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# CIDS

## County Information and Data Service

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NO. 7

FEBRUARY 18, 2011

### DATES TO REMEMBER

FEBRUARY 25, 2010	CCAO REGIONAL LEGISLATIVE BRIEFING, PUMP HOUSE CENTER FOR THE ARTS, ROSS COUNTY (CHILLICOTHE)
FEBRUARY 25, 2010	CCAO REGIONAL LEGISLATIVE BRIEFING, RIVER OAKS GOLF CLUB, CRAWFORD COUNTY (BUCYRUS)
FEB. 27–MARCH 1, 2011	CCAO COMMISSIONERS TRAINING SEMINAR, DEER CREEK CONFERENCE CENTER, PICKAWAY COUNTY (MT. STERLING)
MARCH 1, 2011	OHIO STATEHOOD DAY
MARCH 5-9, 2011	NACo LEGISLATIVE CONFERENCE, MARRIOTT WARDMAN PARK HOTEL, WASHINGTON, D.C.
MARCH 9, 2011	OHIO CONGRESSIONAL DELEGATION BREAKFAST, RAYBURN HOUSE OFFICE BUILDING, ROOM B-340, WASHINGTON, D.C.
MARCH 9, 2011	CCAO 2 <sup>ND</sup> WEDNESDAY SEMINAR, LAW ENFORCEMENT CORRECTIONS & COURTS, CCAO OFFICES, COLUMBUS
MARCH 14, 2010	CCAO REGIONAL LEGISLATIVE BRIEFING, MARY YODERS AMISH KITCHEN, GEAUGA COUNTY (MIDDLEFIELD)
MARCH 16, 2010	OHIO COUNCIL OF COUNTY OFFICIALS SEMINAR & LEGISLATIVE LUNCHEON, STATEHOUSE ATRIUM, COLUMBUS
APRIL 2011	NATIONAL COUNTY GOVERNMENT MONTH

### ASSOCIATION NEWS

#### COMMISSIONERS' TRAINING SEMINAR FOR NEW & VETERAN COUNTY COMMISSIONERS

Join CCAO for the “Commissioners Training Seminar for New & Veteran County Commissioners” to be held February 27 to March 1, 2011 at Deer Creek Resort & Conference Center, 2230 State Park Road #20 in Mt.

Sterling. Sessions begin late afternoon on February 27 and end at noon on March 1. Join new & veteran colleagues to learn about county government and your responsibilities as county officials. This seminar is hosted by CCAO.

Topics to be studied include:

- Introduction to CCAO and NACo
- Ohio Ethics Law
- Commissioners Meetings, Hearings & Open Government Laws
- Employee Relations Issues: Civil Service & Collective Bargaining
- Working with the Third Branch: The Courts
- County Budgeting & Other Financial Issues
- County Procurement Practices

Registration fee (includes all meals & conference materials): \$100 per person (by Feb 11) or \$115 (after Feb 11).

Room rate: \$85 single/double. The room block cutoff date was February 11, but a few rooms are still available. Call Deer Creek at (740) 869-2020 for room reservations. Registration materials are attached to this issue of CIDS and are posted at [www.ccao.org](http://www.ccao.org). For more information, contact Mary Jane Neiman, CCAO Public Relations Associate, at (614) 220-7979 or [mjneiman@ccao.org](mailto:mjneiman@ccao.org).

#### EMINENT DOMAIN HANDBOOK CHAPTER UPDATED

This week, another chapter of the *County Commissioners Handbook* has been revised and updated and is available on the CCAO web site. Chapter 9 - Eminent Domain has been revised by CCAO Senior Policy Analyst Josh Hahn and posted on our web site. So far this year the following Chapters have been posted on the web:

- 63 – Civil Service & Employment Issues
- 69 - Deferred Compensation
- 98 – Judicial System
- 128 – Public Records & Records Commissions

In addition, in the event you have not looked for some time, a substantial number of chapters were updated during 2010:

- 2 – County Structural Options
- 18 – County Budgets & Fiscal Control
- 66 – Employee Benefits
- 68 – Ohio Public Employees Retirement System
- 103 – Indigent Defense
- 104 – County Coroner

Continue to check back on the web often as staff is working hard to make changes to be sure commissioners have the most recent information available on a number of topics of importance to commissioners and other county elected and appointed officials.

To view the table of contents on the CCAO site go to [www.ccao.org](http://www.ccao.org), click on Publications and then *County Commissioners Handbook* or click the *Handbook* icon on the front page to go directly to the table of contents.

Please submit comments or suggestions to Mary Jane Neiman, CCAO Public Relations Associate at (614) 220-7979, (888) 757-1904 or [mjneiman@ccao.org](mailto:mjneiman@ccao.org)

### CCAO REGIONAL LEGISLATIVE BRIEFINGS

CCAO will again be hosting Regional Legislative Briefings for the members of the new 129<sup>th</sup> General Assembly. The purpose of the meetings is to provide legislators and county commissioners with an opportunity to discuss legislative issues affecting county government on a regional basis. The Briefings are organized by State Senate Districts and the House Districts contained within them. Invitations to the members of the General Assembly were sent by CCAO, but members are encouraged to contact your legislators to personally invite them to your Regional Legislative Briefing.

- **February 25** – Senate Districts 14 and 17 – Pump House Center for the Arts, Yoctangee Park, North Mulberry Street, Chillicothe, 11:30 a.m.
- **February 25** – Senate Districts 19 and 26 – River Oaks Golf Club, 1330 E. Mansfield Street, Bucyrus, 11:30 a.m.
- **March 14** – Senate Districts 18, 27, 28, and 29 – Mary Yoders Amish Kitchen, 14743 N. State Avenue, Middlefield, 11:30 a.m.
- **TBA** – Senate Districts 7, 8, and 9 (Hamilton County)
- **TBA** – Senate Districts 21, 23, 24, and 25 (Cuyahoga County)
- **TBA** – Senate Districts 2, 15, and 16 (Franklin County)

For more information please contact John Leutz, CCAO Senior Policy Analyst, at (614) 220-7994, (888) 757-1904 or [jleutz@ccao.org](mailto:jleutz@ccao.org).

### OCCO SEMINAR & LUNCHEON – MARCH 16

Mark your calendars and plan to attend the Ohio Council of County Officials (OCCO) Legislative Luncheon on Wednesday, March 16, 2011 from 12:00 Noon until 1:00 p.m. The Ohio Recorders' Association will host the luncheon which will be held in the Statehouse Atrium. There is no charge to attend the luncheon.

County officials need to continually communicate and build a partnership with members of the General Assembly. The OCCO encourages you to invite your state senators and state representatives to the luncheon. Please schedule appointments with them to discuss issues of importance to your county while you are in Columbus. Don't miss this opportunity to lobby the Ohio General Assembly!

The OCCO has also scheduled an Ethics Seminar for that day as well. The Ohio Ethics Commission will conduct this seminar from 10:00 a.m. – 11:00 a.m. in the Statehouse Atrium. The seminar is also free of charge to you. No registration is required by the Ohio Ethics Commission to attend their seminar.

Many of you see your lawmakers within your counties. I strongly encourage you, though, to travel to Columbus on March 16th to physically show your support for your lawmakers, who will be looking to see if anyone from their district has made the effort to come to this important event. The OCCO also recommends that you attend a committee meeting and/or senate and house session in that afternoon. Please register on the enclosed form by **March 11, 2011**.

For more information, please Jon Slater, Fairfield County Auditor and OCCO President, at (740) 652-7021, or at [JSLATER@co.fairfield.oh.us](mailto:JSLATER@co.fairfield.oh.us) or Karen Vincent, Muskingum County Recorder, at (740) 455-7107, fax (740) 455-7943, or [kbvincent@muskingumcounty.org](mailto:kbvincent@muskingumcounty.org)

## NACo's 2011 LEGISLATIVE CONFERENCE

The National Association of Counties (NACo) 2011 Legislative Conference will take place March 5-9, 2011 at the Marriott Wardman Park Hotel in Washington, D.C. To register or view the descriptions of more than 25 educational workshops, go to [www.naco.org](http://www.naco.org).

Mark your calendars for the **Ohio Congressional Delegation Breakfast** hosted by CCAO on Wednesday, **March 9** at 8:00 a.m. in the **Rayburn House Office Building – Room B-340**. Watch future issues of CIDS and [www.ccao.org](http://www.ccao.org) for more information about the breakfast.

## **COUNTY ACTIVITIES**

### PUBLIC ENTITIES SEEK SUPREME COURT REVIEW OF LOWER COURT DECISIONS CLAIMING LANDFILL IS PUBLIC UTILITY EXEMPT FROM ZONING

On January 31, 2011 an amicus brief was filed on behalf of the communities of Crawford, Logan, Lorain, Miami, and Wood counties and New Russia Township in Lorain County in support of Colerain Township and the Ohio Township Association seeking jurisdiction by the Ohio Supreme Court to review lower court decisions that a privately owned landfill is a public utility exempt from county and township zoning.

The amicus brief was filed in response to common pleas and appellate court decisions in the case of Rumpke Sanitary Landfill v. Colerain Township in which both lower courts ruled that the Rumpke landfill was a public utility exempt from zoning regulation under Ohio law. By way of background, the Rumpke landfill which is located in Hamilton County is the sixth largest landfill in the United States and serves businesses, municipalities and residents in much of southwestern Ohio. Prior to the filing of the lawsuit contesting the application of Colerain Township zoning, Rumpke had acquiesced to Colerain's zoning ordinances. It was not until Colerain Township rejected a 350 acre expansion of the area to be used for the landfill that Rumpke decided to file suit seeking an exemption from zoning regulation. In 2008, the legislature had attempted to amend the law to clarify that a solid waste facility was not a public utility exempt from zoning only to have the Supreme Court rule that the legislature's amendment to the law violated the single subject rule of the Ohio Constitution because it was amended into a state budget bill.

In the amicus brief, counsel for the local governments (Eastman and Smith) argues that there is little to distinguish Rumpke and other privately owned landfills. Consequently, the case could have far reaching implications for zoning and local land use regulations throughout Ohio. In urging the Supreme Court to hear the case, the brief argues that existing law is silent on whether privately owned solid waste facilities are public utilities and thus exempt from zoning. The brief further argues that failure to clear up the ambiguity presented by the lower court decisions and existing statutory law "will undoubtedly result in a slew of new landfill zoning lawsuits unless this court provides further guidance in this case."

The brief notes that all of the entities signing on to the brief have either publicly or privately owned solid waste facilities the status of which might be affected by this case. In arguing against the classification of a private landfill as a public utility the brief sets forth the following proposition of law: "A privately owned sanitary landfill cannot be a common law "public utility" exempt from township zoning when there is no public regulation or oversight of its rates and charges, no statutory or regulatory requirement that all solid waste delivered to the landfill be accepted for disposal, and no right of the public to demand and receive its services." In support of this proposition of law, the brief does a point by point analysis of the ways in which the Rumpke landfill does not meet the legal test of public utility status. A public utility must demonstrate: 1) devotion of an essential good or service to the general public, which has a legal right to demand or receive this good or service; 2) that the entity provides the good or service indiscriminately and reasonably; and 3) that the entity conducts its operations in such a manner as to be a matter of public concern. Part of the analysis for determining whether

the entity conducts its operations as to be a matter of public concern is the existence and degree of regulation by governmental authority.

If the Supreme Court accepts jurisdiction in the case, CCAO will report this information as well as any ruling by the court in CIDS. Rumpke has until March 1 to file a response with the Supreme Court. The Supreme Court generally takes from 60 to 120 days after briefs have been filed by both sides before declaring whether they will accept jurisdiction in the case. For a copy of this brief which was prepared by the law firm of Eastman and Smith, please contact Brad Cole, CCAO Managing Director of Research, at (614) 220-7981, (888) 757-1904 or [bcole@ccao.org](mailto:bcole@ccao.org)

### ROAD SALT LAWSUIT FILED ON BEHALF OF OHIO POLITICAL SUBDIVISIONS

An antitrust lawsuit against the largest suppliers of road salt in Ohio has been filed in Erie County on behalf of Erie County and all similarly situated Ohio political subdivisions. The suit seeks class action treatment for all political subdivisions in Ohio, primarily counties, cities, townships, and school districts, who purchased from Morton Salt or Cargill.

The suite follows the release by Ohio's Inspector General on January 6, 2011 which "found evidence that Cargill and Morton have engaged in anti-competitive market allocation practices that have cost the state tens of millions of dollars". The suit alleges that similar anticompetitive practices adversely impacted not only the State of Ohio but many of its political subdivisions as well.

The report found substantial evidence of market division and anti-competitive bid practices. The Inspector General's report concludes "[p]articularly in difficult economic times, when the public is demanding that state governments be both lean and efficient, this is intolerable." The situation is just as intolerable for local governments.

The suit was filed on January 21, 2011 by Murray & Murray and assigned to the Honorable Tygh Tone of the Court of Common Pleas for Erie County.

### **STATE ACTIVITIES**

#### SUPREME COURT DENIES ACLU BID FOR CUYAHOGA TRANSITION RECORDS

This week, the Ohio Supreme Court ruled that a private steering committee and its workgroups created to help Cuyahoga County's transition to a new form of government were independent of any public entity and thus not subject to the state's public records law. Justices released a 7-0 opinion that rejected a request from the American Civil Liberties Union of Ohio for an order to compel the Transition Executive Committee (TEC) to provide access to minutes of its past meetings.

Voters in Cuyahoga County adopted a charter in November 2009 that replaced the three-member board of commissioners with an elected county executive and council. The measure also changed several county offices from elected to appointed positions, and reorganized or eliminated certain departments. The new system took effect last month.

New Cuyahoga Now, a private entity that drafted the charter and guided the campaign for its passage, and the Greater Cleveland Partnership, a metropolitan chamber of commerce, accepted an invitation from the Cuyahoga County Transition Advisory Group to create the TEC.

TEC was to review and approve recommendations of various workgroups and forward them to the Transition Advisory Group, a panel the charter created, for possible submission to the newly elected county executive

and council. Although the advisory group received \$7 million from the county, none of it was allocated to the TEC or its workgroups. One year ago, the ACLU asked for certain records relating to the transition. Although the county supplied about 7,000 pages of material, records of the TEC were not included because they were considered "private, unincorporated associations" rather than "public bodies."

Justices said that evidence in the case establishes that the TEC and the transition workgroups now were conducting open meetings and providing minutes. Source: *Gongwer New Service*, February 16, 2011.

## OHIO EPA CREATES OFFICE OF COMPLIANCE ASSISTANCE & POLLUTION PREVENTION

In an effort to help businesses with the challenge of understanding and complying with environmental regulations, the Ohio EPA created the Office of Compliance Assistance & Pollution Prevention (OCAPP). OCAPP helps businesses identify pollution prevention (P2) opportunities that can save them money, increase efficiency and benefit the environment.

The OCAPP is non-regulatory and helps serve as a "one-stop shop" for compliance information and resources. Information discussed with OCAPP is not shared with agency inspection or enforcement staff. Services of the office include a toll-free hotline (800-329-7518), on-site compliance and P2 assessments, workshops/training, plain-English publications, and help in completing permit applications and other EPA-related paperwork. More information about OCAPP, contact Ohio EPA, Office of Compliance Assistance & Pollution Prevention, P.O. Box 1049, Columbus, OH 43216-1049, (800) 329-7518 or (614) 644-3469, Fax (614) 644-2807, or [www.epa.ohio.gov/ocapp](http://www.epa.ohio.gov/ocapp)

## **FEDERAL ACTIVITIES**

### 2011 CONTINUING RESOLUTION

On February 9, House Appropriations Committee announced approximately \$40 billion of cuts in domestic discretionary programs in the next Continuing Resolution to fund the remainder of the current fiscal year, only to have to go back to square one when Republican freshmen and other conservatives insisted on \$100 billion in cuts. The original list of cuts was based on the President's proposed FY 2011 budget, which was never enacted, and was somewhat general in nature, but included the following:

- \$3 billion from the Department of Energy, including Energy Efficiency and Renewable Energy -\$899M; Electricity Delivery and Energy Reliability -\$49M; Nuclear Energy -\$169M; and Clean Coal Technology -\$18M
- \$2 billion in unspecified job training programs
- \$1.6 billion from the Environmental Protection Agency, including Land and Water Conservation Fund - \$348M; EPA ENERGY STAR-\$7.4M; EPA Greenhouse Reporting Registry -\$9M; EPA State and Local Air Quality Management -\$25M; Clean Water State Revolving Fund -\$700M; and the Drinking Water State Revolving Fund -\$250M
- \$1.3 billion from Community Health Centers, \$210 million from Maternal and Child Health Block Grants, \$755 million from the Centers for Disease Control, and \$96 million from Substance Abuse and Mental Health Services
- \$1 billion in high-speed rail, \$224 million from Amtrak and \$234 million from the Federal Aviation Administration's Next-Gen program aimed at providing a satellite-based air traffic control system
- \$530 million from the HUD Community Development Fund, which includes the Community Development Block Grant (CDBG) program, Sustainable Communities Initiative, and Economic Development Initiative Grants

- \$600 million in the COPS grant program; \$256 million in the State and Local Law Enforcement Assistance Account, and \$2.3 million in juvenile justice
- \$405 million from the Community Services Block Grant and \$400 million from the Low-Income Home Energy Assistance contingency Fund
- \$201 million in cuts to the Farm Service Agency, \$246 million in cuts to Agriculture Research, \$46 million in cuts to the Natural Resource Conservation Service, and \$237 million in cuts to USDA Rural Development Programs
- \$336 million in the National Oceanic and Atmospheric Administration, which includes the National Weather Service; and \$30 million reduction for Flood Control and Coastal Emergency projects
- \$16 million from the Economic Development Administration

The Committee is looking to more than double the original set of cuts, these programs could see even deeper reductions, and he will have to look at other programs that were not targeted. The current Continuing Resolution expires March 4th.

## **NACo ACTIVITIES**

### PLAN FOR NATIONAL COUNTY GOVERNMENT MONTH

This year's theme for National County Government Month (NCGM) in April is "Serving Our Veterans, Armed Forces, and Their Families." A NCGM booklet full of ideas to celebrate NCGM will be sent to member counties later this month. The booklet will contain suggested community activities, a draft proclamation, a sample news release, and many more possibilities. This year, for the first year, NACo will recognize and present an award to three counties for their outstanding NCGM activities. Each of the three winners will win two free conference registrations to any NACo meeting. Details on the award's program can be found in the booklet as well as on NACo's website starting the week of January 17 at [www.naco.org](http://www.naco.org). For more information, contact Jim Philipps, NACo Media Relations Manager, at (202) 942.4220 or [jphilipps@naco.org](mailto:jphilipps@naco.org)

## **CONFERENCES/SEMINARS/WEBINARS**

### LEADERSHIP FOR TOMORROW: INVESTING IN COMMUNITIES CONFERENCE – APRIL 2011

Registration is now open for the "2011 OSU Extension's Leadership for Tomorrow: Investing in Communities Conference" scheduled for April 13-14, 2011 in Columbus.

The conference will focus on defining and understanding communities; building and leading partnerships and collaborations; adapting to changing community dynamics; maintaining civil conversations; utilizing technology for community networking; and refining personal leadership skills. The conference schedule, general/concurrent session descriptions and speakers are now posted online.

As an added bonus, a Pre-Conference will be held on April 12, 2011. The "Leadership for Tomorrow Pre-Conference – Investing in Community Leaders: It's Not Black and White" – is dedicated to helping leaders better serve their communities by understanding and appreciating how diversity enriches any type of community. The goal of the preconference is to help leaders look at diversity from different perspectives, learn how to blend diverse contributions, and share challenges and best practices of diversity in community leadership.

The conference is sponsored by OSU Extension; the Gist Endowed Chair for Extension Education and Leadership; the College of Food, Agricultural, and Environmental Sciences; and Epsilon Sigma Phi – Alpha Eta

Chapter. For more information, please visit the Leadership for Tomorrow Conference website at [www.leadershipfortomorrow.osu.edu](http://www.leadershipfortomorrow.osu.edu)

### OHIO SAFETY CONGRESS & EXPO 2011 – MARCH 29-31

Join 6,000 safety-minded individuals at Ohio's largest and most established occupational safety and health event. The Bureau of Workers' Compensation (BWC) will hold the Ohio Safety Congress & Expo 2011 on March 29-31 at the Greater Columbus Convention Center, 400 North High Street, in Columbus.

On Wednesday March 30 there will be two one-hour sessions on drug testing specifically for public sector employers. Session #184 "Drug Testing in the Public Sector: Overview of Legal Issues and Pre-Employment Testing", and session #185 "Drug Testing Public Employees: Collective Bargaining Issues, Reasonable Suspicion, Post Accident and Random Testing". The presenter will be Cheri Hass, attorney with Downes, Fishel, Hass and Kim, LLP.

The safety congress will help attendees prevent workplace injuries and illnesses, reduce workers' compensation claims costs, meet training needs, and shop for products in a single location. Here's why you should attend:

- There's no cost to register and attend
- Select from 150 educational sessions
- Earn free CEUs for accreditation and BWC discount programs
- Streamline your product purchases at the Expo Marketplace
- Discover solutions to real-life safety scenarios
- Avoid out-of-state travel expenses
- Fewer injuries mean lower workers' compensation costs

If you require special services while attending the Ohio Safety Congress & Expo, notify BWC in advance by calling 1-800-OHIOBWC. For more information go to [www.bwc.com](http://www.bwc.com)

### **CLASSIFIEDS**

#### LANDFILL MANAGER/ENVIRONMENTAL ENGINEER

The Board of Hancock County Commissioners is seeking a highly motivated individual to fill the landfill manager/environmental engineer position at the Hancock County Solid Waste Landfill in Allen Township. This individual must have a minimum 10 year combination of experience and education, including MOLO certification in the operation and management of BAT Subtitle "D" permitted landfills. Any combination of education and experience equivalent to graduation from a college or university with a degree in environmental science, business administration, civil engineering, engineering technology or related field will be required. A professional engineer's license is preferred but not a requirement.

The landfill manager position requires good communication skills along with the ability to handle facility administrative and regulatory procedures, maintain a fleet of construction equipment, and supervise personnel. Additionally, a working knowledge of state and federal laws and policies pertaining to solid waste collection, processing, methane collection, OSHA rules and occupational hazards associated with modern solid waste landfills is necessary.

Interested parties must submit application with resume to the Hancock County Board of Commissioners, 300 South Main Street, Findlay, OH 45840 or [commissioners@co.hancock.oh.us](mailto:commissioners@co.hancock.oh.us). Position Open until filled. EOE



## ECONOMIC AND BUSINESS DEVELOPMENT DIRECTOR

The Clinton County Commissioners are seeking a full-time, unclassified economic and business development directors to direct and performs complex work in planning, development, and implementation of community development and economic development plans and programs. Prepares grants and other financial incentives that promote economic development, revitalization, and infrastructure development projects for the county.

Qualifications: Must have a Bachelor's degree; preferably with advanced degree; minimum of four years experience with economic development, urban planning, finance, public administration, or closely related field. Should have experience in a government setting, thorough knowledge of the federal and state grant process, knowledge of laws and regulations pertaining to economic development programs, ability to analyze complex information, ability to establish and maintain effective working relationships with local, state and federal agencies and the general public, excellent writing skills, strong mathematical and computer skills a must. Application deadline: February 25, 2011. For more information go to: <http://co.clinton.oh.us/human-resources/human-resources>. EOE.

## COUNTY HOME ADMINISTRATOR

The Auglaize County Commissioners are currently accepting resumes and cover letters for the position of Licensed Nursing Home Administrator; an unclassified, FLSA exempt, full-time position. Interested candidates must be a Licensed Nursing Home Administrator. Resumes, cover letter and application employment form accepted at the office of Auglaize County Commissioners, 209 South Blackhoof Street, Room 201, Wapakoneta, OH 45895 or at [commissioners@auglaizecounty.org](mailto:commissioners@auglaizecounty.org) until **4:00 p.m., March 4, 2011**. Minimum pay \$50,000. See [www.auglaizecounty.org](http://www.auglaizecounty.org) for the employment application form. 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 at [mjneiman@ccao.org](mailto:mjneiman@ccao.org)



## **CUTS TO CDBG**

February 9, 2011

Dear NACo Member:

On Sunday, February 6, 2011 the *New York Times* published the attached Op-Ed from White House Office of Management and Budget (OMB) Director; Jacob Lew entitled "The Easy Cuts are Behind Us." In the op-ed Mr. Lew states that President Obama's FY 2012 Budget, to be released on February 14, 2011 will contain a 7.5 percent - \$300 million cut to the Community Development Block Grant (CDBG). Currently, CDBG is funded at \$3.94 billion for entitlement communities in FY 2011 under Continuing Resolution until March 4, 2011. The Administration proposed cut would equal a reduction in CDBG to \$3.64 billion for FY 2012.

On February 5, 2011, OMB and Senior White House officials hosted a conference call with leadership from NACo, the U.S. Conference of Mayors (USCM) and National League of Cities (NLC), to inform about the Administration's proposed 7.5 percent cut for CDBG, and the op-ed piece. While this 7.5 percent cut is lower than the potential 25 percent cut that was rumored to be considered, leadership from all these organizations expressed disappointment with the Administration's proposed cut to CDBG.

The op-ed highlighting CDBG cuts along with only two other domestic spending programs could signal to congressional members that deeper cuts may be in order. The proposed \$300 million cut to CDBG could be the minimum debated, since House Republican leadership are advocating for lower FY 2008 non-defense discretionary funding levels for FY 2011, and future years – FY 2012 and beyond. Furthermore, members of the Republican Study Committee, comprised of 175 representatives, have called for the elimination of the CDBG program in FY 2011.

Therefore, both current year funding levels, FY 2011 and FY 2012, may be impacted. The threat to CDBG is more serious than any time in my history with the National Association of Counties. NACo staff has been meeting with members of the House Transportation and Housing and Urban Development Appropriations Subcommittee staff to request a freeze on CDBG funding levels at \$3.94 billion for FY 2011.

NACo has been working in coalition with the USCM and NLC to forge our national strategy. We are working on a survey to show how CDBG is leveraged in counties and cities across the nation. NACo and NLC will have thousands of members in Washington in early March for legislative conferences, and will seek level funding for CDBG at \$3.94 billion.

## Action Needed

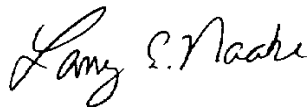
**It is vital that our grassroots have direct engagement with Congress on saving CDBG funding. Letters and e-mails will not suffice. The NACo officers and I ask you to call or meet with your House Representatives and Senators and tell them what CDBG does in their district and state. Take them to see projects that were funded with CDBG. Introduce them to constituents who have jobs in your communities because of CDBG. Highlight the vital services that will disappear if CDBG is eliminated. Engage your Governor, who receives 30 percent of the CDBG funding to hand out to smaller communities, in this campaign.**

Remember, there are many new members of the House and Senate who may not be familiar with CDBG, and may view it as just some program that helps local and state government. However, we know that CDBG funding does not stay in the county courthouse – it helps the private sector create jobs and infrastructure, and helps community organizations provide desperately needed services.

If you need any assistance, or want to share any feedback you receive from your communications with Congress, please contact me at 202-942-4201 or [lnaake@naco.org](mailto:lnaake@naco.org) or you can contact my Associate Legislative Director Daria Daniel at 202-942-4212 or [ddaniel@naco.org](mailto:ddaniel@naco.org).

Attachment

Sincerely,

A handwritten signature in black ink that reads "Larry E. Naake". The signature is written in a cursive, flowing style.

Larry E. Naake  
Executive Director

**Ohio EPA  
Information Request Form**

Office of Compliance Assistance and  
Pollution Prevention

Name \_\_\_\_\_

Title \_\_\_\_\_

Company/Organization \_\_\_\_\_

\_\_\_\_\_

Street Address \_\_\_\_\_

\_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_

Zip \_\_\_\_\_

Phone \_\_\_\_\_

E-mail \_\_\_\_\_

- I'm interested in receiving an on-site compliance assessment.
- I'm interested in receiving an on-site pollution prevention assessment.
- Please add my name to your electronic newsletter mailing list.

**Please return by mail to:**

Ohio EPA, Office of Compliance Assistance and  
Pollution Prevention  
P.O. Box 1049, Columbus, Ohio 43216-1049  
or fax us at (614) 644-2807

**OCAPP Testimonials**

Many businesses that have worked with us have said that they were glad they contacted OCAPP and received assistance. Some examples are:

*"Thanks so much for the quick response! I appreciate your help!"*

- An Automotive Parts Manufacturer

*"Thanks very much gentlemen. This looks like a "ton" of useful information that we can look into. This will certainly take some time but be assured I will investigate some of these possibilities over time. Again, great information and I appreciate all of your time and efforts."*

- A Paint Manufacturer

*I cannot express to you our gratitude for having someone help us fill out these forms. With sincere regards, we feel you have an exceptional OCAPP employee."*

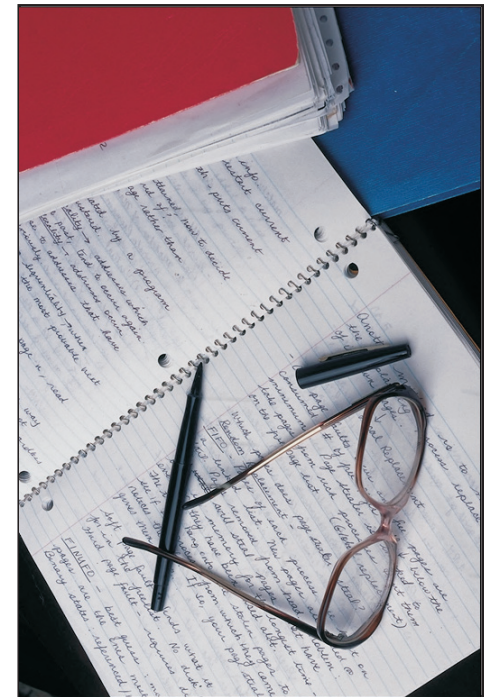
- A Stone Products Company

*"The timeliness of your presentation was excellent and your detailed discussion on the RACT rule and the impact (or potential impact) on them was very clear and concise. I also had several comments from members about your description of available EPA services."*

- A Regional Printing Association



# Need Help with Environmental Regulations?



**Ohio EPA's Office of Compliance Assistance and Pollution Prevention**

A free resource for Ohio business owners who need help with EPA regulations and pollution prevention.

## What is Ohio EPA's Office of Compliance Assistance and Pollution Prevention?

The Office of Compliance Assistance and Pollution Prevention (OCAPP) is a one-stop location for answers and information about environmental regulations, compliance concerns and pollution prevention. All services of the office are FREE. OCAPP is an independent, non-regulatory office within Ohio EPA. This means that information obtained WILL NOT be shared with Ohio EPA inspection and enforcement staff.

## What services does OCAPP offer?

Our qualified environmental specialists can answer your questions regarding air, waste, water and other EPA requirements and help businesses find ways to reduce waste and save money. The office provides:

- toll-free telephone hotline;
- on-site compliance assessments;
- on-site pollution prevention assessments;
- Internet Web site with up-to-date information;
- assistance with permit applications and forms;
- environmental workshops; and
- a quarterly newsletter and other easy-to-understand publications

## How much do OCAPP's services cost?

OCAPP's services are free.

## Who is eligible to receive assistance from OCAPP?

Any business in Ohio can receive compliance and pollution prevention assistance. However, on-site compliance assessments are limited to businesses with fewer than 100 employees, while all businesses are eligible for pollution prevention on-site assessments.

## Will Ohio EPA's enforcement program know that I called OCAPP?

No, information obtained by the office is not shared with Ohio EPA inspection or enforcement staff.

## What types of small businesses are subject to environmental regulations and can benefit from pollution prevention?

- Auto service/collision repair
- Contractors
- Painting/coating operations
- Manufacturing companies
- Dry cleaners/laundries
- Power washers
- Carpet cleaners
- Bakeries
- Printers
- Furniture makers/wood refinishers
- HVAC service
- Metal finishing/fabrication
- Construction
- Service stations
- and many others

## What are the benefits of using OCAPP?

- Be better informed about the regulations.
- Help reduce liability and potential for penalties.
- Protect worker health and safety.
- Find ways to reduce pollution and costs.
- Protect the environment.

## Contact Information

Ohio EPA  
Office of Compliance Assistance and  
Pollution Prevention  
P.O. Box 1049  
Columbus, Ohio 43216-1049

For a list of OCAPP contact names and phone numbers, visit  
[www.epa.ohio.gov/ocapp/sb/index.aspx](http://www.epa.ohio.gov/ocapp/sb/index.aspx).

(800) 329-7518 or (614) 644-3469  
(614) 644-2807 fax  
Hotline and office hours:  
Monday through Friday 8 a.m. - 5 p.m.

[www.epa.ohio.gov/ocapp](http://www.epa.ohio.gov/ocapp)