



CIDS

County Information and Data Service

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JUNE 3, 2011

DATES TO REMEMBER

- JUNE 8, 2011 DEALING WITH MAN'S BEST FRIEND: THE COUNTY DOG WARDEN – CCAO 2ND WEDNESDAY SEMINAR SERIES, CCAO OFFICES, COLUMBUS
- JUNE 9, 2011 CCAO GENERAL GOVERNMENT & OPERATIONS COMMITTEE, CCAO OFFICES, COLUMBUS
- JUNE 9, 2011 CCAO BOARD OF DIRECTORS MEETING, CCAO OFFICES, COLUMBUS
- JUNE 10, 2011 CCAO/CEAO SUMMER SEMINAR, EMBASSY SUITES HOTEL – DUBLIN, FRANKLIN (DUBLIN)
- JUNE 15, 2011 CCAO METROPOLITAN & REGIONAL AFFAIRS COMMITTEE, CCAO OFFICES, COLUMBUS
- JUNE 21, 2011 SOUTHEASTERN OHIO COMMISSIONERS & ENGINEERS ASSOCIATION QUARTERLY MEETING, MARIETTA COUNTY CLUB, WASHINGTON COUNTY (MARIETTA)
- JULY 15-19, 2011 NACo ANNUAL CONFERENCE, MULTNOMAH COUNTY (PORTLAND), OR

ASSOCIATION NEWS

WASHINGTON COUNTY TO HOST SE OHIO COMMISSIONERS & ENGINEERS QUARTERLY MEETING – JUNE 21

Join Washington County Commissioners Cora Marshall, Timothy Irvine and Steven Weber and County Engineer Robert Badger for a day of activities at the Southeastern Ohio Commissioners and Engineers Association Summer Quarterly Meeting to be held on Tuesday, June 21, 2011. Washington County has planned the following events for this all-day meeting:

- 8:00 a.m. to 4:00 p.m. - **Registration** at the Marietta Country Club, 705 Pike Street, in Marietta
- 9:00 a.m. to 3:30 p.m. - **Golf** (optional) at the Marietta Country Club. Greens fees: \$50 includes 18 holes, shared cart and lunch at the turn.

- 9:00 a.m. to 3:30 p.m. - **Shop Downtown Marietta Extravaganza with Trolley Transportation.** Lunch on your own.
- 9:30 a.m. to 12:00 noon – **Trolley Tour of Marietta Historical District & Schafer’s Leather Store**
- 12:00 noon to 1:15 p.m. – **Lunch** at the Historic Lafayette Hotel
- 1:15 to 3:30 p.m. – **Shopping in Downtown Marietta, Tour of Campus Martius Museum or The Castle**
- 4:00 p.m. - **Business Meeting** at the Marietta Country Club
- 5:00 p.m. – **Banquet** at the Marietta Country Club

Registration fee: \$5 per person; Tours & Events: Trolley Tour - \$10; Campus Martius Museum - \$6; The Castle - \$6; Schafer’s Leather Store – no charge; Lunch at the Historic Lafayette Hotel - \$10; and Dinner at the Marietta Country Club – no charge. Registration deadline: June 10. For more information, contact Susan Burkhart at sburkhart@wcgov.org or the Washington County Commissioners Office at (740) 373-6623 ext 287 or 269.

CCAO/CEAO SUMMER SEMINAR: KVAMME & COLBERT TO SPEAK AT CCAO SESSIONS

Franklin County Commissioners Paula Brooks, Marilyn Brown, and John O’Grady and County Engineer Dean Ringle cordially invite all county commissioners, engineers, affiliates and guests to the CCAO/CEAO Summer Seminar to be held June 10, 2011. Meetings will be held at the Embassy Suites – Dublin, 5100 Upper Metro Place, in Dublin.

CCAO has just confirmed that Mark Kvamme, Director of Job Creation in the Office of the Governor, will address a session about “Economic Development” and Michael Colbert, Director of the Ohio Department of Job and Family Services, will speak about “Regional Human Service Delivery” at the seminar.

Modeled after the successful seminar held last year, CCAO/CEAO has changed the format of the traditional two-day summer conference held in the past to a one-day seminar. All conference educational sessions will take place on Friday, June 10. Registration will open at 7:30 a.m. with sessions beginning at 8:30 a.m. and ending at 3:30 p.m.

CCAO has scheduled the following educational sessions:

1. Shared Services Panel Discussion
2. Regional Human Service Delivery
3. Economic Development
4. Human Resources & Risk Management in Difficult Budget Times
5. Energy Update: Earth, Wind and Solar
6. Communicating a Difficult Message

The CCAO/CEAO General Session will feature a discussion about the State Budget.

An optional activity is available on Thursday evening, June 9 before the seminar at the Columbus Zoo & Aquarium. Bus transportation will leave from the Embassy Suites at 5:00 p.m. Following exploring the zoo and eating dinner, CCAO/CEAO registrants will have a short presentation from zoo keepers with animals before returning to the hotel at 8:30 p.m.

There will be one registration fee for all attendees that will include conference registration, continental breakfast, beverage breaks, and lunch. Registration for the Columbus Zoo & Aquarium is an additional charge. The agenda is attached to this issue of CIDS and posted on the CCAO website at www.ccao.org

2ND WEDNESDAY SEMINAR SERIES: DEALING WITH MAN'S BEST FRIEND – THE COUNTY DOG WARDEN

CCAO encourages commissioners and other county officials to attend the next CCAO 2nd Wednesday Seminar Series on “Dealing with Man’s Best Friend – The County Dog Warden” on June 8, 2011 from 9:30 a.m. to 12:30 p.m. The 2nd Wednesday Seminar Series will be held at the CCAO Offices, 209 East State Street, in Columbus.

Effective operation of the County Dog Warden’s office is essential to developing a good working relationship with the public regarding “Man’s Best Friend.” Learn from dog wardens and others who have developed a reputation for effective programs among their peers the best practices for registration of dogs and kennels, dog pound operations, adoption of dogs, euthanasia, and how to maintain good public relations with the public.

The 2nd Wednesday sessions are designed to be very interactive, allowing ample opportunity for attendees to ask questions and have dialogue directly with the speakers. All sessions are free and parking is available in the CCAO parking lot adjacent to the CCAO office. Program details are posted at www.ccao.org Coffee will be served during the morning and lunch will be on your own. Best of all, no registration fee will be charged! Please pre-register so that CCAO can have adequate seating and handouts. To register, contact Tanya McComas, CCAO Administrative Assistant, at tmccomas@ccao.org

CCAO WORKERS’ COMPENSATION GROUP RATING PLAN ANNUAL MEETING – JUNE 22

The CCAO Workers’ Compensation Group Rating Plan Annual Meeting will be held on Wednesday, June 22, 2011 at the CCAO Offices, 209 East State Street, in Columbus. Group Rating members are Ashland, Auglaize, Brown, Carroll, Clinton, Crawford, Darke, Defiance, Fulton, Harrison, Henry, Highland, Holmes, Huron, Knox, Marion, Morgan, Noble, Paulding, Preble, Sandusky, and Washington counties.

The purpose of the meeting is to update members on the performance of the Group Rating Plan and to provide important information that will assist counties in their efforts to prevent workplace injuries and reduce workers’ compensation costs. Registration will begin at 9:00 a.m. and the meeting will start at 9:30 a.m. County commissioners, loss control coordinators, county auditors, and any additional elected officials or staff are encouraged to attend.

The meeting will also include two hours of safety training provided by the Public Employment Risk Reduction Program (PERRP). The Bureau of Workers’ Compensation (BWC) requires all 2011 Group Rating Plan members to attend two hours of safety training during 2011. Attending this session will meet this requirement for your county.

In order for us to have an accurate lunch count, register by Friday, June 17, 2011 by sending your registration form or emailing your reservation to Tricia Callihan, CORSA Program Assistant, at tcallihan@ccao.org

STATE ACTIVITIES

TEA PARTY SUES MUNICIPAL, TOWNSHIP GROUPS IN SUPREME COURT OVER PUBLIC RECORDS

Opponents of the estate tax and government spending growth said Thursday they are asking the Ohio Supreme Court to declare that two groups of township and city officials are "the functional equivalent" of public offices and should be required to abide by the public records law.

The Dayton Tea Party filed a complaint asking justices to order the Ohio Municipal League and the Ohio Township Association to release policy and financial records related to their legislative lobbying against repeal

of the estate tax and in favor of increases in the Local Government Fund. Both groups declined to produce the material on grounds they were private organizations not subject to the public records law.

Maurice Thompson of the 1851 Center for Constitutional Law, who is representing the Dayton Tea Party, argues that all or nearly all of the OML and OTA support comes from municipal government dues, fees, and contributions, using taxpayer funds. He said local governments "have shrouded in secrecy certain governmental activities, such as lobbying, through utilization of private organizations," including the OML and OTA.

"These de facto local government coalitions receive and rely almost exclusively upon public funds to lobby and litigate for higher taxes, greater government spending, diminished constitutional protections for Ohioans, and overall larger government, all as prescribed by their government members," Mr. Thompson said. "Meanwhile, these organizations refuse to respond to public records requests, denying information to citizens regarding the use of their tax dollars to promote and advance highly ideological causes by and on behalf of local governments," he told justices.

Mr. Thompson contends that the OML and OTA are the "functional equivalents of public offices" under the state's public records act, and must produce documents about the operation of their organizations, including lobbying efforts before the General Assembly.

He said the groups were using public funds to participate in a campaign to inflate the amount of state money spent on the Local Government Fund, and to oppose repeal of the estate tax. Both provisions are included in the pending biennial state budget (HB 153).

"Both the OML and the OTA continue to use Ohio taxpayers' funds to operate in secrecy on these issues," Mr. Thompson said. "In the course of their clandestine operations, OML and OTA argues against repeal of the Ohio Estate Tax and in favor of inflating state spending on local governments."

The complaint asks the Supreme Court to compel the groups to comply with the requests for records, and to pay court costs, attorney fees, and statutory damages.

The Dayton Tea Party, Inc. was described as a non-partisan, non-profit corporation that is a conglomeration of 19 "liberty groups" in the Miami Valley region. The complaint was filed in the name of Robert Scott, the group's president and founder, who "has invested significant effort into effectuating repeal of the Ohio Estate Tax, and reducing state government spending."

Mr. Thompson asked the court to apply a four-part functional equivalency test it cited in a 2006 opinion to determine whether a private entity is a public institution for purposes of the public records law. "In applying the functional-equivalency test, courts in other states have adjudicated private organizations comparable to the Ohio Municipal League and Ohio Township Association to be amenable to public records requests," he told justices. He referred to a 1999 opinion that found the Washington State Association of Counties was a public agency for purposes of a disclosure law. A 2010 decision held that the Association of Washington Cities, a private, non-profit corporation, was the functional equivalent of a public agency subject to that state's public records law.

"The factual allegations herein demonstrate that the OML is extensively controlled and funded by government, created by and for the benefit of government, exists to serve government, and has no purpose other than to serve government, and is thus the functional equivalent of a public office," Mr. Thompson said.

Susan Cave, OML executive director, said she had not seen the complaint and could not comment.

FEDERAL ACTIVITIES

HOUSE AGRICULTURE SUBCOMMITTEE MAKES DRASTIC CUTS TO NACo SUPPORTED PROGRAMS

On May 24 the House Agriculture Appropriations Subcommittee passed the FY 2012 agriculture spending bill by voice vote. The bill includes \$17.25 billion in discretionary funds. This figure is \$2.67 billion or 13 percent below the FY 2011 level of \$19.92 billion. This level of funding is also 25 percent less than the NACo supported FY 2010 level of \$24.3 billion.

The spending plan would cut agriculture research by more than 13 percent and cut the “Smith Lever” formula grant funding for extension by \$34.7 million or nearly 12 percent. The bill also trims marketing, regulatory and rural development programs. The Women, Infants and Children (WIC) nutrition program would be cut by 12 percent to \$5.9 billion in FY 2012 from the current funding level of \$6.7 billion. FDA received a cut of \$285 million or 11 percent, which will stall implementation of the recently passed Food Safety Modernization Act, now P.L 111-53.

The proposed cuts to USDA Rural Development programs would severely hamper the economic development efforts of rural counties. The bill provides \$2.1 billion for rural development programs, a decrease of \$338 million or 14 percent from last year’s level. This level of funding is \$876 million or 30 percent less than the NACo supported FY 2010 enacted level of \$2.968 billion. The full Appropriations Committee was scheduled to mark up the bill on May 31. Please contact your Congressional delegation and urge them to oppose the drastic cuts to USDA Rural Development programs found in the FY 2012 agriculture spending bill passed by the House Agriculture Appropriations Committee. For more information, contact Erik Johnston, NACo Associate Legislative Director, at (202) 942-4230 or ejohnston@naco.org

SENATOR LEADS EFFORT TO SUPPORT LOCALLY-LED RURAL DEVELOPMENT

Senator Michael Bennet (D-Colo.) has written a letter to the Senate Appropriations Committee, Subcommittee on Agriculture, Rural Development, Food & Drug Administration, and related agencies seeking the inclusion of the NACo supported Regional Innovation Initiative in the FY 2012 Senate Agriculture appropriations bill. The Regional Innovation Initiative is a programmatic request that was included in the President’s FY 2012 budget. It requires no new funding, but rather would allow USDA to target up to \$170 million – or 5 percent – of several USDA Rural Development programs.

The Regional Innovation Initiative is a pragmatic response to the regionally-oriented, locally-led economic development efforts happening around the country. The Initiative will allocate funds competitively among innovative regional economic development projects tailored to locally-identified needs and opportunities. Recognizing that top-down edicts from Washington will not create lasting economic growth, USDA’s proposed Regional Innovation Initiative is one way to support locally-driven economic development and job creation in rural communities.

Please contact Ohio Senators Brown and Portman and ask them to co-sign Senator Bennet’s letter in support of the Regional Innovation Initiative by contacting Katharine Ferguson, Katharine.Ferguson@bennet.senate.gov or (202) 228-5422. Signatures are being collected through Wednesday, June 8, 2011. For more information, contact Erik Johnston, NACo Associate Legislative Director, at (202) 942-4230 or ejohnston@naco.org

HOUSE SUBCOMMITTEE HOLDS HEARING ON UMRA

On May 25, the House Subcommittee on Technology, Information Policy, Intergovernmental Relations and Procurement Reform held another hearing in a series focused on the Unfunded Mandates Reform Act of 1995

(UMRA). Members of the subcommittee have spent some time throughout the earlier part of this year exploring what some describe as regulatory overreach by the Federal Government. Wednesday's hearing, titled "Unfunded Mandates, Regulatory Burdens, and the Role of Office of Information and Regulatory Affairs (OIRA)", specifically focused on the Administration's recent efforts to improve regulation and regulatory overview. To learn more about OIRA and to view the Regulatory Review Dashboard that graphically presents information about rules under their review go to www.whitehouse.gov/omb/inforeg_default

GRANTS

DEPARTMENTS OF HEALTH AND HUMAN SERVICES & EDUCATION ANNOUNCE EARLY CHILDHOOD CHALLENGE GRANTS

Last week, the Secretaries of Education and Health and Human Services announced a joint \$500 million competitive program for state, the Early Childhood Challenge Grants. The purpose of the grants is to create comprehensive plans to transform early learning systems with better coordination, clearer learning standards, and meaningful workforce development. Funding for the grants is from the Race to the Top program. The potential role for counties is unclear at this time, but the Administration is seeking input through a dedicated blog. To access the blog go [here](#).

Further guidance and information on eligibility and the range of awards will be issued in the coming weeks. Application forms are expected to be available by the end of the summer and the awards will be issued by the end of the year. For more information, contact Marilina Sanz, NACo Association Legislative Director, at (202) 942-4260 or msanz@naco.org

TRAINING

HELPING COUNTIES RECOVER FROM HOMEOWNER FORECLOSURES: NEIGHBORHOOD STABILIZATION PROGRAM – JUNE 16

The negative impact of foreclosure on communities is far reaching. Not only have people lost homes, but communities are also suffering economically, physically and socially. Join the National Association of Counties (NACo) on Thursday, June 16, 2011 from 2:00 to 3:15 p.m. for a webinar to hear about the Neighborhood Stabilization Program (NSP), a federal program that is helping county governments recover from the impacts of home foreclosures. You'll also hear from counties that received funding from NSP to implement foreclosure redevelopment efforts in their communities. Find out how you can apply this information to benefit your county. To register go to <https://www2.gotomeeting.com/register/285380002> For more information, contact James Davenport, NACo Program Manager, Community Services, at (202) 661-8807 or jdavenport@naco.org

ATTORNEY GENERAL OPINIONS

SYLLABUS

2011-016

1. Properties that are not within the territorial boundaries of and not owned by a municipal corporation are not within the municipal corporation's jurisdiction for purposes of law enforcement, firefighting, or fire protection services.
2. A county sheriff is required to provide law enforcement to properties located within the unincorporated territory of a county.
3. A joint fire district created pursuant to R.C. 505.371 is required to provide firefighting and fire protection services to properties situated within the fire district.

SYLLABUS

2011-017

R.C. 5705.10(D) requires fees paid by persons participating in a pre-trial diversion program established pursuant to R.C. 2935.36 to be deposited into a special fund created under R.C. 5705.09(F) for use in defraying the costs of supervising persons participating in the program. (2003 Op. Att'y Gen. No. 2003-005, overruled on the basis of statutory amendment.)

SYLLABUS

2011-018

The appointment of an assistant county prosecuting attorney as acting county prosecuting attorney pursuant to R.C. 305.02(F) is not a separation from service requiring payment of the assistant county prosecuting attorney's accrued, unused vacation leave under R.C. 325.19(C). (1980 Op. Att'y Gen. No. 80-057 (syllabus, paragraph 1) and 1962 Op. Att'y Gen. No. 3425, p. 931, distinguished.)

SYLLABUS

2011-019

A collective bargaining agreement between a school district board of education and its employees may not define the term "financial reasons" for the purpose of determining whether a reduction in teaching staff is authorized by R.C. 3319.17(B).

CLASSIFIEDS

DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

Under policy direction of the Board of Commissioners, performs and assigns all tasks related to the fiscal planning and management of a multi-million dollar annual county budget. Responsible for overseeing and coordinating financial management of the Board of Commissioners annual appropriations; directs the Office of Management and Budget comprised of budget, financial control, purchasing and perform other related duties as required. Qualifications: Must be a Certified Public Accountant or possess a Master's Degree in Business Administration and possesses 4-8 years of responsible financial management in a medium to large organization. An essential requirement is the knowledge and ability to use financial software in a technological environment. Applications available on line at <http://www.mahoningcountyoh.gov/DepartmentsAgencies/Departments/Commissioners/HumanResources/JobPostings/tabid/716/Default.aspx> or at the Mahoning County Commissioners Office, 21 West Boardman Street, Youngstown, OH 44503. Application deadline: **June 17, 2011 at 4:30 p.m.** 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