



CIDS

County Information and Data Service

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DATES TO REMEMBER

MAY 28, 2009	CCAO COUNTY & LOCAL GOVERNMENT REFORM & COLLABORATION TASK FORCE, CCAO OFFICES, COLUMBUS
MAY 29, 2009	CCAO FISCAL, ECONOMIC DEVELOPMENT & INFRASTRUCTURE COMMITTEE, CCAO OFFICE, COLUMBUS
JUNE 1, 2009	COUNTY PLANNING DIRECTORS ASSOCIATION OF OHIO CONFERENCE, THE BLACKWELL INN, COLUMBUS
JUNE 1-2, 2009	COUNTY SANITARY ENGINEERS ASSOCIATION OF OHIO CONFERENCE, THE BLACKWELL INN, COLUMBUS
JUNE 19, 2009	COUNTY LOSS CONTROL COORDINATORS ASSOCIATION OF OHIO SUMMER MEETING, BWC - OHIO CENTER FOR OCCUPATIONAL SAFETY & HEALTH, PICKERINGTON
JULY 24-29, 2009	74 TH NACo ANNUAL CONFERENCE AND EXPOSITION, DAVIDSON COUNTY (NASHVILLE), TN

ASSOCIATION NEWS

NEW CCAOSC ENERGY PROGRAM – NATURAL GAS SAVINGS

Recently, the County Commissioners Association of Ohio Service Corporation (CCAOSC) announced a **new energy program** designed to help keep your natural gas costs under control. The CCAOSC has partnered with Palmer Energy to help manage a new natural gas program – CCAOSC Energy Solutions - for member counties. Program advantages: utilize strength of group buying and leverage buying power to shop the market and secure the best deals.

As you recall, the CCAOSC established a natural gas program in 2000 to save counties money through pre-payment and aggregation. Since the inception of that program, the CCAOSC Natural Gas Program has saved the 30-member counties over \$7.4 million in gas commodities. In the past year, counties saved over \$1.3 million. **Counties currently enrolled in the program should have returned the Participation Agreement for the new program by May 1. New counties and buildings may be added to the program at anytime, but signing up soon helps with the forecasting of energy consumption.**

The CCAOSC believes this program has the potential to provide a significant value for your county. If you have questions or would like to schedule a consultation, please contact Kirk Mizerek, Palmer Energy Vice

President, at (419) 539-9180 or kmizerek@palmeremergy.com or Tom Strup, CCAO Deputy Director of Operations, at (614) 220-7978 or tstrup@ccao.org.

AFFILIATE ACTIVITIES

CLCCA SUMMER MEETING

The County Loss Control Coordinator Association of Ohio (CLCCA) will hold their “2009 Summer Meeting” on Friday, June 19 at the Bureau of Workers’ Compensation (BWC) - Ohio Center for Occupational Safety & Health, 13430 Yarmouth Drive – Room A, in Pickerington. Registration and a continental breakfast begin at 8:30 a.m. The morning session will discuss fleet inspection certification. Lunch will be provided. BWC reform will be presented in the afternoon.

Registration fee (includes lunch): CLCCA Professional Associate or designee and business member – no charge; non-member - \$25. Registration deadline: June 10, 2009. For more information, contact Susan Burkhart, CLCCA Secretary/Treasurer, at (740) 373-6623, fax (740) 374-2544, or sburkhart@wccgov.org.

STATE ACTIVITIES

OHIO ETHICS COMMISSION ISSUES NEPOTISM BULLETIN

The Ohio Ethics Commission has reissued its Nepotism Bulletin reminding all public agencies about the nepotism restrictions contained in the Ethics Law. The bulletin can be accessed on the Commission’s website www.ethics.ohio.gov.

During the summer season, many public agencies hire part-time, temporary, or seasonal employees to help perform additional duties or staff special programs. The Commission is reissuing this bulletin to make sure that all public officials and employees are reminded of the restrictions in the law if any of their family members are seeking public jobs, including summer jobs.

As more fully explained in the bulletin, the Ethics Law prohibits any public official or employee from hiring a family member. The law also prohibits a public servant from recommending a relative or otherwise acting to get a job for a family member. The restriction applies to all family members, regardless of age, including children and step-children, grandchildren, and spouses, and to all types of public jobs, including, but not limited to, temporary, seasonal, and part-time employment.

Of special interest may be the discussion on the second page of the bulletin regarding hires of minor children. Generally, the minor child of a public official or employee cannot work for the same public agency as his or her parent, because the parent would have a prohibited interest in the child’s employment. The bulletin briefly describes a limited exception that may apply. More information on this topic is available on the Commission’s Web site.

If you have any questions about the bulletin, please contact the Ohio Ethics Commission at (614) 466-7090 and ask for an advisory attorney.

OAG’S OFFICE PROVIDES GUIDANCE TO REGULATE SEXUALLY ORIENTED BUSINESS OPERATIONS

Sexually oriented businesses require special supervision to minimize the negative secondary effects they can bring to a community. State and federal case law allows for reasonable regulations over these businesses.

In 2006, Ohio Attorney General's office began providing guidance to townships in drafting ordinances that can be used to regulate the operation of sexually oriented businesses. Changes in the law occurred with the passage of SB 16, which created provisions for a criminal offense including specific language that defines certain conduct related to sexually oriented businesses as unlawful. In addition, the legislation included municipal corporations as political subdivisions entitled to legal advice from the OAG regarding the regulation of sexually oriented businesses.

A new model criminal ordinance and an updated version of a model licensing ordinance and other materials are available at www.ohioattorneygeneral.gov/legal/adult.asp. If you have any questions concerning the model ordinances, please contact Ohio Attorney General Richard Cordray's office at (614) 466-4320.

FEDERAL ACTIVITIES

OBAMBA'S FY10 BUDGET SUMMARY

The National Association of Counties (NACo) has prepared a detailed summary of President Barack Obama's FY10 Budget. To view the summary go to www.naco.org and click on the story on the front page.

TRANSPORTATION STIMULUS FUNDS AVAILABLE

On May 18, the U.S. Department of Transportation published in the Federal Register a notice of funding availability and solicitation of applications for the \$1.5 billion Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grants Program in ARRA. Under this program, funds will be awarded to local and state governments which submit applications for projects that include, but are not limited to, capital investments in highway or bridge projects, public transportation projects, passenger and freight rail, and port infrastructure investments. The grants can range from \$20 million up to \$300 million. However, Secretary of Transportation can waive the minimum grant requirement for beneficial projects in small counties, cities, regions and or states; applicants from these communities are encouraged to apply. Applications for TIGER discretionary grants must be submitted by September 15, 2009. For further information about the TIGER Grants Program, please contact Jacob Falk at (202) 366-8165 or jacob.falk@dot.gov.

BROADBAND STIMULUS GRANT GUIDANCE AVAILABLE SOON

At a meeting at the White House on May 14 the "Big Seven" (organizations representing state and local government) were told that the guidance for the Broadband Technology Opportunity Program (BTOP) grants would be available on June 22. The BTOP program, administered by the National Telecommunications and Information Administration (NTIA) and the Rural Utilities Service (RUS) has \$7.2 billion to deploy broadband to unserved and underserved areas of the country. More information will be available from NACo soon. For more information, contact Jeff Arnold, NACo Legislative Director, at (202) 942-4286 or jarnold@naco.org.

NACo ACTIVITIES

NACo 74th ANNUAL CONFERENCE & EXPOSITION

The National Association of Counties (NACo) and Davidson County (Nashville), Tennessee invite you to join over 2,000 appointed and elected officials from across the nation this summer for NACo's 74th Annual Conference & Exposition to be held July 24-28, 2009 at the Gaylord Opryland Hotel. This is the only national conference and exposition dedicated solely to county government. Conference registration is now open! Register for the conference and housing online at www.naco.org to save \$25 per registrant. Click on the article about the conference on the front page. The early bird discount is available until June 19. For more

information, please contact Mary Jane Neiman, CCAO Public Relations Associate, at (614) 220-7979, (888) 757-1904 or mjneiman@ccao.org.

2009-10 NACo STEERING COMMITTEE NOMINATIONS

The nomination process for membership on NACo policy steering committees in 2009-10 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. To serve on a Steering Committee, your county must be a member of NACo.

CCAO processes all nominations for Ohio public officials before being sent to NACo. If you would like to serve on a NACo committee for 2009-10, please respond by **Friday, June 12, 2009**. Nominations will be approved by the incoming NACo President after the NACo Annual Conference, which will be held July 24-28, 2009 in Davidson County (Nashville), Tennessee. NACo will announce your appointment in September 2009. 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.

CONFERENCES & WEBINARS

OHPELRA 2009 SUMMER WORKSHOP

The Ohio Public Employer Labor Relations Association (OHPELRA) will hold their "2009 Summer Workshop" on Friday, June 19, 2009 at the Columbus Police Training Academy, 1000 North Hague Avenue, in Columbus. Registration and a continental breakfast begin at 8:30 a.m. The morning sessions cover the current economic realities and concessions bargaining. After lunch, sessions will focus on your recent experiences at the bargaining table and the legal and legislative climate.

Registration fee: OHPELRA members – no charge; non-members - \$150. Registration deadline: June 5, 2009. For more information, contact Laura Joy Campbell, OHPELRA Treasurer, (513) 887-3595, fax (513) 785-5199 or campbellj@butlercountyohio.org.

ENERGY BLOCK GRANT WEBINAR RECORDING AVAILABLE

If you missed NACo's webinar on Energy Efficiency and Conservation Block Grants, you're in luck. A recording of the webinar is on NACo's website at www.naco.org. More than 600 individuals participated in the April 16 event. Presentations were made by the U.S. Department of Energy, the National Energy Technology Laboratory and the National Association of State Energy officials. For more information contact Kelly Zonderwyk, NACo Project Manager – Community Services, at (202) 942-4224, fax (202) 737-0480, or kzonderwyk@naco.org.

SECURING THE SAFETY NET & RESPONDING TO SOCIAL SERVICE NEEDS

NACo is offering a series of free "Leading in Tough Times" webinars to provide information and ideas about coping and recovering from the recession. The next webinar topic is "Securing the Safety Net and Responding to Social Service Needs" will be held on Thursday, June 11, 2:00 to 3:15 p.m. To register go to

<https://www2.gotomeeting.com/register/810325227>. For more information, contact Carrie Clingan, NACo Associate in Community Services, at (202) 942-4246, fax (202) 661-8871 or cclingan@naco.org.

OHIO ETHICS COMMISSION OPINIONS

SYLLABUS

2009-01

(1) Division (E) of Section 102.03 of the Revised Code prohibits a public official or employee from accepting, and Division (F) prohibits any person from promising or giving a public official or employee, anything of value, including a gift, if it is of such a character as to manifest a substantial and improper influence upon the official or employee with respect to the performance of his or her public duties;

(2) R.C. 102.03(E) does not prohibit a public official or employee from accepting a gift or other thing of value from his or her spouse, which the spouse received from his or her employer, provided that the employer did not give the item to the official's spouse for the purpose of providing it to the official, and subject to the factors discussed in this opinion;

(3) R.C. 102.03(F) does not prohibit a company from giving anything of value to an employee, which the employee may share with his or her spouse who is a public official or employee, provided that the company is not giving the item to its employee for the purpose of providing it to the public official or employee, and subject to the factors discussed in this opinion;

(4) A public official or employee who files a financial disclosure statement pursuant to Division (A) of Section 102.02 is not required to disclose his or her spouse as the source of a gift, unless the gift was given to the spouse on the condition that he or she will provide it to the official or employee.

SYLLABUS

2009-02

(1) Division (A)(1) of Section 2921.42 of the Revised Code prohibits a public official from authorizing a public contract if a family member has a definite and direct interest in the contract;

(2) R.C. 2921.42(A)(1) prohibits a public official from authorizing a contract to the employer of a family member if the official's family member has a definite and direct interest in the contract as an employee of the company;

(3) Divisions (D) and (E) of Section 102.03 of the Revised Code prohibit a public official or employee from participating in any matter before the public agency that affects the interests of the employer of a family member if the family member will receive anything of value as a result of the agency's decision on the matter;

(4) Neither R.C. 2921.42(A)(1) nor 102.03(D) and (E) prohibit a public official or employee from participating in any matter before his or her public agency that affects an employer of a family member if the family member is an "ordinary employee," as defined in this opinion, and does not have a personal interest in or receive anything of value from the regulatory matter.

ATTORNEY GENERAL OPINIONS

SYLLABUS 2009-014

1. A county family and children first council, rather than a county department of job and family services that serves as the administrative agent for the council, is responsible for funding reimbursements to the unemployment compensation fund when employees of the council are laid off.

2. Absent a statute, rule, or interagency agreement applicable to the operations of a county family and children first council that requires the council's administrative agent to fund the operations of the council, a county department of job and family services that serves as the administrative agent for the council is not responsible for paying the financial obligations of the council when the council has insufficient funds to draw on to fulfill its financial obligations.

SYLLABUS

2009-015

If a board of county commissioners, in accordance with R.C. 305.171, has established a health care benefit for county officers and employees that requires the county to pay 80% and enrollees to pay 20% of the premium for such health care coverage, and thereafter implements an incentive plan that offers enrollees, in return for completion of certain goals, a month of health care coverage without payment of their 20% share of the premium, Ohio Const. art. II, Â§ 20 prohibits a county officer enrollee from receiving, for the remainder of the term the officer was serving when the incentive plan was adopted, the one month of premium-free health care coverage under the incentive plan.

SYLLABUS

2009-016

Pursuant to R.C. 340.02, a member of a board of alcohol, drug addiction, and mental health services may not be an employee of an agency that is reimbursed by the board for providing services to clients of the board.

SYLLABUS

2009-017

1. Pursuant to R.C. 4931.45, a county's final 9-1-1 plan may be amended to change how a countywide 9-1-1 system is managed through an addendum approved by a majority of a 9-1-1 planning committee, provided the change does not concern a matter delineated in R.C. 4931.45(A)(2), (4), (6), or (7). An amendment to a county final 9-1-1 plan for a purpose set forth in R.C. 4931.45(A)(2), (4), (6), or (7) must be made in accordance with the procedures set forth in R.C. 4931.42-.44 or R.C. 4931.45(C)(1).
2. There is no limitation on the number of changes that may be made to a final county 9-1-1 plan. (2008 Op. Att'y Gen. No. 2008-014, approved and followed.)

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, by e-mail mjneiman@ccao.org