



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. 33

September 7, 2007

DATES TO REMEMBER

SEPTEMBER, 2007

NATIONAL PREPAREDNESS MONTH (www.ready.gov)

SEPTEMBER 24, 2007

NW DISTRICT COMMISSIONERS AND ENGINEERS ASSOCIATION QUARTERLY MEETING, MARION COUNTRY CLUB, MARION COUNTY (MARION)

SEPTEMBER 28, 2007

CCC/ESAO REGIONAL MEETING, ALLEN COUNTY SANITARY ENGINEERS OFFICE, ALLEN COUNTY (LIMA)

OCTOBER, 2007

NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH

OCTOBER 26, 2007

CCC/ESAO REGIONAL MEETING, DEPARTMENT OF SANITARY ENGINEERING, GREENE COUNTY (XENIA)

DECEMBER 2-5, 2007

CCAO WINTER CONFERENCE, HYATT REGENCY, FRANKLIN COUNTY (COLUMBUS)

ASSOCIATION NEWS

COUNTY ADVISORY BULLETIN ON PAY-TO-PLAY LAW UPDATES AVAILABLE

As signed by the Governor on June 30, 2007, H.B. 119 (the biennial budget bill) made changes to H.B. 694, which some have termed the pay-to-play law. Among those changes are amendments allowing a political subdivision to obtain only an annual certification and raising the threshold from \$500 to \$10,000. But, most of the changes made in H.B. 119 do not take effect until September 28, 2007. The one important change that took immediate effect on June 30 was a provision specifying that contributions made prior to April 4, 2007, were not applicable under the new law.

For a detailed description of H.B. 694 and how the act was changed by H.B. 119, please review the updated County Advisory Bulletin (CAB) 2007-03 concerning H.B. 694. Also updated is the sample affidavit a county may use to comply with the law, along with the sample purchase order and contract language. However, this updated language reflects the changes made in H.B. 119 that are not yet effective. Thus, until September 28, please continue to refer to the original sample affidavit and language. CAB 2007-03 is enclosed with this issue of CIDS for county commissioners and has been published on the CCAO website at www.ccao.org. Click on Publications then on County Advisory Bulletins. For more information on H.B. 694 or how H.B. 694 was amended by H.B. 119, contact Brad Cole, CCAO Senior Policy Analyst,

at (614) 220-7981 or bcole@ccao.org, or Beth Tsvetkoff, CCAO Policy Analyst, at (614) 220-7996 or btsvetkoff@ccao.org.

SOUTHEAST DISTRICT MEETING CANCELLED

The CCAO/CEAO Southeast District meeting on September 14, 2007, has been cancelled. If you have any questions please call Debbie Bell at: 330-674-1856, Holmes County Highway Department, County Engineer's Administrative Assistant or via email dbell@co.holmes.ohio.us.

For the past four years, the County Commissioners Clerks and Engineers Secretaries Association of Ohio (CCC/ESAO), CCAO's first and oldest affiliate organization, have held a series of very successful regional meetings around the state. The purpose of these meetings is for CCC/ESAO members to share their knowledge with other clerks and secretaries that are unable to attend conferences and workshops.

Due to the overwhelming success, CCC/ESAO has held three successful meetings this year and two more are scheduled on September 28 and October 26. These informal meetings are open to all commissioners' clerks or deputies and engineers secretaries or administrative assistants to discuss various topics of concern in your county. The meeting topics are tailored to meet the needs of each district. All meetings will start at 10:00 a.m. and end at 2:30 p.m. There is no charge to attend. Lunch will be sponsored by CCAO/CEAO. **The CCAO Board of Trustees encourages all county commissioners to permit their clerks and other office support staff to attend one of the following meetings.**

SEPTEMBER 28, 2007
ALLEN COUNTY - REGION 1

LOCATION: Allen County Sanitary Engineer's Office, 3230 North Cole Street, Lima

COUNTIES: Allen, Auglaize, Champaign, Defiance, Fulton, Hancock, Hardin, Henry, Logan, Lucas, Mercer, Paulding, Putnam, Shelby, Van Wert, Williams, and Wood

For more information please contact Susan Schmunk, Administrative Assistant, Williams County Engineer's Office, at (419) 636-2454 or sschmunk@wmsco.org

or Kelli Singhaus, Clerk, Allen County Commissioners, at (419) 228-3700 ext. 8725 or ksinghaus@allencountyohio.org.

OCTOBER 26, 2007
GREENE COUNTY - REGION 5 & 6

LOCATION: Department of Sanitary Engineering, 667 Dayton-Xenia Road, Xenia

COUNTIES: Adams, Brown, Butler, Clark, Clermont, Clinton, Darke, Fairfield, Fayette, Franklin, Gallia, Greene, Hamilton, Highland, Hocking, Jackson, Lawrence, Madison, Miami, Montgomery, Perry, Pickaway, Pike, Preble, Ross, Scioto, Warren, and Vinton

For more information please contact Flora Butler, Clerk, Butler County Commissioners, at (513) 887-3504 or ButlerFR@butlercountyohio.org or Lisa Mock, Clerk, Greene County Commissioners, at (937) 562-5006 or lmock@co.greene.oh.us.

For more information, please contact the 2007 CCC/ESAO President Cheryl Nolan, Administrator/Clerk, Huron County Commissioners, at (419) 668-3092 or cnolan@hccommissioners.com.

CCAO STAFF NEWS

THE TWINS ARE HERE!

In keeping with the theme of the day, CCAO Administrative Assistant Amanda Jones gave birth to twins several weeks early on Labor Day! Twin boys - Bryce (5 lbs. 13 oz./18 1/2 inches) and Caleb (5 lbs. 3 oz./18 3/4 inches) will join big brother Aiden, who will be two-years old in a few weeks, in keeping Amanda and Ronnie busy. Going from one to three children really challenges your organizational skills...so Amanda thought ahead about packing school lunches, etc. The three boy's names begin with A, B & C! Please join CCAO in congratulating Amanda and Ronnie in the birth of the twins. Congratulatory notes may be sent to: Amanda & Ronnie Jones, 120 South George Street, Lancaster, OH 43130.

IN MEMORIUM

PAUL E. GILLMOR

U.S. Representative Paul Eugene Gillmor (68), whose political career covered four decades died on Wednesday, September 5. Gillmor, who was serving his ninth term in Congress, had represented Ohio's 5th District since his first election in 1988. Born, raised and educated in Ohio, Gillmor served as a Vietnam War-era judge advocate in the Air Force after graduating from law school. He was elected to the Ohio Senate in 1966, served for 22 years and served as Senate President. In 1986, Gillmor had an unsuccessful run for Governor. As a House member Gillmor was a conservative on social issues and a strong proponent of the military. CCAO grieves the loss of a genuine leader and extends heartfelt sympathy to his wife, Karen, and his five children.

STATE ACTIVITIES

BILL WHICH INCLUDED REPEAL OF EXTENSION OF COUNTY AND TOWNSHIP ZONING POWER TO THE GENERAL WELFARE FOUND UNCONSTITUTIONAL BY COMMON PLEAS COURT JUDGE

Earlier during the 125th General Assembly HB 148 (Grendell), effective 11-5-04, had passed with the support of CCAO and the Ohio Township Association which permitted counties and townships to apply the standard of "general welfare" in the application of zoning resolutions. An amendment to Senate Bill 18 (Coughlin), effective 5-2-05, adopted later that same session resulted in the repeal of the general welfare standard for residential property that had been included in HB 148. Included in the subject matter of Senate Bill 18 were provisions which the Akron Metropolitan Housing Authority felt negatively impacted them. They became the plaintiffs in a law suit filed in the Franklin County Court of Common Pleas challenging the constitutionality of the Senate Bill 18. In granting the plaintiffs motion for summary judgment Franklin County Common Pleas Judge Patrick Sheeran found that the bill as adopted violated the single subject rule of the Ohio Constitution and was therefore unconstitutional. CCAO along with the Ohio Township Association filed an amicus brief on behalf of the plaintiffs in the case.

In discussing the single subject issue Judge Sheeran noted that the test of whether the single subject provision is violated is not simply whether the bill embraces more than one topic but whether a common purpose or relationship exists between the topics. Review on this question is not directed at plurality but at disunity in subject matter. According to the Ohio Supreme Court there must be a manifestly gross and fraudulent violation of the one subject rule by the legislature before the judicial branch will intervene to usurp the legislators' authority. There are a number of factors that help in determining if there is such a violation and they include the commonality of subject matter, lack of common purpose or relationship between the subjects in the legislation, and no discernable reason for combining the provisions into one bill. The judge held that the stark dissimilarity of the contents of the bill could not be justified and consequently found the bill in violation of the single subject rule and therefore unconstitutional. It will now be up to the State of Ohio to decide whether to appeal the common pleas judge's decision to the Franklin County Court of Appeals.

SOS ANNOUNCES PROCESS TO FILL VACANCY IN 5TH CONGRESSIONAL DISTRICT

In the wake of the death of U.S. Rep. Paul Gillmor (Dist. 5-Old Fort), Secretary of State Jennifer Brunner announced the process to fill the vacancy in the 5th Congressional District seat.

Under state law, Gov. Ted Strickland must issue a "writ of election" to the most populous county in the 5th Congressional District setting the date of a special general election in conjunction with the Secretary of State. Wood County is the most populous county in the district. After that, the Secretary of State's office will prepare an elections calendar, including petition filing deadlines and special primary elections, based on that date.

One complicating factor is that Putnam County, located in the 5th Congressional District, lost all 132 of its electronic voting machines in the recent northwest Ohio floods. The Franklin County Board of Elections has agreed to loan voting machines to that county for the election.

CLEAN OHIO REVITALIZATION FUND AND JOB READY SITES FORUMS

Lieutenant Governor Lee Fisher, Director of the Ohio Department of Development, will hold a series of stakeholder forums that will occur across the state discussing the Clean Ohio Revitalization Fund and Job Ready Sites Program. The stakeholder forums are an opportunity for community leaders to review and discuss program initiatives and potential modifications. Each forum will be moderated by the staff of the Great Lakes Environmental Finance Center at Cleveland State University. Individuals or organizations interested in participating at a local forum can visit www.regonline.com/ODODforum to register or can contact the Urban Development Office at the Ohio Department of Development at (614) 466-0882 for more information. The NW Ohio forum was held this week. The last five forums will occur at the following locations:

Central Ohio - September 13

Dublin Recreational Center
5600 Post Road, Dublin, OH 43017
9:00 am to 12:30 pm

SW Ohio-September 19

TechSolve-Cincinnati Headquarters
6705 Steger Drive, Cincinnati, OH 45237
12:30 pm to 4:30 pm

NE Ohio - September 27

Ocasek Government Office Building
161 S. High Street, Akron, OH 44308
9:00 am to 12:30 pm

Eastern Ohio - September 28

Kent State University- Tuscarawas Campus
330 University Drive, Room 126
New Philadelphia, OH 44663
9:00 am to 12:30 pm

SE Ohio - October 3

Hocking Community College
3301 Hocking Parkway, Nelsonville, OH 45764
9:00 am to 12:30 pm

The Clean Ohio Fund was approved by Ohio voters in 2000 for preservation of greenspace and brownfield

redevelopment activities. The Clean Ohio Revitalization and Assistance Funds, the brownfield component of the Clean Ohio Fund, have awarded 174 grants totaling \$200 million to date; these grants will leverage more than \$1.8 billion in new development on the properties. Through the leadership of the Clean Ohio Council and Department of Development, Clean Ohio Revitalization Fund dollars are supporting the redevelopment of former commercial and industrial property into productive reuses ranging from manufacturing, office development to retail and housing.

The Ohio Job Ready Sites Program, authorized by Ohio voters under Issue 1 in 2005, was created to bolster the state's inventory of available facility locations served by utility and transportation infrastructure. Sites improved under the program are kept at-the-ready for future business prospects seeking locations for new or expanded operations. Under the program's first funding round in 2006, \$60 million was awarded to twenty projects making improvements to create sites to accommodate manufacturing, office and research and development activities.

LOCAL GOVERNMENTS BEGIN PREPARING FOR PUBLIC RECORD LAW CHANGES

Many of the provisions of House Bill 9 (Oelslager, 126th General Assembly) are scheduled to take effect September 29th. In anticipation many local governments are once again reviewing the new requirements to make sure they are adequately prepared.

Highlights of these requirements include:

- Training of Elected Officials *or designees* for every term to which they are elected (requirement will be verified in annual or biennial Auditor of State public office audit),
- Formation of a Public Records Policy, and
- Posting in all main offices of Public Records Poster.

As noted above, Attorney General Marc Dann's office is charged with producing a "model public records policy" for local governments to use, as well as to provide training for elected officials or their designees

at no cost. With regards to the model public records policy, the Attorney General's office has placed a model policy on its website <http://www.ag.state.oh.us/comments/modelpolicy.asp>) however, many various associations have registered their concerns with this policy as it does state actual law but rather represents "ideal practices" as defined by the Attorney General.

Similarly, local governments will be required to post a public records poster. CCAO will issue its own model policy and poster with next week's statehouse report.

Finally, the Attorney General has also released dates for the certified training they are required to afford elected officials or their designees (<http://www.ag.state.oh.us/comments/training.asp>). Please note the training on Wednesday, December 5th to be held at the CCAO Winter Conference.

In addition, please find attached a list of the "Top Ten Tasks to Implement HB 9" that was distributed to all participants at the recent regional Budget/ Legislative Update Seminars held by the CCAO Policy Team. As always, please do not hesitate to contact CCAO Policy Analyst Josh Hahn at (614) 220-7982 or (888) 757-1904 or jhahn@ccao.org with any questions or concerns with public record issues.

FEDERAL ACTIVITIES

LETTER SENT TO THE HOUSE RULES COMMITTEE AND THE OHIO CONGRESSIONAL DELEGATION URGING FLOOR AMENDMENTS TO H.R. 811

On September 5, CCAO and the Ohio Association of Elections Officials sent a letter to the U.S. House of Representatives Rules Committee and the Ohio Congressional Delegation urging them to permit floor amendments to make the requirements of H.R. 811 - The Voter Confidence & Increased Accessibility Act of 2007 less burdensome on local government and its implementation practicable.

Key concerns with the bill:

- Unrealistic timelines and overly-specific mandates of H.R. 811 will undermine voter confidence.

- Universally accessible VVPAT technology does not presently exist in any federally certified voting system.
- Congress should not consider new, burdensome and unfunded election administration mandates until it has fully funded HAVA.

As of press time more Members of Congress in both parties are unsure of H.R. 811 and action on the bill appears to be delayed until the week of September 17. A copy of the letter is on the front page of CCAO's website (www.ccao.org). **Urgent: Please contact your member of the Ohio Congressional Delegation and voice your concerns about H.R. 811.**

HARDIN AND SENECA COUNTIES ELIGIBLE FOR FEMA ASSISTANCE

Two counties have been added to the presidential disaster declaration as a result of the severe storms and flooding August 20-28 in northwest Ohio, the Federal Emergency Management Agency (FEMA) and the Ohio Emergency Management Agency (Ohio EMA) announced this week.

Residents and business owners in Hardin and Seneca counties are now eligible for FEMA's individual assistance, joining Allen, Crawford, Hancock, Putnam, Richland and Wyandot counties, which were designated in the original August 27 declaration. For more information please go to <http://www.fema.gov/news/event.fema?id=8725>.

NACo ACTIVITIES

NACo PRESIDENT COLEMAN'S 2007-2008 PRESIDENTIAL INITIATIVE

In his inaugural speech at the NACo Annual Conference held July 13-17 in Richmond, Virginia, President Eric Coleman, Oakland County (MI) Commissioner, pledged "to educate our members on the foster care system and the need for reform." Coleman cited statistics from the Child Welfare League which show that 25 percent of young people leaving the foster care system are homeless, 56 percent are unemployed and 27 percent of males end

up in jail. Coleman appointed a special task force, led by Supervisor Roger Dickinson, Sacramento County, Calif., and funded by a grant from the Pew Charitable Trust, to determine and disseminate best practice models that address the problems young people encounter as they leave the foster care system.

Children of all ages are the focus of Coleman's second initiative: combating the sexual exploitation of children. The Campaign against Child Sexual Exploitation is an initiative of the National Center for Missing & Exploited Children and had been endorsed earlier by NACo's Large Urban County Caucus. Coleman said his goal for the year is to have at least one county in each state adopt the Oakland County, Mich. model for combating the sexual exploitation of children.

METHAMPHETAMINE SURVEY SHOWS CHANGING DEMOGRAPHICS

Methamphetamine abuse remains a national epidemic, and more teens, women and minorities are abusing the highly-addictive and deadly drug in communities across America, according to a national survey released by the National Association of Counties (NACo).

NACo's survey of 500 county law enforcement officials in 44 states found that 61 percent of counties have seen an increase during the last three years in the number of women abusing meth. In addition, 49 percent reported an increase in meth abuse among teenagers and 36 percent reported an increase of meth abuse among minorities during the same period.

Overall, 80 percent of counties said that meth abuse has not decreased in the last year and 47 percent of counties said that meth remains their number one illegal drug problem. That is more than cocaine (21 percent) and marijuana (22 percent) combined. Ten Ohio counties responded to the survey.

The survey, *The Methamphetamine Epidemic: The Changing Demographics of Methamphetamine*, was completed in July by NACo to assess the effectiveness of new precursor laws and whether or not increased public awareness of the dangers of the highly-addictive synthetic drug have changed patterns of meth manufacture, acquisition and usage.

NACo retained the services of Research, Inc. of Washington, D.C. to conduct the telephone survey. All survey responses were collected in May and June. The full survey is available at www.naco.org.

PUBLICATIONS

OHIO RAIL MAP AVAILABLE ONLINE

The 2007-2009 edition of the Ohio Rail Map is available from the Ohio Rail Development Commission's (www.dot.state.oh.us/ohiorail/). The map's availability online is a direct result of the high requests for rail maps from local emergency management agencies, police and fire departments.

More than 3,000 maps of the previous edition were distributed in 2005. The commission still has printed maps available, but supplies are limited. The online version can be printed in a high-resolution format, or whatever format is most suitable..

The main value of the Ohio Rail Map is to aid first responders when there is an incident involving a railroad. The map lists the owners and operators of railroads and also shows Ohio's major highways, airports and water ports, which can also be useful in determining what other modes of transportation, could be affected by an event. Contact Stu Nicholson, Ohio Rail Development Commission PIO, at (614) 644-0513.

TWO HAMILTON COUNTY PROGRAMS HIGHLIGHTED IN AIR QUALITY IMPROVEMENT GUIDE

The National Association of Counties (NACo) has developed the *Air Quality Improvement Guide for Local Governments* to help communities reduce air pollution and achieve federal health-based standards.

NACo has compiled some of the strategies implemented at the local level to control ozone and particle pollution to achieve and/or remain in attainment status. The *Guide* includes programs ranging from air awareness education campaigns to diesel engine retrofits and lawnmower buyback programs. Each of the 15 chapters contain case

studies from counties of difference sizes and locations.

Two Hamilton County programs were featured in the *Guide*.

- **Truck and Bus Fleet Retrofits** - Hamilton County added diesel oxidation catalysts to its school bus fleets in 2004 to reduce children's exposure to diesel exhaust from school buses and work toward an attainment classification for ozone and fine particulate matter. In the first phase of the project 91 buses from six school districts were retrofitted. For more information please contact Ken Edgell at (513) 946-7751.
- **Anti-Idling and Truck Stop Electrification** - According to the Ohio Environmental Council, the Hamilton County-Cincinnati metropolitan area ranks 19th nationwide for diesel particle health impacts. After retrofitting the school buses, Hamilton County created the "Turn the Key, Be Idle Free" anti idling campaign. Approximately 2,250 gallons of diesel fuel was saved due to this effort in the 2004-2005 school years. For more information please contact Nan Frient at (513) 946-7754 or nan.frient@hamilton-co.org.

For more information about the *Guide* please contact Kelly Zonderwyk, NACo Senior Associate - Community Services, at (202) 942-4224 or kzonderwyk@naco.org or www.naco.org/greencounty and click on Air Quality.

SEMINARS/WORKSHOPS

OHPELRA FALL SEMINAR

The Ohio Public Employer Labor Relations Association (OHPELRA) will present their Fall Seminar - "Living with the FMLA: New Realities and Strategies" from 8:00 a.m. to 3:00 p.m. on Thursday, November 1, 2007 at the Columbus Police Academy, 1000 North Hague Avenue, in Columbus.

Seminar topics will answer these questions:

- How are courts interpreting the FMLA regulations? What leeway do we have left to confront apparent abuse of leave?
- Can an employer enforce the rules of a paid sick leave policy that may require more than the FMLA would allow?
- When an employee claims that an employer has "interfered" with FMLA rights, are there any defenses available?
- How do you discourage leave abuse?

Registration fee: \$155 - OHPELRA members or \$255 - non-members. For more information about the seminar or OHPELRA membership please contact Laura Joy Campbell, OHPELRA Treasurer, Butler County Department of Personnel, 315 High Street - Floor 6, Hamilton, OH 45011-6061, (513) 887-3595, FAX (513) 785-5199 or campbellj@butlercountyohio.org. Registration forms are available at www.ohpelra.org