the prevailing wage rate as included in the bid package shall remain in effect throughout the entire period of the project. This modification would eliminate the cost to the county for contractor's estimates of anticipated rate changes as well as the administrative cost related to providing rate increase notifications.

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. While Ohio worked extremely hard to meet the 1997 standard of .084ppm, accomplishing the goal with the re-designation of the Cincinnati area as in attainment, in March 2008 the US EPA adopted a more stringent ozone standard of .075ppm. Already challenged with meeting this new standard, US EPA now is proposing to lower the standard to a level somewhere between a range of .070 and .060ppm.
In addition to the ozone levels, the US EPA adopted a more stringent fine particulate standard in September 2006. New non-attainment designations were effective February 2009, and Ohio EPA will be required to prepare and submit plans by February 2012. Further, 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.

Because of the substantial costs of potential programs required to meet such attainment standards 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.

WATER QUALITY

Where environmental regulations such as the Clean Water Act are concerned, local governments have a critical need for clarity, predictability and consistency; for policies that reflect scientific consensus; for common sense enforcement; and for careful cost-benefit analysis as part of the policy making process. At the same time, CCAO understands that fair and reasonable environmental regulations must be balanced with responsible stewardship of our natural resources.

Agencies and communities are being hampered by a prescriptive approach to evaluation of local financial capability used by enforcement officials of the federal government. The federal regulatory framework is being applied in a way that fails to adequately consider local economic conditions and the need for effective prioritization and scheduling of significant water quality investment. This federal approach will produce unprecedented wastewater rate increases across Ohio, significant community disruption from construction programs and, in many cases, limited incremental improvement in overall water quality. Given the current economic conditions in the State of Ohio, these programs could have a devastating effect on the state’s economic development goals.

Ohio’s financial capability assessments should be based on the basic principles reflected in EPA guidance, but should further evaluate appropriate unique local conditions that apply to the community by: quantifying all relevant economic factors impacting financial capability, including housing burden, state and local tax burden, impacts on business competitiveness, projected population and employment trends, poverty and low income populations, community construction impacts, availability of local contractors, construction inflation, and historical water quality investments.

Local financial impacts are best evaluated by local officials, not the federal government. The state’s framework should assign primary responsibility for defining water quality investment implementation schedules to Ohio wastewater agencies and their local and state officials, who can base schedules on their assessments on the financial capabilities of, and implementation impacts on, the communities they serve.
INTRODUCTION
Ohio counties located in metropolitan areas are experiencing unique problems requiring specific actions and responses from the Administration and the General Assembly to assist 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 a myriad of problems. While many metropolitan county issues 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 is often distinguished by the magnitude, size, and concentration of the problem, Metropolitan counties 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 14

CHILD SUPPORT
See page 14

INDIGENT DEFENSE – A STATE RESPONSIBILITY
See page 25 and Appendix B - page 38

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 1% 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
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, authority should be granted 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, including bio-diesel and ethanol, 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. CCAO also supports an increase in clerk of court docketing fees, auto title fees, and a change in settlement fees of the county treasurer and auditor.
**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 REVENUE**

Casino gambling revenue to be allocated to counties under the Ohio constitution should be distributed to the county general fund for flexible use by counties through the county appropriation process. The state should not reduce other state assistance to counties because of this new county revenue source.

**FUNDING FOR URBAN PUBLIC TRANSIT**

Metropolitan 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**

Metropolitan 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. Metropolitan 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. Counties should also be authorized to use reverse auctions for capital improvement projects.

**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 for vital community and economic development purposes under rigorous procedures that protect the public interest.

**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 metropolitan counties.

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

Metropolitan counties support increasing funding for metropolitan infrastructure, improving relationships between MPO’s 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 promised 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 Taxation and Finance portion of the Platform on page 56.

CHANGES TO THE COUNTY VETERANS SERVICE COMMISSION LAW

See page 16

CONTRACTS FOR DISPATCH SERVICES

There is also a need to clearly distinguish between the psap 9-1-1 call receipt function and the dispatch function and insure that a political subdivision that provides dispatch services for another subdivision can contract for and fully recover their costs in providing that service.

CONTRACTS FOR WEIGHT ENFORCEMENT

CCAO supports permissive legislation to allow counties to contract with other political subdivisions or the State Highway Patrol for county weight enforcement responsibilities under ORC Section 5577.13.

CHANGES TO THE ALTERNATIVE FORM OF COUNTY GOVERNMENT LAW

CCAO supports the recommendation of the Ohio Commission on Local Government Reform and Collaboration to amend ORC Chapter 302 to expand the forms of alternative county governmental structures that may be placed before the voters of that particular county. Current law permits an alternative statutory structure (if voter ratified) of the board of commissioners; this recommended change could, for example, permit structural alternatives to any aspect of county governance structures. This statutory change would enable any individual county governmental structure to be reformed while avoiding the extensive restructuring associated with enacting a charter. Any proposed change to the county structure would require placement on the ballot under the provisions of current law. Its enactment would require approval by a majority of those voting in a county-wide election.

AUTHORITY FOR COUNTIES TO REGIONALIZE SERVICES

CCAO supports the recommendation of the Ohio Commission on Local government Reform and Collaboration to amend the Ohio Revised Code to allow for the regionalization of services beyond county boundaries. Regionalization could potentially eliminate the need for existing traditional service delivery providers and allow for the elimination or downsizing of multiple providers. This could include: coroner/forensic medical examination services, traditional sheriffs’ department services, administration of justice services (courts, prosecutors, public defenders, etc.) and other services that are currently limited to an intra-county (within the border) status.

AUTHORITY TO ALLOW FOR TAX REVENUE SHARING

CCAO supports the recommendation of the Ohio Commission on Local Government Reform and Collaboration to amend state law to enable tax revenue sharing between local governments so economic development revenue can be shared across a region.
Committee Priorities

COURT SYSTEM RESTRUCTURING AND MANAGEMENT

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 misdemeanant court system take place. At that time, CCAO would be willing to reconsider the role of mayor’s courts.

CCAO believes that, as with indigent defense, the state should begin moving toward the assumption of full responsibility for the operation and management of the common pleas court system in the state thereby fostering a more collaborative and unified system.

CCAO is very concerned about courts that demand funding of budget requests that exceed funding parameters imposed upon other county officials.

CCAO would support legislation requiring a periodic review of the number of judgeships required in the various courts based upon population and case loads.

CCAO is following the reports and findings of the Justice Reinvestment Project and supports the concept of developing statewide probation supervision standards and data collection and the consolidation of the various courts’ probation departments into a single county-wide probation department.

INDIGENT DEFENSE – A STATE RESPONSIBILITY

This issue remains one of the top priorities of CCAO and goes well beyond funding concerns. The issue is about systemic reform. The state should assume full responsibility for the provision of indigent defense representation in Ohio, and in the interim, counties will seek to meet the indigent defense obligations of the state to the best of their ability. A more thorough expression of CCAO’s concerns regarding indigent defense can be found in Appendix B – “Indigent Defense – the CCAO Perspective”

In each of the last three General Assemblies new non-grf revenue sources have been created and dedicated to county reimbursement. These steps have taken the reimbursement percentage from its lowest level ever of 26.8% in SFY 08 to an anticipated rate of 38% for SFY 11. CCAO urges the state to continue to build upon this improvement that has been made in bolstering the state’s commitment to reimburse counties and move closer to its original agreement to reimburse the counties for 50% of indigent defense expenditures.

CCAO strongly supports the State Public Defender’s Office request to implement a computerized data collection and attorney payment system. This system will foster accountability, streamline the reimbursement system, and produce information that will guide changes to develop a more efficient system overall.

CCAO also requests that the current Indigent Defense Application Fee of $25 be increased to $50 with the additional $25 being allocated to the county collecting the fee.

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 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.

DRC COMMUNITY CORRECTIONS PROGRAMS – THE FOUNDATION FOR “REINVESTMENT”

As noted above, the CCAO supports the establishment of a uniform probation system throughout the state as recommended by the Justice Reinvestment Project. However, to be successful in this endeavor the “reinvestment” must be directed to building the infrastructure in the local communities to support a continuum of community corrections programs, drug and alcohol counseling, services for the mentally ill, and re-entry initiatives.

The Department of Rehabilitation and Corrections “community corrections act” programs should be used as the foundation upon which to build this infrastructure. These highly successful programs are funded through the Division of Parole and Community Services and because of their success saw significant increases in funding for the FY10/11 biennium. The Felony Diversions (407 line item) increased
about 32% to around $32 million for each year of the biennium. The Misdemeanor Diversions (408 line item) increased by about 20% to about $11 million for both years of the biennium. The Felony Divisions 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.

The state should make “community corrections act” programming a major priority for state funding and considerably increase the level of funding for these programs that are developed through evidence-based analysis and best practices models.

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 support will remain vital to successfully crafting a restructured probation system as contemplated by the Justice Reinvestment Project.

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 funding for the FY 10/11 remained at approximately $30 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 10/11 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.

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 county jail inmates must be billed at the Medicaid reimbursement rate. This provision should be expanded to include multi-county jail facilities which are governed by corrections commissions. This has been a significant step towards helping to control the spiraling increases in jail medical costs. Prior to that time, counties had found themselves without ability to effectively negotiate for competitive discounts because of their constitutional obligation to provide such care.

Under provisions of HB 215 of the 127th General Assembly, the Ohio Department of Jobs and Family Service was directed to implement a policy to 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 their benefits immediately upon their release from confinement rather than having to go through the time consuming process of applying to reestablish their benefits. The Department was directed to take the steps necessary to begin implementation of this policy not later than September 2009. While the policy is currently in place for the institutions operated by the state, the department has failed to extend the policy to the county jails and should be directed to comply fully with the provisions of the legislation.

CCAO asks that the state encourage the Congress to 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 must be followed by the states leave counties solely responsible for the medical expenses of jailed individuals. As a result, qualified individuals who have been jailed are automatically 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 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

The current 28 cent per month charge on wireless phones to support wireless 9-1-1 service expires at the end of 2012. In its place there should be a permanent state-wide uniform monthly charge against all numbers/address 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; the 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.

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. There is also a need to clearly distinguish between the psap 9-1-1 call receipt function and the dispatch function and insure that a political subdivision that provides dispatch services for another subdivision can contract for and fully recover their costs in providing that service.

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

COMMISSIONERS USE OF OUTSIDE LEGAL COUNSEL

The board of commissioners may employ an attorney other than the prosecuting attorney to represent it on either a particular matter or on an annual basis. However, the total compensation paid in any year for outside counsel cannot exceed the total annual compensation of the county prosecuting attorney. CCAO asks that this artificial spending cap imposed by ORC 309.09(c) be eliminated.

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 of cost upon these facilities and is clearly outside the purpose for county jails. Jail employees are not trained to manage individuals with mental illness. This population is at high risk for injuring themselves or others. The health care costs for these individuals are excessive. And, the housing of these individuals in a jail threatens public safety by taking up scarce bed space that was designed for and should be used for housing real criminals.
STATE SUPPORT FOR “SPECIALIZED COURT DOCKETS”

Emphasis 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.”

DISTRIBUTION OF FINES AND COSTS ASSOCIATED WITH PROSECUTION

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.

LOCAL COURT FILING FEES

Commissioners should be given the authority to impose local court filing fees to support the county general fund. The current authority for local court filing fees which can be established by the courts for specific purposes and special projects and are maintained as special funds under the control of the judges should be modified to require commissioner approval for expenditures from these funds by the court and authorize commissioners to declare and transfer surpluses in these funds to the county general fund.

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 offenses 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.

JUDICIAL TRAINING REQUIREMENTS

The costs of complying with the mandatory continuing education requirements for judges established by the Supreme Court should be paid by the state rather than the county.

VOLUNTEER FIRST RESPONDERS TRAINING

The number of hours required for a volunteer to become certified and maintain certification as a fireman or emergency medical service responder has become too onerous. The state should reevaluate the training requirements for these volunteer positions.

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 Public 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 governments 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.
Committee Priorities

IMPORTANCE OF PRESERVING LOCAL GOVERNMENT FUND

The Local Government Fund (LGF) represents the most critical element of state assistance to counties. In most counties the LGF is the third largest source of income to the general fund. The concept of sharing the major state taxes with local governments should be retained. From the perspective of counties, the LGF helps pay for various state-mandated programs.

Unfortunately, the Local Government Fund has been falling in recent years, posing an increasing challenge for counties. One reason for the decline in the LGF distributions is that from July 2001 to January 2008, the fund was frozen by the state so that increases in revenue were “saved” by the state and deposited in the state general revenue fund. LGF distributions also were cut by approximately $17 million dollars in 2002. The state saved $644 million from the fund during the six and half year time period. In addition, during the recent recession, LGF distributions declined by 14% in 2009.

Revenue distributions from the Local Government Fund to local governments are expected to remain flat in 2010. LGF distributions have gone from a high of $821 million in 2001 to an estimated distribution of $644 million in 2010, a drop of $177 million.

Beginning in January 2008, the legislature removed the “freeze” and placed the Local Government Fund on a percentage of tax receipts formula where the LGF received 3.68% of the major state revenue sources to the state general revenue fund. Under this formula, the fund and local governments would experience gradual increases in revenue during good economic times and reductions in revenue during periods of recession. After years of stagnant and declining revenue, the LGF formula established in 2008 must be given an opportunity to provide growth in revenue distributions to local governments as Ohio’s economy recovers from the current recession.

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. CCAO believes that the state needs to identify a permanent revenue replacement source for the lost revenue. Counties do not dispute the burden this tax placed on state economic competitiveness. The problem for local governments is simply a matter of revenue replacement. In calendar year 2004, tangible personal property comprised 9.33% of the statewide property tax base and the total assessed value of all tangible personal property in the state was $21.264 billion. Counties received approximately $273 million from the tax in 2004.

The commercial activity tax (CAT) was established to replace the TPP and the corporate franchise tax, but the replacement funding to local governments is phased down and ends in 2018. At the same time, the state continues to collect the commercial activity tax on a permanent basis, but only for state government purposes, including education funding.

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.
In addition, CCAO seeks permissive authority for a board of county commissioner to do quarterly budget allotments for any general revenue funded department and to allow a board to do such allotments for any special revenue fund. Currently a board of county commissioners may adopt quarterly budget allotments for ALL offices funded out of the general fund. As a result, commissioners are not able to address just a particular office or fund that is demonstrating spending concerns.

ACCESS TO SPECIAL REVENUE FUNDS DURING PERIODS OF FISCAL STRESS

Consistent with the authority of state government to divert money from certain special revenue funds to the state general revenue fund during periods of significant fiscal stress and to provide for the most efficient use of county resources, 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.

Where a county elected official has control over a special revenue fund, permit the official to authorize the commissioners to transfer money from the special fund to the county general fund. If the county elected official with control over a fund refuses to authorize a transfer, permit the commissioners subject to the conditions outlined above to transfer special revenue funds to the general fund.

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.

DEVELOPMENT IMPACTS ON TRANSPORTATION INFRASTRUCTURE

While CCAO supports the expansion and development of businesses, counties need additional revenue sources and assistance to address new infrastructure demands caused by that expansion and development. CCAO supports additional grants and revenue sources from the state to help finance such infrastructure. In providing additional support to counties for transportation infrastructure, the state needs to take into account the different needs of rural and urban areas by providing assistance to address specific types of infrastructure challenges that are unique to rural, suburban, and urban areas.

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 should work with local officials in exercising mutual responsibility to maintain the local highway infrastructure.

In addition to financial support from the state, CCAO also supports new local tools, including collaborative authority for local governments to create Transportation Innovation Authorities (TIAs). Transportation Innovation Authorities have been utilized by local jurisdictions in other states to finance cross jurisdictional and multimodal transportation projects that have created jobs.

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.

Committee Recommendations

WAIVER OF TAX BUDGET

Permit a board of commissioners to waive the tax budget provided the county budget commission is given necessary information on tax levy funds.

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 each 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.

TRANSFERS FROM MVG FOR COST OF INSURANCE AND SELF-INSURANCE

CCAO seeks consistency in several areas: 1) consistency between the joint self-insurance pool programs and self-insurance programs, relative to the payment of deductibles, so that they can be paid from funds or accounts from which a loss was directly attributable. This would require added language to the joint self-insurance pool programs. 2) consistency between the joint self-insurance pool programs and self-insurance programs, relative to the procedures for transfers from special revenue funds to the general fund for cost of insurance and self-insurance. This provision would be applicable to joint self-insurance pool programs. 3) flexibility in how the cost of property and liability insurance is attributed to funds or accounts. Current law provides costs are to be based on the relative exposure and loss experience. CCAO seeks an amendment to add “or any combination of these factors,” as actuaries have expressed some concern about using loss experience in this realm. This proposed change is consistent with language in the workers compensation statute.

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 and the existing sales and use tax in 1/8%, 1/4 %, or 1/2 % increments for any purpose now authorized by state law. The law 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 revenue in a fair and equitable manner from all segments of our evolving economy, CCAO supports the broadening of the state’s sales and use tax base to include additional services and Internet, catalogue, and telephone sales.

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

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.

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.

Support legislation authorizing the county commissioners to charge each office for the cost of an audit performed by the state auditor’s office. Authorize the state auditor to waive annual audits in favor of biennial audits for entities that the state auditor determines to be at low risk of having audit exceptions.
DEPOSIT OF ALL FUNDS IN COUNTY TREASURY

Under current law, there are a variety of bank accounts maintained outside of the county treasury. CCAO supports legislation to require all monies collected by county agencies to be deposited and disbursed from the county treasury and all outside bank accounts to be closed. Asset forfeiture funds should also be accounted for within the county auditor’s general ledger. 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.

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, authority should be granted 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, including bio-diesel and ethanol, but only if fees are charged to the fuel providers to fully fund the initiative. CCAO also supports legislation to accomplish the following purposes:

• 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.
• Permit coroners to charge fees for any testimony the coroner or the coroner’s investigator might be required to provide in civil cases.

Finally, CCAO seeks an increase in the current 50 cent fee to $2.00, which goes to the county auditor’s office, for the transfer or entry of land, lot, or part of lot, or the transfer or entry on or after January 1, 2000, of a used manufactured home or mobile home as defined in Section 319.54 (G) (2) of the Revised Code.

COUNTY BOARD OF REVISION CHANGES

CCAO 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 to a court.
• Require any person to be current in the payment of property taxes in order to file an appeal with the board of revision.

CCAO opposes legislation to permit anyone to appeal a decision from the county board of revision to the common pleas court. Appeals from the board of revision to the common pleas court should remain limited to property owners.

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.

Support legislation to increase the competitive bidding limit (currently $25,000) to $50,000. Require indexing of the competitive bid limit to the consumer price index (CPI) on either an annual or biennial basis. Support legislation raising the emergency purchases provision of the competitive bidding law from $50,000 to $100,000 and require three quotes for any emergency purchase over the bid limit. Counties should also be authorized to use reverse auctions for capital improvement projects.
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.

COLLECTION OF COUNTY FUNDS FROM STATE INCOME TAX REFUNDS

CCAO supports legislation that would authorize the Tax Commissioner to collect from state income tax refunds unpaid fines, restitution, unpaid parking citations, or forfeitures that have been certified by the county to the tax commissioner for collection. Amend Ohio law to permit the Attorney General to assist county offices with bad debt collection.

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.

BUDGET STABILIZATION FUNDS

CCAO supports permitting a county to reserve in a budget stabilization account the greater of 5% of the revenue credited in the preceding fiscal year to the fund or one sixth of the expenditures during the preceding fiscal year from the fund in which the account is established.

TAX MAP OFFICE

Amend Ohio law to eliminate the requirement that commissioners fund the tax map office from the general fund, allow the tax map office to be funded from the real estate assessment fund (REA), and establish the county auditor as the appointing authority of the tax map draftsman and other tax map office employees. Permit the consolidation of tax map office services and geographic information system (GIS) services.

COUNTY ENGINEER FUNDING

Support legislation that eliminates the requirement that the commissioners support any part of the operation of the county engineer’s office from the county general fund. To the extent constitutionally permissible, the engineer’s office should be wholly funded through motor vehicle gas and license tax revenues collected by the state and distributed to county road and bridge funds by the state.
PROHIBIT TAX LEVIES AT SPECIAL ELECTIONS

Support legislation prohibiting taxing districts from submitting tax levies at special elections in February and August.

PAYMENT OF LODGING TAXES

Support legislation to increase the penalties for failure to collect and remit the lodging tax to local taxing districts (counties, municipal corporations, and townships) so that the penalties are similar to the penalties established by existing Ohio law for failure to collect and remit sales and use taxes.

ALLOCATION OF LODGING TAX REVENUES TO COUNTY GENERAL FUND

Counties may levy a lodging tax of not more than 3% on transient guests who stay at places of lodging in the county. Existing law (ORC 5739.09 (a)) requires the county levying a lodging tax on lodging transactions after paying the cost of administering the tax to return an amount not to exceed 1/3 to the municipal corporation or township (that is not levying the same lodging tax) in which the place of lodging is located. At least 2/3 of the revenue remaining after the cost of administering the tax must be placed in a special fund to the benefit of the convention and visitor’s bureau. Under existing law, none of the money collected by the county from the lodging tax may be paid into the general fund.

Amend the law to permit a board of commissioners that is levying or wishes to levy a lodging tax under ORC 5739.09 (a) to reduce the percentage share earmarked to the convention and visitor’s bureau by any amount not to exceed the total amount earmarked for distribution to the convention and visitor’s bureau in the county. This revenue would be reallocated to the county general fund. If the county is currently levying a lodging tax under this section, the reduction in the percentage being earmarked for the convention and visitor’s bureau may not exceed the percentage currently earmarked for the convention and visitor’s bureau. If the county does not have a lodging tax in place, then the percentage reduction may not exceed the percentage which existing law permits the county to distribute to convention and visitors’ bureaus in the county.

PUBLIC UTILITY PERSONAL PROPERTY TAXES

Under tax reform the state during 2005 through 2008 phased out tangible personal property taxes on machinery, equipment, and inventory paid by businesses operating in Ohio, but retained personal property taxes on the tangible personal property of public utilities including electric, rural electric, natural gas, pipeline, water works, water transportation, heating and telegraph companies. Given the importance of this remaining revenue source to counties and local governments, CCAO opposes elimination of or further reductions to personal property taxes paid by public utilities operating in Ohio.

When a utility taxpayer files with the tax commissioner for a reduction in tangible personal property taxes, local taxing districts, including the county commissioners of any county affected by an appeal, should be notified of the appeal and should have standing to appeal the decision of the tax commissioner if the decision of the tax commissioner is adverse to the interests of the affected taxing district.
Appendix A

REDEFINING OHIO’S ECONOMIC DEVELOPMENT ASSISTANCE FOR SUCCESS:

THE COUNTY COMMISSIONER PERSPECTIVE

One of the inherent responsibilities of county governments and their boards of commissioners is facilitating economic development by creating an environment which is conducive to job creation. The counties value the state’s partnership in this endeavor. Counties are actively engaged in constructing infrastructure, providing a trained workforce that meets an employer’s needs, assuring a competitive tax structure, and developing community assets that provide a quality of life that is attractive to employers.

During 2010 CCAO convened a forum comprised of commissioners, county economic and workforce development professionals, and other county partners who are involved in workforce and economic development to define the parameters for a successful economic development program for the State of Ohio, identify barriers currently confronted by county government when seeking to support their business community, and provide insight towards overcoming these barriers in order to achieve economic growth benefiting the State of Ohio.

Commissioners hope that the perspectives offered here will serve as a foundation for the Governor, state executive agency leadership, and the Ohio General Assembly to redefine economic development assistance to correspond to the needs of the business community and thereby improve Ohio’s economic climate.

GOALS AND OBJECTIVES FOR OHIO’S ECONOMIC DEVELOPMENT ASSISTANCE

County Commissioners strongly believe that the primary goals for Ohio’s economic development program are to:

• Recognize that the business/employer as the job creator is the customer, not the employee.
• Foster an approach that simplifies and reduces the cost of doing business in Ohio.

• Respond at the “speed of business” when offering government assistance.

In order to facilitate these goals, Ohio’s economic development program must meet the following objectives to be:

A. Customer focused and customer driven.
B. Responsive to the business communities’ needs.
C. Built collaboratively at the local level.
D. Administered in a comprehensible and streamlined approach.

EXISTING BARRIERS WHICH INHIBIT ECONOMIC DEVELOPMENT

Within the context of this framework of goals and objectives, county commissioners identify several key barriers which we view as current impediments to economic development success.

Flexibility

Some statewide workforce and economic development programs are crafted from the top down with little customer involvement, which results in programs that are misaligned from the business community’s actual needs. To remedy this disconnect the business community must be aggressively engaged and consulted in order to adequately define their needs, and there must be enhanced flexibility in state programming that facilitates the adjustment of that programming to correspond to the business community’s identified needs. This requires a movement away from what currently appears to be a “father knows best” approach dictated by the state. The state and local governments must develop a level of trust in their local businesses that the government resources requested will be used to the best benefit of the businesses. This supports the concept of the customer focused, customer driven business model.

As an example the state should roll back its own imposed restrictions on federal program dollars so that businesses can better utilize these dollars. Federal dollars, such as Workforce Investment Act monies and Neighborhood
Stabilization dollars, come to Ohio with a built-in set of parameters. Then, before businesses may use these dollars, the state adds on another set of its own restrictions. This results in dollars of such restricted use that by the time they are on the ground to stimulate growth, such growth becomes stunted, and outsiders looking in are puzzled by why these dollars are not used in their entirety.

Another example is Project Hire. While a great program in concept, this program is focused on providing up to $6000 in training money for dislocated workers, and not incumbent workers. After the small $6000 state investment, a business is responsible to pick up the entire cost of that new employee, which is a large cost many businesses in Ohio currently cannot afford.

Shifting to a more individualized, grant-based process as much as the federal law will permit is recommended. This would allow each business to apply for and use development money targeted to best benefit that business. The business would be required to provide documentation that it utilized the resources consistent with its request and provide evidence that the proposed workforce and economic development objectives were accomplished. While this grant concept may create more administrative burdens for state and local agencies, and would focus the government’s role more as an auditor instead of a program developer, we believe the benefits of this program approach certainly would outweigh the management restructuring required to facilitate this program.

**Funding**

Financial resources are scarce. Therefore we must utilize the funding available more effectively. This directly relates to the counties’ request for fewer constraints on how local communities can spend dollars. Central to using funding more wisely is the building of collaborative relationships. It is critical for a local community to have the ability to guide expenditures to target dollars where they will have the largest impact and partner with other communities when beneficial.

In certain instances local communities choose to work together for their mutual benefit. These voluntary partnerships work best because these local communities share economic and workforce development goals, and have agreed that they can best achieve those goals through cooperation. The state needs to support the unique partnerships and collaborations developed at the local level.

Two programs which commissioners support and believe are critical to successful workforce and economic development are job retention incentives and shovel ready sites. Job retention dollars have an enormous impact on local businesses being able to stay in their home communities. Additionally, local governments must have access to shovel ready dollars without a local match requirement. Shovel ready sites allow for immediate construction opportunities, but often are missed because local governments have difficulty finding already scarce local resources.

**Coordination and Communication**

A One Stop is of equal importance to both for those seeking employment and the local governments that are attempting to provide those employment opportunities. The service boundaries for different programs, such as economic development and workforce development should be aligned so that local governments and their business partners have one coordinated resource. This coordination will allow much more efficient and effective use of available dollars.

Open communication also is critical. A business opportunity may be significantly strengthened through a grouping of benefits that involves assistance from both the state and the local governments. However, when state and local officials do not communicate with one another about their activities and coordinate their efforts, local businesses and communities suffer. In order to foster productive partnerships between the state and local governments, local officials must have clear communication and expectations from their regional economic development directors and business service representatives. Without effective communication Ohio cannot be responsive to the business communities’ needs.

A comprehensible and streamlined administrative approach is prohibited by this lack of coordination and communication.

**Consistency**

Businesses develop long-term strategic plans, and our current statewide programs do not fit with that model. Businesses currently cannot rely on a program they are using today to be operating under the same parameters tomorrow. There have been situations where the state committed a specific amount for training to a business then, at a later date, either lowered or withdrew the amount – in some instances even after the project was underway. This uncertainty does not put businesses at ease in working with the state and local governments for economic and workforce development and is inconsistent with the customer focused and customer driven goal.

**Regional Organization**

The Department of Development currently divides the state by regional lines to administer the economic development programs. This framework has been found by counties to be extremely difficult to work within and jeopardizes their ability to be responsive to their business communities’ needs. The state should not undertake regionalization for its ease of administration, standardization, or as a protection against federal audit. A forced alliance of local governments into a region where shared common goals do not exist among the participants can prove more difficult than beneficial. Simply dividing the state into geographical regions to facilitate program administration without a synergy of mission is counterproductive and should be discontinued.
Embracing the Economic Gardening Model

Economic gardening is a development approach which focuses on supporting innovative companies and entrepreneurs that are growth oriented to become larger. Economic gardening concentrates on strategic issues like penetrating new markets, refining business models, developing management teams and providing information and decision-making assistance to these companies. These companies tend to have national or global markets and consequently bring outside dollars into their community.

Development initiatives should be crafted to support the unique needs of this segment of the economy which is poised for guaranteed growth. By targeting dollars to provide seed money for these businesses and with state and local agencies providing oversight and technical assistance, these businesses can use dollars for innovation and growth, and truly create positive results for Ohio.

Redevelopment and Rehabilitation

Throughout Ohio there are vacant buildings that have outlived their usefulness as currently configured. While these structures are sound, their conversion to fit modern day applications is costly. Current zoning codes don’t contemplate revitalization, and building code compliance is cost prohibitive. The state should develop a program that makes the reuse and restoration of these structures competitive with the option of new construction. Components of this program targeted to redevelop and reuse of existing sites should include eminent domain and industrial/commercial land banking, consolidation of parcels, preferential land use and zoning provisions and building code provisions which take safety into consideration without demanding compliance with current code provisions that contemplate new construction. We recommend a companion program to a "shovel ready" sites that supports the transformation to “occupant ready” sites.

Tax Incentives

Local governments have limited economic development tools available. While local property tax incentives can be beneficial for development, this tool has become manipulated and distorted over time. We understand that the state currently is redeveloping the local tax incentive structure, and we support this process. One important change that commissioners request is to require all affected local taxing authorities to agree to a tax concession before one is granted.

Consideration also should be given to the concept of utilizing state tax credits in lieu of direct financial incentives. A determination could be made which compares the capital investment and wages incurred to complete the business expansion to the value returned to the community, and a tax credit awarded to the business for a share of the value returned.

Rural Challenges

Economic and workforce development efforts undertaken in urban and suburban areas tend to be viewed as efficient in that they assist large employers who produce the biggest results with a commitment of the fewest resources. Yet small business dominates both in numbers and in employees, and rural Ohio is home to the vast majority of these small businesses. While the state may be tempted to concentrate its efforts in the more populated areas, there are many rural Ohio employers who have the potential for expansion and could greatly enhance the economic activity and employment base of the state if they would receive the proper incentives. The state must recognize and address the unique challenges rural areas face. Emphasis has to be placed upon providing access to interstate highways and rail lines that are attractive to commercial and industrial businesses and aiding those rural counties which struggle to secure technology upgrades necessary for development, such as broadband.

COUNTIES ARE COMMITTED TO AN ENHANCED PARTNERSHIP

Counties are committed to working with the state to reduce these barriers and redefine governments’ roles in Ohio to create a viable and vibrant economic development program. Ohio counties are on the front lines of economic activity and provide on-the-ground programs and services for businesses seeking development assistance and citizens seeking employment opportunities. Because counties are an integral part of the economic and workforce development process, we can help make Ohio’s future brighter and more prosperous.
Appendix B

INDIGENT DEFENSE – THE CCAO PERSPECTIVE

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.

Additional revenue sources also were provided as a part of HB 1, the biennial budget bill of the 128th General Assembly. These included increases in the financial responsibility reinstatement fee and the general license reinstatement fee and the creation of an appearance bond surcharge. In addition, the bill also specified that all revenue from the specific revenue sources identified for indigent defense reimbursement were to be deposited into the Indigent Defense Support Fund and, in effect, have been “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.

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 has hit an all-time low in FY 08 at 26.8%, having 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 10, the actual system costs were approximately $116 million, and for FY 11, they are projected to be about $123 million. This is an increase of 75% since FY 2000.

The dedicated revenue sources noted above contributed approximately $22 million towards reimbursement in FY 10. When coupled with the FY 10 general revenue fund appropriation for reimbursement of $15.5 million, the total amount provided for reimbursement resulted in a reimbursement percentage of 35%. For FY 11 the dedicated revenue sources are on track to approach $40.5 million. When combining the FY11 General Fund appropriation of $12.6 million and the dedicated funding sources, the reimbursement rate should exceed the 38% in FY 11. Both FY 10 and FY 11 reimbursement rates will be significantly higher than the 26% rate that occurred for FY 09.
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: (front row, left) Larry Long, Executive Director; Cheryl Subler, Managing Director of Policy; and Laura Abu-Abasi, Policy Analyst (back row, left) Josh Hahn, Senior Policy Analyst; Brad Cole, Managing Director of Research; and John Leutz, Senior Policy Analyst.