



CIDS

County Information and Data Service

Published weekly by: County Commissioners Association of Ohio

37 West Broad Street, Suite 650 • Columbus, Ohio 43215-4195
Phone: 614-221-5627 • Fax: 614-221-6986 • www.ccao.org

VOLUME XXXXVIII

NO. 1

JANUARY 5, 2007

DATES TO REMEMBER

FEBRUARY 27-28, 2007	COMMISSIONERS TRAINING SEMINAR, DEER CREEK RESORT AND CONFERENCE CENTER, PICKAWAY COUNTY (MT. STERLING)
MARCH 3-7, 2007	NACo LEGISLATIVE CONFERENCE, WASHINGTON HILTON, WASHINGTON, D.C.
MARCH 7, 2006	OHIO CONGRESSIONAL BREAKFAST, RAYBURN HOUSE OFFICE BUILDING - ROOM B-369, WASHINGTON, D.C.
JUNE 10-12, 2007	CCAO/CEAO ANNUAL CONFERENCE, PARK INN TOLEDO (FORMERLY RADISSON HOTEL), LUCAS COUNTY (TOLEDO)
AUGUST 1, 2007	CCAO ANNUAL GOLF OUTING, OAKHAVEN GOLF COURSE, DELAWARE COUNTY (DELAWARE)

ASSOCIATION NEWS

JACKSON NAMES 2007 PRESIDENTIAL APPOINTMENTS

2007 CCAO President Olen Jackson (Morrow) appointed the following county commissioners and Summit County Council member to the CCAO board for a one-year term:

- Mike Adelman, Huron County Commissioner
- Martin Harmon, Paulding County Commissioner
- Nick Kostandaras, Summit County Council Member
- Debbie Lieberman, Montgomery County Commissioner
- Cheryl Noah, Wayne County Commissioner
- Bob Peterson, Fayette County Commissioner
- Daniel Polivka, Trumbull County

- Commissioner Bill Young, Geauga County Commissioner
- Joe Secrest, Guernsey County Commissioner

Presidential appointments will be presented for approval at the January CCAO Board of Trustees meeting, which will be held on Friday, January 19 in the CCAO offices.

IT'S ROSTER UPDATE TIME...

Yes, it's that time again...time to update information for the 2007 CCAO Roster! A memo concerning updating the Roster was sent to county commissioners clerks this week. Newly elected commissioners and veteran commissioners that would like to update their photos should submit them by January 26. Please do not fax photos or send photos from the newspaper. The reproduction quality is poor.

New photos should be mailed or e-mailed to Mary Jane Neiman, CCAO Public Relations Associate, at mjneiman@ccao.org.

TACKETT NAMED TO OPEN SEAT ON NACo BOARD

The CCAO Board of Trustees appointed Clark County Commissioner Roger Tackett to fill the unexpired term of Clermont County Commissioner Mary Walker, one of Ohio's appointees to the NACo Board of Directors, who resigned mid-term. Ohio is entitled to two seats on the NACo Board, based on the number of Ohio counties that are members of NACo. The other seat is currently filled by Athens County Commissioner Lenny Eliason. Tackett and Eliason will serve until the appointment of the 2007-2008 Board of Directors during the NACo Annual Meeting to be held on July 17, 2007 in Richmond, Virginia.

STAFF NEWS

FISHER TO LEAVE CCAO

On December 30 Brent Fisher tendered his resignation as Enterprise Services Manager for the County Commissioners Association of Ohio Service Corporation. In his letter of resignation Brent thanks the staff and all Commissioners "for the learning opportunities that have been presented to me in the execution of my duties. I have definitely grown from my experience." Brent joined CCAO a little over a year ago as the first full time manager of CCAO's for-profit entity, the CCAO Service Corporation. As Brent leaves us we wish him the best as he pursues new challenges in his career.

IN MEMORIAM

KATHRYN K. HAGLER

CCAO was recently informed that former Greene County Commissioner Kathryn (Kay) Hagler passed away on November 17, 2006 after an extended illness. Kay served from 1983 to 2002 and was the first female to serve as Greene County Commissioner.

COUNTY ACTIVITIES

HAMILTON COUNTY SHERIFF SUES COMMISSIONERS

Faced with jail overcrowding, Hamilton County Sheriff Simon Leis Jr. is filing a suit against the Hamilton County Commissioners to force them to pay for a new jail. For years, Leis has complained about overcrowding at the Hamilton County Justice Center and three other jails which have a capacity of about 2,200 inmates under his jurisdiction. Hamilton County is spending \$7 million per year to house 300 of its inmates at the Butler County jail.

Hamilton County voters rejected Issue 12 in the November General Election that would have increased Hamilton County's sales tax by a quarter-cent to pay for a \$230 million jail and a \$30 million property tax rollback. To get another tax increase on the May ballot, commissioners would have to begin holding public hearings by January 28 and pass a resolution by February 22.

Earlier in December, the Hamilton County Commissioners rejected Leis' request to pay for private attorneys. In a recent hearing, Hamilton County Common Pleas Court Judge Robert Ruehlman granted Leis' request for representation by private attorneys. The commissioners may also have to hire private lawyers instead of using the county prosecuting attorney's office, which normally serves the board. Because the prosecutor's attorney represents the commissioners on many other issues, it could be deemed a conflict of interest for them to represent the commissioners on this issue.

Hamilton County Commissioner Todd Portune wants to reconstitute a jail task force to study the issue as early as this week.

LORAIN COUNTY CUTS DEPARTMENTS AND AGENCIES BUDGETS UP TO 5%

Facing a deficit of \$3.6 million, the Lorain County Commissioners cut budgets of 24 departments and agencies up to five percent. A population shift from townships to cities and villages means less state money for Lorain County government. The

commissioners are exploring all options to offset the losses, including the possibility of increasing the 6.25 percent sales tax to 6.5 percent.

The Lorain County Prosecuting Attorney Dennis Will may have to layoff two assistant prosecutors and two a secretaries to stay within the budget. With a sixth Common Pleas Court Judge seated this week, there might not be enough prosecutors to present cases. Will lost about 5 percent of his \$3.5 million budget and will also cost him additional money in outside grants, which adversely impacts police work and public safety. The judges in Lorain County Common Pleas Court have some of the largest caseloads in the state. The five current judges juggle about 4,000 active cases.

Lorain County Sheriff Phil Stammitti's budget was cut 2.5 percent or about \$145,000. Road patrols will be maintained, but response times could increase.

STATE ACTIVITIES

OHIO'S NOVEMBER UNEMPLOYMENT RATE RISES 5.4%

According to the Ohio Department of Job and Family Services, Ohio's unemployment rate in November was 5.4%, an increase from the prior month's 5.1% rate. The total number of unemployed remained essentially unchanged at 5.5 million. The U.S. unemployment rate for November was 4.5%, up 0.1% from October.

Gains were reported in several categories, including service providers (3,300 new jobs) and trade, transportation and utilities (2,400). Declines were recorded in categories including government (1,900 fewer jobs) and information (-700).

By county, rates ranged from a high of 9.4 percent in Monroe County to a low of 3.3 in Delaware County. All but one of the 88 counties showed an increase in the unemployment rate. Other low-rate counties: Holmes and Mercer (3.8%); Geauga (3.9%); and Medina, Shelby and Warren (4.2%). Monroe County had the highest rate at 9.4%. Other counties with high rates: Pike (8.3%); Morgan (8.0%); Meigs

(7.9%); Vinton (7.8%); Ottawa (7.4%); and Adams and Huron (7.0%).

Policy Matters Ohio, a research group, issued a report that put the November jobs report in historical perspective. It noted that Ohio's employment total is still more than 30,000 below November 2001, at the official end of the last recession. Ohio is one of just four states - the others include Louisiana, Massachusetts and Michigan - that have lost jobs since the recession officially ended. Five years after the end of the early 1990s recession, Ohio had gained more than 450,000 jobs, or an increase of 9.4 percent.

SEWAGE TREATMENT SYSTEM RULES EFFECTIVE JANUARY 1

The new Sewage Treatment System (STS) Rules (Chapter 3701-29 of the Ohio Administrative Code) were effective as of January 1, 2007. Detailed information related to the STS Rules and STS Program implementation on the Ohio Department of Health (ODH) web site at <http://www.odh.ohio.gov/odhPrograms/eh/sewage/sewage1.aspx>

The Ohio Environmental Protection Agency (EPA) has recently issued the National Pollutant Discharge Elimination System (NPDES) General Permit for Household Sewage Treatment Systems (HSTS). Ohio EPA has posted the HSTS General NPDES Permit and related information at http://www.epa.state.oh.us/dsw/permits/GP_HouseholdSewageTreatmentPlants.html

SUPREME COURT DECISIONS

SUPREME COURT ENJOINS LABOR CONSULTING FIRM FROM DRAFTING EMPLOYMENT CONTRACTS AND COLLECTIVE BARGAINING AGREEMENTS

Consultants who are not attorneys can advise businesses how to defeat a union election and engage in negotiations. But they cannot draft collective-bargaining contracts because that would be engaging in the unauthorized practice of law. The Ohio Supreme Court Justices unanimously enjoined a

management-side labor consulting firm from continuing to draft employment contracts and collective bargaining agreements.

The decision came in a complaint the Ohio State Bar Association (OSBA) filed against Burdzinski, Brinkman, Czarasty & Landwehr, Inc., a firm that tells client companies how to prevent, conduct, and defeat a union organizing election.

The OSBA contended the firm engaged in the unauthorized practice of law when it negotiated the settlement of election issues, served as lead negotiator in collective bargaining, and drafted collective bargaining contracts.

Chief Justice Moyer, writing for the court, said advising a client how to comply with a regulatory scheme would normally be considered practicing law. But he said that in the current case, the National Labor Relations Board had already performed that function.

"Here, (the company) uses NLRB-prepared writings, rather than their own analysis or training, to advise their clients," he said. "Presenting prepackaged legal advice of this nature is not the practice of law."

The chief justice said that while the court had previously found negotiating on behalf of another to be the practice of law, its precedent was distinguishable from facts of the Burdzinski case.

"(The consultants) here are not negotiating the settlement of a legal dispute, nor are they negotiating a business or real-estate contract in which all elements of the contract are negotiable. Rather, there is a clearly defined scope of allowable subjects for negotiation," Chief Justice Moyer said.

The court agreed with the OSBA, however, that drafting contracts requires use of an attorney.

"The fact that (consultants) may copy the contracts or use forms from a form book does not change the nature of the act," the chief justice said. "The drafting or writing of a contract or other legal instrument on behalf of another is the practice of law, even if the contract is copied from a form book or contract previously prepared by a lawyer."

OHIO SUPREME COURT UNANIMOUSLY REJECTS CUYAHOGA COUNTY'S LAWSUIT

Over six years ago the Cuyahoga County Commissioners filed a lawsuit against the Ohio Department of Job and Family Services and the State of Ohio. The Cuyahoga County lawsuit claimed the state of unlawfully diverting federal Temporary Assistance to Needy Families (TANF) funds away from their purpose of aiding the needy and instead using the funds to balance the state budget. After winning in Common Pleas court in 2004 and in the 8th Ohio District Court of Appeals last year, the Ohio Supreme Court reached a unanimous decision and ruled against Cuyahoga County on December 27, 2006. In dispute was approximately \$60 million statewide.

The case contended that the state breached its partnership agreement with the county and also broke state and federal law by not passing the federal funds down to local agencies serving the disadvantaged.

The Ohio Supreme Court ruled in a unanimous opinion that the state had discretion over how to allocate the federal dollars. State attorneys contended that the state had spent general fund money to pay other costs to set up and establish a variety of other welfare programs across Ohio. The \$60 million transfer of TANF and Title XX funds was a reimbursement with no strings attached.

Earlier this year the Cuyahoga County Prosecutor's offices missed a March 8 deadline for filing the proper paperwork with the Ohio Supreme Court and were denied the chance to argue their case orally in court. The decision of the Ohio Supreme Court effectively ends the lawsuit.

NACo ACTIVITIES

2007 NACo LEGISLATIVE CONFERENCE

The National Association of Counties (NACo) Legislative Conference will be held on March 3-7, 2007 at the Hilton Washington & Towers in Washington, D.C. The conference will begin on

Saturday and conclude on Wednesday. For registration and program information please go to www.naco.org, click on Conferences & Events.

The Hilton Washington & Towers is the headquarters hotel. Other hotel options include The Churchill Hotel (across the street), the Jury's Normandy Hotel (a few blocks away), Hilton Embassy Row, and the Omni Shoreham Hotel (brisk walks).

Mark your calendars for the Ohio Congressional Delegation Breakfast to be held on **Wednesday March 7, 2007**. More information will be published when the location is confirmed.

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

NACo TO MOVE HEADQUARTERS

The National Association of Counties (NACo) will be closed January 24 through January 30, 2007 to move into their new headquarters at 25 Massachusetts Avenue NW, Washington, D.C. 20001, where the NACo staff will all be located on the same floor. During the move, NACo staff will have no access to voice mail or email. NACo's website will also be offline.

In the meantime, only NACo's location will change. Email addresses and phone numbers will remain the same.

CONFERENCES/SEMINARS

ZONING IN SUPPORT OF AGRICULTURE ROUNDTABLES

Join OSU's Center for Farmland Policy Innovation at our March roundtable series, which focuses on local zoning options to support agriculture. The roundtable will include explanations of Ohio zoning law, discussion on different approaches to agricultural zoning in Ohio, and recommendations for utilizing

zoning to support agriculture. A policy brief published by the Center will be provided to roundtable participants.

The purpose of the roundtables is to give local leaders interested in strengthening local agriculture the opportunity for small group learning from a topical expert and peer-to-peer exchanges. Local leaders in farmland protection (county commissioners, township trustees, planning and zoning officials, land trust leaders, etc.) are invited to participate in the discussion of this agricultural economic development topic.

These roundtables are free of charge. However, seating is limited to 15-20 participants and an RSVP is required. All roundtables are held from 4pm-6pm. Dates, local hosts and locations for the zoning roundtable are as follows:

Wednesday, March 7, 2007

Host: The Farmland Center
Boston Store, Cuyahoga Valley National Park Boston Mills Road Boston, OH 45133

Thursday, March 8, 2007

Host: OSU Extension, Licking County office Newark Main Library, 101 West Main Street, Newark, OH 43055

Wednesday, March 14, 2007

Host: OSU Extension, Butler County office Butler Rural Electric, 3888 Stillwell Beckett Road, McGonigle, OH 45056

To RSVP or for more information: The Center for Farmland Policy Innovation phone: (614) 247-6479; fax (614) 292-0078; or email cffpi@osu.edu.

ATTORNEY GENERAL'S OPINIONS

SYLLABUS

2006-048

1. A county sheriff and deputy sheriffs are prohibited from using county lawenforcement vehicles to run personal errands, or otherwise

using county vehicles for their personal use and benefit.]

2. A county sheriff and deputy sheriffs may not use a non-employee family member to help transport and process persons accused or convicted of committing a crime, or persons who are mentally ill or believed to be mentally ill.

CLASSIFIEDS

CITY MANAGER

Salary \$80k +/- DOQ/E + auto & benefits. ICMA (CM) recognized in 1972; 4 managers since 1990. Require BS/BA in public administration/related field. Prefer MS/MA & minimum 5-10 years city government experience. ICMA Credentialed Manager a plus. Position profile at www.ci.trenton.oh.us. Resume to Rhonda L. Freeze, Mayor, 11 E State St., Trenton, 45067, **by January 26, 2007** COB. Under Ohio Open Records laws, resumes of finalist candidates subject to public disclosure. AA/EOE

EMERGENCY MANAGEMENT DIRECTOR

The Jackson County Commissioners are seeking a full-time emergency management director. Job functions: plans and administers county emergency preparedness programs and activities; meets and confers with various local officials to develop disaster plans; responds to emergencies and provides information; manage and secure grants; conduct research and compiles analyzes data; maintains accurate records and inventories of supplies; prepares reports; enforces hazardous materials reporting laws; plans and performs various public awareness activities and programs.

Submit application or resume by **4:00 p.m. on January 19, 2007** to: Jackson County Commissioners, 275 Portsmouth Street, Jackson, OH 45640-1755.

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.