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County Information and Data Service

Published weekly by: County Commissioners Association of Ohio

209 East State Street • Columbus, Ohio 43215-4309
Phone: 614-221-5627 • Fax: 614-221-6986 • www.ccao.org

VOLUME XXXXVIII

NO. 5

FEBRUARY 5, 2010

DATES TO REMEMBER

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| MARCH 6-10, 2010 | NACo LEGISLATIVE CONFERENCE, MARRIOTT WARDMAN PARK HOTEL, WASHINGTON, D.C. |
| MARCH 10, 2010 | OHIO CONGRESSIONAL DELEGATION BREAKFAST, RAYBURN HOUSE OFFICE BUILDING - ROOM B340, WASHINGTON, D.C. |
| APRIL 2010 | NATIONAL COUNTY GOVERNMENT MONTH |

ASSOCIATION NEWS

OHIO CONGRESSIONAL DELEGATION BREAKFAST – MARCH 10

Mark your calendars and plan to attend the Ohio Congressional Delegation Breakfast to be held at 8:00 a.m. on Wednesday, March 10 in the Rayburn House Office Building – Room B340, in Washington, D.C. Letters of invitation have been sent to the Ohio Congressional Delegation. Call now to make your appointments to meet with your member(s) during the conference!

Transportation WILL NOT be provided to the breakfast. Please do not attempt to drive and park on Capitol Hill! The Capitol can be reached by taking the Metro (blue or orange line) to the Federal South exit or you can travel by taxi.

A full breakfast will be served and attendance must be guaranteed in advance. There is no charge to attend the breakfast. Attendance at the breakfast is open to all Ohio conference attendees and their traveling companions. Registration deadline: February 25, 2010. For more information about the conference or to register for 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.

APRIL IS NATIONAL COUNTY GOVERNMENT MONTH!

National County Government Month (NCGM) is celebrated each April by the nation's counties to raise public awareness and understanding about the roles and responsibilities of county government. The 2010 theme is "Healthy Counties."

More than 1,000 counties participate in NCGM each year by hosting a variety community outreach events and activities. These include tours of county facilities, recognition ceremonies for county employees and volunteers, distribution of information about county programs and services, sponsoring student essay contests, meetings with business and community leaders, and adoption of resolutions.

Since 1991, the National Association of Counties (NACo) has encouraged counties across the country to actively promote county government programs and services. Formerly National County Government Week, the designation was expanded to a full month for 2010 to offer more counties more opportunities to plan and participate. Counties aren't expected to hold public awareness activities throughout the month, but can schedule activities any time during the month.

For more information contact Tom Goodman, NACo Public Affairs Director, at (202) 942-4222, fax (202) 393-2630 or tgoodman@naco.org or go to NACo's website at www.naco.org > County Resource Center > National County Government Month to download more information.

NEWS FROM OTHER ASSOCIATIONS

SURVEY: OHIOANS ARE NO STRANGERS TO MENTAL ILLNESS

A majority of adult Ohioans personally know someone with a mental illness or addiction, according to the results of a recent survey conducted as part of OF-1-MIND, a new education and advocacy campaign launched by the Association of County Behavioral Health Authorities. The survey aimed to learn how much Ohioans know about mental illness and addiction and identify how much prejudice they hold against those afflicted by the diseases.

Adults age 18 to 88 were surveyed and results indicated 63% have a friend or family member with mental illness and/or addiction. When asked if addiction/alcoholism is a weakness in character, 43% replied in the affirmative; 13% believe mental illness is a weakness, according to the study. A large majority - 83% - understands mental illnesses are diseases of the brain, and 59% defined addiction and alcoholism as diseases.

Taking Ohio's prison overcrowding into account, 70% of survey participants believe non-violent, first-time criminal offenders addicted to alcohol or drugs should receive treatment instead of going to prison. OF-1-MIND reports 80% of Ohio's more than 50,000 prisoners have a substance abuse history.

Other survey results include:

- For the "addiction and/or mental illness is a weakness" questions, respondents age 18-25 and those who were 65 and older were more likely to agree with the statements, as were rural and urban respondents.
- Alcohol was perceived to be the most serious addiction problem (38.6%) followed by prescription drugs (22.0%), marijuana (11.6%), methamphetamines (9.4%), crack cocaine (9.4%), heroin (5.8%), and cocaine (3.3%).
- Prescription drug use was more likely to be identified as a serious problem among rural and suburban respondents than urban respondents.
- The two drugs considered "most serious" were both in the category of legal drugs.

The association plans to provide education and advocacy tools through face-to-face presentations, traditional and social media, and outreach through hundreds of organizational partners. Other information on the campaign is available on the OF-1-MIND website.

STATE ACTIVITIES

CLEAN OHIO AGRICULTURAL EASEMENT PURCHASE PROGRAM 2010 APPLICATION PERIOD OPENS

Ohio farmers who want to preserve their farmland through the Clean Ohio Agricultural Easement Purchase Program can now find the 2010 application on the Ohio Department of Agriculture's website. All applications must be submitted to the department by April 26, no later than 5:00 p.m.

Agricultural easements are voluntary legal agreements restricting non-agricultural development on farmland, with the land itself remaining on the tax rolls and under private ownership and management. Landowners may undertake any agricultural activity permitted under Ohio law, and they can sell their farm or pass it along as a gift to others. However, the easement remains with the land, prohibiting any future non-agricultural development to make certain that it remains used for agricultural purposes.

The Clean Ohio Fund bond initiative won support from Ohio's voters in November 2008 to preserve farmland and green spaces, improve outdoor recreation, and to encourage redevelopment and revitalize communities by cleaning up brownfields.

To access the 2010 application, or to obtain more information about the Agricultural Easement Purchase Program, visit the department's Web site at www.agri.ohio.gov.

SUPREME COURT DENIES 'PUBLIC DUTY RULE' DEFENSE FOR PUBLIC EMPLOYEES

On January 28, 2010, the Ohio Supreme Court ruled that the 'public duty rule' is not applicable in civil actions brought against employees of political subdivisions for wanton or reckless conduct. In a 6-1 decision, the Court upheld a Court of Appeals ruling denying summary judgment for two Circleville police officers and a dispatcher who, allegedly, wrongfully released a vehicle which had been impounded because the driver had been arrested the previous night for drunk driving. A day after the vehicle was returned, the driver was driving drunk the wrong way on SR 23 in Ross County when his car collided head-on with a car and killed the other driver.

The public duty rule provided, as a general rule, that no liability attached for failure to use due care in carrying out general governmental functions e.g. law enforcement, building code enforcement etc. because the duty of due care is owed to the general public and not to any specific individual. The public duty rule was a separate defense that could be asserted in addition to immunity because the doctrines of municipal and sovereign immunity protect governmental entities from liability for breach of an otherwise enforceable duty, while the public duty rule determines whether there is a duty that, if breached, would allow a lawsuit. The Supreme Court's ruling, effectively, ends the use of the public duty rule as a defense for public employees.

Writing for the majority, Justice O'Connor stated that the public duty rule was adopted in Ohio at a time when public employees had no statutory immunity from suit. Justice O'Connor reasoned that since the General Assembly's passed immunity statutes to protect political subdivisions and their employees, there is no longer a need for the public duty rule: "Political subdivisions and their employees now have statutory immunity. Thus, the rationale behind this court's adoption of the public-duty rule in [Sawicki v. Ottawa Hills] is no longer compelling."

The Court's ruling is of direct interest for several reasons. First, there is now one less defense to civil actions against local government employees. Of course, statutory immunity is still available as a defense, but immunity can be overcome by showing reckless or wanton conduct. It is easy to allege reckless or wanton acts and it is difficult to get such cases dismissed, because judges usually want a jury to decide whether conduct is reckless or wanton. Second, the ruling may allow for a wider range of lawsuits to be filed against

employees. In particular, lawsuits alleging that an employee failed to prevent some harm committed by a third person may rise. Finally, it will cost local government and their risk sharing pools time and money to defend against these lawsuits.

Aware of the potential to "automatically open the floodgates to excessive governmental liability," the Supreme Court reiterated that plaintiffs must still establish that they were owed a duty by the public employee under conventional tort principles. Thus, at least implicitly, the Court is not making all reckless or wanton conduct actionable, but rather, only that conduct for which the plaintiff can show that some duty of care existed to give a case to a particular person claiming harm. Unfortunately, the Court did not provide any guidance in this case as to when a duty will exist. Lawyers will be working full-time to convince judges that lawsuits exist where none had before.

Source: Isaac, Brant, Ledman & Teetor

FEDERAL ACTIVITIES

NATIONAL STATUARY STUDY COMMITTEE HEARS TESTIMONY FOR NEW OHIO STATUE AT U.S. CAPITOL

Ohioans looking to influence the state's selection of a new statue to be placed in the U.S. Capitol continued their push last week highlighting those who have already been considered and throwing several new names into the mix. Members of the National Statuary Study Committee heard about a number of familiar historical figures, and some who are lesser known.

Promoted in the testimony were Olympic Champion Jesse Owens; deaf baseball pioneer Dummy Hoy, the former Cincinnati Reds star who helped introduce hand signs into baseball; civil rights advocate and former Congressman William McCullouch; and aviation pioneers Wilber and Orville Wright.

Other witnesses lent support for the selection of Native American Tecumseh; suffrage leader Harriet Taylor Upton; educator and author Catherine Beecher, contributor to the McGuffey Readers, founder of a school for women and the field of home economics; Columbus minister Washington Gladden, a leader in developing the city, encouraging social service delivery and promoting industrial peace and religious cooperation; and former U.S. Senator Edmund Ross, whose 1868 vote kept president Andrew Johnson in office.

Also backed for the honor in written testimony were sharpshooter Annie Oakley, former Lt. Governor Jacob Mueller, inventor Thomas Edison, father Joseph Sheban, author Harriet Beecher Stowe, industrialist John D. Rockefeller, Civil War hero Jacob Parrott and settler Elisha Whittlesey.

The committee was formed to propose a replacement for former Gov. William Allen, whose accomplishments have been overshadowed in history by his pro-slavery beliefs. Ohio's other marble statue in the U.S. statuary depicts James A. Garfield, who was assassinated months after taking office as president. The panel has set a deadline of May to make its recommendation to the Ohio General Assembly.

RESTORE THE PARTNERSHIP ACT OF 2009

The National Association of Counties (NACo) needs your help in passing the H.R. 3332 – Restore the Partnership Act of 2009. The legislation would establish the National Commission on Intergovernmental Relations (NCIR), a key legislative priority for NACo. The goal of the legislation is to facilitate the fullest cooperation and coordination among all levels of government.

Key points of the legislation:

- The legislation would establish NCIR, which would be a permanent, independent, bipartisan group that would study and consider the federal government's intergovernmental relationships and the nation's intergovernmental machination.
- The commission would be comprised of 30 elected officials from all three levels of government: federal, state and local.
- Passage of H.R. 3332 will ensure county officials have a greater voice in Washington, D.C. in the national policy debate.

In October, 2009, H.R. 3332 was referred to the House Subcommittee on Government Management, Organization, and Procurement. CCAO and NACo encourage all county officials to contact their members in the U.S. House of Representatives to become cosponsors of the Restore the Partnership Act of 2009.

To read the full text of the Restore the Partnership Act of 2009 visit NACo's website at www.naco.org. For more information, contact Kasia Witkowski, NACo Special Projects Manager, Public Affairs Department, at (202) 942-4225, fax (202) 393-2630 or kwitkowski@naco.org.

2010 CENSUS: COMPLETE COUNTY COMMITTEE INFO NEEDED

The State is dedicated to ensuring a complete and accurate count of Ohio residents and would appreciate if all counties would consider registering your Complete Count Committee information, if available. The Ohio Census Network is designed to allow Complete Count Committees the ability to post and share information about their outreach and activities within their local communities. Participating in the network is strongly encouraged to help other communities become engaged and motivated. To register, please use this link: <http://www.census.ohio.gov/OhioCensusNetwork/register.aspx>.

For those counties who have not yet formed a Complete Count Committee, please download the Highest Elected Official starter packet! Look under Ohio 2010 Census Outreach, General Information for the packet: <http://www.census.ohio.gov/Promotional.aspx>.

Visit the Ohio 2010 Census Web site to learn about how the State is conducting outreach and providing support to local communities. <http://www.census.ohio.gov>.

NACo ACTIVITIES

NACo LEGISLATIVE CONFERENCE: FINDING SOLUTIONS FOR TOUGH TIMES

NACo's Legislative Conference will be held March 6 - 10 at the Marriott Wardman Park Hotel in Washington, D.C. The conference's theme and focus, "Finding Solutions for Tough Times" will provide you with tangible solutions to take home and apply in moving your county forward in these very difficult economic times.

In addition, the Opening Session keynote speaker is Joe Klein, columnist for *TIME* magazine. A veteran of eight presidential campaigns, *The New York Times* wrote that "Klein possesses one of the more musical ears in American politics, a gift for hearing what others miss." Register online at www.naco.org and save \$25.

COMMUNICATIONS EXCELLENCE TO BE RECOGNIZED BY NACIO

Did your county demonstrate communications excellence in 2009? If so, the National Association of County Information Officers (NACIO) wants to recognize those achievements. NACIO is seeking entries for its 2010 Awards of Excellence competition. This awards program recognizes outstanding public relations and public information work being done on behalf of counties. There are 10 categories for entries from Annual Reports to

Computer Media. This competition is open to staff of county governments that are eligible to join NACo. The deadline for entries is **March 26, 2010**. For more information, visit www.nacio.org.

2010 ACHIEVEMENT AWARD PROGRAM

Begun in 1970, the annual Achievement Award Program is a non-competitive awards program that recognizes innovative county government programs. Awards are given in a number of program categories such as arts and historic preservation, children and youth, community and economic development, jails-corrections, county administration, emergency management, environmental protection, health, human services, libraries, parks and recreation, transportation and volunteers.

This year, NACo is introducing a new application process this year that requires that part of the application information be completed online. Please see the Achievement Award Application instructions for detailed information. This updated process requires submitting contact information and the title and category of the program in an online application. Payment by credit card can also be made online, but checks and purchase orders may still be mailed. The program narrative and any supplemental materials must still be mailed along with an e-mailed confirmation page.

All applications and materials must be postmarked by **February 12, 2010**. When ready to apply, please complete the online application form. For more information, contact Kathryn Murphy, Research Associate, NACo Research Division, (202) 661-8806 or kmurphy@naco.org.

CONFERENCES/SEMINARS

MOVING AHEAD 2010: SUSTAINABLE TRANSPORTATION FOR THE 21ST CENTURY

Our highways, railways, skyways, and waterways provide us with great mobility and flexibility, as well as the ability to move the goods we need and desire. But transportation also accounts for more than 30% of America's energy demand and more than 60% of the oil we use.

Join The Ohio State University and Clean Fuels Ohio for the "Moving Ahead 2010 Conference" to be held May 2-4, 2010 at the Ohio Union Conference Center, 1739 North High Street, in Columbus. Conference topics will discuss advances and strategies in reducing the need for petroleum-based fuels, new biofuels and biomass processes, electric transportation, advanced freight and mass transit, and transportation systems and community planning.

Registration fee: \$195 for non-profit and government or \$295 for industry. Register by March 1 and save \$100. Space is limited. Complete conference information is available at www.movingahead2010.com.

CLASSIFIEDS

THE U.S. CENSUS BUREAU IS HIRING TEMPORARY POSITIONS

The U.S. Census Bureau is recruiting temporary, part-time census takers for the 2010 Census. These short-term jobs offer good pay, flexible hours, paid training, and reimbursement for authorized work-related expenses, such as mileage incurred while conducting census work. Best of all, census takers work right in their own communities. Census taker jobs are excellent for people who want to work part-time, those who are between jobs, or just about anyone who wants to earn extra money while performing an important service for their community. Find out more at their Web site: 2010.Census.gov/2010CensusJobs.

MOBILITY MANAGEMENT COORDINATOR

The Board of Trumbull County Commissioners seeks a Mobility Management Coordinator to implement the County's Mobility Management Plan and coordinate public transportation. Primary duties include: mobility and grant management; transportation-related database development; policy development; chairing transportation committee; collecting/analyzing data and research development. Requires communication and leadership skills, ability to work autonomously and an expert ability to use excel and other software packages. Minimum requirements: Three to five years experience in transportation and/or transit planning. BA/BS in planning, management or related field; Masters degree preferred. Flexible work environment and competitive benefits package; starting salary is \$35k. Drivers license, ability to travel, passage of criminal background check is required. Trumbull County is in Northeast Ohio, bordering Pennsylvania, and is home to diverse urban, suburban and rural areas. Application deadline: **February 12, 2010**. Send resume and cover letter by 4:00 p.m., February 12, 2010 (email preferred) to: April Caraway at acaraway@tlifelines.org, c/o Trumbull LifeLines 4076 Youngstown Road Suite 101, Warren OH 44484. EEO.

COMMUNITY DEVELOPMENT/SENIOR PLANNER

Clark County seeks an experienced Senior Planner for the Community Development Department, Clark County's combined Building and Planning Department. This position will report to the Director and will serve as the key senior staff person in charge of all planning and related activities for the unincorporated areas in Clark County. Responsibilities include planning activities in economic development, flood plain, land use, and subdivision requests; enforcement of technical compliance for lot splits, subdivisions, rezoning, and zoning permits; preparation and presentation of cases for review by the County Planning Commission, Rural Zoning Commission, Board of Zoning Appeals, CEDA Regional Planning, and the Board of County Commissioners; preparation and facilitation of tax abatement agreements and related activities; interprets, communicates and enforces policies and procedures; coordinates and communicates with other local governments, county departments, and public.

Qualified candidates must have a Bachelor's Degree in a related field and a minimum of seven years experience in planning or Master's Degree in a related field and a minimum of four years of planning experience. Degree requirement may be waived for exemplary experience or AICP designation. Additionally, the applicant must demonstrate knowledge and experience performing the essential duties outlined in the Notice of Vacancy available online at http://www.clarkcountyohio.gov/personnel/job_openings.htm; have excellent oral and written communication ability; quality technical knowledge; outstanding customer service skills; professional conflict management skills; be efficient using Excel, PowerPoint, Word, and AccuGlobe; and have a valid Ohio driver's license and appropriate automobile insurance.

Applications will be accepted until **February 16, 2010**. Qualified candidates should submit a completed application and resume to: Michelle Noble, Clark County Human Resources Director, PO Box 2639, Springfield, OH 45501 EOE/ADA/VH.

REGIONAL PLANNING COMMISSION EXECUTIVE DIRECTOR

Richland County seeks an Executive Director of the Richland County Regional Planning Commission, due the pending retirement of the incumbent Director. Salary range \$50-\$69,000. Responsible for the operation of an organization that guides and assists local decision makers by planning and implementing projects, policies, studies and activities that comply with external planning guidelines, meet local needs and foster a spirit of regional cooperation.

This position requires a bachelor's degree in urban planning, public administration, civil engineering or a related field. It requires a minimum of 10 years of progressively responsible planning experience, or a

combination of education and experience that provides the applicant with the desired skills, knowledge, and abilities required to perform the job. It is preferred if four years of experience is in a supervisory capacity. A master's degree in a related field and/or AICP Certification may replace some required experience. Preference may be given to applicants with prior supervisory or administrative experience with the transportation planning process associated with a Metropolitan Planning Organization (MPO). Preference may also be given to applicants possessing qualifications above the minimum. Complete job description is available at www.rcrpc.org. Submit letter of interest, resume and references to Search Committee, Richland County Regional Planning, 35 N. Park Street, Mansfield, OH by **March 1, 2010**. EOE.

DOG WARDEN

The Board of Stark County Commissioners seeks a chief Dog Warden to work as a department head and manage all care and control operations of the Stark County Dog Warden Department. Responsibilities: comply with applicable animal control laws; lead & supervise staff; develop & implement policies & procedures; provide technical assistance & guidance regarding related statutory matters; prepare & monitor departmental budget and payroll; and ensure customer service. Successful candidate will work with volunteers and employees to ensure the humane treatment of dogs. Degree in management or law enforcement a plus. Must pass firearms certification. This is a safety sensitive position and subject to drug screen. Submit resumes to: Personnel Manager, Board of Stark County Commissioners, 110 Central Plaza S., Suite 240, Canton, OH 44702. Resume must be received by **4:00 p.m., February 26, 2010**. Paperwork submitted is a public record. No phone calls, please. 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, by e-mail at mjneiman@ccao.org