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# CIDS

## County Information and Data Service

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Phone: 614-221-5627 • Fax: 614-221-6986 • www.ccao.org

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APRIL 7, 2006

### DATES TO REMEMBER

APRIL 21, 2006	CCAO URBAN COUNTIES COMMITTEE, CCAO OFFICES, COLUMBUS
APRIL 21, 2006	CCAO HEALTH & HUMAN SERVICES COMMITTEE, CCAO OFFICES, COLUMBUS
APRIL 28, 2006	CCC/ESAO REGIONAL BRIEFING, 365 <sup>th</sup> FIGHTER GROUP, SUMMIT COUNTY (NORTH CANTON)
APRIL 28, 2006	CCAO AGRICULTURE & RURAL AFFAIRS COMMITTEE, CCAO OFFICES, COLUMBUS
APRIL 23-29, 2006	NATIONAL COUNTY GOVERNMENT WEEK
MAY 5, 2006	CCC/ESAO REGIONAL BRIEFING, WELCOME CENTER, MUSKINGUM COUNTY (ZANESVILLE)
JUNE 2, 2006	CCAO WORKERS' COMP PROGRAM ANNUAL MEETING, FOUR SEASONS CONFERENCE CENTER, HILLARD
JUNE 11-13, 2006	CCAO/CEAO ANNUAL SUMMER CONFERENCE, JOHN S. KNIGHT CENTER, SUMMIT COUNTY (AKRON)
AUGUST 4-8, 2006	NACo ANNUAL CONFERENCE, COOK COUNTY (CHICAGO), IL

### TEL/TABOR UPDATE

#### TEL AMENDMENT INFORMATION PACKAGES

As you know from recent updates published in CIDS, CCAO has taken a position in opposition to the Tax Expenditure Limitation (TEL) that will be on the November ballot. CCAO's major concerns include:

- An arbitrary cap on local government spending;
- Philosophical differences in what decisions elected officials should make;

- Poor drafting that will lead to implementation questions and court interpretation;
- A litigation lottery by giving taxpayers standing to sue counties; and
- Philosophical differences as to what belongs in the constitution versus in statute.

A package of information to assist you with respect to TEL was mailed to each Board of County Commissioners, the Summit County Executive and County Council this week. Included in the package is additional information explaining CCAO's opposition as well as material from proponents. Also

included was a draft resolution in opposition to the TEL, given that CCAO has received a number of requests for such.

CCAO's staff contact for the TEL is Suzanne Dulaney, Senior Policy Analyst, who can be reached at (614) 220-7982 or toll free at (888) 757-1904.

## **ASSOCIATION NEWS**

### 2006 CCAO ROSTERS...HOT OFF THE PRESS!

Over the next week the *2006 CCAO Roster* will be mailed to all Boards of County Commissioners, Summit County Executive and County Council, CCAO Affiliates, Sustaining Members, Ohio Congressional Delegation, Ohio General Assembly, advertisers and subscribers.

### NATIONAL COUNTY GOVERNMENT WEEK - APRIL 23-29

"Protecting Our Communities" is the theme for National County Government Week (NCGW) held April 23-29, 2006. Counties provide a wide variety of services to the public. Among the most important are those services which protect our communities. Counties prepare for and protect communities from natural disasters, terrorist attacks, crime and drug abuse. Counties also work to protect families, children and youth. NCGW is an ideal opportunity to explain how the county works and the services provided to citizens.

To print a copy of this year's planning materials go to [www.naco.org](http://www.naco.org) and click on the story about National County Government Week on the front page.

## **STATE ACTIVITIES**

### HIGH COURT ORDERS RELEASE OF LEAD RISK REPORTS AND CITATION NOTICES HELD BY HEALTH DEPARTMENT; SAYS OHIO PUBLIC RECORDS LAW TRUMPS FEDERAL HIPAA RULES ON MEDICAL PRIVACY

In a unanimous 7-0 decision handed down last month, the Ohio Supreme Court ruled that lead

assessment reports on residential properties and lead-citation notices issued by a health department to the owners of those properties are records that must be released under the Ohio Public Records Law.

The court ruled that the specific personal health information imbedded within the documents -- a generic reference to blood level readings of "children" who resided on the properties -- was not protected from disclosure under the federal Health Insurance Portability and Accountability Act (HIPAA) because the documents did not contain individually identifiable health information of the type that HIPAA protects.

The court further ruled that even if the documents did contain such information, the language of HIPAA itself does not bar disclosure in a situation where disclosure is otherwise required by another state or federal law.

The case stems from a 2004 request by the *Cincinnati Enquirer* for the documents compiled and held by the Cincinnati Health Department. The department contended that the HIPAA privacy rule permitted withholding the documents from the public because each contained the following sentence: "This unit has been reported to our department as the residence of a child whose blood test indicates an elevated blood level."

The department contended that this sentence, even though it did not identify the children by name, was personalized enough for a reader to be able to determine the identity of the child, and therefore, barred from disclosure under the HIPAA privacy rule.

This case is the first time the high court has addressed a public records case arising from a conflict between Ohio's public records law that generally requires disclosure, and HIPAA, which generally seeks to bar disclosure of personal health information.

The court held that the mere, nondescript references in the documents to children residing at particular addresses was not enough to bar disclosure. Justice Terence O'Donnell wrote that "nothing contained in the documents identifies any child by name, age,

birth date, social security number, telephone number, family information, photographer or other identifier.”

The court further held that even if the documents did contain such personal identifiers, they still would not be barred from disclosure under HIPAA because the privacy rule promulgated under authority of HIPAA requires the release of a document if its release otherwise is “required by law.” See 45 C.F.R. Section 164.512 (a). In this case, the “required by law” language would refer to the Ohio Public Records Law, ORC 149.43.

Addressing a separate issue, the court declined to award attorney fees to the *Enquirer*, which the newspaper had requested. The court denied the request because the case was a matter of first impression and awarding attorney fees would have the effect of punishing a public entity for taking a rational position in a case that involved an unsettled legal issue.

Citation: *State ex. rel. Cincinnati Enquirer v. Daniels* \_\_\_\_\_ Ohio St. 3d \_\_\_\_\_, 2006-Ohio-1215. Number 2005-0068. Submitted October 11, 2005. Decided March 17, 2006.

### SHEETS APPOINTED TO OHIO PUBLIC WORKS COMMISSION

Former Delaware County Commissioner Merlin “Boots” Sheets has been appointed by Senate President Bill Harris to one of the seven seats on the Ohio Public Works Commission (OPWC). Sheets served two terms as Delaware County Commissioner from 1989 through 1996 and more recently finished his eighth year as Brown Township Trustee. Sheets’ term on the OPWC ends in 2008.

The Ohio Public Works Commission was created to assist in financing local public infrastructure improvements under the State Capital Improvement Program (SCIP) and the Local Transportation Improvements Program (LTIP). These programs provide financial assistance to local communities for the improvement of their basic infrastructure systems. Through the two programs, the Commission provides grants, loans, and financing for local debt

support and credit enhancement. Eligible projects include improvements to roads, bridges, culverts, water supply systems, wastewater systems, storm water collection systems, and solid waste disposal facilities.

### NEW PRE-EMPLOYMENT & CONTRACTING REQUIREMENT EFFECTIVE - APRIL 14

Soon the state and other governmental entities will be mandated to provide future employees and certain vendors with a checklist for declaration as to whether they have provided material assistance, or not, to an organization listed on the Department of State Terrorist Exclusion List. This new requirement was included in Senate Bill 9 and becomes **effective April 14, 2006**. Information and materials that CCAO just received from the Ohio Department of Public Safety are included with this issue of CIDS for county commissioners. Materials were also sent this week to county administrators, purchasing directors, human resource departments, loss control coordinators, facility managers and emergency management directors.

This new requirement deals with the Declaration Regarding Material Assistance/Nonassistance to a Terrorist Organization (DMA).

**What is the DMA?** The DMA is a questionnaire that must be completed by certain applicants to certify that they have not provided "material assistance" to a terrorist organization (ORC 2909.32, 2909.33 and 2909.34.)

**Who must complete and submit the DMA?** The DMA form applies to applicants for:

1. Certain state issued licenses
2. All candidates under final consideration for public employment
3. Business contracts with, and funding from, any state, county or local government entity in an annual aggregate amount greater than \$100,000
4. Private entities that wish to do business with any state, county or local government entity that adopts procedures requiring pre-certification

**How are the forms distributed?** The DMA forms, review request forms and reference documents are available online at <http://www.homelandsecurity.ohio.gov>.

**How do you get trained?** Training is available online at <http://www.homelandsecurity.ohio.gov>.

Please review the DMA materials and contact Ohio Homeland Security at (614) 644-3892, fax (614) 752-2419 or [igross@dps.state.oh.us](mailto:igross@dps.state.oh.us) for further clarification.

### ODJFS BOOKKEEPING ERROR COSTS STATE \$130 MILLION

A Medicaid glitch related to funds the state recouped from private insurance companies and other third-party insurers that is supposed to be shared with the federal government but wasn't has created a \$130 million dollar problem for Ohio.

Medicaid, funded through a roughly 60-40% federal and state respective match, is considered a payer of "last resort" for health care services for the poor and is supposed to kick in only after other insurance applies, ODJFS spokesman Jon Allen said. The agency pursues payments from the third-party insurers when it is discovered that those entities - not Medicaid - should have covered some of the services.

ODJFS, in reviewing its books starting late last year, discovered it had underpaid the federal government its share of money recouped from the third party insurers since 2000. As a result, \$130.4 million in federal reimbursements to the state for its Medicaid spending was withheld last month.

Mr. Allen said the problem traced to a 2000 change in vendors that review Medicaid cases for potential collection of third-party liabilities. The new contractor used different "recovery codes" to report its collection activities in the state's computer system.

"For whatever reason, between the Medicaid office and the fiscal office, the connection wasn't made for those new codes," Mr. Allen said. "We've corrected

the disconnect so we're properly reporting and paying for it."

The state budget office offset the fiscal blow by transferring some \$90 million in funds from two ODJFS accounts into the general revenue fund, and adjusting for some planned federal program spending that didn't materialize, budget officials reported.

About \$51 million of the fix came from federal funds in an agency "Refunds and Audit Settlements" account, another \$40.7 million in GRF transfers was in unused money that had been set aside to reconcile the TANF misspending, according to the state. Another \$38.6 million was in money that had been earmarked for expected Medicare Part D "clawback" payments Ohio avoided when the federal government recalculated the formula for states' share of the cost of the new prescription drug benefit.

## **LEGISLATIVE ACTIVITIES**

### BILLS SIGNED BY THE GOVERNOR

HB 313 (Jimmy Stewart R-Athens) – Reduces pledging requirements by public depositories securing repayment of public monies and authorizes specified state, county and other political subdivision monies to be invested in certificates of deposit issued by out-of-state federally insured banks and savings and loans associations, under specified conditions. Signed April 4<sup>th</sup>, 2006. Effective in 90 days...

### BILLS RECENTLY INTRODUCED

HB 554 (Schlichter R-Greenfield) – Expands the notice requirements to boards of county commissioners and boards of township trustees with regard to the construction or expansion of concentrated animal feeding facilities (CAFOs) so that the notice requirements apply to all CAFOs instead of only to "major CAFOs." The bill is identical to SB 295 (Carey R-Wellston). March 30, 2006.

## **OSU EXTENSION NEWS**

### OSU EXTENSION DATA CENTER UPDATE

The Ohio State University Extension Data Center website contains a wealth of information for counties. The following information has been updated:

- 2005 unemployment rates by county
- Net migration now includes 2002-2003 and 2003-2004; net migration represents the number of people who have moved in or moved out of a county
- 2005 county population numbers located at the bottom of the population trend page as a link.

To access this data, please go to the OSU Extension Data Center's homepage at [www.osuedc.org](http://www.osuedc.org). For more information please contact Rosemary R. Gliem, Director of the OSU Extension Data Center, The Ohio State University, Department of Human and Community Resource Development, 2120 Fyffe Road - Room 248, Columbus, OH 43210, (614) 688-8760, fax (614) 688-8762 or [gliem.1@osu.edu](mailto:gliem.1@osu.edu).

## **NACo ACTIVITIES**

### NACo LEGISLATIVE ACTION NETWORK

The NACo Legislative Action Network (LAN) needs your help! Given the power and influence that grassroots efforts can have on our political process, it is imperative that NACo strengthen its grassroots advocacy on Capitol Hill. Join with county officials from across the nation by responding to Legislative Action Alerts, calling and e-mailing your Members of Congress and their staff. As a member of LAN you will receive e-mail alerts about important issues facing counties, have opportunities to lobby Congress personally and make a real difference for your county's citizens and for counties across America.

To sign up please contact Brad Banks, Legislative Research Associate, NACo, 440 First Street NW, Washington, D.C. 20001, (202) 942-4205, fax (202) 942-4281 or [bbanks@naco.org](mailto:bbanks@naco.org).

### NACo ANNUAL CONFERENCE TO BE HELD IN COOK COUNTY - AUGUST 4-8

Join the National Association of Counties (NACo) for their Annual Conference & Exposition to be held August 4-8, 2006 at the Lakeside Center at McCormick Place in Cook County (Chicago). With a three billion dollar budget, 25,000 employees and geographic region as large as many states, Cook County Government strives each day to provide its 5.3 million residents with a myriad of services intended to protect their health and safety as well as the environment around them. Last year more than 1.5 million patients visited the John H. Stroger, Jr. Hospital and more than 2.9 million prescriptions were filled - more than 26 Walgreen stores combined! Cook County's public safety system includes the largest single site jail complex in the nation housing more than 10,000 detainees daily; a unified court system with more than 300 courtrooms. To learn more about Cook County Government log on to [www.cookcountygov.com](http://www.cookcountygov.com).

Registration fees: earlybird registration is available until July 10; advance registration, which costs \$50 more than the earlybird rates, is available until August 3; and onsite registration in Chicago costs \$160 more than the earlybird rates. Register early to save your county money!

According to NACo, registration is up this year and the hotel rooms are filling fast. Don't be left out in the heat! Two hotels are being used for the Conference:

- Hilton Chicago - \$157 single/double
- Hilton Towers rate - \$182 single/double
- Palmer House Hilton - \$157 single/double
- Palmer House Towers rate - \$182 single/double

The CCAO officers and staff will be staying at the Hilton Chicago. CCAO will be scheduling time for Ohio to caucus about the election of the NACo 2<sup>nd</sup> Vice President during the conference. A special social event for Ohio is being considered. More details to follow.

If you have any questions about the Conference please contact Mary Jane Neiman, Public Relations Associate, at (614) 220-7979, (888) 797-1904 or [mjneiman@ccao.org](mailto:mjneiman@ccao.org). For links to Cook County information or to register online log on to [www.naco.org](http://www.naco.org). Click on Conferences > Annual Conference.

### DISCOUNT CARDS OFFERING AVERAGE SAVINGS OF 20 PERCENT OFF RETAIL PRICE

The National Association of Counties offers a discount card program to help consumers cope with the high price of prescription drugs by offering average savings of 20 percent off the retail price of commonly prescribed drugs. Caremark was chosen as the program provider after a two-year process that involved the NACo Membership Committee, a consulting firm and a special evaluation committee appointed by the NACo President.

The program provides great flexibility for participating counties. The cards may be used by all county residents, regardless of age, income, or existing health coverage. Some counties may use the cards for their jail populations or their employees if they do not have a prescription drug insurance program.

All the materials are printed and shipped to one county location for further distribution by the county. Once distributed the cards can be used immediately by anyone who needs it. Citizens do not have to fill out any forms to participate and, therefore, the counties do not have to maintain any database of who has the cards. There is no cost to NACo, no cost to the counties participating in the program and no cost to the citizens using the discount card.

The discount cards are accepted at more than 57,000 pharmacies nationwide, depending on location. Additional chains include: Rite-Aid, Eckerd, Walgreens, Walmart, CVS, etc. The savings range from 13 percent to 35 percent on purchases of drugs at a local pharmacy and up to 50 percent on mail order purchases. Savings differences are based on brand-named prescriptions vs. generic. Only NACo member counties can participate.

For questions, contact Brent Fisher, CCAO Enterprise Services Manager, at (614) 220-7996 or [bfisher@ccao.org](mailto:bfisher@ccao.org). For more detailed inquiries, or to enroll in the program, please contact Andrew Goldschmidt, Director, NACo Membership/Marketing at (202) 942-4221 or [agoldschmidt@naco.org](mailto:agoldschmidt@naco.org).

### **NACo AWARD PROGRAMS**

#### 2006 ARTS AND CULTURE AWARD PROGRAM

Is your county working to foster an environment where arts can thrive and also contribute to the creation of more livable communities? Are you and other local leaders generating more public and leveraging more private sector resources for the arts and arts education? Would your county like to win the 2006 Arts and Culture Award? In 2005, Cuyahoga County certainly could say "yes," because they won the award!

The 3<sup>rd</sup> Annual County Arts and Culture Award program is designed to recognize county governments for their efforts in enriching America's cultural and intellectual life, promoting lifelong learning and protecting the national heritage by supporting local museums and other cultural institutions, supporting historic preservation, helping children succeed in school, work, and life through arts education, and supporting America's nonprofit arts organizations.

Both on-going programs and one-time projects are eligible for the award, but must have been initiated since January 2002. County officials and/or staff, as part of their official duties, must have played a significant role in developing and implementing the program or project. Criteria for selection: demonstrated community impact, innovation, community/county partnership, leadership, and transferability.

Application deadline: **April 14, 2006**. For more information about the Arts and Culture Award Program please contact Christina Crayton, Research Associate, National Association of Counties, 440 First Street NW - FI 5, Washington, D.C. 20001, (202) 942-4228. You can print an application from

NACo's website at [www.naco.org](http://www.naco.org). Click on awards from the left menu and scroll down to the Arts and Culture Award category.

### 2006 COUNTY COURTHOUSE AWARDS

The NACo County Courthouse Award recognizes elected county officials who have improved the lives of citizens through outstanding governance and strong leadership. To be eligible for the County Courthouse Award you must be an elected county official from a NACo member county in good standing. Activities must have been in existence prior to January 1, 2006, but not earlier than January 1, 2002. Awards will be given out in three categories: rural, suburban and urban.

County officials are continually working to address many of our nation's most challenging issues, such as homeland security, air and water quality, information technology, health and human services, public safety, and many other priorities specific to your county. Managing and prioritizing your counties needs may be an elected officials most challenging task.

Award winners will each receive a \$5,000 scholarship to present to a graduating high school senior (not a relative of the winner) who is attending an institution of higher education, an engraved marble sculpture, national recognition for your county, and recognition at the NACo Annual Conference in Cook County (Chicago), IL.

Application deadline: **May 8, 2006**. For more information please contact Dalen Harris or Joe Dunn, Associate Legislative Directors, National Association of Counties, 440 First Street NW, Washington, D.C. 20001, (202) 393-6226 or fax (202) 942-4281. Information is also posted on the NACo website at [www.naco.org](http://www.naco.org). Click on Awards > County Courthouse Awards.

### **ATTORNEY GENERAL OPINION**

SYLLABUS

2006-015

A person may not serve simultaneously as a

township trustee and a member of a township zoning commission or township board of zoning appeals within the same township.

### **CLASSIFIEDS**

#### DIRECTOR

The Pickaway County Commissioners are accepting applications for the position of Director of Pickaway County Job and Family Services. This position is responsible for the overall operation of the agency which includes children services, workforce development, child support and public assistance programs. The Director assures agency compliance with statutory requirements and implements program and operational policies and procedures.

Candidates must possess strong management skills, be competent in setting goals and objectives and have experience in establishing working relationships with other community agencies and supports. This position also requires the candidate to have strong leadership skills; a sincere desire to assist individuals, families and children; excellent verbal and written communication; and knowledge or experience in collective bargaining.

Qualifications: Bachelor's degree (advanced degree preferred) in social work, business administration, public administration, human resources, psychology, sociology, education or finance. Also five years of administrative/managerial experience with at least two of the five years having supervisory responsibility is a must.

More information regarding this position is available on the Pickaway County website at [www.pickawayboc.org](http://www.pickawayboc.org). Applications can also be downloaded from this site. Please send resume and/or completed application to Pickaway County Commissioners Office, Attn: County Administrator, 139 West Franklin Street, Circleville, Ohio 43113 by close of business on **April 21, 2006**.

## BUDGET ANALYST

Hamilton County, Ohio accepting applications for the position of Budget Analyst in the Office of Budget and Strategic Initiatives. This position is responsible for analyzing agency budget requests, preparing budget recommendations for review, and preparing monthly and annual financial summary reports. The analyst serves as liaison between the Office of the County Administrator and agency officials in dealing with fiscal matters, as requested. This position also requires the candidate to analyze, compile and post large amounts of fiscal data in a meaningful form; prepare complex financial reports and position papers; and demonstrate strategic perspective on policies and industry trends of assigned agencies.

Qualifications: Bachelor's degree with course work in public finance, public policy, economics, financial management or accounting. More information regarding this position is available on the Hamilton County website at <http://www.hamiltoncountyohio.gov/Personnel/JobPostings.asp>. Please send resume/application to Hamilton County Personnel Department, County Administration Building, 138 East Court Street, Room 707, Cincinnati, OH 45202; or fax to (513) 946-4720. Position is open until filled.

## ASSISTANT EMERGENCY MANAGEMENT AGENCY DIRECTOR

The Huron County Emergency Management Agency and Office of Homeland Security is accepting applications for an Assistant Director.

Individual must possess excellent verbal and written communication skills; superior organizational and time management skills; and be able to perform in extremely critical situations. Individual must have a comprehensive knowledge of emergency management, emergency response, public administration and public relations as evidenced by a Bachelor's degree in Business Administration or Public Safety, or five or more years of EMA and/or emergency services related work experience. Individual shall have PDS Completion Certificate in Emergency Management or the ability to complete

the certificate within three years of employment combined with demonstrated capability in a supervisory/leadership role.

The responsibilities of this position include, but are not limited to: Developing disaster mitigation efforts with an all-hazards approach, coordinating response efforts and organizing a rapid recovery to ensure local government and business continuity for a successful resolution to any disaster; report, budget and grant writing capabilities; development of training and exercise initiatives that meet all federal Homeland Security, Emergency Management Agency and Local Emergency Planning Committee requirements; direct a logistical and resources program that collects, maintains and secures resources and facilities capabilities and vulnerabilities; and assume the role of the Director in the event the Director is absent.

Valid Ohio Driver's License with acceptable driving record is required. Applicants interested in the above named position are to submit a hardcopy employment application and resume to the Huron County Emergency Management Agency and Office of Homeland Security, 255-B Shady Lane Drive, Norwalk, Ohio, 44857. Phone: 419-663-5772. Application deadline is 4:30 p.m., **May 8, 2006**. Huron County is an Equal Opportunity Employer.

## DESIGN ENGINEER

Perform a variety of engineering assignments in connection with the planning, designing and construction of sanitary sewer and water systems. Supervise and coordinate work of technical staff engaged in computerized drafting of plans and other engineering documents; performs related duties as required. Bachelors Degree in Civil Engineering from accredited university and Engineer Intern Certificate issued by the State of Ohio and a minimum of 2 years experience that provides the requisite knowledge, skills, and abilities for the job. Position requires a valid drivers license and acceptable driving record. Full-time benefits package. \$18.32 per hour during probation, \$19.29 upon completion. Details at [www.co.geauga.oh.us](http://www.co.geauga.oh.us). Submit an Application for Employment and resume to Geauga County



Commissioners, Attn: Human Resources #2305, 470  
Center Bldg. #4, Chardon OH 44024. EOE/ADA.

**CLASSIFIED ADS**

CCAO publishes the County Information and Data Service (CIDS) weekly. Classified ads will be published free of charge as a service to counties. Ads will run for two weeks if space is available. Please provide faxed or e-mailed copy of the classified ad by 5:00 p.m. on Wednesday of each week. Transmit the copy to Mary Jane Neiman, CCAO Public Relations Associate, via fax at (614) 221-6986 or e-mail [mjneiman@ccao.org](mailto:mjneiman@ccao.org).