



---

# 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](http://www.ccao.org)

---

VOLUME XXXXVIII

NO. 20

MAY 25, 2007

### DATES TO REMEMBER

JUNE 10-12, 2007	CCAO/CEAO ANNUAL CONFERENCE, PARK INN TOLEDO (FORMERLY RADISSON HOTEL), LUCAS COUNTY (TOLEDO)
JUNE 11, 2007	CCAO BOARD OF TRUSTEES MEETING, SEAGATE CENTRE, LUCAS COUNTY (TOLEDO)
JUNE 11, 2007	AREA 7 CHIEF ELECTED OFFICIALS CONSORTIUM, PARK INN, LUCAS COUNTY (TOLEDO)
JUNE 18, 2007	CCAO COURTS & CORRECTIONS COMMITTEE, CCAO OFFICES, COLUMBUS
JUNE 29, 2007	RECENT REFORMS IN CIVIL SERVICE LAW & PUBLIC RECORDS, COLUMBUS POLICE ACADEMY, COLUMBUS
JULY 13-17, 2007	NACo ANNUAL CONFERENCE, RICHMOND, VA
AUGUST 1, 2007	CCAO ANNUAL GOLF OUTING, OAKHAVEN GOLF CLUB, DELAWARE COUNTY (DELAWARE)
AUGUST 14-15, 2007	COUNTY COMMISSIONERS DAYS, VAN WERT COUNTY (VAN WERT)
SEPTEMBER 2007	NATIONAL PREPAREDNESS MONTH ( <a href="http://www.ready.gov">www.ready.gov</a> )

### ASSOCIATION NEWS

#### AREA 7 CHIEF ELECTED OFFICIALS CONSORTIUM MEETING - JUNE 11

The next meeting of the Area 7 Chief Elected Officials Consortium will be held on June 11, 2007 from 4:00-5:30 p.m. in conjunction with the CCAO/CEAO Annual Summer Conference at the Park Inn Toledo in Lucas County (Toledo). Allen County Commissioner Sam Bassitt is the CEO of the Area 7 Consortium.

If you have any questions about the meeting, please contact Beth Dominic, CCAO Policy Analyst, at (614) 220-7996 or [bdominic@ccao.org](mailto:bdominic@ccao.org). A complete agenda will be sent out closer to the date. The attendance of each member county is very important.

#### RECENT REFORMS IN CIVIL SERVICE LAW & PUBLIC RECORDS SEMINAR - JUNE 29

CCAO, the Ohio Public Employer Labor Relations

Association (OHPELRA), and Downes, Hurst & Fishel will co-sponsor "The Winds of Change - Recent Reforms in Civil Service Law & Public Records" to be held Friday, June 29, 2007 at the Columbus Police Academy, 1000 North Hague Avenue, in Columbus. Registration and a continental breakfast begin at 8:00 a.m. with sessions starting at 9:00 a.m. and ending at 3:00 p.m. Lunch will be provided. Seminar topics include sessions on H.B. 9 - Public Records Update and H.B. 187 - Civil Service Reform. A wide range of topics will be discussed for all affected by civil service issues.

Registration fee: FREE to CCAO and OHPELRA members or \$150 for non-members. You must pre-register for the conference. Non-members of OHPELRA who join OHPELRA for \$185 at the time of registration are eligible to attend this program for free and receive the benefits of both OHPELRA and NPELRA for the next year.

For more information please contact Janet Erwin, CCAO Administrative Assistant, at (614) 220-7986, (888) 757-1904 or [jerwin@ccao.org](mailto:jerwin@ccao.org).

#### HIT A HOME RUN IN LUCAS COUNTY! SUMMER CONFERENCE UPDATE

Lucas County Commissioners Tina Skeldon Wozniak, Pete Gerken and Ben Konop and County Engineer Keith Earley will host the 127<sup>th</sup> CCAO/CEAO Annual Summer Conference on June 10-12, 2007 at the Park Inn Toledo (former Radisson Hotel) and SeaGate Convention Centre in downtown Toledo. Conference materials have been mailed to county commissioners, county engineers, affiliates, and vendors.

**Change in Conference Event Schedule** - CCAO/CEAO have changed the 2007 Summer Conference event schedule. The conference day pattern is still the same, but sessions will be ending mid afternoon on Tuesday, June 12. There will be no banquet on Tuesday evening.

**Sunday evening event** - Join Lucas County on Sunday evening, June 10 at the Toledo Mud Hens v. Norfolk Tides baseball game at Fifth Third Stadium, which is located in downtown Toledo across from the Park Inn. A reception, dinner and game will be held at the stadium. Tickets to the game are included with

the full and spouse registration packages. Dinner/baseball tickets must be picked up at the CCAO/CEAO Registration Desk at the Park Inn by 5:30 p.m. You must have a ticket to attend this event. Tickets that have not been picked up by 5:30 p.m. can be picked up at the will call window located at the first base gate ticket office at Fifth Third Field.

**Optional Golf Outing** - Tee times have been reserved beginning at 11:00 a.m. on Sunday, June 10 at Heather Downs Country Club. Greens fees: \$45 (includes 18 holes and a shared cart). Please contact Tanya Wilcox, CCAO Administrative Assistant, at (614) 221-5627, (888) 757-1904 or [twilcox@ccao.org](mailto:twilcox@ccao.org) for more information.

**CCAO/CEAO and Affiliate Agendas** were distributed with CIDS several weeks ago. Please contact the CCAO office at (614) 221-5627 for more information.

**Hotel Reservations** - The headquarters hotel is the Park Inn Toledo. Room rate: \$89 single/double. Reservation cut off date was May 18, 2007. For reservations please call (419) 241-3000.

**Spouse/Guest Tour and Luncheon** - On Monday morning, June 11, spouse/guest registrants will visit the Carruth Studios located in Waterville. Since 1983 George Carruth has been creating original cast images in stone from completely original designs carved from limestone and clay. From a home business run out of a basement and garage, the Carruth Studios have grown to a staff of over 40 with over 3,500 shops nationwide. Following a visit and shopping at the studios, registrants will stop at a local restaurant for lunch before returning to the hotel.

#### 2007 SOIL & WATER CONSERVATION DISTRICT COUNTY COMMISSIONERS TOUR

Logan County, CCAO and the Ohio Federation of Soil & Water Conservation Districts will co-host "Land, Water, People: Sustaining Healthy Communities Through Conservation Tour" on June 20, 2007. Join your local Soil & Water Conservation District representative on an educational tour of successful conservation programs in Logan County. The tour will show how Logan SWCDs partnerships have brought \$12 million of federal funding into the county. Tour highlights include: state budget implications,

farmland preservation, Miami River Logjam Removal Project, forestry practices, educational programs, Watershed Grant Program, agriculture security area (ASA) programs, livestock issues, federal conservation programs, 319 Grant Program, and new home septic system laws.

Meet at Indian Lake High School, 6210 State Route 235, Lewistown, OH 43333. Buses leave at 10:00 a.m. and return at 3:00 p.m. Lunch will be served. Please RSVP by June 14, 2007 through your local SWCD office manager or register online at [www.ofswcd.org](http://www.ofswcd.org). A post card with information about the tour is included with this issue of CIDS for county commissioners.

### COUNTY ASSOCIATIONS HOST A SUCCESSFUL H.B. 694 TRAINING SEMINAR

On Monday, May 21, CCAO partnered with the Ohio Township Association, County Auditors' Association of Ohio, and Ohio Prosecuting Attorneys Association to host a training seminar in Marysville concerning the new pay-to-play law enacted in H.B. 694. More than 200 local government representatives attended, including county commissioners, county purchasing directors, county auditors, county prosecutors, township and municipal personnel, and other local representatives.

In the morning, the seminar featured two speakers: Maria J. Armstrong, Bricker & Eckler, and Philip C. Richter, Executive Director of the Ohio Elections Commission.

In the afternoon, the seminar sponsored a panel discussion with Donald J. McTigue, managing partner of McTigue Law Group, specializing in election and campaign finance law; Denise Smith, Chief of the Civil Division, Portage County Prosecuting Attorneys; Bob Hinkle, Chief Deputy Auditor, Auditor of State; and Karen Huey, Chief Legal Counsel, Auditor of State.

All of the speakers and panelists explained different facets of the new pay-to-play law as well as fielded questions from the audience concerning how the new law works and how counties should attempt to follow the law's provisions.

In many instances, H.B. 694 is vague and ambiguous, and therefore, raises many questions concerning how local governments should implement and comply with the act's requirements and prohibitions. Because the law is poorly drafted, even experts in the fields of elections, campaign finance, and county purchasing are unable to answer certain questions concerning the act. CCAO recognizes the frustration that this inability to answer questions brings to all local governments.

However, CCAO is working to help resolve the law's vagueness and ambiguities in several ways. CCAO is working with Senator Jeff Jacobson's office (R-Dayton) and caucus staff to apply an exemption to local government elected officials' contributions made before January 1, 2007, which would put local officials on the same level as state officeholders. CCAO has been told that a few of the larger problems local governments face under the new law could be refined through administrative rules drafted by the Secretary of State's office; however, details could not be provided into how these rules would redefine the scope of the law. Thus, CCAO's second step is to work with the Secretary of State's office to help clarify the law through rule. Additionally, in accordance with the wishes of CCAO's Board of Trustees, CCAO will support legislation that repeals or otherwise amends the new law, including Rep. Dan Stewart's (D-Columbus) bill (H.B. 221), which repeals all of the changes made in H.B. 694. However, it is CCAO's impression that, at this time, the sponsor of the proposal in the Senate would not support the repeal of H.B. 694.

As we progress in supporting and advocating for changes to the new law, both through legislation and rule, we will keep you updated. Additionally, at the conclusion of this process of clarifying, defining, and amending the law, we will provide any additional guidance that local governments may need as they try to comply with the law's requirements.

CCAO encourages counties during regular discussions with their lawmakers to share local experiences in implementing H.B. 694. While CCAO has heard from many counties about this bill, it is important to convey to your delegation challenges and road blocks your county is experiencing in implementing new legislation, such as H.B. 694.

Mark your calendars and plan to attend a session on H.B. 694 that will be held at 8:45 a.m. on Tuesday, June 12 during the CCAO/CEAO Annual Summer Conference in Lucas County.

## **COUNTY ACTIVITIES**

### AG/ARTS PROJECT TO BE UNVEILED IN WAYNE COUNTY

With generous support from the Ohio Farm Bureau Foundation, the Wayne County AG Success Team has been working on a sundry display of Wayne County's Agriculture that will have it's premiere showing at the Orville Farmers Market. Area 4-H'ers and volunteer citizens of Wayne County have been capturing life on the farm through photography. "The Seasonal Rhythms of Agriculture" - an Ag/Arts Project - will be synchronized to the harmonious tunes of American composers and on display for the first time on June 6, 2007 from 11:00 a.m. to 3:00 p.m. at Serpintini's, located at High and Main Streets, in Orrville.

The Wayne County AG Success Team is a group of local volunteers dedicated to the agricultural community of Wayne County. Represented on this team is the Board of Wayne County Commissioners, Wayne Economic Development Council, OSU Extension, OARDC, College of Wooster, local land trusts, farmers, producers and consumers. For more information please contact Katie Myers, Wayne County Planning Department, at (330) 287-5420 or [kmyers@wayneohio.org](mailto:kmyers@wayneohio.org).

## **STATE ACTIVITIES**

### OHIO SUPREME COURT RULES THAT IMMUNITY FOR POLITICAL SUBDIVISIONS ALSO APPLIES TO EMPLOYEES

The Ohio Supreme Court ruled in a 6-1 decision (Elston v. Howland Local Schools, 113 Ohio St.3d 314, 2007-Ohio-2070t) that Ohio's Sovereign Immunity Law, Ohio Revised Code Section 2744, applies to political subdivisions and to their individual employees who exercise discretion in determining whether to acquire and how to use equipment.

The case arose out of a 15-year old boy being struck

by a base ball while pitching to another boy in a batting cage located in the gymnasium at Howland High School. A batted ball ricocheted off the screen protecting the boy, striking him in the head. After the boy was transported to the local hospital, he was taken to Rainbow Children's Hospital, where doctors surgically implanted four titanium plates and screws into his head.

The boy's mother filed suit on behalf of the boy, alleging that the district, through the actions of the coach, beached its duties to properly instruct her son, failed to supervise the use of the batting cage, and failed to furnish protective helmets.

The trail court ruled in favor of the school district, and held that both R.C. 2744.03(A)(3) and (A)(5) provided the school district with immunity. The 11<sup>th</sup> District of Appeals reversed the trial court's decision, stating that immunity is extended only to the acts of a political subdivision, not to the acts of its employees.

The Supreme Court overturned the appellate decision, stating that the immunity from liability in R.C. 2744.03(A)(5) applies to the political subdivision itself and to the individual employees of the political subdivision who exercise judgment or discretion in determining how to use equipment or facilities, unless that judgment or discretion was exercised with malicious purpose, in bad faith, or in a wanton or reckless manner, because a political subdivision can act only through its employees.

Justice Paul Pfeifer was the lone dissenter, although in his dissent he acknowledged that it would have been exceedingly difficult to prove in this specific case that a duty was breached.

For additional information on the decision, please contact Dave Brooks ([dbrooks@ccao.org](mailto:dbrooks@ccao.org)) in the CCAO office.

## **FEDERAL ACTIVITIES**

### STANDARDIZED VOTING BILL FAST-TRACKED DESPITE COUNTY OBJECTIONS

A bill to impose one-size-fits-all procedures for conducting federal elections has been sent to the floor of the House of Representatives, where it is on a fast track despite an avalanche of letters from county

officials warning of dire consequences for the presidential election in 2008. H.R. 811, the Voter Confidence and Increased Accessibility Act of 2007, was approved by the House Administration Committee with a party-line vote of 6–3 on May 8.

The bill mandates standardized procedures to be followed in every polling place in America and puts poll workers in a position to be sued for failure to comply with those procedures. While billed as requiring a “paper trail” for elections for federal office, it goes much further than any previous state legislation in this area.

H.R. 811 would require counties to junk most of the voting equipment that has been purchased to comply with state legislation requiring a “voter verifiable paper audit trail (VVPAT) and switch to exclusive use of optical-scan ballots. Electronic voting machines that print on reel-to-reel paper would be banned beginning in 2010; those that do not, including voting equipment used in 18 states — and statewide in Georgia, Maryland, Delaware, Louisiana, South Carolina and Tennessee — would be banned beginning in 2008.

In addition, the legislation would ban the use of electronic scanning equipment in conducting recounts and audits, with recounts to be conducted solely by human hand and eye. It would require an auditor to conduct a partial recount in all races where the winning candidate won more than 80 percent of the vote. In this instance, between 3 percent and 10 percent of all precincts would have to be recounted by hand with “zero tolerance” for discrepancies in the hand-count before the state would be permitted to certify the result of the election.

Counties have found such hand recounts to be time- and labor-intensive. Human hands and eyes do not count as reliably or consistently as electronic ballot scanning technology. However, elections are often certified within a very short time because the certified result is used as the basis for recounts and contested elections. In fact, county officials have warned that they may be unable to certify a result in a close presidential election before the first Monday after the second Wednesday in December — the deadline for the Electoral College — resulting in the election’s being decided by the House of Representatives.

Even such apocalyptic warnings have gone unheeded, however, even as Democratic Party-operatives have seized on H.R. 811 as a vehicle to gain partisan advantage by exploiting concerns about the integrity of electronic voting equipment.

In fact, the National Association of Counties has not objected to legislation that would require a voter-verifiable paper trail. Doug Lewis, executive director of the nonprofit Election Center, summed up the position of most county election officials in a quote printed recently by columnist David Broder for The Washington Post: “I have no problem with the objective of creating paper receipts,” Lewis said. “But they have rejected every idea we’ve offered them to show what might work. I’ve been at this 40-some years, and I have not seen a piece of legislation worse than this. It is overly prescriptive, overly detailed, a cumbersome monstrosity to deal with.”

## **LEGISLATIVE ACTIVITIES**

### STATE BUDGET

Please review the insert dealing with the state budget as passed by the Ohio House of Representatives that is included in the commissioners packets with this issue of CIDS.

## **NACo ACTIVITIES**

### 2007-2008 NACo STEERING COMMITTEE NOMINATIONS

The nomination process for membership on NACo policy steering committees in 2007-2008 is underway.

As a NACo steering committee member, you are responsible for debating and creating national policies and priorities affecting counties and serve on NACo’s front line in their grassroots efforts. Committees meet at the NACo legislative and annual conferences and one other time during the year. You will be responsible for your own travel. Attendance and participation in the committee is important.

NACo has eleven steering committees: Agriculture & Rural Affairs; Community & Economic Development; Environment, Energy & Land Use; Finance & Intergovernmental Relations; Health; Human Services & Education; Justice & Public Safety; Labor &

Employment; Public Lands; Telecommunications & Technology; and Transportation. If you choose to serve as a member of a steering committee again, you may serve on the same committee or join another committee.

CCAO processes all nominations for Ohio public officials before being sent to NACo. If you would like to serve on a NACo committee for 2007-2008, please respond by **Friday, June 15, 2007**. Nominations will be approved by the incoming NACo President after the NACo Annual Conference which will be held July 13-17, 2007 in Richmond, VA. NACo will announce your appointment in September 2007.

For more information about NACo Steering Committees please contact Mary Jane Neiman, CCAO Public Relations Associate, at (614) 220-7979, (888) 757-1904 or [mjneiman@ccao.org](mailto:mjneiman@ccao.org).

## **CLASSIFIEDS**

### HEALTH PLAN COORDINATOR

Licking County Government is seeking an individual for the position of Health Plan Coordinator. This position is responsible for administering/coordinating various benefit programs (medical, dental, life, vision, wellness, etc) under the direction of the Human Resources Director.

Qualified applicants must possess a Bachelor's degree and two to four years' related experience in benefits administration or equivalent combination of education and experience. CEBS certification and previous experience working with self-funded health plans, including plan design is preferred. This position requires the ability to work in a multi-tasking environment, handle confidential information discreetly and make oral presentations. Strong interpersonal communication skills, problem solving and analytical skills are a must. Starting salary range is \$35,300 to \$44,100. A complete job description can be obtained by visiting our website [www.lcounty.com](http://www.lcounty.com) or visiting the Human Resources Department. Successful candidates will be subject to Licking County's pre-employment drug screen. Qualified candidates should submit a completed application to the Human Resources Department.

Applications can be printed from the web site at [www.lcounty.com](http://www.lcounty.com) or can be picked up at: Licking County Human Resources Department, 20 South Second Street - 3<sup>rd</sup> Floor, Newark, OH 43055. EOE.

### BUDGET/FISCAL COORDINATOR

The Lucas County Workforce Development Agency has an opening for the above-referenced position. For information about duties, minimum qualifications, and application procedures, please see <http://www.co.lucas.oh.us/commissioners/joblistings/job106.pdf>. Applications accepted until **May 30, 2007**.

### DIRECTOR

Applications are being accepted for the position of Director of Emergency Services. This individual is responsible for directing the departments of Emergency Medical Services, Emergency Communication, Emergency Management Agency and oversees the activities to include personnel, program compliance, and budgeting. The successful candidate must have: Bachelor's Degree in Emergency Services Management, Public Administration, Public Safety, Fire Safety or a related field plus a minimum of five (5) years related work experience demonstrating competence in emergency services management. Consideration will also be given to applicants with an associates degree and extensive related work experience. Further position qualifications and an employment application can be obtained from our website at [www.co.delaware.oh.us](http://www.co.delaware.oh.us), at the Delaware County Human Resources Department, 10 Court Street, 2<sup>nd</sup> Floor, Delaware, Ohio, 43015, by calling 740/833-2120 and can be faxed to 740/833-2119. Individuals selected for an interview may be required to complete an onsite profile assessment. Deadline for submitting an application is **Friday, June 1, 2007**.

#### **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. Ads will also be published on the CCAO website at [www.ccao.org](http://www.ccao.org). When submitting your ad to CCAO please provide a link to the job posting online and a deadline. Please provide a 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).