



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. 21

JUNE 1, 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 TOLEDO, LUCAS COUNTY (TOLEDO)
JUNE 11, 2007	NW COMMISSIONERS & ENGINEERS DISTRICT MEETING, PARK INN TOLEDO, LUCAS COUNTY (TOLEDO)
JUNE 11, 2007	CEBCO BOARD MEETING, PARK INN TOLEDO, LUCAS COUNTY (TOLEDO)
JUNE 18, 2007	CCAO COURTS & CORRECTIONS COMMITTEE, CCAO OFFICES, COLUMBUS
JUNE 20, 2007	SOIL & WATER CONSERVATION DISTRICT COUNTY COMMISSIONERS TOUR, LOGAN COUNTY
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)

ASSOCIATION NEWS

CIDS TO RETURN JUNE 15

County Information and Data Service (CIDS) will not be published on June 8 to permit the CCAO staff time to prepare for the 127th CCAO/CEAO Annual Summer

Conference to be held June 10-12, 2007 at the Park Inn and SeaGate Centre in Lucas County (Toledo). CIDS will return to our regular publication schedule on June 15. The CCAO staff looks forward to seeing you at the Summer Conference!

CCAO/CEAO ANNUAL SUMMER CONFERENCE

The 127th CCAO/CEAO Annual Summer Conference is just around the corner! Lucas County Commissioners Tina Skeldon Wozniak, Pete Gerken and Ben Konop and County Engineer Keith Earley will welcome approximately 400 county commissioners, county engineers and staff members to the conference. Conference registration will be held at the Park Inn, 101 North Summit Street, in downtown Toledo. A copy of the most recent program and details about the conference can be found on the front page of the CCAO website at www.ccao.org.

STATE ACTIVITIES

SERB PREPARING TO CONDUCT 2007 HEALTH INSURANCE SURVEY

Pursuant to Chapter 4117.02(K)(5) of the Ohio Revised Code (ORC), the State Employment Relations Board (SERB) has a statutory duty to act as a clearinghouse of information related to wages, fringe benefits, and employment practices applicable to the various political subdivisions in Ohio. Under the same ORC Chapter, public employee organizations, public employers, and governmental units are required to provide such assistance, services and data as will enable SERB to carry out its functions and powers.

To fulfill these requirements, SERB, for the 16th year, is conducting a survey to be distributed the week of July 1, 2008 to public employers in an attempt to assess the cost and content of health insurance in Ohio's public sector. A final Report of findings will be issued in January 2008 which will reflect what is in place in Ohio related to health care insurance.

From earlier survey responses, SERB found that the electronic process for surveying was preferred. Last year, 71 of Ohio's 88 counties participated. This year, SERB is requesting that public employers complete the survey on line via the internet. SERB is also mailing a copy of the survey for those who prefer that method of response. For more information please contact Sarah Malackany, Researcher at smalackany@serb.state.oh.us, Kay Raffo, Researcher at kraffo@serb.state.oh.us, (614) 644-8573 or fax (614) 466-3074.

EXEMPTION FROM SMOKING BAN FOR PRIVATE CLUBS PERMANENTLY ENJOINED

On May 17, Judge David Cain of the Franklin County common pleas court permanently enjoined the Department of Health's rules that exempted private clubs from the smoking ban. The Smokefree Workplace Act, commonly referred to as the smoking ban, was adopted last fall in the general election.

In the Act, a private club is exempt from the ban if (1) the club has no employees, (2) the club is organized as a not-for-profit entity, (3) only members of the club are present in the club's building, (4) no persons under the age of 18 are present in the club's building, (5) the club is located in a freestanding structure occupied solely by the club, and (6) smoke from the club does not migrate into an enclosed area where smoking is prohibited under the law. The Department of Health adopted a rule specifying that if a private club's employees also are club members, then those persons are not considered employees under the law.

In Judge Cain's opinion, he explained that it is almost impossible for a private club to have no employees under the Act. Thus, the exemption for private clubs in the Act practically does not exist. Judge Cain held that the Department's rule explained above was a "misguided attempt" to save the private club exemption.

At the request of the Ohio Licensed Beverage Association, Judge Cain permanently enjoined the Department's rule from taking effect.

For further information, please contact Beth Dominic, Policy Analyst, at (614) 220-7996, (888) 757-1904 or bdominic@ccao.org.

FRANKLIN COUNTY COMMISSIONERS SUE THE STATE OVER THE NEW PAY-TO-PLAY LAW (H.B. 694)

On May 23, the Franklin County Board of Commissioners filed suit against the state and Attorney General Marc Dann over the new pay-to-play law that was enacted in H.B. 694. In its complaint, the Board alleges all of the following: (1) H.B. 694 is unconstitutionally retroactive in application because the act applies to contributions made more than two

calendar years before the act became effective, (2) the act unlawfully impairs an existing contract to construct a new courthouse into which the Board entered, and (3) the act is unconstitutionally vague in how its provisions apply to multi-member boards, which is a violation of due process.

The Board is requesting that the court (1) declare that H.B. 694 does not apply to contributions made before its effective date (April 4, 2007), (2) enjoin the enforcement of H.B. 694 against the Board concerning political contributions, (3) declare that H.B. 694 does not apply to a contract approved by a multi-member public office where less than the majority of the office has received a contribution covered by H.B. 694 and where the member who received the contribution abstains from voting on or discussing the contract award, and (4) declare that H.B. 694 does not require aggregation of contributions among all members of a multi-member board.

The Board also filed a motion with the court for a temporary restraining order enjoining the application of H.B. 694 to political contributions made prior to April 4, 2007. The court is scheduled to rule on this motion on June 1.

To view obtain additional information and track the progress of the case, please visit <http://www.franklincountyohio.gov/clerk/recordsonline.php>, which is the Franklin County Case Information website. The Board's case number is 07CVH-05-7008. For further information, please contact Beth Dominic, Policy Analyst, at (614) 220-7996, (888) 757-1904 or bdominic@ccao.org.

COUNTY COMMISSIONERS INVITED TO PARTICIPATE IN REGIONAL SAFE SCHOOLS SUMMITS

The Ohio Department of Education is planning five regional Safe Schools Summits in June for the purpose of gathering testimony on successful local efforts that create safe and supportive school environments. County commissioners are invited to participate as members of local policy panels at these events, which will be held from 1 to 4 p.m. in Dayton (June 14), Cambridge (June 20), Youngstown (June 21), Cleveland (June 27) and Toledo (June 28).

Speakers are being invited to provide written testimony and present up to 10 minutes of oral testimony to policy panel members.

The role of the policy panel is to listen to testimony and provide feedback that day to the Department of Education. Policy recommendations will be derived from the results of the regional events, as well as the initial April 16 Safe Schools Summit held at the Ohio Statehouse, and presented to the State Board of Education in the fall. If you would like to participate in a regional summit nearest you, please contact Patti Grey by June 11 at (614) 644-4839 or patricia.grey@ode.state.oh.us.

FEDERAL ACTIVITIES

LOCAL GOVERNMENTS: KEY TO SUCCESS IN 2010 CENSUS

The Census Bureau estimates there will be more than 310 million people living in more than 130 million households across the country by 2010. The partnership of local governments is vital to accomplish the feat of counting every person living in all 50 states, the District of Columbia and Puerto Rico.

Factoring in an increasingly diverse population, the rise in immigration and a record number of languages spoken by respondents, the need for a complete and accurate address list to mail or hand-deliver questionnaires will play a critical role in obtaining an accurate population count in the next census.

Although the 2010 Census is still three years away, the U.S. Census Bureau has begun mailing informational booklets to all state, local and tribal governments about a program for them to provide updated addresses for their communities—known as the Local Update of Census Addresses (LUCA) program.

This joint and voluntary program between the Census Bureau and your local government is the official start of the 2010 Census, which depends on a complete and accurate address list. Your assistance in assuring the residents in your community are counted is crucial to a successful census.

In partnership with the Census Bureau, local governments will use their area knowledge to improve the list of addresses for housing units and group quarters, including growth from new construction or annexation. After registering for LUCA between July 2007 and January 2008, participating governments will receive review materials and will have 120 days to review and improve the address list.

The information contained in the address list is confidential by law, and those governments that choose to participate in the LUCA program will be provided an option to review the Census Bureau's address list. Like all census employees, those who review and update a confidential address list are subject to a jail term, a fine or both if they disclose any protected information.

After LUCA but prior to the 2010 Census questionnaire delivery, address listers will perform a field canvass across the country to make sure the latest address list is correct. Using GPS mapping on hand-held computers, workers will be able to update information electronically while out in the field.

Dating back to the nation's first census in 1790, the 2010 Census will have one of the shortest census questionnaires in the history of the United States. Asking just seven questions, including name, sex, age, race, ethnicity, relationship and whether you own or rent your home, the questionnaire will take respondents only about 10 minutes to fill out.

For more information, visit the 2010 Census LUCA Program at www.census.gov/geo/www/luca2010/luca.html.

"WATERS OF THE U. S." BILL INTRODUCED

On May 22, 2007, Congressman Jim Oberstar (Minn.) along with Rep. John Dingell (Mich.) and Vernon Ehlers (Mich.) introduced H.R. 2421, the Clean Water Restoration Act of 2007. NACo is opposed to the bill because it will create further unfunded mandates and preempt county authorities. Call your members of Congress and ask them to oppose H.R. 2421. The bill proposes to eliminate the word "navigable" from the definition of "waters of the U.S." within the Clean Water Act (CWA). The sponsors of the bill say it is about ensuring clean water. The definition

would impact a whole host of activities under the CWA. It would require that every county in this nation get a CWA permit for any project that would impact (or indirectly affect) "waters of the United States," which, would be defined broadly to include a number of things including county roads and manmade ditches.

Currently, when the federal CWA permit program is triggered, it can take more time and money, because of the additional paperwork requirements. When an area is deemed jurisdictional, it is subject to a multitude of regulatory requirements required under the Clean Water Act. It triggers application of other federal laws, such as Environmental Impact Statements (EIS), National Environmental Policy Act (NEPA) and the Endangered Species Act. And often, as part of the approval process, the permit requires the permit applicant to "mitigate" the environmental impacts of the proposed project, sometimes at considerable expense.

The Army Corps of Engineers, who oversees the 404 CWA permit program, is already behind in processing permits. It is estimated that they are 15,000+ permit applications behind with an estimated time lapse of several years from submission to approval/denial.

Based on legal analysis, some of the areas that could be impacted (and thus will require the county to obtain CWA permit approval) under this bill are: roads, gutters, and ditches; sewers and wastewater disposal, including settling ponds; water supply, transfer, and rights; solid waste disposal; county owned/operated airports; stormwater detention and facilities; stormwater channel maintenance; erosion control; pesticide application, mosquito control, and fire retardant sprays; marinas, dams and reservoirs; parks, greenways, forestlands; cleanup/rebuild after natural disasters; economic development. (Contact: Julie Ufner, NACo Legislative Associate, (202) 942-4269 or jufner@naco.org)

ELECTION REFORM BILL STALLED

An intense lobbying effort by county officials has succeeded in putting the brakes on H.R. 811, the so-called "Voter Confidence and Improved Accessibility Act", which a few short weeks ago was considered "must-pass" legislation before the Memorial Day

recess. The legislation sponsored by Representative Rush Holt (D-N. J.) requires changes to voting equipment that voting equipment vendors have deemed impossible before the presidential election in 2008. It also requires expensive and redundant post-election audit procedures before the result can be certified and would impose a multi-billion-dollar unfunded mandate on county governments across the nation. Its provisions are not based on any existing state law; even states that have enacted legislation requiring voter-verified paper audit trails would have to make additional changes at significant cost.

County officials should urge their members of Congress – particularly cosponsors of H.R. 811, listed at <http://thomas.loc.gov> by searching for “HR 811” – to oppose or at minimum seek fundamental changes to the legislation before it comes before the floor of the House of Representatives, likely in early to mid-June. (Contact: Alysoun McLaughlin, NACo Legislative Associate, (202) 942-4254 or amclaughlin@naco.org)

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.

ATTORNEY GENERAL OPINIONS

SYLLABUS

2007-06

1. Under R.C. 3313.536(C), the board of education of each city, exempted village, and local school district and the governing authority of each chartered nonpublic school is required to file with the county sheriff a copy of the current comprehensive school safety plan and building blueprint for each of the board's or governing authority's school buildings located in the county.
2. R.C. 3313.536(C) does not require the board of education of a city, exempted village, or local school district or the governing authority of a chartered nonpublic school to file with the county sheriff a copy of a building floor plan for each of the board's or governing authority's school buildings located in the county.

SYLLABUS

2007-07

A person who served on active duty in the Armed Forces of the United States and received an honorable discharge from service and who did not incur, while on active duty for training purposes, a disability recognized by the Department of Veterans Affairs or the Department of Defense as a "service-connected" disability is not a "veteran" for purposes of R.C. 5901.08, unless the person served on active duty for reasons other than training.

SYLLABUS

2007-08

1. Except as provided in R.C. 931.07(C)(1)(b), a board of county commissioners may not approve an application to enroll additional land in an existing agricultural security area.
2. Under R.C. 931.07(C)(1)(b), enrollment of additional land in an existing agricultural security area is done in accordance with R.C. 931.02 and R.C. 931.03.
3. Enrollment of additional land in an existing agricultural security area under R.C. 931.07(C)(1)(b) does not extend or reduce the agricultural security area's ten-year enrollment period.

SYLLABUS

2007-09

An owner of a llama that has been killed by a dog not belonging to the owner or harbored on his premises may not be compensated for the loss of the llama from the dog and kennel fund as provided in R.C. 955.29-.38.

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 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 or can be picked up at: Licking County Human Resources Department, 20 South Second Street - 3rd Floor, Newark, OH 43055. EOE.

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. 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.