County Commissioners Association of Ohio

2013-2014 Legislative Program

130th Ohio General Assembly
2013-2014 Legislative Program

Challenges and Choices: Counties at the Crossroads

As an agent of the state, counties need help from the 130th General Assembly and Governor Kasich. Specifically, counties face budget and administrative challenges in providing resources to county officials to both perform mandated duties and provide services expected by residents, coupled with county commissioners needing more authority and flexibility to make choices that modernize operations and save taxpayers’ dollars.

County government and state government are partners in delivering vital health and human services programs, serving justice and prosecuting criminals, improving infrastructure, managing the complex property tax system, and fostering needed job creation.

In January 2011, an unprecedented budget deficit faced the state. While many county officials understood they needed to work with the Governor and Legislature to balance the budget, they did not anticipate the disproportionate funding cuts instituted on local governments, particularly at a time when county revenues already were down due to reduced sales tax receipts as a result of constrained consumer spending; stable or reduced property tax revenue resulting from the foreclosure crisis and overvaluation of residential properties; and dismal investment returns.

The challenge today is how to maintain and advance the state/county partnership given the substantial cuts local governments have endured due to the state’s approach to balancing its own budget. While a myriad of provisions were included in the prior state budget to help county government better manage scarce resources, such tools do not offset the drastic revenue cuts counties sustained.

Therefore, this legislative program looks at ways the Kasich Administration and the 130th General Assembly can do the following:

1. Ensure adequate, stable funding for county government services.
2. Repeal outdated and unfunded mandates as well as prevent new ones.
3. Modernize the state/county partnership in service delivery.
4. Provide tools to more efficiently manage taxpayer dollars and special funds.
5. Allow more permissive options to redesign county government’s structure.
6. Support job creation and retention efforts in Ohio.

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 we must embrace change and look at the various choices made available during times of economic challenge.

Areas of Interest

- Agriculture & Rural Affairs ........................................ Page 6
- General Government & Operations ............................... Page 8
- Health & Human Services .......................................... Page 14
- Jobs, Economic Development & Infrastructure ............... Page 18
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On the Cover:

Ohio Statehouse with flags.
Photo courtesy of the Ohio Statehouse photo archive.
Platform Priorities for 2013-2014

Preserve Adequate Funding for County Services and Mandated Functions
(Taxation & Finance - Page 33)
For counties to perform the services and mandates taxpayers expect, county budgets must be stabilized. The Local Government Fund and Tangible Personal Property and Public Utility Tax reimbursements should be restored given the state’s budget is now balanced with a surplus and revenues continue to improve. In addition, cost-shifting state responsibilities to local governments or shifting revenue from counties to other political subdivisions based on the misconception of “high” casino revenue is contrary to constitutional intent. Broadening the sales tax base will help maximize both state and local revenues, as will collecting the sales tax on internet sales.

 Appropriately Address the Challenge of Election Administration
(General Government & Operations - Pages 8-9)
Fair elections are the underpinning of our democracy. In Ohio, the 88 county boards of elections are county funded, while state reforms and unfunded mandates have increased election costs at a time of strained county budgets. Unless costs are contained, and given the unique power of local boards of elections to seek judicial orders for funding, CCAO recommends boards of elections become state staffed and funded.

Public Defender Realignment
(Justice & Public Safety - Page 25)
CCAO recommends a systemic change to the delivery of indigent defense services with the state assuming total responsibility for the program over time. In the interim, CCAO asks the state to live up to its original commitment to reimburse counties for 50% of the cost. CCAO also recommends changes to certain criminal sanctions to reduce the cost and improve administration of the indigent defense system.

Oversight of Taxpayer Dollars
(Taxation & Finance - Page 33; General Government & Operations - Page 12)
While county commissioners are elected to manage county budgets on behalf of taxpayers, other officials – both elected and unelected – may court order additional county funds for increases in salary and administrative costs. Currently boards of elections, courts, county prosecutors, and veteran service commissions can secure funding without county commissioners’ approval via a court order. CCAO seeks to limit this extraordinary authority, particularly in regards to salary increases.

Improve County Budget Accountability
(Taxation & Finance - Pages 34-37)
Commissioners, as the budgetary authority for the county, must be given enhanced management control and oversight over the county budget. They should be granted broad revenue flexibility including the ability to adjust user fees established by state law and establish other user fees to support county services; allocate general fund costs to special funds as the state does; have access to special funds when fund balances are high and during periods of fiscal stress; and charge other political subdivisions of the county, on a cost allocation methodology, for all mandatory services provided by the county, including but not limited to services provided by the county engineer, sheriff, and prosecutor.
Authorize County Government Structural Reforms  
(*Metropolitan & Regional Affairs - Page 32*)
CCAO supports efforts to re-examine the traditional structure of county government and explore ways to consolidate services and operations to gain efficiencies. In addition, CCAO seeks specific authority to eliminate the office of elected coroner when operations for such office have been regionalized. And, to provide authority for voters to eliminate or combine current county elected offices as an alternative to a county charter.

Maintain Local Responsiveness to Human Need in Workforce and Health Transformation  
(*Health & Human Services - Page 14; Jobs, Economic Development & Infrastructure - Page 18*)
CCAO supports the Administration’s efforts to improve and transform current workforce and health care systems. However, it is critical that counties are adequately funded to provide core services to address human need and be responsive to business, particularly to help Ohioans during periods of temporary unemployment. Given the diversity of Ohio, CCAO will continue to advocate that counties, with sufficient technical assistance and appropriate funding from the state, are best suited to determine which programming will be most effective in meeting the needs of its residents.

Address/Balance/Foster Energy Development Opportunities and Responsibilities  
(*Jobs, Economic Development & Infrastructure - Page 18*)
CCAO supports state policies to encourage the development of new energy sources which offer great opportunities to Ohio. Such development must be done responsibly from the beginning to address expensive, vital infrastructure; environmental safeguards; community needs; and financial impacts on jurisdictions impacted.

Recognizing the Public Purpose of Solid Waste Management  
(*Jobs, Economic Development & Infrastructure - Page 19*)
As the Administration and General Assembly review Ohio’s solid waste delivery system, CCAO asks that policy and lawmakers recognize the importance of public oversight of this utility service available to and needed by all Ohioans. We also support initiatives to maximize the use of waste as a resource through financially sustainable policies, programs, and facilities that promote public health, safety, and general welfare. CCAO also supports public/private solid waste management partnerships.

Expand Shared Services Opportunities  
(*General Government & Operations – Page 9*)
While shared services cannot provide the total answer to offset revenue reductions, enhanced collaboration and shared services need to be considered to achieve long term efficiencies. Thus, CCAO seeks additional authority for boards of county commissioners to require other county offices to use centralized services for a myriad of functions, including IT, when it makes solid business sense. Counties also support countywide solutions to emergency communications to achieve better service and greater efficiencies.
Committee Priorities

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 implementation of Next Generation 9-1-1. Counties should have the authority to make use of utility infrastructure, such as cell and cable towers, for county emergency communication equipment. Similarly, when such property is owned by counties, the counties should have authority to lease the property to others for a period of 30 years.

RURAL ROAD FUNDING

While CCAO supports the expansion and development of agribusinesses as well as all industries, including new 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 or road use maintenance agreements. 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.

DRAINAGE LAW REVISION

CCAO supports the formation of a task force of commissioners, engineers, and appropriate stakeholders to review Ohio’s drainage laws. The Ohio Revised Code is unclear on many issues under the county and joint county petition ditch law as well as soil and water improvements. In particular, ditch procedures under ORC Chapters 1515, 6131, 6133, 6135, and 6137 need revised to clarify numerous provisions and embrace new technology and processes that would provide for greater efficiencies, fewer misunderstandings, and less unnecessary legal costs for taxpayers.

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 agribusinesses.

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
the partnership between the state, local governments, and
landowners, 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 responsibil-
ities.

The Ohio Department of Agriculture’s Office of Farmland
Preservation, in partnership with local governments and pri-

date land conservancies, should provide funding for the pur-
chase of agricultural easements to compensate farmers for
agreeing to keep agricultural land in farm production per-
manently. 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,
CCA 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 com-
pilation 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 mecha-
nisms or “tools in the toolbox” for future planning.

Committee Recommendations

FUEL QUALITY TESTING

CCA supports a state-funded or, alternatively, an indus-
ry-funded fuel quality testing program through the estab-
ishment of fees. This program also should include the qual-
ity 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

CCA supports the renewal of state funding for county

and independent fairground improvements when funding is
available. These facilities often are one of the most impor-
tant economic development tools a local government has and
highlight the largest industry in Ohio.

FUNDING OF OHIO STATE UNIVERSITY
EXTENSION

CCA supports increasing the level of state support for
OSU Extension Services provided that an appropriate share
of new funds will be used to relieve county general fund con-
tributions. OSU Extension also should receive similar fund-

ing priority status like the state extended to higher educa-
tion, if Extension is required to follow certain guidelines set
by the University Administrative Offices. CCAO also sup-
ports OSU Extension in recent efforts to provide flexibility in
staff distribution and programming.

FUNDING OF OARDC

CCA supports a continuation of state funding for the
Ohio Agricultural Research and Development Center.

STUMPAGE REVENUE

CCA seeks a legislative change offering clarity to the sale
of timber from state forests. The association is concerned
the O DNR practices of “merchandised timber sales” is an
attempt to avoid the states’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

CCA supports the continuation of a state funding
match to incentivize investment in soil and water conserva-
districts.

COMBINED AG LEVY AUTHORITY

The General Assembly recently passed legislation specifi-
cally authorizing the use of property levies for the support of
OSU Extension and soil and water districts. CCA 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, CCA supports increased state and federal
funding for the Ohio Department of Natural Resources’
environmental pollution abatement program and the use of
soil and water districts 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.

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 percent partnership benchmark, at an estimated rate of 35 percent. CCAO urges the state to continue to move in this positive direction and eventually transfer responsibility from counties to the state.

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. CCAO would recommend 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; this would impact 28 of the 88 counties. 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 subsidy 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 Department of Health 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, in recent years 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 toward 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 pleas to fix the necessary and proper expenses of the board of elections pertaining to the conduct of elections. During the 126th General Assembly, the phrase “pertaining to the conduct of elections” was added to help qualify when court relief could be sought. Until this language is clarified through court interpretation, it will be hard to predict how the scope of court action was limited. Except for the judiciary, other county boards and offices usually do not have statutory authority to challenge appropriations.

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

COUNTY GOVERNMENT STRUCTURE

CCAO supports efforts to re-examine the structure of county government and explore ways to consolidate services and operations to gain efficiencies. In addition, CCAO is studying the need to allow consolidating counties and other local governments in urban counties.

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 (which are funded from the county general fund) to use centralized services for electronic networks and phones.

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

Appropriately Address the Challenge of Election Administration

Fair elections are the underpinning of our democracy. In Ohio, the 88 county boards of elections are county funded, while state reforms and unfunded mandates have increased election costs at a time of strained county budgets. Unless costs are contained, and given the unique power of local boards of elections to seek judicial orders for funding, CCAO recommends boards of elections become state staffed and funded.

E-COMMERCE APPLICATIONS FOR COUNTY GOVERNMENT

CCAO supports permissive enabling legislation empowering counties to perform the following functions over the internet:

- Sell advertisements on county websites.
- Sell delinquent real property on the internet.
- Use internet reverse auctions for capital improvement projects.

The law should be amended to permit counties to use a county held credit card to purchase certain internet services. Most internet service providers will not accept a county check for payment of various internet services and thus county employees must use personal credit cards and then be reimbursed for the cost of certain services to the county.

CCAO supports legislation permitting commissioners to establish information technology departments under the supervision of an information technology director appointed by the commissioners.

CCAO supports 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. CCAO also supports internet advertising of tax rates, delinquent tax lists, sheriff sales, and similar required tax-related advertising in lieu of newspaper advertising.

Committee Recommendations

COUNTY COURTHOUSE RESTORATION AND FACILITIES FUNDING

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

ELECTED OFFICIALS BONDS AND PERSONAL FINANCIAL LIABILITY

CCAO supports changes to the elected officials bond statutes that increase the amounts of bonds required to reflect the effects of inflation. The law also should be standardized to provide for central filing and maintenance of bonds and should allow a broader use of blanket bonds versus individual bonds for most county elected officials and other officers required to have bonds. In addition, CCAO supports changes concerning the personal financial liability of elected officials under ORC Section 9.39 to more closely conform to the standard of liability under 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.

PERMIT COUNTRIES 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.

**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.

**HUMANE SOCIETY ABILITY TO APPOINT ATTORNEYS TO PROSECUTE & COMMISSIONERS PAY EXPENSE**

Ohio law permits humane societies to appoint an attorney and may also employ one or more assistant attorneys to prosecute violations listed in ORC Section 2931.18, including prevention of cruelty to animals or children. Such attorneys are to be paid out of the county treasury in an amount approved as just and reasonable by the board of county commissioners. CCAO is requesting this mandate be eliminated or to at least change the law to require the consent of the board of county commissioners.

**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 organiza-

**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.

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**Key Platform Priority**

**Expand Shared Services Opportunities**

While shared services cannot provide the total answer to offset revenue reductions, enhanced collaboration and shared services need to be considered to achieve long term efficiencies. Thus, CCAO seeks additional authority for boards of county commissioners to require other county offices to use centralized services for a myriad of functions, including IT, when it makes solid business sense. Counties also support countywide solutions to emergency communications to achieve better service and greater efficiencies.
CCAO supports legislation granting permissive authority for a Joint County Ditch Maintenance meeting to be held by teleconference or videoconference. CCAO believes this authority actually would enhance public participation and save taxpayer monies by removing the time and expense of travel. CCAO also supports reviewing the petition ditch process for other potential modernization updates.

PUBLIC RECORDS IDENTITY THEFT PROVISION

CCAO commends the General Assembly’s commitment to preventing identity theft that can occur from public records requests. CCAO has worked with numerous local government officials, law enforcement, and legislative members in drafting legislation to accomplish this goal. Because county governments handle such vast amounts of the public’s sensitive, personal information, CCAO supports legislation allowing, but not requiring, county governments to use cost recovery for redaction and masking technologies.

RECORD RETENTION MANAGEMENT

CCAO 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.

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.

CCAO continues to seek more flexibility in managing the workplace by allowing more options in establishing alternative leave schedules. In addition, counties should have the ability to reduce work week hours for fiscal reasons and not just for 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 board of elections, the county prosecutor, and the veterans service commission from granting pay raises that exceed the annual percentage amounts approved by the county commissioners for the other county elected officials’ staff salaries.

In addition, CCAO seeks the following benefit changes:

1. 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.
2. Limit the amount of vacation time employees can accumulate and carry on the books at any time to an amount not to exceed what can be earned in two years at the current rate of accumulation based on years of service.
3. 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 in the absence of a collective bargaining agreement. Case law has interpreted the statutory provisions to be a minimum floor.
4. Clarify that an appointing authority 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:

1. Authority for a group retro sponsoring association to manage the finances relating to assessments and refunds.
2. Allow employers who elect to be self-insured for workers’ comp to purchase aggregate stop loss coverage in order to manage the financial risk.
3. 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.

**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 authority enabling counties to conduct drug testing programs as a way to improve employee performance and safety in the workplace such as random testing on a lottery basis, testing after accidents, and post offer /pre-employment drug testing of prospective county employees. Testing in such realms is limited based on Constitutional provisions, but some testing can be conducted based on certain job duties and conditions. In those county offices where testing is allowed, commissioners seek shared services authority in order to conduct and negotiate a bulk service contract for the county.

**UNEMPLOYMENT COMPENSATION ELIGIBILITY**

CCAO seeks changes to the UC rating system that grants reimbursing employers similar appeal rights to contributory employers – particularly for non-separating reimbursing employers who are still employers of record in a claimants’ benefit period. CCAO also supports revisiting eligibility criteria to receive UC benefits in Ohio. In addition, CCAO recognizes that some relief has been granted to employers of seasonal workers, and CCAO supports legislation to exempt seasonal and temporary workers from unemployment compensation.
Committee Priorities

PARTNERSHIP IN DELIVERING HUMAN SERVICES PROGRAMS

In partnership with the state, counties operate a host of human services programs aimed at helping county residents achieve and maintain employment, protecting children and older adults, preventing the need for public assistance, and when necessary, providing food, clothing and shelter. Enhancing the state and local partnership around these programs enables better collaboration and coordination of services between the state and counties, and also between counties with the state’s assistance, which helps ensure those in need receive these vital services.

Unfortunately, human services programming at the county level has truly experienced a perfect storm throughout this great recession and subsequent recovery. Many counties who had been contributing general fund dollars toward these programs were forced to slash or completely stop these additional investments because of disproportionate local government funding cuts sustained in the recent biennium.

At the same time, federal dollars and state GRF contributions were also cut, and federal health and human service programs continue to face grave uncertainty in the overall context of the federal budget - many of which, if cut, could mean cost shifts to both state and local governments. CDJFS workforces and program funding have been drastically reduced, while demand for programming has skyrocketed. For example, food assistance caseloads increased on average by over 71% between CY 2007 – 2011, while county JFS departments across the state had more than 4,000 fewer staff and over 9 million fewer man-hours worked (through both attrition and management tools like furloughs) during the same time period.

Many counties have realized a time when continuing to do business as usual was no longer feasible, and as such have begun to redesign service delivery and collaborate and share services in unique and innovative ways. From creating joint county job and family services departments to standardizing processes and technology to allow case-banking and other collaborative approaches between counties, county JFS departments are continuing to innovate in an effort to maintain the delivery of core services to Ohioans in need.

MAINTAINING CORE SERVICES

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, child welfare and child care.

The landscape around Medicaid and health care will undoubtedly continue to evolve in both the short and long term, with changes at the state level and the implementation of the Affordable Care Act, and county JFS departments will likely be dealing with new technology, new policies, and more people to serve. Paramount to successful implementation from both a programmatic and consumer standpoint will be ensuring counties have adequate resources to administer core services throughout these various transitions.

In addition, as Ohio continues to recover from the great recession, an improvement in employment often lags behind other economic improvements. Preserving core services in terms of keeping people off of unemployment as well as welfare-to-work programming is vital to maintaining the support system that keeps people working and helps them in temporary times of unemployment.

CCAO urges the Governor and General Assembly to do the following:

1. Adequately staff and fund counties in preparation for implementation of the Affordable Care Act. The influx of individuals currently eligible for but not yet enrolled in Medicaid will mean an increase of almost one million individuals applying for this benefit, due to the individual mandate for health insurance. Counties will need to work closely with the health insurance exchange to provide services appropriately to clients.

2. Increase the TANF amount invested with counties from the last biennial budget to preserve programs critical to families reaching and maintaining self-sufficiency. These are the dollars that fund welfare-to-work programming, which counties have made a top priority. With the Ohio Works First entitlement program caseloads decreasing, the TANF saved as a result should be reinvested in programming that helps to keep people off of public assistance, helps counties maintain federally-required work participation rates, and to provide services to the traditionally hard-to-serve populations.
3. Maintain county funding levels and flexibility with Income Maintenance control, 533 account dollars, and TANF so that each county may maintain service levels and prioritize service funding based on local need and demand for those services.

HUMAN SERVICES 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 system.

Recent periods of economic hardship have prohibited the state from making the large financial investment necessary to update human services information technology systems – namely, CRIS-E. However, the federal government has made available a 90% federal match for investments states make in technology around Medicaid and other public assistance programs such as food assistance and cash assistance – primarily to help with implementation of the provision in the Affordable Care Act.

CCAO applauds the Governor, the Office of Health Transformation, and the Office of Medicaid for their efforts to plan to how best leverage this available federal funding. It is essential that counties continue to have a seamless eligibility process for individuals in need of public assistance – in other words, we urge that any new system for Medicaid applicants and eligibility determination look beyond the Medicaid program to food assistance, cash assistance, other public assistance programs.

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, SACWIS and other systems.

Also, during challenging economic times an enhanced effort should be made to modernize current operations and make them more efficient. CCAO applauds the progress made to this end over the last biennium, and continues to support modernization and efficiency initiatives.

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 protective services due to the close proximity necessary to investigate allegations of abuse and neglect and the legal relationships with prosecutors, sheriffs, and courts 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 two bienniums, this miniscule statewide appropriation was cut by 10% to leave only $365,000 per fiscal year. 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.

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.

Ohio’s child welfare system is an accountable, high performing system. By reforming their practice, Ohio county agencies have safely reduced the number of children entering substitute care – a traumatic and costly action – and focused on timely permanency for the children that do need out of home care. County agencies’ focuses include implementing Differential Response and partnering with families to safely wrap services around them to prevent placement, supporting relatives and other kin to prevent / divert children from being placed with unrelated foster or congregate care, and aggressively seeking permanent adoptive homes when children cannot be reunified with their birth family and kin is unavailable. While they have managed their budgets with these efforts, there is more to do. However, the state must use caution in not creating new mandates – programatically, administratively, or otherwise – without sufficient monetary and technical support on already strapped county human services agencies.

Given that the State only contributes between 8-10% to the full cost of child welfare in Ohio (this is the lowest state contribution in the nation), CCAO strongly urges the Administration and General Assembly to improve the basic investment for child safety, family stability, and permanency. CCAO is particularly concerned about the large burden put on counties, particularly those without a child welfare levy, to ensure child safety even upon cuts to local government funding.

CCAO supports the ODJFS permanency investments currently in progress – investment in Wendy’s Wonderful Kids child specific recruiters across the State, Adoption Incentive bonuses for high performing counties, maintaining the Kinship Incentive Fund for permanent kin families, and ODJFS’ Connect the Dots initiative for transitioning youth success, provided such funding does not come from other county human service programs.

We continue to advocate for restoring the $300/month state base investment for permanent adoptive family subsidies to support special needs children (the federal government reimburses 64% of that state base), which was cut four
years ago. Since federal law prohibits reducing subsidies to adoptive families, counties continue to cover this state reduction burden.

Finally, CCAO urges the Administration and General Assembly to invest in key behavioral healthcare and trauma informed services. Too many children are entering custody due to their parents’ opiate and other drug addiction safety issues and too often services are inaccessible. CCAO recommends Hot Spot investments for pregnant and parenting opiate addicted mothers. Children and youth in care also suffer from trauma issues related to their maltreatment and their placement experience. The nation is now identifying evidence based trauma screening tools, assessment tools for identifying the types of trauma informed services needed, as well as tools to measure progress and functioning. CCAO appreciates the work of the Ohio Healthcare Transformation team to ensure these tools are Medicaid reimbursable, but to expand capacity, we urge initial investments for training child welfare and mental health professionals – again, provided such investments do not come from other county human service programs.

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, given that a family with an established child support order will go off of Ohio Works First (cash assistance) three times faster than one without.

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. While the Administration and General Assembly originally filled this hole with state GRF, Congress restored the federal dollars by reinstating the child support incentive match for a two year period. During this time, the state redirected dollars previously invested in child support enforcement to other areas.

Unfortunately, Congress did not continue the Incentive Match beyond the two year period. As such, Ohio’s child support enforcement agencies were left with a huge funding gap, which thankfully the state filled partially with a $7M allocation as a part of HB 153, the SFY12/13 biennial budget bill. However, child support enforcement agencies still faced drastic funding cuts. So long as the incentive match is not available on the federal level, CCAO calls on the state to continue to help support child support enforcement efforts.

Additionally, CCAO supports the child support directors in seeking simplification of medical support orders for health insurance coverage and cash medical when health insurance is not available 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.

CHANGES TO THE COUNTY VETERANS SERVICE COMMISSION LAW

CCAO supports initiatives to review the law and operation of Veteran Service Commissions to be sure enhanced and coordinated services are available to our brave soldiers returning home. The mandate contained in ORC Section 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. We support the enhanced ability for a board of county commissioners to review and revise the budget of the Veterans Service Commission, especially as it pertains to the administrative and operational expenses of the Commission. As it relates to operational expenses, there is a special need to be sure that the Veterans Service Commission does not have the authority to provide for staff compensation increases that exceed the average increase provided to other appointing authorities through the appropriation process. 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 Department of Veteran Services should provide funding for any training that is mandated by the department. Finally, boards of county commissioners should become the appointing authority for members of Veteran Service Commissions instead of judges.

Key Platform Priority

Maintain Local Responsiveness to Human Need in Workforce and Health Transformation

CCAO supports the Administration’s efforts to improve and transform current workforce and health care systems. However, it is critical that counties are adequately funded to provide core services to address human need and be responsive to business, particularly to help Ohioans during periods of temporary unemployment. Given the diversity of Ohio, CCAO will continue to advocate that counties, with sufficient technical assistance and appropriate funding from the state, are best suited to determine which programming will be most effective in meeting the needs of its residents.
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 was further reduced to $15,750 each year in the FY12/13 biennium. In the meantime, the scope of duties delegated to county councils by the state continues to grow. Therefore, CCAO recommends increasing back to $20,000 per year – or, at the very least, maintaining – funding for the administration of local Family and Children First Councils._

Committee Recommendations

OHIO COMMISSION ON FATHERHOOD
_CCAO supports maintaining the $1 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._

LOCAL HEALTH DEPARTMENTS
_CCAO supports giving a board of commissioners discretion regarding the submission, type of property tax levy (renewal, increase, reduction, replacement), millage, and duration of property taxes submitted to the voters for the purpose of funding a health district. However, should this discretion not be granted to boards of county commissioners, CCAO believes commissioners should remain the levy authority, in order in part to maintain accountability of the entities requesting additional tax dollars, and to facilitate a public forum in which health officials may discuss their levy request and the reasons why it is warranted._

_CCAO also believes that, should local health districts continue to seek multi-county levy authority, such authority be limited only to true multi-county districts – not collaborations or even councils of government between distinct districts._

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._
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.

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

1. Recognize that the business/employer as the job creator is the customer, not the employee.
2. Foster an approach that simplifies and reduces the cost of doing business in Ohio.
3. 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:

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

Counties look forward to the ongoing partnership between commissioners, local economic development officials, and JobsOhio and its regional partners to continue the mission of job growth and economic development throughout the state.

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 local oversight and accountability with 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.

One of the inherent responsibilities of county governments and their boards of commissioners is facilitating economic development by creating a positive business 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 employers’ needs, assuring a competitive tax structure, and developing community assets that provide a quality of life that is attractive to employers.

Flexible, responsive dollars

Both local and state workforce officials agree that WIA is in need of reauthorization at the federal level, as the economy of 1999 is much different from the economy of today. Yet, the focus of a locally-driven system under the direction and control of elected local officials inherent to WIA is a sound policy approach that should be maintained in any reauthorization or replacement federal workforce program.

CCAO is very supportive of action taken by the Administration and Ohio General Assembly to dedicate flexible dollars to fill needs not met by WIA, such as the use of casino licensing fees for programs like the Incumbent Worker Training program. CCAO encourages state leaders to think about longer-term investments of state resources beyond these one-time dollars.

Commissioners encourage any discretionary funding out of Ohio’s WIA allocation the state has set aside should remain as flexible as possible to allow the state to best meet businesses’ needs as they arise, rather than being put into a specific program with additional restrictions.

Common sense performance measures

Commissioners believe that many one-stops are working efficiently and competently with local businesses to respond to business needs and get people back to work. Before sweeping changes are made to Ohio’s locally driven workforce system, the state should consider the additional, voluntary performance measures such as return-on-investment figures areas are using to gauge aspects of their performance that federal measures may miss.
Uniform branding

CCAO supports initiatives to give employers and job-seekers a uniform brand in terms of identifying the supports and services delivered through the workforce development one-stop system. However, we encourage the state to take into consideration recent local investments that have been made in the current local branding structure – and therefore locally-recognized brands – and to consider implementation strategies with realistic short-term, mid-term, and long-term goals that recognize and address local funding limitations. If uniform-branding is implemented, the state must take ownership of a marketing campaign and, in recognition of local funding limitations, may need to provide state funding for such an effort.

Local needs warrant local decisions

In addition, state-led changes to the workforce system should not undermine the positive working relationships that many one-stops have built with their local business communities; nor should they undermine the relationships and collaborations many counties have created with one another.

Businesses do not care about what lines are on a map – nor should they. In order to meet businesses’ needs, one-stops and workforce investment areas must continue to have the flexibility to partner with different counties and areas who fall outside arbitrary, bureaucratic boundaries, as well as regional and local economic development groups. In addition, CCAO believes any changes made to the workforce system should be to benefit the experience of businesses in Ohio, rather than state or federal officials.

Commissioners caution against a one-size-fits-all approach to workforce development policy in Ohio – given the vast differences in both the economies of and effective strategies within the various counties of Ohio, a locally-driven, state-monitored approach to workforce development activities truly is common sense. For example, rather than create state policy in reaction to one or two workforce areas or even one-stops that may be compliant or failing to succeed according to performance measures, the state should use its capacity to look at such options as performance improvement plans. In addition, we encourage the state to take on the role of sharing best practices and replicable examples of successful strategies to both respond to businesses’ needs and get people back to work.

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. In response to Ohio EPA and after extensive deliberations, CCAO and the Organization of Solid Waste Districts of Ohio (OSWDO) support the following programmatic goal for solid waste districts under Ohio law:

“Maximizing the use of waste as a resource through the development of adaptive, effective and financially sustainable programs, facilities, policies and/or public-private partner-

ships that promote the health, safety and welfare of Ohio communities.”

Local control of solid waste planning

Under broad goals and guidelines established by state law and the state solid waste plan, CCAO supports local self-determination in the number and composition of districts. CCAO believes that adoption of disposal, generation, and contract fees should remain local choices approved by local officials. Flow control must be preserved for local officials to finance public facilities and to implement the purposes of a locally approved solid waste management plan. CCAO supports retention of the authority of solid waste districts to adopt solid waste rules that govern 1) the maintenance, protection, and use of all solid waste collection and disposal facilities; 2) the receipt of out of district waste; 3) the application of zoning to solid waste facilities; and 4) the implementation of a program for the inspection of out of state waste. CCAO believes that district programs must reflect local needs, demographics, and waste management conditions and that a one size fits all approach to local solid waste planning is not in the long term best interest of the state or its citizens.

Flexibility in solid waste governance

CCAO supports local flexibility for each district to determine whether to have a board of directors or to establish a regional solid waste authority for governance purposes. For solid waste districts that choose to retain the board of directors/solid waste policy committee governing structure, the law should be amended to permit districts to reduce policy committee quorum requirements and to reconfigure policy committees to reduce the sheer size of multi-county district policy committees. Districts with two or more counties should be able to participate in meetings via electronic video conferencing, and districts with three or more counties should have the ability to establish a non-statutory membership composition.

Streamlining of the planning process

CCAO supports streamlining the planning process by requiring each district/authority to prepare a plan every ten years instead of every 3 1/3 years provided the district is meeting goals laid out in the plan. CCAO believes that plan components should be less prescriptive than they are currently, that the format should be general and serve as a guidance document, and the format should not be a one size fits all template. In general, CCAO supports putting more resources into plan implementation and devoting less time to continuous updates and revisions of the plans. Other changes to the planning process that CCAO supports include the following:

1. Fee modification process – Reduction in district generation and disposal fees should not require ratification of the solid waste plan, rather such changes should only require two hearings and a resolution.
2. **Plan components** – Remove burden of inventory data collection from districts and require brokers and haulers to submit data to the state.

3. **Plan ratification process** – Maintain the 60% approval for ratification and remove large city veto.

4. **Plan ratification process** – Failure by a political subdivision to vote removes that political subdivision from the calculation needed for approval.

In order to promote fiscal accountability, CCAO supports allowing districts to discontinue service where the costs for providing service exceed the economic value without re-ratification of the plan. In order to reduce fund balances, CCAO also supports permitting districts that levy disposal fees to reduce the $1 dollar per ton minimum disposal fee.

Twenty five years ago in response to capacity and environmental concerns the Ohio General Assembly made solid waste management a public purpose and charged county commissioners with responsibility to prepare and implement solid waste management plans to meet the solid waste needs of the citizens in every county in the state. County commissioners have taken this responsibility seriously and have invested millions of dollars in disposal, transfer, and recycling facilities and programs to meet the solid waste needs of the general public. If county commissioners are to make full use of existing facilities, programs, and services, it is essential that local officials have the power to: 1) Have self-determination relative to the composition of each solid waste district, 2) Establish funding mechanisms to carry out district solid waste plans, 3) Adopt rules to make sure that solid waste facilities are properly utilized, and 4) Implement designation and debt financed flow control to make sure that facility debt may be retired and that solid waste plans may be fully implemented.

**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.

**Key Platform Priority**

**Address/Balance/Foster Energy**

**Development Opportunities and Responsibilities**

CCAO supports state policies to encourage the development of new energy sources which offer great opportunities to Ohio. Such development must be done responsibly from the beginning to address expensive, vital infrastructure; environmental safeguards; community needs; and financial impacts on jurisdictions impacted.

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.

The technological advances in harnessing new energy sources 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.

In addition, CCAO supports developing and expanding the applicable uses of domestic energy sources. For example, the state, in conjunction with local governments, should continue to review and analyze the economic feasibility, technology, and infrastructure opportunities and challenges regarding the potential conversion of vehicle fleets to natural gas fueled vehicles (NGVs).

CCAO believes that as Ohio joins the race to embrace new energy technologies, the state should commit to including local governments in developing applicable state policies, particularly given the potential siting, infrastructure, taxation, and community impacts.

One area of concern that gives CCAO considerable pause is the potential for damage to local roads with the current upswing in oil and gas drilling. The movement of drilling equipment coupled with the large amounts of material, in particular water, to and from both drilling sites and injection well sites will cause much distress to our roadways. CCAO advocated for and was disappointed with the refusal of policymakers to require a road use and maintenance agreement (RUMA) be in place with the appropriate local political subdivision as a condition to a permit to drill, particularly given the mandatory nature of such agreements with regards to the development of alternative energy sources. Although recent changes require a “good faith” effort by drillers to achieve a RUMA, CCAO anxiously awaits the review of a task force charged with analyzing the effectiveness of this “good faith” requirement.

**PUBLIC HEARING ON PERMITS FOR BRINE INJECTION WELLS**

Under current law, applications for permits for an oil and gas well or a brine injection well do not require the Division of Mineral Resources at the Department of Natural Resources to hold a public hearing on such permits upon timely comments and a request for a hearing. This is different than the law on concentrated animal feeding operations and wind farms. CCAO supports a change in law that requires public hearings on applications for oil and gas well permits and brine injection well permits if requested by a board of township trustees or municipal legislative authority if the proposed location is within that township or municipality, or by a board of county commissioners if located within the county. The Division would continue to have discretion on hearings requested by other parties but would be required by state law to conduct a hearing if requested by local governments.
Recently-enacted ORC Section 6111.60 is a step in the right direction in terms of requiring that Ohio EPA consider such factors, not 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 has already produced, and if unchecked will continue to 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.

Financial capability assessments for Ohio’s local governments 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. Current U.S. EPA guidance does not permit evaluation of these critical economic factors. Recently-enacted ORC Section 6111.60 is a step in the right direction in terms of requiring Ohio EPA to consider such factors when issuing permits and evaluating plans for aging sewer infrastructure and leaky collection systems, but the statute is not binding on the federal government.

Local financial impacts are best evaluated by local officials, not the federal government. The framework for evaluation of local financial capability should be a joint state-federal framework that assigns 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.

Agencies and communities are also being hampered by a prescriptive approach to setting permit limits for nutrients, stormwater, and for TMDL-derived parameters. U.S. EPA admits that many remaining water quality issues are caused primarily by non-point sources, such as residential, agricultural, and local development practices. CCAO is encouraged by the state’s emphasis on controlling non-point sources through the development of Nutrient Management Strategies and the work of the Ohio Lake Erie State Phosphorous Task Force. Such strategies may include but are not limited to the continued study of stormwater practices in development projects to control flow from impermeable surfaces; development of a voluntary, statewide “certified nutrient stewardship program” for farmers; the use of water quality trading, etc. CCAO looks forward to continued work with the state and other stakeholders to encourage the use of such best practices when appropriate for a given watershed. Yet current permitting guidance demands that in the absence of clear legal authority over such practices, Ohio wastewater agencies must impose new, and ever-more stringent, limits upon local treatment plants and local stormwater conveyance systems, causing additional rate increases across Ohio and, in many cases, limited or no incremental improvement in overall water quality. Given the current economic conditions in the State of Ohio, this guidance could have a devastating effect on the state’s economic development goals. Once again, ORC Section 6111.60 is a step in the right direction in terms of requiring that Ohio EPA consider cost-benefit factors when issuing permits, but the statute is not binding on the federal government.

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.

COMMERICAL BUILDING PERMIT PLANS REVIEW

The Ohio Commercial Building Code requires that building departments review commercial applications for building permits in the order in which they are received. CCAO believes counties should be provided specific legislative flexibility to review plans in a manner which allows for expedited review of projects that have significant local and/or economic development 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:
1. 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.
2. Authority to enact zoning for the purpose of promoting the general welfare and to encourage the preservation of agriculture and agribusiness.
3. 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.

**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.

**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:
1. Remove the current restriction allowing only counties with a population of 60,000 or more to form land banks to allow any county to create a land banking program;
2. Allow counties to form multi-county land banking programs;
3. Allow a board of revision to process tax foreclosures as opposed to the courts;
4. 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;
5. Allow the county to retain their own legal counsel to prosecute tax delinquencies instead of being required to use the prosecutor;
6. 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;
7. Allow counties to sell property acquired through this process to be sold for less than fair market value.

**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.

**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 outsider 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 OF VACANT BUILDINGS**

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, as well as 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.

**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.

**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 IMPROVEMENT 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 improvement authorities.

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

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

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**Key Platform Priority**

**Recognizing the Public Purpose of Solid Waste Management**

As the Administration and General Assembly review Ohio’s solid waste delivery system, CCAO asks that policy and lawmakers recognize the importance of public oversight of this utility service available to and needed by all Ohioans. We also support initiatives to maximize the use of waste as a resource through financially sustainable policies, programs, and facilities that promote public health, safety, and general welfare. CCAO also supports public/private solid waste management partnerships.

**FINANCING FOR EPA ORDERED PROJECTS**

When county commissioners are required by Ohio EPA to sewer low to moderate income residential areas, it is critical that the OEPA and the Ohio Water Development Authority work closely with commissioners to provide financial assistance to the residents of such communities so that projects may move forward without forcing local property owners to accept unsustainable assessments against their property.

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

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

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 US EPA assigns each non-attainment area to one classification. A motor vehicle inspection and maintenance program is a requirement for any areas that are designated moderate or serious non-attainment.

In order to fulfill that requirement, any non-attainment area that falls 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 0.084ppm, accomplishing the goal with the re-designation of the Cincinnati area as in attainment, in March 2008 US EPA adopted a more stringent ozone standard of 0.075ppm. While states are already challenged with meeting this new standard, US EPA now is reviewing the standard and has suggested a lower standard may be needed somewhere between a range of 0.070 and 0.060ppm.

In addition to the ozone levels, US EPA adopted a more stringent fine particulate standard in September 2006. New non-attainment designations were effective February 2009, and Ohio EPA prepared and submitted documentation that the standard had been achieved in all parts of the state by the 2012 deadline.

Further, US EPA adopted a more stringent lead standard on October 16, 2008. The revised standards are ten times tighter than the previous standards. 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.
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.

INDIGENT DEFENSE

50% reimbursement rate

The U.S. Supreme Court in Gideon v. Wainwright (1963) held that the Fourteenth Amendment obligated the states to provide legal counsel to indigent defendants. In response to Gideon, Ohio opted to require counties to provide indigent defense, with the state reimbursing counties for 50% of the cost of delivering this constitutionally mandated service. However, in 1979 the state modified its funding commitment by establishing the concept of “proportional reduction,” thereby deciding that if the state is unable to reimburse all counties at the 50% level, it will then proportionally reduce the reimbursement to counties based upon what the state makes available for reimbursement.

CCAO asks the state to live up to its original agreement to reimburse the counties for 50% of their expenses incurred to provide indigent defense counsel.

The State’s GRF funding for reimbursement from FY05 through FY08 totaled between $32 and $30 million. However, the GRF appropriation has precipitously decreased as the State has chosen to supplant GRF money with the significant additional revenue for reimbursement that has been secured from non-GRF funds which are directed to the Indigent Defense Support Fund in the state public defender’s office budget. An increase in the GRF appropriation by an additional $22.5 million in FY14 and $23.4 million in FY15 will fund reimbursement at 50% and still be well below the earlier GRF funding levels.

System delivery improvements

While CCAO believes that a systemic change to the delivery of indigent defense services must be made by shifting the obligation from the county to the state, in the interim counties ask that the following proposals to modify criminal sanctions and improve the administration of the indigent defense system be implemented:

1. Death penalty cases – The Office of the Ohio Public Defender should take over and the State fund the defense of all death penalty cases.

2. Decriminalization of more offenses – CCAO believes that the criminal sanctions associated with the following offenses should be modified to eliminate the jail sanction, thereby reducing the number of offenses that entitle an indigent individual to counsel:
   a. Repeal the bad check laws – Most bad check cases are really civil collections for private parties, and the serious offenses are already covered by forgery, uttering, and theft statutes.
   b. Repeal most prostitution laws, and retain those which lead to prosecuting the johns and the public health concerns. This coincides with the evolving public policy around human trafficking.
   c. Create a minor misdemeanor for theft offenses for amounts under $150.
   d. Reclassify most F-4 and F-5 drug possession to first degree misdemeanors and keep trafficking cases as felonies. Marijuana possession should be kept as a minor misdemeanor.
   e. Reclassify most traffic cases to minor misdemeanors or administrative violations dealt with by the BMV and not in the courts. Exceptions to reclassification should include DUI, fleeing and
3. Reform of the abuse, dependency, and neglect case in juvenile court – These cases are the fastest growing demand for indigent counsel, threaten the best interests of the child, and tend to drive up legal costs. The legislature should create a commission to completely reexamine the process for handling abuse, dependency, and neglect cases where children are being removed from parental custody. These cases can remain pending for over two years, involve multiple attorneys for each parent and the children, and create huge instability for the children that ultimately leads a significant percentage of these children into juvenile delinquency.

4. Require the establishment of a public defender office in the county – The Office of the Ohio Public Defender should have the authority to review the cost, efficiency, and quality of current systems pursuant to standards passed by the Ohio Public Defender Commission. It should also have the authority to create criteria for mandating the most cost effective model while maintaining quality. Counties, based upon a combination of population and case load volume, should be mandated to have a public defender office servicing clients in all of the courts within that county.

5. Abuse of assigned counsel selection – The Office of the Ohio Public Defender should have the authority to reduce reimbursement for counties that have non-compliant delivery models in order to incentivize effectiveness and efficiency. Where appointments do not meet standards as passed by the Ohio Public Defender Commission, the Ohio Public Defender should have the authority to reduce the reimbursement to the county. Presently, all counties are mandated to receive equal percentages of reimbursement without any measure of quality or efficiency. This means inefficient, expensive per case counties are using a disproportionate share of the available reimbursement dollars.

6. Court scheduling practices – Many judges schedule in conflict with each other, both within their own courts, and with other courts within the same county. These scheduling conflicts cost significant amounts of money for other justice agencies like the prosecutors, sheriffs, and public defenders who must staff these schedules. This practice must be eliminated. Courts should be required to create cross-agency justice boards that determine optimal scheduling to reduce conflicts and waste.

7. Municipal charging patterns – Presently, municipalities can pick and choose which cases to charge under a local ordinance and which to charge under the state code. By manipulating these choices, the municipality can gain significant monies from costs and fines but avoid the cost of jail, mental health evaluations, and public defense expenses by shifting them to the county. Municipalities should not be able to continue to cherry-pick charges by charging under the local ordinance to gain revenues or charging under state code to avoid costs. Municipalities that choose to charge under local ordinances should be billed with the costs of court, jail operations, and indigent defense based upon the percentage of cases charged in that court. No benefit in case cost or fee distribution should be based on how the case is charged.

Verification of indigency

One area that the counties continue to grapple with is the verification of indigency. Although it is the courts’ responsibility to determine an applicant’s indigency or eligibility for a reimbursement, recoupment, contribution, or partial payment program pursuant to Rule 22 of the Supreme Court Rules of Superintendence, we find the courts lax in accepting and fulfilling this responsibility. Commissioners are without power to insure the courts comply with their obligations and consequently are frustrated in their belief that the system costs are greater than they should be and look to the legislature for a remedy to this issue.

EMERGENCY 9-1-1 FUNDING AND MANAGEMENT

CCAO strongly supports the creation of and responsibilities assigned to the Statewide ESINet Steering Committee. A permanent state-wide uniform monthly charge against all numbers/address that will be able to access E-9-1-1 should be utilized to fund the state’s ESINet and 9-1-1 service. 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 of PSAPs 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
develop a grant program that will allow judges who will find courts in over 48 counties across the state. In place of its sentence investigation and report writing for common pleas labeled as reinvestment in the community due to the HB 86 reforms, in reality these increases were used to fund several new DRC grant programs supporting probation departments rather than offender programming.

In light of the significant changes brought about by HB 86, the State should establish benchmarks regarding the disposition of Felony 4 and 5 offenders to the local programming options in order to be able to evaluate the practical effects of sentencing reform.

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. Annual Reclaim funding remains at approximately $30 million per year as it has since FY 2010. The Youth Services Grant also continues to be flat funded, as it has been since FY 2003, at $18.6 million per year. Together, these line items have seen almost a 10% reduction in funding from the FY 2002 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.

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.

Committee Recommendations

COURT SPECIAL PROJECT FUNDS

Court special project funds have been the subject of strenuous dialogue between CCAO and the Ohio Judicial Conference for years. While judges insist upon continuing to have discretion over these local court costs that the court puts in place to fund various expenses and programs of the court, commissioners, as the appropriating authority, are frustrated when these funds continue to carry excessive balances and are not spent down by a judge. CCAO proposes to
trigger the automatic transfer of the balance in a special project fund which is in excess of 150% of the actual expenditures from that fund in the previous year.

STATUTORY COURT COSTS
Clerk of court fees (ORC Section 2303.20) were last increased in 1992, and probate court fees (ORC Sections 2101.16 and 2101.17) have not been increased since 1976. These fees help offset the cost of the operation of the clerk of courts office and probate court. CCAO asks that these fees be increased significantly to offset the gross depreciation in their value resulting from inflation over the 20 year and 35 year periods.

COMMISSIONERS USE OF OUTSIDE LEGAL COUNSEL
A board of county 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 Section 309.09(C) be eliminated.

STATE FUNDING OF LEADS AND MARCS SYSTEMS
With the advent of the Statewide ESINet Steering Committee, the administration of the state’s Law Enforcement Automated Data System (LEADS) should be merged into the ESINet to eliminate the need for county contributions for maintaining the system and should provide a funding mechanism to local jurisdictions to cover the cost of hardware and software upgrades required by new technology applications.

The state also has committed a significant investment to upgrade 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 study the potential for consolidation and merger of the system into the ESINet and allowing for either the elimination of or a provision of funding for the monthly user fee for local governments.

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 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 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.

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 jail’s 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” and “Veterans” courts. DRC has now begun a “Re-entry Court” initiative that will involve the sentencing court in an offender’s return to their community after serving a prison sentence. While these programs have merit, they are carried out almost exclusively with local court personnel and resources. If the state seeks to promote such programs, then the state ought to provide the funding for them rather than impose another unfunded mandate upon the counties for the costs associated with these “specialized dockets.”

Prosecution of Crimes Occurring on State Property

The state should provide a biennial appropriation line item to pay 100% of the costs incurred by counties for prosecuting offenders who commit crimes at state institutions, such as state prisons, or on state-owned property.

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.
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 often times is distinguished by the magnitude, size, and concentration of the problem, metropolitan counties especially want to stress the importance of the following policies that have been addressed in detail by various other CCAO Standing Committees:

CHILDREN SERVICES – See page 15
CHILD SUPPORT – See page 16
INDIGENT DEFENSE – See page 25

PRIORITY INITIATIVES TO GENERATE ADDITIONAL REVENUE AND CONTAIN CURRENT COSTS

Casino gambling revenue, racinos, and internet cafes

Casino gambling revenue 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 because it violates the principle of non-supplantation that was included in the Constitutional amendment allowing casinos. Casino revenue reductions resulting from the establishment of racinos at racetracks should be fully reimbursed. Legislation should be enacted to deal with internet cafes so as to protect revenue from casinos, and if internet cafes are regulated, the state should reimburse counties for casino revenue reductions resulting from the operation of internet cafes.

Publication of delinquent tax lists

CCAO supports legislation to eliminate the required publication of delinquent tax lists in newspapers of general circulation. In the place of the current statutory requirements, counties should be required instead to publish multiple larger notices that the delinquent tax list is available on the internet, the address of the internet site, and other instructions on how it can be viewed on the internet.

Sales tax administrative fees of the Department of Taxation

The Ohio Department of Taxation is entitled to retain an administrative fee up to one percent of the total collections of counties and transit authorities that enact 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, 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 statutory fees, recorder fees, pro-
bate court fees, and a change in settlement fees of the county treasurer and auditor.

**Provision of municipal prosecution**

Metropolitan counties support legislation to modify the current provisions of ORC Section 1901.34 to give commissioners greater flexibility to provide for the prosecution of criminal offenses under state statute in municipal courts of the county either through municipal law directors, the county prosecutor, or contracting with private law firms.

**Committee Recommendations**

**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.

**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.

**TRANSFER OF REAL ESTATE TO NON-PROFITS**

Metropolitan counties support granting permissive authority to county commissioners under ORC Section 307.10 to transfer unneeded real estate to non-profit organizations instead of disposing of the property by bid or public auction.

**OVER AND UNDERPAYMENT OF PROPERTY TAXES**

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

**ADDITIONAL PERMISSIVE MOTOR VEHICLE LICENSE TAXES**

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

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

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.

**CHANGES TO THE COUNTY VETERANS SERVICE COMMISSION LAW**

CCAO supports initiatives to review the law and operation of Veteran Service Commissions to be sure enhanced and coordinated services are available to our brave soldiers returning home. The mandate contained in ORC Section 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. We support the enhanced ability for the board of county commissioners to review and revise the budget of the Veterans Service Commission, especially as it pertains to the administrative and operational expenses of the Commission. As it relates to operational expenses, there is a special need to be sure that the Veterans Service Commission does not have the authority to provide for staff compensation increases that exceed the average increase provided to other appointing authorities through the appropriation process. 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 Department of Veteran Services should provide funding for any training that is mandated by the Department. Finally, the boards of county commissioners should become the appointing authority for members of Veteran Service Commissions instead of judges.

**CONTRACTS FOR DISPATCH SERVICES**

There is 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 changes to ORC Chapter 302 to expand the forms of alternative county governmental structures that may be placed before the voters by the board of county commissioners. Current law only permits an alternative statutory structure (if voter ratified) of the board of commissioners into legislative and executive functions and the establishment of certain county departments. The current alternative form law does not allow for the elimination of any county elected official offices or for the combination of any of the current elected offices. CCAO recommends that two new alternative forms of government be authorized. One would allow for a county appointed or elected executive, a board of county commissioners, and would also allow for any elected official, with the exception of the auditor and prosecutor, to become appointed officials or two or more current offices could be combined into a new elected office. While this alternative form would not allow for the elimination of an elected prosecutor, it could limit the responsibilities of the prosecutor to criminal duties and could allow for civil duties to be performed by an appointed law director. The second alternative form would simply allow a ballot question of whether any two or more current offices should be combined into a new elected office. 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 CONTRACT FOR THE SERVICES OF THE COUNTY CORONER OR ESTABLISH REGIONAL CORONER OR MEDICAL EXAMINER SYSTEM

CCAO supports legislation to allow a board of county commissioners to contract for the services of the coroner from another county. Such a contract would have to be executed for a four year period prior to the primary filing deadline. If such a contract is executed, the board of elections would not accept a petition for the elected office of coroner because the services of the coroner would be provided by contract during the next four year period.

As an alternative, CCAO supports an approach whereby two or more counties could study the establishment of a regional coroner or medical examiner system which would eliminate the elected position of county coroner. Each county would appoint three members to a study committee, including the elected coroner from each participating county. This committee would then develop a business plan and make a recommendation to each board of county commissioners participating in the study. The board of county commissioners of each county would then hold a public hearing on the proposal and would vote on whether to join the new regional coroner or medical examiner system by resolution. This resolution would not become effective for thirty days, and during this thirty day period electors could petition for a referendum on the proposal. If a referendum petition is submitted, the county could not join the regional coroner or medical examiner system unless the voters approved the proposal at the next election.

AUTHORITY FOR COUNTIES TO REGIONALIZE SERVICES

CCAO supports permissive new regional collaboration initiatives and amendments to 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: traditional sheriffs’ department services, administration of justice services (courts, prosecutors, public defenders, etc.), dog wardens, and other services that are currently limited to an intra-county (within the border) status.

AUTHORITY TO ALLOW FOR TAX REVENUE SHARING

CCAO supports amendments to state law to enable tax revenue sharing between local governments so economic development revenue can be shared across a region.
Committee Priorities

CCAO opposes any additional cuts to the Local Government Fund in the FY 2014-2015 biennial budget and supports restoration of some of the disproportionate cuts imposed on local governments during the FY 2012-2013 biennium.

The Local Government Fund (LGF) represents the most critical element of state assistance to counties. In most counties the LGF is the third or fourth largest source of income to the county general fund. The concept of sharing the major state taxes with local governments should be retained. Unfortunately, the Local Government Fund has been reduced in recent years, posing an increasing challenge for counties.

From July 2001 to January 2008 the Local Government Fund was frozen and cut by the state with local government losses deposited in the state general revenue fund. The state General Revenue Fund gained $644 million at the expense of local governments during the six and a half year time period.

Beginning in 2008, the legislature, with the support of local governments, put the Local Government Fund back on a percentage of tax receipts formula where 3.68% of all state general revenue fund tax receipts were allocated to the fund. CCAO and other local governments supported the percentage of tax receipts formula because we could experience revenue growth along with the state as state revenues increased. Unfortunately for local governments, during the recent recession, the Local Government Fund distributions declined by an additional $100 million or 14% in 2009. Revenue distributions increased slightly in CY 2010 and remained virtually the same in CY 2011.

The FY 2012-2013 biennial budget once again suspended the percentage of tax receipts formula instituted in 2008 and imposed massive and disproportionate cuts to the Local Government Fund of 25% in FY 12 and 50% in FY 13 from FY 11, resulting in a loss of $535 million to local governments during these two fiscal years.

Finally, proposals have surfaced recently in the General Assembly to change the formula for distribution of LGF receipts so that townships and municipalities would receive a greater relative share of the funding by reducing the amounts received by most counties. The primary reason stated for this redistribution among the political subdivisions in the county is the fact that counties now receive casino revenue. CCAO opposes this change in the local distribution formula because counties continue to fund many mandated state programs that benefit the residents of municipalities and townships. If the LGF formula is to be changed, it must follow an analysis of not only revenues but also of state mandated expenditure requirements by various local governments.

TANGIBLE PERSONAL PROPERTY TAX (TPP) AND PUBLIC UTILITY TANGIBLE PROPERTY (PUTP) REIMBURSEMENTS

CCAO supports continued suspension of the accelerated phase down of reimbursement payments for lost tangible personal property (TPP) taxes and public utility tangible property (PUTP) taxes to counties so as to benefit the various county service functions that rely heavily on property tax revenues.

TPP was phased out and eliminated under tax reform enacted in 2005 (HB 66). At the time the state phased out TPP the state created the commercial activity tax (CAT) and earmarked the CAT to make reimbursement payments to local governments for lost TPP taxes. Prior law provided local governments with full reimbursement for lost TPP through June 2011 with phased down reimbursements continuing through 2018. Laws providing for electric power deregulation and natural gas deregulation were adopted in 1999 and 2000, respectively. A portion of the kilowatt hour tax and all of the natural gas tax (MCF) were earmarked for schools and local governments for property taxes lost due to electric and gas deregulation.

Under the current state budget, the phase down in the reimbursement schedule to local governments was accelerated using a complex formula that recognized the relative importance of the reimbursement on the operation of the local government or levy funded service function such as mental health/developmental disabilities, children services, and senior citizen programs. The phase out was accelerated for local governments, and service functions that are heavily reliant on these replacement payments will experience a longer period of phase out than under the old law.
The total estimated budgetary loss to local governments and schools is $587 million in FY 2012 and $845 million in FY 2013.

The state budget suspends the accelerated phase down in FY 14 so that any local government that had more than a 6% reliance on either TPP or PUTP would continue to receive reimbursements in CY 2014 and beyond. While only six counties have more than a 6% reliance on TPP and only three counties have such a reliance on the PUTP, the current suspension is very important to these counties.

However, many of the levy funded agencies of county government such as mental health/developmental disabilities, children services, and senior citizen programs have a much heavier reliance on property tax levies for their operating revenue. Continuing the suspension of the phase out for these agencies is critical and may eliminate the need for additional local property tax levies. CCAO recommends that the CAT continue to be used to make payments to local governments for forgone TPP tax revenue.

**CASI NO REVENUES**

CCAO believes that the will of the voters in providing for the distribution of revenues to counties and other local governments should be upheld and that efforts to earmark or specify how these revenues are to be used by local governments should be avoided by the legislature, particularly given the uncertainty associated with the timing of the opening of the casinos and of competing VLTs at racetracks around the state. Any change in allocation of the gross casino revenue tax should only occur pursuant to another constitutional amendment.

In November 2009, Ohioans approved State Issue 3 authorizing casinos in Cincinnati, Cleveland, Columbus, and Toledo. The constitutional amendment provides for the levying of a 33% Gross Casino Revenue (GCR) tax to be levied and collected by the state on all gross casino revenue (GCR) by each casino operator of the four casino facilities. The constitution and state enabling legislation further provide for the creation of a Casino Tax Revenue Fund from which money deposited in such fund must be transferred to eight separate funds including 51% to the Gross Casino Revenue County Fund.

The constitutional amendment provides clear language prohibiting the state from supplanting existing funding obligations of the state with the new revenue. Efforts to change the Local Government Fund distribution formula to give more funds to municipalities and townships violate the principle of supplantation.

The State of Ohio has no prior experience with casino gambling. Any attempt to project the timing and the approximate amount of revenue from such facilities is fraught with uncertainty. One issue contributing to the uncertainty is that seven race tracks are expected within three years to open video lottery terminals (VLTs) in Ohio in competition with the casinos. The Department of Taxation predicted in a 2009 study that VLTs at all seven racetracks would reduce revenues to the four casinos by 27%. The exact timing of the opening of each racetrack with VLTs, some of which are expected to be moved to new locations, adds additional elements of uncertainty to any analysis of this situation.

**COUNTY BUDGET PROCESS AND BUDGET CONTROL**

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

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

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

**ACCESS TO SPECIAL REVENUE FUNDS**

Consistent with the authority of state government to divert money from certain special revenue funds to the state general revenue fund 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.

STATUTORY COURT COSTS

Clerk of court fees (ORC Section 2303.20) were last increased in 1992, and probate court fees (ORC Sections 2101.16 and 2101.17) have not been increased since 1976. These fees help offset the cost of the operation of the clerk of courts office and probate court. CCAO asks that these fees be increased significantly to offset the gross depreciation in their value resulting from inflation over the 20 year and 35 year periods.

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 (LGF) 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 SPECIAL FUNDS TO THE GENERAL FUND FOR COST OF INSURANCE AND SELF-INSURANCE

CCAO appreciates recent changes to the joint self-insurance statutes that harmonize the single and joint self-insurance cost allocation methodologies for benefitting special funds in the county. CCAO recommends that the statutes relating to purchase of health insurance and property and liability insurance be reviewed to assure that ORC Sections 9.833, 2744.08, and 2744.081 are consistent and comply with professional insurance, actuarial, and technical standards. As it relates to cost allocation language in these laws, they should be consistent with language in ORC Section 4123.41 relating to the allocation of costs for workers compensation. Current insurance laws provide costs are to be based on the relative exposure and loss experience. CCAO seeks an amendment to add “or any combination of these factors,” to be 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%, ¼%, or ½% 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.

VENDOR OR CONSUMER SALES TAX REFUNDS

A consumer or a vendor has four years from the date that they erroneously or illegally paid the tax to file a refund request with the tax commissioner, unless the consumer or vendor waives the time limit under ORC Section 5739.16 (A)(3). If the time limitation is waived, the refund application period must be extended for the same period as the waiver.

CCAO supports reducing the period of time during which a consumer or a vendor may seek a refund from four to three years. CCAO also supports eliminating the provisions of law (ORC Sections 5739.07(D) and 5739.16 (A)(3)) permitting a consumer or vendor to waive the four year time limit for an indefinite period of time.

Existing law requires the tax commissioner to recover from the current receipts of the same tax source from which a refund is to be paid. If the current receipts from that tax source are inadequate for the purpose of covering the refund, then the refund is transferred from the current receipts of the state sales tax and then reimbursed to the state from the next distribution of that tax to the taxing jurisdiction. If the refund exceeds 25% of the next distribution of the tax, the tax commissioner may spread the recovery over a period of no more than 2 years, taking into account the amount to be recovered and the amount of future distributions.

CCAO supports extending the time period during which a county may be required by the tax commissioner to reimburse a consumer or vendor for an erroneous or illegal payment from a maximum of 2 years to a maximum of 3 years.

Key Platform Priority

Oversight of Taxpayer Dollars
While county commissioners are elected to manage county budgets on behalf of taxpayers, other officials – both elected and unelected – may court order additional county funds for increases in salary and administrative costs. Currently boards of elections, courts, county prosecutors, and veteran service commissions can secure funding without county commissioners’ approval via a court order. CCAO seeks to limit this extraordinary authority, particularly in regards to salary increases.
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.

In addition, CCAO supports legislation authorizing county commissioners to charge each office for the cost of an audit performed by the state auditor's office, and authorizing 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, 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.

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 ORC Section 319.54 (G)(2).

COUNTY BOARD OF REVISION CHANGES

CCAO supports legislation to do all of the following:
1. Create a more informal review process for adjustments to disputed valuations of $50,000 or less.
2. 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.
3. Allow a board of revision to issue subpoenas and compel the attendance of witnesses and production of records and documents.
4. Allow a board of revision to issue protective orders to restrict discovery of a complainant’s confidential information.

5. File complaints with the probate court to compel compliance with the board’s directives.

6. 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.

7. 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

Permit larger counties to waive performance bond requirements on construction projects that do not exceed $250,000.

Require indexing of the competitive bid limit to the consumer price index (CPI) on either an annual or biennial basis.

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.

PRESEMENT 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 eligible 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.

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 appraisal 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.
ALLOCATIONS 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 Section 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 Section 5739.09 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 county convention and visitor’s bureau and to reallocate this revenue 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.

SEVERANCE TAXES ON OIL AND GAS

1. The severance tax rate on oil and gas companies should be increased beyond what the Administration is proposing, and this can be done without discouraging the industry from locating in Ohio.

2. Revenue from increased severance taxes on oil and gas companies should be used minimally for income tax cuts. Some revenue should be used to restore local government funding cuts or to provide property tax relief. Special emphasis should be given to impacted counties.

3. The property and Ad-Valorem tax formula in state law needs to be revised to provide local communities with more revenue from property taxes than they are expected to receive under the current tax structure.

4. The Administration’s impact fee proposal of $25,000 per well for local communities with 100% of the money returned to the well owner as a credit on future property taxes would be an administrative burden on the county and other local governments with little benefit to the impacted communities. CCAO recommends that the impact fee provision be eliminated.

5. Road Use Maintenance Agreements (RUMA) must be a mandatory condition for issuing a permit for an oil and gas well and for any permit for deep injection well for hydraulic fracturing waste fluids by the state. If agreement cannot be reached between the well owner/drilling company and local governments, a provision should be made for the appointment of an arbitrator to resolve any disputes and to make sure that a RUMA does not become an impediment to oil and gas development.

6. CCAO opposes any additional Class II Injection Wells of the type used to dispose of brine generated from hydraulic fracturing. Provision should be made for local governments that have Class II injection wells operating within them to receive compensation from the injection well operator based on the volume of waste disposed through the well. Waste liquid derived from the hydraulic fracturing process must be reclaimed through enhanced waste water treatment facilities in Ohio. Taxes raised from modernization of Ohio’s severance tax should in part be used to establish such waste water treatment facilities in Ohio.

LIBRARY AND HEALTH DISTRICT LEVIES

CCAO supports giving a board of commissioners discretion regarding the submission, type of property tax levy (renewal, increase, reduction, replacement), millage, and duration of property tax levies submitted to the voters for the purpose of funding a health district or library. Existing law requires a board of commissioners to submit a levy to the voters whenever requested by a board of health or a library board.
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 directors.

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 the Legislature and Administration. Every two years a legislative program is developed and approved by CCAO membership.

County commissioners, county executives, and county council members develop association policy by participating on committees that work on a variety of issues of importance to county government. Such elected officials 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.