



CIDS

County Information and Data Service

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DATES TO REMEMBER

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)
JUNE 19, 2006	NW OHIO COMMISSIONERS & ENGINEERS ASSOCIATION, HARDIN COUNTY FAIRGROUNDS - COMMUNITY BUILDING, HARDIN COUNTY (KENTON)
JULY 12, 2006	CCAO ANNUAL ALUMNI GOLF OUTING, OAKHAVEN GOLF COURSE, DELAWARE COUNTY (DELAWARE)
AUGUST 4-8, 2006	NACo ANNUAL CONFERENCE, COOK COUNTY (CHICAGO), IL
AUGUST 25, 2006	CORSA ANNUAL MEETING, CONCOURSE HOTEL AND CONFERENCE, COLUMBUS, OH

TEL UPDATE

"LEGISLATIVE TEL" PROPOSAL – STATUS UPDATE

As you may have heard, the Ohio General Assembly this week passed legislation containing "Tel-like" provisions which have been negotiated between legislative leaders and Secretary of State Blackwell. This will set the stage for the removal of the proposed TEL Constitutional amendment from the November ballot.

Procedurally the Legislative TEL was amended into SB 321, the Tobacco Settlement Appropriations bill by the House Finance Committee Monday. The proposal subsequently passed the House and Senate

on Tuesday. The Governor requested that the proponents of the Constitutional TEL provide written correspondence requesting the removal of the TEL from the November ballot before he would act on the Legislative TEL. Such correspondence was provided Wednesday. As a result, we are awaiting the Governor's signature on Senate Bill 321.

On a parallel track Tuesday was an amendment to House Bill 312, a bill dealing with handicapped parking at polling places, that will clarify that a committee promoting a ballot initiative can later ask that such initiative be withdrawn. Amended House Bill 312 was reported by the Senate State & Local Government Committee Tuesday and was approved by both the Senate and House. Furthermore, the Governor signed that legislation Wednesday.

Wednesday's action was important due to HB 312 taking effect 90 days after the Governor's approval and the ballot initiative needing to be removed from the ballot at least 60 days prior to election day.

In addition, the Coalition for Ohio's Future - opponents to the Constitutional TEL, filed another court action this week challenging the validity of the petitions based on the improper disclosure of who paid individuals to circulate the petitions for signatures. The Coalition previously filed a separate legal challenge based on insufficient signatures on the petitions; that matter is to be heard June 9.

As a result, there are three possible avenues that have been laid to remove the TEL from the November Ballot – two through court action and one through legislative means to clarify that the Committee for the Constitutional TEL can simply request that the initiative be removed from the ballot.

CCAO believes that this week's action eliminates many of the problems for local governments under the Constitutional TEL. While a statutory TEL relating to only the state general fund is a major improvement for counties, some concern still exists because balancing the state budget under these new rules could further encourage a reduction in essential county funding streams in future state budgets, though this has been a challenge in recent years even without a statutory TEL in place.

In any event, CCAO believes appreciation should be expressed to legislators and Governor Taft for helping to avert what was clearly a monumental problem for counties with the Constitutional TEL. A memo summarizing the key points of the Legislative TEL was faxed to all Boards of County Commissioners and the Summit County Executive and Council this week.

ASSOCIATION NEWS

SPECIAL INSERT IN COMMISSIONERS ENVELOPES: NEW CCAO-ENDORSED SERVICE PROGRAM

Included with all Commissioners envelopes this week will be information on a new CCAO-endorsed service program presented by the National Association of Counties and administered by Cost Control Associates, Inc.

The program is focused on reducing increasing telecom and energy costs through analyzing billing data from cellular, local and long distance phone, electricity and natural gas providers. Fees for the program are entirely contingency-based and tied directly to the refunds and savings produced.

Included with this informational memorandum is a copy of their marketing material pamphlet that will give further information on the program, the company, and pertinent contact information for questions, comments, and concerns.

CCAO BOARD OF TRUSTEES MINUTES

Included with this issue of CIDS for county commissioners are the minutes from the April 21, 2006 CCAO Board of Trustees meeting. The minutes are distributed after approval from the Board.

CCAO/CEAO ANNUAL SUMMER CONFERENCE TO BE HELD IN SUMMIT COUNTY

Summit County Executive James McCarthy, County President Clair Dickinson and County Engineer Greg Bachman invite all county commissioners, engineers, affiliates and guests to attend the 126th CCAO/CEAO Annual Summer Conference to be held June 11-13, 2006 in Summit County (Akron). Meetings will be held at the John S. Knight Center in downtown Akron. The headquarters hotel will be the Crowne Plaza Quaker Square with additional rooms at the Radisson Hotel City Centre. Both hotels are located just a few blocks from the Center.

The CCAO, CEAO and an affiliate agenda are included with this issue of CIDS for county commissioners. Please make copies for all interested staff.

Please contact Mary Jane Neiman, CCAO Public Relations Associate, at (614) 220-7979, (888) 757-1904 or mjneiman@ccao.org if you have any questions.

2006 CCAO GOLF OUTING...A LITTLE GOLF AND A LOT OF FUN!

CCAO announces that the 17th Annual CCAO Golf Outing will be held on Wednesday, July 12 at the Oakhaven Golf Club, 2871 U.S. Route 23 North, in Delaware County (Delaware). Oakhaven is a par 72, 18-hole golf course that was redesigned and expanded in 1996. Over 100 golfers can warm up prior to a round of golf.

The purpose of this fun event is to provide funds for the CCAO Research and Educational Foundation in the preparation and printing of educational materials. All current and former county commissioners, other county elected officials, staff and friends are invited to attend this fun annual event.

Registration begins at 9:00 a.m. The driving range with unlimited range balls is available prior to tee-off. The 18-hole scramble with a shot gun start will start **promptly** at 10:30 a.m. You may pair your own foursome or permit CCAO to match your skills with other golfers. The \$65 fee includes the driving range with unlimited range balls, 18 holes, cart, box lunch, beverages, and a steak dinner.

Registration forms were mailed this week. Deadline for golf registration: June 23. If you have any questions about golfing please contact Tanya Wilcox, Administrative Assistant, at (614) 221-5627 or (888) 757-1904.

Sponsorships are also available. The deadline for sponsorship is June 23. If you have any questions about sponsorships, please contact Amanda Jones, Administrative Assistant, (614) 220-7985 or (888) 757-1904.

We look forward to seeing you on July 12. Remember registration begins at 9:00 a.m. and golf begins with a shot gun start at 10:30 a.m. sharp - please be prompt, and be prepared to have fun!

HARDIN COUNTY TO HOST NW DISTRICT MEETING ON JUNE 19

Hardin County Commissioners Jerry Cross, Russell Ludwig and Gerald Potter and County Engineer Michael Smith will host the next meeting of the NW Ohio Commissioners & Engineers Association on Monday, June 19. Registration and the dinner will be held at the Hardin County Fairgrounds - Community Building, 14176 County Road 140/Fairgrounds Road/Letson Avenue, in Kenton.

Registration begins at noon. Lunch will not be provided. Tours of Wilson Sporting Goods Factory, where Wilson footballs are made, and International Paper, where paper cups, plates and lids are manufactured, begin at 1:00 p.m. Space is limited to the first 50 people who sign up for the tours. The social hour begins at 4:00 p.m. followed by the business meeting at 4:30 p.m. and the dinner at 5:30 p.m.

Registration fee for the tours, meeting and dinner: \$10.00. Registration deadline: June 9, 2006. For more information please contact Debra Madison, Deputy Clerk, Hardin County Commissioners, One Courthouse Square - Suite 100, Kenton, OH 43326, (419) 674-2205, fax (419) 674-2272, hccom@co.hardin.oh.us.

Golf tee times are available beginning at 10:00 a.m. (weather permitting). Greens fees (18 holes with cart) - \$20 or \$18 for seniors. Please contact Veteran's Memorial Park Golf Course, 15906 SR 309 E, in Kenton, (419) 674-4573 for tee times. For other information please contact Mike Smith at (419) 674-2222.

SERVICE CORP UPDATE

OHIO WATER AND SEWER DATA ONLINE DATABASE

Sponsored by the County Commissioners' Association of Ohio, Ohio Municipal League, and enetrix (formerly Survey Research Associates), **Ohio.H20Rates.com** is an online tool that allows you instant access to up-to-date water and sewer rate information where you can compare your data to your peers. The tool provides valuable information on water and sewer rates, tap-in fees, how communities bill users, identifying water sources, and determining the level of wastewater treatment.

Ohio.H20Rates.com also sets itself apart from other surveys in its class by offering the following benefits:

- **Instant online access** - Ohio.H20Rates.com is available 24/7 so you get the information you need anytime.
- **Create peer groups with unlimited custom report access** - Sort data based on the organizations available in the database, type of provider, population size, and number of water and sewer connections.
- **Convenient purchase options** - If you decide to purchase a subscription you can pay online with a credit card and receive instant access to reports or choose the "bill me" option.

For general questions please contact Brent Fisher, Enterprise Services Manager at 614-761-1877. For more information about the survey or to obtain enrollment information, please contact enetrix, at 608-664-3833 or ohio-support@h20rates.com.

STATE ACTIVITIES

COURTS SUMMARY SHOWS 2% INCREASE IN FILINGS DURING 2005; FORECLOSURE, DOMESTIC VIOLENCE CASES GROW

The number of foreclosure, domestic violence, and child support enforcement cases filed in courts across the state grew in 2005 compared to the previous year, an annual summary from the Ohio

Supreme Court. Litigants also filed more product liability and workers' compensation complaints last year than they did in 2004. Overall, there were 3.1 million new cases filed during 2005 in all levels of the statewide court system. The total reflected a 2% increase over the previous year.

The 49th edition of the *Ohio Courts Summary* is a 277-page blizzard of statistical data and valuable overview of the work of the court system that includes information from all jurisdictions except mayors' courts, which is contained in a separate report to be published this summer. There were 2,444 cases filed at the Ohio Supreme Court in 2005, a 12% increase over 2004. The growth was traced in part to 240 appeals that resulted from rulings related to separate cases dealing with criminal sentencing laws.

In one Supreme Court category, the number of cases declined. Justices handled 118 practice of law matters involving lawyer discipline, bar admission, and unauthorized practice complaints. In 2004, the total was 151.

In other areas, the year 2005 saw:

- A 7% increase in cases at the 12 appellate district courts.
- A 9% increase in foreclosure filings in common pleas courts, and an 11% increase in other civil filings. The number of product liability lawsuits reached 1,868, compared with 1,028 in 2004. However, the number of other personal injury or damage cases decreased slightly.
- A 5% increase in domestic violence filings, a category that has experienced a 273% increase since 1995.

APRIL UNEMPLOYMENT RATE JUMPS TO 5.5%

The unemployment rate jumped to 5.5% in April, up from 5.0% in March as Ohio's nonfarm wage and salary employment increased 18,500 over the month, from 5,442,300 to 5,460,800 from March to April. In announcing the new numbers, Department of Job & Family Services Director Barbara Riley explained the

rise in unemployment was the result of more people looking for work as prospects improved. "While the unemployment rate increased last month, the increase in the number of people employed was the largest monthly increase since December 1999," she said.

The number of workers unemployed in April was 327,000, up from 294,000 in March. The number of unemployed has decreased by 22,000 in the past 12 months from 349,000. The April unemployment rate was down from 5.9% in April 2005, the department reported. The U.S. unemployment rate for April remained at 4.7%.

Unemployment in Ohio's 88 counties ranged from 3.5% in Delaware County to 11.2% in Monroe County. Ten counties had unemployment rates below 4.5%. Besides Delaware, those counties are Mercer, 3.6%; Geauga and Holmes, 3.8%; Medina, 3.9%; Lake, 4.2%; Auglaize, 4.3%; and Hancock, Shelby and Union, 4.4%. Seven counties had rates at or above 7.5%. There are, besides Monroe, Pike, 9.3%; Morgan, 8.2%; Meigs and Vinton, 8.0%; Perry, 7.8%; and Adams, 7.6%.

FEDERAL ACTIVITIES

HOUSE PASSES BUDGET RESOLUTION

On May 18, the House approved (218-210) a \$2.7 trillion budget resolution for Fiscal Year 2007 appropriations. The resolution includes an amendment increasing Labor-HHS-Education programs funding by \$3.1 billion, in addition to the \$4.1 billion increase already included from defense spending. While it is unclear which specific programs will be reduced to accommodate the additional \$3.1 billion in funding, Representative Michael Castle (R-DE) said that he has assurances from leadership the reductions would not come from anti-poverty programs such as Medicaid, Medicare, and Food Stamps. The Senate adopted their budget resolution in March. It also included a provision to increase spending for Labor-HHS-Education programs by \$7.2 billion. It is uncertain whether the House and Senate will ever reach an agreement regarding the FY 2007

budget resolution. House committees are already proceeding with FY 2007 appropriations hearings.

LOCAL GOVERNMENTS TESTIFY ON STEVENS TELECOM BILL

On May 18, local governments made a strong case for local video franchising, rather than national franchising, at a hearing before the U.S. Senate Committee on Commerce, Science and Transportation on S. 2686 as introduced by Chairman Ted Stevens (R-Alaska).

Senators seemed to have reviewed the local government's testimony carefully, because most opening statements raised concerns about how local governments were treated in the legislation and voiced concerns about the move away from local franchising. Chairman Stevens made clear that this version of the legislation was a "draft" version and that staff would be directed to work with NACo and the other local government groups to address many of the concerns raised by the testimony.

Here are the problems with S. 2686:

First, while the bill ostensibly preserves local franchising authority, the net effect is that it strips local authority and grants it to the FCC to determine virtually all franchise terms by rulemaking, requires that a franchise be granted by federal law within 30 days of a broadband-video provider filing an application, and places an unreasonable and what we believe for most cities and counties will be an unattainable mandate that localities must act within 15 days. The consequence for not acting within 30 days of application is that the bill "federalizes" local video franchising and eliminates the one percent fee for Public, Educational, and Government (PEG) access channels used to carry local programming and appropriate institutional network (I-Net) obligations for government and emergency communications.

Second, as crafted, the bill would send all rights-of-way disputes to the FCC, not the courts, which is the current practice. Communities, large and small, would be placed in the difficult position of reaffirming

their rights-of-way management and practices by satisfying a set of hurdles, at least six in the current draft, before the FCC. Furthermore, if the provider wins, the local community would be required to pay the costs and attorneys fees of the broadband-video provider. The bottom-line is that the FCC is granted the authority to oversee and second-guess not only the general police powers of the community, but the policies and engineering practices of public works departments nation-wide – a federal agency that has never had the authority to regulate local public rights-of-way and has no expertise concerning local streets, sidewalks, public safety and traffic patterns.

Third, this bill abandons commitments to keep localities financially whole in the rewrite of the video franchising process by excluding advertising and other non-subscriber revenues from the current five percent franchise fee. In addition, many communities have made the decision in their local franchises to obtain more than one percent worth of PEG and I-Net support for needs such as fire, police, and other governmental communications, and in those communities, local programming and emergency communications would be diminished as a result of this bill. The pledge to keep localities financially whole would be further marginalized by preemption language that does not allow localities to conduct franchise fee audits.

Fourth, while the draft ostensibly prohibits economic redlining through the use of the current Cable Act, it allows providers of the broadband-video services to use the public rights-of-way in a community, but pick and choose which neighborhoods they wish to serve while bypassing all others completely.

Fifth, it appears that the bill fails to protect locally-imposed telecommunications taxes as well as any state-imposed telecommunications taxes that are not imposed in lieu of rights-of-way compensation.

TAX BILL IMPOSES NEW REQUIREMENTS ON COUNTIES

House and Senate negotiators unveiled a long-awaited agreement May 8 to extend several expiring tax cuts, including the 15-percent rate on capital

gains and dividends, and relief from the Alternative Minimum Tax.

The bill provides \$90 billion in tax cuts balanced with \$21 billion in tax increases for a combined 10-year cost to the federal government of \$69 billion. Among the revenue-raisers are two provisions that will cost counties money; a new withholding requirement and restrictions on pooled bond financing.

Counties that spend more than \$100 million on products and services in a year will be required to withhold 3 percent of their payments to most vendors and contractors beginning in 2011. The requirement will apply to states and the federal government but not to the private sector. The provision is projected to raise \$7 billion for the federal government between 2011 and 2015.

NACo, the National League of Cities and the Government Finance Officers Association sent a letter expressing concern that this provision "would put counties and cities at a severe competitive disadvantage to the private sector in purchasing goods and services" and labeling it "egregious" that the provision had not been adopted by either the House or Senate, nor had notice been given, before it was included in the final conference committee report and scheduled for a vote.

The Congressional Budget Office issued a cost estimate on the bill on May 9 that labeled this provision as an intergovernmental mandate exceeding the threshold specified in the Unfunded Mandates Reform Act. However, no point of order could be raised under that law because of a procedural loophole.

Sen. Larry Craig (R-Idaho) called for repeal of the withholding provision during debate on the bill, vowing to "work every day after I vote to knock this out before 2010." He expressed NACo's concerns about requiring counties to withhold a tax that private sector purchasers do not, predicting "what are you going to do if you're a contracting or businessman ... you're going to bid up 3 percent to offset the cash flow because the government's taking it away from you for 15 months, holds it in reserve, interest-free."

The conference agreement also contained restrictions - albeit in an improved form from a provision that had originally passed the Senate - on local governments' flexibility to participate in bond pools.

Issuers of pooled bonds would be required to obtain an up-front commitment from participating local governments for at least 30 percent of any bond issuance and to loan at least 30 percent to borrowers within one year. Any amount remaining would have to be used to redeem outstanding bonds and issuers of pooled bonds that otherwise qualify for a small issuer exemption from arbitrage rebate requirements would no longer be able to claim the exemption.

One provision supported by NACo that had passed both the House and the Senate - an extension of the option to deduct state and local sales taxes in lieu of income taxes - did not survive the House-Senate conference. Supporters have been given vague assurances that it will be included in a future tax bill this year.

NACo will continue seeking an extension of the sales tax deduction and will work with the Treasury Department to clarify the new requirements on bond pools.

NACo will seek repeal of the withholding provision before it takes effect Jan. 1, 2011.

NACo ACTIVITIES

BOARD OF DIRECTORS NOMINATIONS

NACo's Annual Conference is rapidly approaching and one of the most important events is the election of officers and board of directors. State associations are asked to nominate representatives to serve on the NACo Board of Directors. The NACo Nominating Committee will review the nominations and prepare a report to be presented at the Annual Business Meetings to be held on Tuesday, August 8 in Cook County (Chicago), IL. The term of a NACo Board Member runs for one year beginning the last day of the current annual conference and ending the last day of the next annual conference.

CCAO is entitled to two representatives on the NACo Board of Directors. Currently, the positions are filled by Commissioners Lenny Eliason (Athens) and Mary Walker (Clermont).

Commissioners interested in serving on the NACo Board of Directors should send or fax (614-221-6986) a letter in interest to CCAO Executive Director Larry Long by June 5, 2006.

ATTORNEY GENERAL OPINION

SYLLABUS

2006-019

1. An alcohol, drug addiction and mental health services board (ADAMH board) established pursuant to ORC Chapter 340, or a provider with which an ADAMH board contracts, may only access Medicaid funding when authorized by statute and rule, including ORC 5111.023, ORC 5111.025, 14 Ohio Admin. Code Chapter 5101:3-27, and 14 Ohio Admin. Code Chapter 5101:3-30. Neither an ADAMH board nor a provider with which the board contracts may access Medicaid funding for services provided to an individual who is not eligible for Medicaid. The determination as to whether a particular individual meets all Medicaid eligibility requirements is made, in the first instance, by the county department of job and family services, except with regard to the Ohio breast and cervical cancer project, where eligibility is determined by the Ohio Department of Health or its designated agencies or subgrantees.
2. The provision of division (G) or rule 5101:1-39-04 of the Ohio Administrative Code (12 Ohio Admin. Code) stating that "[a] person is not considered to be an inmate of a public facility until he has resided therein for a full calendar month" are not applicable to inmates of penal institutions governed by division (H) of rule 5101:1-39-04. Rather, pursuant to division (H) of rule 5101:1-39-04, a person is considered an inmate of a penal institution "if he is incarcerated under process of the penal system" (whether the offense is a

misdemeanor, a felony, or a delinquent act) and is totally excluded from Medicaid coverage(whether during the period before trial or other disposition of the charges after conviction), regardless of whether the person resides in the penal institution for a full calendar month.

CLASSIFIEDS

HUMAN RESOURCES DIRECTOR

Mahoning County is seeking a human resources director. Masters degree in public administration, human resources and/or labor relations or related field and a minimum of five years experience in human resources administration, or an equivalent combination of education, training, and experience; experience in public sector employment and labor contact negotiation and administrative preferred. Apply 21 W. Boardman Street, Admin: Building, 2nd Floor or call 330-740-2130 ext: 7101, dead line **June 30,2006 at 4:30 P.M.**

EXECUTIVE DIRECTOR

Warren Metropolitan Housing Authority is seeking an Executive Director. This person oversees operations for Warren County's 3 low-income housing programs: Section 8, Public Housing and Transitions. Candidates must possess Bachelor's degree and/or 5 years of leadership experience supervising employees in the correct interpretation and application of HUD regulations. Responsibilities include budgeting, planning, program and staff development & public relations. Send resume, salary history and a handwritten cover letter to Warren Metropolitan Housing Authority, 990 East Ridge Drive, Lebanon, Ohio 45036. Attention: Interim Executive Director. Resumes will be accepted until the position is filled. No phone calls please. EOE .

ASSISTANT COUNTY ADMINISTRATOR

The Board of County Commissioners is seeking candidates with proven executive management and leadership experience. Position will assist County Administrator with policy development, assessment

of managerial and organizational effectiveness, project management and direct authority over assigned group of departments. Successful candidate must have demonstrated ability to analyze complex problems, highly developed communication and organizational skills, excellent judgment and interpersonal skills, experience in preparing and delivering presentations to large audiences and be well versed in management of personnel. Requirements include: 8 years senior management/executive experience with high degree of responsibility, autonomy, and accountability, ideally in local/county government. BS in Business Administration or Public Administration or related field (Master's preferred). Salary (DOQ), Minimum \$83,034.00. For more information and to download a mandatory application; visit our website at www.co.clermont.oh.us. Send completed application and resume to Clermont County Human Resources, 101 E. Main St., Batavia, Ohio 45103. Contact (513) 732-7110 with any questions. **Deadline to apply is June 19, 2006.** EOE.

ECONOMIC DEVELOPMENT DIRECTOR

The Portage County Commissioners are accepting applications for Economic Development Director. The position is responsible for directing activities of the Portage County Office of Economic Development to promote, encourage and expand capital investment and job creation in Portage County by both new and existing businesses and industries. Serves as primary point of contact for businesses and business professionals seeking information regarding Portage County and its business environment and business resources. Identifies existing business needs and develops programs to assist in meeting those needs. Assists Portage County communities accomplish their economic development objectives. Represents Portage County's economic development interests at the local, regional and state level. Enhances the competitive position of Portage County through education and training of its labor force, improving its infrastructure and overall improvement of its business climate. Manages the Portage County Enterprise Zone Program. Supervises employee, markets Portage

County as a good business location through advertising in the appropriate media and trade shows.

Minimum qualifications: Bachelor's degree in business administration, public administration, accounting, finance or related field from an accredited college or university and five years of experience in economic development. A master of business administration and five years of experience in economic development is preferred. An equivalent combination of education and experience may be substituted for the degree at the rate of two years of experience for each year of education. Salary range: \$50,482 – \$71,323.

Submit completed County application form with cover letter by **June 2, 2006** to: Portage County Human Resources, 449 S. Meridian St., 6th Fl., Ravenna, OH 44266. EOE

County job applications may be downloaded at www.co.portage.oh.us. Click on the County Job Openings link.

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.