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County Information and Data Service

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SEPTEMBER 12, 2008

DATES TO REMEMBER

SEPTEMBER 18, 2008	CCAO OPEN FORUM WITH SOS OFFICE ON ADA COMPLIANCE, CCAO OFFICES, COLUMBUS
SEPTEMBER 18, 2008	CCAO GENERAL GOVERNMENT & OPERATIONS COMMITTEE, CCAO OFFICES, COLUMBUS
SEPTEMBER 18-19, 2008	YOUTH WITH DISABILITIES AND THEIR INTERACTION WITH THE JUVENILE JUSTICE SYSTEM, RENAISSANCE CLEVELAND HOTEL, CLEVELAND
SEPTEMBER 19, 2008	CCAO BOARD OF TRUSTEES, CCAO OFFICES, COLUMBUS
SEPTEMBER 22, 2008	CCAO PUBLIC SAFETY & CRIMINAL JUSTICE COMMITTEE, CCAO OFFICES, COLUMBUS
SEPTEMBER 26, 2008	CCC/ESAO SOUTHEAST REGIONAL MEETING, THE INN AT HOCKING COLLEGE, ATHENS COUNTY (NELSONVILLE)
SEPTEMBER 26, 2008	CCAO AGRICULTURE & RURAL AFFAIRS COMMITTEE, CCAO OFFICES, COLUMBUS
SEPTEMBER 26, 2008	CLCCA FALL MEETING, TROYER'S HERITAGE RESTAURANT, RICHLAND COUNTY (BELLVILLE)
SEPTEMBER 29, 2008	NW OHIO COMMISSIONERS & ENGINEERS ASSOCIATION QUARTERLY MEETING, GALION COUNTRY CLUB, MORROW COUNTY (GALION)
OCTOBER 24, 2008	CCC/ESAO SOUTHWEST REGIONAL MEETING, SPRINGVIEW GOVERNMENT CENTER, CLARK COUNTY (SPRINGFIELD)

ASSOCIATION NEWS

NW OHIO COMMISSIONERS & ENGINEERS ASSOCIATION QUARTERLY MEETING

Morrow County Commissioners Olen Jackson, Rodney Clinger, and Richard Miller and County Engineer L. Randy Bush will host the next NW Ohio Commissioners & Engineers Association Quarterly

Meeting on Monday, September 29, 2008 at Galion Country Club, 4810 State Route 309, in Galion. Daily schedule: 11:00 a.m. - meeting registration and golf begins, 11:30 a.m. - tours, 3:30 p.m. - business meeting, 4:30 p.m. - socializing, and 5:30 p.m. - dinner.

Non-golfers will leave at 11:30 a.m. for the Owl Creek Produce Auction, which takes place three

times each week during the height of Ohio's growing season. A box lunch will be served at noon. After lunch registrants will tour Mid-Ohio True Sports Raceway, a permanent road course known as the "most competitive in the U.S." The course has both a 2.3 mile, 15-turn configuration and a 2.25 mile, 13-turn layout.

Registration fee: \$20 (includes tours, transportation, and dinner.) Deadline: September 23, 2008. For more information please contact Sherry Gruber, Clerk, or Cheryl Hancock, Assistant Clerk, Morrow County Commissioners, 80 North Walnut Street – Suite A, Mount Gilead, OH 43338, (419) 947-4085, fax (419) 947-1860 or morrowclk@rrohio.com.

Golf outing information: \$31 for greens fees (includes 18-holes, cart, and lunch at the turn). Plan to pay the day of the event. For more information please contact Olen Jackson, Morrow County Commissioner, at (419) 947-4085.

CCAO HOSTING OPEN FORUM WITH SOS OFFICE ON ADA COMPLIANCE AT POLLING PLACES THURSDAY, SEPT 18 FROM 11:00 TO 1:00

A number of questions about how the Secretary of State's office is administering ADA Compliance for polling locations came up at the August CCAO Board of Trustees meeting. Subsequently, CCAO staff has organized an open forum with representatives from the Secretary of State's Office on **Thursday, September 18 from 11:00 AM to 1:00 PM** at the CCAO Office in Columbus

This is an open forum, and all county commissioners are welcome to attend. Simply RSVP to Janet Erwin, CCAO Administrative Assistant, at (614) 220-7986, (888) 757-1904, or jerwin@ccao.org since a light lunch will be provided.

The CCAO General Government Committee will convene at 1:00 p.m. following this open forum on ADA compliance.

2008 CCC/ESAO REGIONAL MEETINGS SCHEDULED

Over the past five 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.

These informal meetings are open to all commissioners' clerks, deputies, engineers' secretaries, or administrative assistants to discuss various topics of concern in your county. Please plan to attend one of the final two regional meetings. 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.**

<p>SEPTEMBER 26, 2008 – SOUTHEAST REGION – ATHENS COUNTY</p> <p>LOCATION: The Inn at Hocking College, 15770 State Route 691, Athens County (Nelsonville)</p> <p>For more information, please contact CCC/ESAO SE District Representative Crystal Digenova, Administrative Assistant, Tuscarawas County Commissioners, at (330) 365-3240 or commissioners@co.tuscarawas.oh.us.</p>
<p>OCTOBER 24, 2008 – SOUTHWEST REGION – CLARK COUNTY</p> <p>LOCATION: Springview Government Center, 3130 East Main Street, Clark County (Springfield)</p> <p>For more information, please contact CCC/ESAO SW District Representative Dianna Harris, Administrative Assistant, Montgomery County Engineer's Office, at (937) 225-4904 or harrisd@mcohio.org.</p>

For more information, please contact the 2008 CCC/ESAO President Susan Schmunk,

Administrative Assistant, Williams County Engineer's Office, (419) 636-2454 or sschmunk@wmsco.org.

COUNTY LOSS CONTROL COORDINATOR'S ASSOCIATION FALL MEETING

The County Loss Control Coordinators Association (CLCCA) annual fall meeting will be held on Friday, September 26, 2008 at Troyer's Dutch Heritage Restaurant in Richland County (Bellville), I-71 at Exit 165 between Mansfield and Columbus. Topics include: When Bad Things Happen to Good Counties (presented by the CORSA Claims Team), Human Resources Update (presented by Downes, Hurst, and Fishel), and Workers Comp Update: MIRA 2 and the New Wage Continuation Rules (presented by CompManagement/Sedgewick CMS). Lunch is provided. CLCCA members may attend at no cost. There will be a \$15 fee for non-members. Please register by September 22, 2008. To register, contact Pat Harsh, CLCCA Secretary-Treasurer, 401 ½ Main St, Coshocton OH 43812, (740) 295-7467, fax: (740) 622-4917, or e-mail patharsh@coshoctoncounty.net. **Please note the address change for Pat Harsh.**

COUNTY COMMISSIONERS RING

In 1986, CCAO authorized the creation of an official ring for county commissioners. The ring was designed at the request of current and former county commissioners under the guidance of CCAO. To order a ring, please contact Mike Miller at Miller's Jewelers in Mansfield at (419) 522-2793 or www.millersjewelry.com. It takes about six weeks for delivery of the rings.

COUNTY ACTIVITIES

HAMILTON COUNTY RECEIVES ENERGY STAR AWARD

Hamilton County Department of County Facilities received the prestigious ENERGY STAR award for 800 Broadway Building located in the downtown area of Cincinnati. The ENERGY STAR, awarded from the U.S. EPA, is the mark of superior energy performance and identifies this building as one of the most efficient buildings in the nation. By taking this step Hamilton County is moving along the path

to energy efficiency, not only by saving money, but also by preventing the release of greenhouse gases and protecting the environment. This is the result of several years of both capital and operational improvements done under Ralph Linne, Director of Facilities and Anthony Matre, Assistant Director of Plant Management.

This is the third major award won by the Hamilton County Department of County Facilities for this facility, previously the facility received the Governor's Award for Historical Perseveration and then the Midwest Regional TOBY (The Office Building of the Year) award in the Government category from the Building Owners and Managers Association (BOMA). This facility is listed on the National Historical Registry, and is an excellent example of Art Deco style architecture.

For more information please contact: Ralph Linne, Director of County Facilities, 1000 Main Street B-95, Cincinnati, OH 45202, (513) 946-5025 or rwl@cms.hamiltoncountyohio.gov.

WANTED: YOUR COUNTY NEWS

Do you have information to report about your county? Has an official or employee received special recognition? Has the county received an award? Do you have a new program that you would like to share information about? Do you want information from another county to help you with an issue or program? Send your information to Mary Jane Neiman, CCAO Public Relations Associate, at mjneiman@ccao.org or fax (614) 221-6986.

STATE ACTIVITIES

WASHINGTON COUNTY COURT OF APPEALS RULES FOR COUNTY HOME ON RESIDENT MAIL MONITORING

The Washington County home has prevailed on an appeal of the Ohio Department of Health's (ODH) position that Washington County's policy for handling resident mail violated Ohio's Resident Rights statute, Ohio Revised Code sec. 3721.13. At issue was Washington County's mail procedure wherein facility personnel sorted the residents' mail into "personal" and "official" categories. Included in

the "official" category was any mail that appeared to contain money or a check as well as mail from government agencies, such as the Social Security Administration, which may provide benefits to the resident. The personal mail was delivered to the resident but the "official" looking mail was retained by the social service director who invited the resident into his or her office, handed the resident the unopened mail and asked the resident if he or she required any assistance with the matters addressed in the mail. The resident was free to leave with the unopened mail. **At no time did the facility open the resident's mail unless specifically requested to do so by the resident.** This mail policy was implemented to ensure the facility's residents received any assistance necessary to receive state or federal benefits as well as to meet the Washington County's statutory obligation to take possession all property received by the resident to pay for the resident's care as required by Ohio Revised Code 5155.23.

The ODH, ignoring Washington County's statutory obligation under Chapter 5155, found Washington County's procedure to violated Ohio Revised Code 3721.13(A)(21)(a) which provides that the resident has the right to receive or send mail unopened and cited Washington County. Washington County appealed ODH's findings. The hearing examiner upheld ODH's finding of a violation of the resident's rights statute.

Washington County then appealed to the Washington County Court of Common Pleas. The Common Pleas court reversed the decision of the hearing examiner finding that ODH's interpretation of the ORC 3721.13(A)(21) was incorrect and that Washington County's mail policy plainly did not violate the statute.

The State appealed to the Fourth District Appellate Court. After briefing and oral arguments by both ODH and Washington County, the Appellate Court upheld the decision of the Washington County Common Pleas Court. The court found that Washington County's policy of summoning a resident to the office to open mail does not violate the resident's right unless the mail originates from the resident's attorney, physician or a public official. The statute does not prohibit a county home from monitoring and sorting a resident's mail. Instead it

imposes a duty upon the resident to request private and unrestricted communications, which includes the right to receive sealed, unopened mail. However, the Court also held that mail from a physician, attorney or public official could not be restricted – meaning Washington County was not permitted to hold that mail. The court remanded the case to the trial court to determine if Washington County restricted resident access to mail from attorneys, physicians or public officials. Notably, the court held that mail from public agencies is not mail from "a public official," meaning that the social security administration is not a "public official."

The appellate court based its decision solely on its interpretation of the resident rights statute without reference to any of the special powers and duties of county homes. The value of this decision as applied to all nursing homes, county homes and residential care facilities is that it permits the home to institute a procedure that results in more security for checks that arrive in the mail and a greater likelihood that important communication will not be overlooked by a resident. The decision applies in the 4th Ohio Appellate District and other courts may not agree. We do not yet know if ODH will attempt a further appeal but it does not seem a likely case for the Supreme Court to accept.

For more information contact Martha Sweterlitsch at msweterlitsch@bfca.com or Jennifer Turk at jturk@bfca.com at Benesch Friedlander Coplan & Aronoff LLP, at (614) 223-9300.

BWC LAUNCHES NEW ONLINE CLAIMS RESERVING SYSTEM

Employers can now go online to see how the Bureau of Workers' Compensation calculates the amount of claim reserves necessary to account for the projected costs of a claim. The new Micro Insurance Reserving Analysis (MIRA) system is designed to more accurately calculate employer premiums and to help them better calculate their workers' comp costs, according to the BWC. MIRA II will also allow employers to better track costs affiliated with each claim.

Accurate claim reserves are essential to protecting

Ohio employers from unexpected costs and fluctuating premium rates. Since July 1, MIRA II has significantly improved BWC's ability to set accurate rates and equitable premiums. The change to MIRA II will affect counties' workers' comp premiums starting with the 2010 payroll year, the premiums for which are payable in May of 2011.

The old MIRA system drew considerable criticism from businesses and lawmakers, who said it provided little information about how an individual claim reserve was set. HB 100 passed earlier this legislative session charged the BWC to overhaul the system.

MIRA II uses recent, Ohio-specific workers' compensation claims data that will be updated weekly to reflect the changing nature of on-the-job injuries, according to the agency. It also uses significantly more data than the previous system, focusing on the accuracy of individual claim reserves rather than the overall accuracy of all reserves.

EMERGENCY OPERATIONS CENTER/JOINT OPERATIONS CENTER OPEN HOUSE

The Ohio Emergency Management Agency (Ohio EMA) will host an open house of the Emergency Operations Center/Joint Dispatch Facility, located at 2855 West Dublin Granville Road in Columbus, from 10:00 a.m. to 12:00 noon on Thursday, September 25, 2008. The Ohio EMA is the central point of coordination within the state for response and recovery to disasters. During disasters, Ohio's county and state emergency management personnel stand together prepared to respond to any emergency or disaster which impacts our communities and to lead efforts against the effects of future disasters. For more information about the Ohio EMA contact (614) 889-7150, OhioEMA@dps.state.oh.us or www.ema.ohio.gov.

CONFERENCES/SEMINARS

WHAT WE KNOW ABOUT THE EMERALD ASH BORER

The Emerald Ash Borer (EAB) has been detected in 10 U.S. states and has quarantined 42 of Ohio's

88 counties. The EAB has killed more than 40 million ash trees in southeastern Michigan alone, with tens of millions more lost in Ohio, Illinois, Indiana, Pennsylvania, West Virginia, and Virginia. It has caused regulatory agencies and the U.S. Department of Agriculture to enforce quarantines and fines to prevent potentially infested ash trees, logs or hardwood firewood from moving out of areas where EAB occurs.

An Emerald Ash Borer Forum, "Out of the Ashes – What We Know About Emerald Ash Borer," will be held on September 24-25, 2008 at the Hope Hotel & Conference Center, located in Bldg. 823 – Area A, at Wright Patterson Air Force Base in the Dayton area. Registration fees: \$70 (includes two breakfasts and lunches, materials, and snacks). Registration deadline: September 19. For more information about the two-day conference contact Amy Stone, The Ohio State University, (419) 578-6783 or stonea@postoffice.ag.ohio-state.edu or <http://emeraldashborer.info>.

SUSTAINABILITY – WHAT YOUR COMMUNITY NEEDS TO KNOW TO PLAN FOR A SUSTAINABLE FUTURE

The Medina County Department of Planning Services invites you to attend an educational workshop on "SUSTAINABILITY - What Your Community Needs to Know to Plan for a Sustainable Future" on September 24, 2009 at 6:30 p.m. at the University of Akron, 6300 Technology Lane - Room 309, in Medina.

A presentation on "Sustainability: Growing your community in a way that meets the needs of the present without compromising the ability of future generations to meet their own needs" will illustrate the relationships between some of the most common sustainable community development approaches.

Please RSVP to Cheryl Schmock - cschmock@medinaco.org, or Patrice Theken - ptheken@medinaco.org, or call (330) 722-9219 for additional information or go to www.planning.co.medinah.oh.us.

Public officials are invited to attend the afternoon session on Thursday, September 25 from 12:30 – 3:00 p.m. free of charge. To register for this free session contact Barbara Mills, Horticulture Program Assistant, OSU/Greene County Extension, at (937) 372-9971 or mills.35@cfaes.osu.edu. or jhernandez@naco.org.

ATTORNEY GENERAL'S OPINION

SYLLABUS

2008-030

1. A golf cart is a motor vehicle and may not be driven on public streets and highways unless it meets the statutory requirements that are applicable to motor vehicles, including operating and equipment requirements. (1990 Op. Att'y Gen. No. 90-043, approved and followed.)
2. Title II of the Americans with Disabilities Act, 42 U.S.C.A. 12131- 12134 (West 2005), does not require the State, a county, or other public entity to refrain from enforcing motor vehicle equipment and operating standards in order to allow a person who is disabled to use a golf cart for personal transportation on public streets and highways. A public entity may be required, however, to grant to a person who is disabled a more limited modification to such standards if the facts developed from an individualized inquiry demonstrate that the limited modification is reasonable and would enable the person to meet those standards necessary to the public safety.

SYLLABUS

2008-031

Profits from the commissary fund under R.C. 341.25 may not be used to purchase prescription medications for persons incarcerated in the jail

CLASSIFIEDS

CHILD SUPPORT STAFF ATTORNEY

The Fairfield County Job and Family Services, Child Support Enforcement Agency (CSEA) seeks a self-starter to fill an entry-level position as a full-time Staff Attorney/Special Assistant Prosecutor. Responsibilities will include representing the CSEA

in civil and criminal prosecutions, administrative and civil establishment of paternity, establishment of support orders and modifications, and preparation of motions, briefs and other legal documents. Readiness for a substantial caseload and excellent people skills are a must. The position involves a degree of professional autonomy in handling cases. Experience in child support issues and/or litigation is a plus. Applicants must be admitted to the Ohio Bar and be in good standing. The annual salary is \$38,792. Applicants should submit a resume, cover letter, writing sample, and civil service application to Human Resource Director, 239 West Main Street, Lancaster, OH 43130 by **September 29, 2008**. Applications can be found on-line at <http://www.state.oh.us/das/dhr/jobapp.html>. NO PHONE CALLS PLEASE. EOE.

911 AND E911 COORDINATOR

The Franklin County – City of Columbus E-911 Governing Board seeks a highly qualified professional to provide expert oversight and coordination of the multiple Public Safety Answering Points (PSAP's) within the region. Minimum seven years experience as an E-911 coordinator, technician, or PSAP supervisor, or equivalent experience in commercial telecommunications required. Demonstrated knowledge in 911, E-911, Next Generation, and other telephony technologies. Proven skills in public speaking, organizational competency, multi-jurisdictional, multi-disciplinary coordination. Consultant fee is negotiable (\$50,000-\$65,000) based on demonstrated knowledge, skills, and abilities. Interested parties may obtain a copy of the Request for Qualifications (RFQ) online under RFQ Number 2008-01-55 E911 Coordinator or you can obtain a copy of the RFQ by emailing Karl H. Kuespert, Director of Purchasing at khkuespe@franklincountyohio.gov, Subject: "Bid Request # 2008-01-55, E911 Coordinator". Individuals interested in applying for this position must submit all of the documents by no later than **2:00pm on October 16, 2008**. Individuals only – organizations need not apply.