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# CIDS

## County Information and Data Service

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VOLUME XXXXVIII

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DECEMBER 19, 2008

### DATES TO REMEMBER

FEBRUARY 23-25, 2009

COMMISSIONERS TRAINING SEMINAR, DEER CREEK RESORT AND CONFERENCE CENTER, PICKAWAY COUNTY (MT. STERLING)

MARCH 7-11, 2009

NACo LEGISLATIVE CONFERENCE, MARRIOTT WARDMAN PARK, WASHINGTON, D.C.

JULY 24-29, 2009

74<sup>TH</sup> NACo ANNUAL CONFERENCE AND EXPOSITION, DAVIDSON COUNTY (NASHVILLE), TN

### ASSOCIATION NEWS

#### CCAO SUPPORTS FEDERAL ECONOMIC RECOVERY PACKAGE

Recently, Governor Ted Strickland briefed the CCAO leadership about the impact the recession will have on the current state biennial budget and the upcoming FY 2010-2011 state budget. It is estimated that it will be necessary to cut \$640 million from the state budget that ends in July 2009. This is on top of \$1.3 billion that has already been cut. Then, during the upcoming biennium it is estimated that it will be necessary to cut the two-year state spending plan by as much as \$7 billion.

County government in Ohio is also experiencing similar historic revenue problems. Counties, as the major administrative agent of the state at the local government level, expects state budget cuts will make an already alarming revenue picture even more challenging for county government. What makes situation even more difficult is that residents demand even more services during times of economic challenge and recession that we are now experiencing.

Letters and a resolution from the CCAO Board of Trustees to President-Elect Obama, Governor Strickland, Ohio Congressional Delegation, and Ohio General Assembly asking for immediate federal aide to state and local governments were mailed this week. A copy of the resolution is attached to this issue of CIDS.

#### CIDS HOLIDAY PUBLICATION SCHEDULE

The County Information and Data Service (CIDS) will not be published on December 26, 2008 and January 2, 2009. We will return to our regular publication schedule on January 9, 2009.

Happy Holidays from the CCAO Family to yours!  
Have a healthy, happy, safe, and prosperous 2009!

#### CCAO ELECTED 2009 OFFICERS AND BOARD OF TRUSTEES

CCAO President Daniel Troy (Lake) convened the 128<sup>th</sup> CCAO Annual Business Meeting on Tuesday, December 9, which was held during the CCAO/CEAO Annual Winter Conference in Columbus. The following commissioners were elected to serve in 2009:

- President - Kerry Metzger, Tuscarawas County Commissioner
- 1<sup>st</sup> Vice – Paula Brooks, Franklin County Commissioner
- 2nd Vice President - David Dhume, Madison County Commissioner
- Secretary – Doug Corcoran, Ross County Commissioner
- Treasurer – Ben Nutter, Seneca County Commissioner

The following past presidents have elected to automatically serve on the Board:

- Bob Corbett, Champaign County Commissioner
- Lenny Eliason, Athens County Commissioner
- Patricia Geissman, Medina County Commissioner
- Olen Jackson, Morrow County Commissioner
- Daniel Troy, Lake County Commissioner

Seven officials were elected to a two-year term on the Board:

- Tim Brown, Wood County Commissioner
- Kim Edwards, Ashland County Commissioner
- Greg Green, Hocking County Commissioner
- Margery Paeltz, Brown County Commissioner
- David Pepper, Hamilton County Commissioner
- Roger Tackett, Clark County Commissioner
- Ron Widener, Miami County Commissioner

Richard Myers, Henry County Commissioner, was elected to the one-year unexpired term of Doug Corcoran, Ross County Commissioner, who was elected as CCAO Secretary.

Finally, 2009 CCAO President Kerry Metzger (Tuscarawas) will make nine more appointments to the CCAO Board for next year. Appointments will be announced in CIDS when they are confirmed by the Board of Trustees.

The CCAO Nominating Committee wishes to thank all members who submitted their names for consideration. The nomination process was difficult, because 19 highly qualified and motivated individuals expressed interest in serving on the Board.

## 2009 CCAO COMMISSIONERS TRAINING SEMINAR

Mark your calendar and plan to attend the CCAO Commissioners Training Seminar to be held February 23-25, 2009 at Deer Creek Resort and Conference Center, 22300 State Park Road 20, in Mt. Sterling. This popular conference is an excellent opportunity for new and veteran commissioners, administrators, and commissioners' clerks to meet with other officials. Registration materials will be sent soon. We look forward to seeing you at Deer Creek for the Commissioners Training Seminar!

## 2009 CCAO ROSTER UPDATES

Yes, it's that time again...time to update information for the *2009 CCAO Roster*! A memo concerning updating the Roster was sent to county commissioners clerks this week. There will be a lot of changes in the Roster this year. The accuracy of the data in the Roster is of utmost importance. Please update the information after reorganization of the Board of County Commissioners.

Newly appointed commissioners and veteran commissioners that would like to update their photos should e-mail them in a high resolution, jpg format. If you send a photo, please write the name of the person and their county on the back of the photo. Please do not staple, fax photos, or send photos from the newspaper, because the reproduction quality is poor.

All information and photos should be returned to CCAO by **January 16, 2009**. If you have any questions, please contact Mary Jane Neiman, CCAO Public Relations Associate, at (614) 220-7979, (888) 757-1904 or [mjneiman@ccao.org](mailto:mjneiman@ccao.org).

## PROCEDURAL ISSUES FOR NEW COMMISSIONERS

In every presidential election year two commissioners are elected and take office on January 2<sup>nd</sup> and January 3<sup>rd</sup> of the following year pursuant to ORC Section 305.01 (B). Before taking office, at the beginning of each term, commissioners must take the oath of office and give bonds for the faithful discharge of official duties.

Oaths of office may be administered by any person holding elected office if the person is elected to office within the geographic limits of the constituency, a member of the General Assembly, a judge of a court established by the constitution, or a notary public commissioned in this state (ORC 3.24). The oath of office is to support the constitution of the United States, the Constitution of Ohio and a pledge to faithfully discharge the duties of the office (ORC 3.23). The oath of office may be administered prior to the date or on the same date an officer takes office.

Before taking office, commissioners must give a bond in an amount of not less than \$5000 from a surety approved by the probate judge, conditioned on the faithful discharge of the commissioner's official duties and for the payment of any loss that the county may sustain from the failure to perform those duties (ORC 305.04). The cost of such bond is paid by the board of commissioners from the county general fund. The bond is filed and kept by the county treasurer.

On the second Monday of January in each year, the board of commissioners must organize by selecting one of its members to serve as president for a term of one year (ORC 305.05). The president presides at all regular or special meetings of the board.

## STATE ACTIVITIES

### OHIO SUPREME COURT RENDERS DECISION REGARDING E-MAILS AND RECORDS RETENTION

On December 9, 2008, the Ohio Supreme Court's decision in *State ex rel. Toledo Blade Co. v. Seneca County Board of Commissioners* (2008), Slip Opinion No. 2008-Ohio-6253, clarified a public office's records responsibilities with respect to e-mail. In *Seneca County Board of Commissioners*, the Court found that a public office may be compelled to make reasonable efforts to recover, at the county's expense, requested deleted e-mails that were destroyed improperly. This decision recognizes an additional expense to public offices for failing to comply with the Ohio Public Records Act's disclosure and retention requirements.

- E-mails should be listed on a public office's RC-2. This grants the public office the authority to categorize, maintain, and destroy selected e-mails. E-mails that are destroyed pursuant to a RC-2 are not public records, and a public office may legally deny a request for such e-mails.
- E-mail is a medium and not a records series. Records series are listed on a public office's RC-2. E-mail is placed into different records series based on the content of the e-mail. A public office's RC-2 should have several record series that classify and categorize emails. Including several records series allows a public office to delete more than just emails that are no longer of significant administrative, fiscal, legal, or historic value. In fact, a RC-2 that has several e-mail record series will allow a public office to maintain and/or destroy e-mails in a similar time frame with other media types (paper, disc, tape, etc.)
- Where the Court finds that a public office's actions violate the Ohio Public Records Act, it will devise a remedy to provide prompt inspection and copies of the requested records in a reasonable amount of time to the requester, placing the burden of time and expense on the public office.

For more information, please contact Josh Hahn, CCAO Policy Analyst at (614) 220-7982, (888) 757-1904 @ [jhahn@ccao.org](mailto:jhahn@ccao.org). (Compiled in part from a Downes, Hurst & Fishel LLP E-Alert)

### NO PAY BILL...NO ADJUSTMENT IN 2009

Given the lack of support among key leaders, there was no pay bill put forth and acted upon during this legislative cycle. Hence, there are no raises or salary adjustments for county elected officials, state legislators, statewide officeholders, township officials, and board of elections members in calendar year 2009.

Ohio law provides annual salary adjustments through calendar year 2008. In order for an adjustment in 2009, the Ohio Legislature and Governor had to have enacted legislation yet this

year, and that legislation had to be effective no later than January 1, 2009. Such action did not occur before lawmakers adjourned this week.

The Ohio Constitution prohibits elected officials, except for judges, from accepting a legislatively enacted pay raise in-term. Hence, commissioners elected in 2008 and taking office in 2009 will not receive a salary adjustment during their upcoming term of office. Commissioners elected in 2006 and who took office in 2007 already have been prohibited from accepting a legislatively-enacted salary adjustment in 2009 and 2010, because the adjustment was not enacted before they began their term in 2007.

If you have questions, please contact Cheryl Subler, CCAO Managing Director of Policy, at (614) 220-7980 or at [csubler@ccao.org](mailto:csubler@ccao.org).

### **NACo ACTIVITIES**

#### NACo LEGISLATIVE CONFERENCE: STRENGTHEN THE VOICE OF LOCAL GOVERNMENT

A new Administration and the 111th Congress will hit town in January and a great number of programs that assist counties will be under intense scrutiny. As a county official you need to know what this means for counties, what you can do about the issues, and how you can strengthen the voice of local government on Capitol Hill. With a philosophy of "those who show up decide," you have a host of reasons to attend the NACo Legislative Conference!

The NACo Legislative Conference will be held March 7-11, 2008 at the Marriott Wardman Park Hotel, in Washington, D.C.! Register online and receive a \$25 discount on your conference registration. Earlybird registration discount deadline: January 23, 2009. Hotel rooms fill up fast, so register now for a room at or close to the conference headquarters hotel.

Mark your calendars and plan to attend the Ohio Congressional Delegation Breakfast to be held at 8:00 a.m. on Wednesday, March 11. More details to follow in future issues of CIDS.

For more information about the conference or the Ohio Congressional Delegation Breakfast, please

contact Mary Jane Neiman, CCAO Public Relations Associate, at (614) 220-7979, (888) 775-1904 or [mjneiman@ccao.org](mailto:mjneiman@ccao.org).

### 2009 ACHIEVEMENT AWARD PROGRAM

The National Association of Counties (NACo) Achievement Award Program is a non-competitive awards program that recognizes innovative county government programs. Begun in 1970, the Achievement Award Program promotes and recognizes innovative and successful programs that modernize and streamline county government and increase services to citizens.

Programs in the following 21 categories can be submitted: Arts & Historic Preservation; Children & Youth; Civic Education and Public Information; Community/Economic Development; County Administration & Management; Court Administration & Management; Criminal Justice & Public Safety; Emergency Management & Response; Employment & Training (for county residents); Environmental Protection & Energy; Financial Management; Health; Human Services; Information Technology; Libraries; Parks & Recreation; Personnel Management, Employee Training & Employee Benefits (for county employees); Planning; Risk Management; Transportation; and Volunteers (includes Acts of Sharing).

Applications must be postmarked by **February 13, 2009**. Send applications to: 2009 Achievement Awards, National Association of Counties, P.O. Box 79007, Baltimore, MD 21279-0007. For more information please contact Kathryn Murphy, NACo Research Associate, at (202) 661-8806 or e-mail [kmurphy@naco.org](mailto:kmurphy@naco.org) or fax your application to the NACo Research Division at (202) 737-0480. Copies of the application may be obtained from the NACo website at [www.naco.org](http://www.naco.org).

### 2009 NACo LEGISLATIVE PRIORITIES

The National Association of Counties (NACo) has released its key legislative priorities for 2009. The six priorities, in the areas of unfunded mandates, economic stimulus, health reform, energy policy, taxation and transportation, were adopted by the association's Board of Directors Dec. 5. They reflect NACo's continuing efforts to "Restore the

Partnership,” with the purpose of strengthening the relationships among local, state and national governments.

For more information go to [www.naco.org](http://www.naco.org) and click on the article about the 2009 NACo Legislative Priorities in the center pane.

## **CONFERENCES/SEMINARS/WEBINARS**

### UNFAIR LABOR PRACTICES

The law firm of Downes, Hurst & Fishel LLP is holding an “Unfair Labor Practices” seminar on Tuesday, January 20, 2009 at the Aladdin Shrine Center, 3850 Stelzer Road, in Columbus.

This full-day seminar is developed for management level individuals seeking to obtain additional knowledge regarding unfair labor practice charges, how to respond to unfair labor practice charges, and the processes and procedures regarding these charges at hearing and appeals.

CLE Credits have been requested from the Supreme Court of Ohio for this seminar. Also, this program has been approved for recertification credit hours toward PHR and SPHR recertification through the Human Resource Certification Institute (HRCI [www.hrci.org](http://www.hrci.org)).

Seats are limited. Registration fee: \$175 for a single registration or \$145 or two or more reservations. For more information, please contact Bonni Auteri, Office Manager, Downes, Hurst & Fishel LLP, 400 South Fifth Street – Suite 200, Columbus, OH 43215, (614) 221-1216, fax (614) 221-8769, or [bauteri@dhflaw.com](mailto:bauteri@dhflaw.com).

### STATE OF THE REGION CONFERENCE

The Center for Regional Development at Bowling Green State University will host the “2009 State of the Region Conference” on Wednesday, January 28, 2009 at the Hilton Garden Inn, 6165 Levis Commons Boulevard, in Perrysburg. This year’s keynote speaker is Jack Schultz author of *Boomtown USA: The 7-1/2 Keys to Big Success in Small Towns*. There will also be a variety of panel discussions that will explore the economic challenges currently facing the NW Ohio region.

There is no charge to attend, but you must pre-register online at [www.centerforregionaldevelopment.com](http://www.centerforregionaldevelopment.com). For more information please contact Patricia Sherman, Center for Regional Development, Bowling Green State University, 109 South Hall, Bowling Green, OH 43403-0181, (419) 372-8710, (866) 562-7277, fax (419) 372-8494 or [psherma@bgsu.edu](mailto:psherma@bgsu.edu).

### DISASTER PLANNING & LIABILITY MANAGEMENT WEBINAR

NACo is partnering with a leading national law firm, Pillsbury Winthrop Shaw Pittman LLP, and also with LMI Government Consulting, and the American Red Cross in Greater New York to offer a **free webinar** on “Disaster Planning and Liability Management” on January 14, 2009 from 1:00-2:00 p.m. ET. The webinar is for county elected officials and managers to learn how to measure operational disaster plans against applicable legal constraints and to consider potential liabilities that may result from disaster response. For more information, contact: Rocky Lopes, Project Manager, Community Services, NACo, (202) 661-8841, fax (202) 661-8871 or [rlopes@naco.org](mailto:rlopes@naco.org).

## **CLASSIFIEDS**

### CHILD SUPPORT ENFORCEMENT AGENCY ASSISTANT DIRECTOR

The Wood County Child Support Enforcement Agency seeks an assistant director. Ideal candidates will possess a Juris Doctorate licensed to practice in the state of Ohio supplemented by three years experience that includes supervisory and related administrative work. Equivalent experience will be considered. Position requires a valid Ohio driver’s license or transportation as needed to meet agency needs for court appearances, training, and public relations purposes.

This position is full-time and directs the activities of the legal division of the agency, supervises and assists with all court activities for the agency, and conducts administrative hearings. The position also assumes the responsibilities of the Director in his/her absence, and may assist in agency administrative functions. This position has an FLSA Professional Exemption and is Unclassified.

Salary: Pay Grade 13 - \$55,369.33 minimum. Please respond with a letter of interest, resume and notarized Wood County application. Applications are being accepted until 4:30 p.m. on **December 24, 2008**. Specific position information and applications are available at the Wood County CSEA, 1940 East Gypsy Lane Road, Bowling Green, OH 43402, phone (419) 354-9270, or by visiting the County's website at [www.co.wood.oh.us](http://www.co.wood.oh.us). EOE.

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SYSTEMS ADMINISTRATOR

Muskingum County seeks a systems administrator to perform all network functions. Responsible for routers, switches, servers and backups. Knowledge of UNIX and SQL. Must have MS Server 2003 experience. Extensive Exchange knowledge. Must have MCSE and CCNA Certifications. Two-five years of server experience required. Good customer service skills a must.

For more information go to [www.muskingumcounty.org](http://www.muskingumcounty.org). If interested please send resume and salary requirements by **December 23, 2008** to: Muskingum County Human Resources Department, Attn: Michelle Campbell, 401 Main Street, County Courthouse, Zanesville, Ohio 43701, (740) 588-4371, fax: (740) 588-4300. 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](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, by e-mail [mjneiman@ccao.org](mailto:mjneiman@ccao.org)