



STATEHOUSE REPORT

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

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State Auditor advocates for shared services bill

State Auditor Dave Yost on Tuesday asked a House panel to approve legislation that would permit his office to administer grants for local projects aimed at collaboration and efficiency.

He told the House Local Government Committee the measure ([HB 5](#)) would move forward work the office has already done with the Share Ohio website and the Leverage for Efficiency, Accountability and Performance (LEAP) loan program.

The Share Ohio [website](#) provides local governments a portal for finding and renting heavy equipment that is available from other entities, typically at no cost to the borrower, Auditor Yost said.



State Auditor David Yost

While photos of many pieces of equipment have been uploaded to the website, some local government leaders shy away from renting the items to others because of liability concerns, he added. To alleviate those, the measure would set rules stating that liability passes from the lender to the borrower in case of a loss.

"If I am going to loan you my heavy equipment, I kind of want to know you're not going to get me sued or my taxpayer sued," he said.

Responding to questions from the panel, Auditor Yost said it wouldn't be illegal for local governments to charge rental fees for equipment, but it wouldn't be very lucrative and counties often run quarterly or yearly usage reports to ensure that one local government isn't "freeloading" by only borrowing equipment and not sharing any.

He said entities can also rent out employees along with the equipment to ensure that it is operated properly. A handful of legislators raised concerns that adding the operator element to the rental agreement could impact the risk of loss rules established by the measure.

"Court cases happen whether we change the law or not, that's just the nature of American society," Auditor Yost responded.

The measure would also encourage shared services by setting aside half, or about \$500,000, from the LEAP loan program fund to create grants that would cover the costs of multi-jurisdictional business case studies that could eventually serve as models for other local governments.

As an example, local governments could be interested in exploring regional safety dispatching, but are unable to get local backing to do so, Auditor Yost said. The grant would pay for a business case study to determine the financial impacts of such a system and how it would work.

Because the auditor's office must act independently, it cannot require local governments that are chosen for the grant to implement any of the recommendations made in the business case study, he noted. The average study would cost about \$20,000 to complete.

"As I always say when I come in to a community and publish performance audit, there are inevitably policy questions that have to be resolved by the local elected leaders," he said.

"Although my philosophical bent is toward smaller government and more efficient government, there are times when having a face 24/7 behind the glass of the police station is something that's very important to those people. Where would the state get the right to tell you that you can't do that? I don't want the state to do that and I don't know that we ought to make any more incentives beyond return on investment."

Referring to concerns raised by committee members at the measure's first hearing, Chairwoman [Rep. Marlene Anielski](#) (R-Independence) questioned how the legislation could affect those municipalities that are included in a proposed business study but haven't explicitly agreed to it.

Auditor Yost said his office would not require all local governments included in a regional business study to pass resolutions regarding their involvement, but staff would sit down with local leaders to ensure that they are on board.

"If I don't have a sense that this is going to be do doable, were not going to dive into it," he said.

For further information about [HB 5](#), please contact CCAO Staffer Cheryl Subler at csubler@ccao.org.

Federal, State Workforce Development Initiatives Pitched to CCAO Board

Representatives from Governor Kasich's three lead entities overseeing health, workforce and human services discussed upcoming initiatives with the CCAO Board of Directors last week, highlighting decisions counties will be making in the implementation of both the Workforce Innovation and Opportunity Act (WIOA) as well as a state budget initiative designed to better connect low-income individuals to the workforce.

Greg Moody, Office of Health Transformation director; Cynthia Dungey, Ohio Department of Job and Family Services director; and Doug Lumpkin, Office of Human Services Innovation director discussed a budget proposal recently unveiled by Governor Kasich designed to better assist individuals receiving benefits through the Temporary Assistance for Needy Families (TANF) and WIOA in both finding employment and advancing their careers. (For more information on the program, see “Comprehensive Case Management and Employment Program” on pages 4-5 of this edition of *Statehouse Report*.)



John Weber, Suzanne Dulaney, Cynthia Dungey, Mike Halleck Dawn Larzelere, Greg Moody

Additionally, implementation of the Workforce Innovation and Opportunity Act (WIOA) – namely the Act’s new criteria for workforce areas – were highlighted by Dawn Larzelere, Office of Workforce Transformation director and John Weber, ODJFS deputy director of Workforce Development.

The federal legislation, which will begin to be implemented this year in lieu of the Workforce Investment Act, sets forth criteria for the designation of workforce areas, which elected local officials request and the Governor approves.

The two provided commissioners with a map of the current twenty workforce investment areas, and asked them to examine their county and surrounding counties in light of the data highlighted in WIOA, such as labor market information, regional economic development areas, and local resources and the capacity to provide services. A copy of the current map and relevant information can be found [here](#).

In response to a question from a board member, state officials reiterated that they will not be suggesting new areas for designation, as that responsibility lies with elected local officials under the federal law. Rather, they urged commissioners to examine the information and data as they begin to consider if their current area or a new area would make sense.

State officials also acknowledged in response to a question that WIOA does provide for automatic redesignation for areas that met certain performance and financial criteria over the past two years, but requested that commissioners still critically examine which alternative arrangements may make sense under the guidance set forth in WIOA.

State officials intend to release guidance on the request for area designation process to county commissioners, executives and council members in March. The US Department of Labor has yet to issue regulations for WIOA but will do so sometime this spring. CCAO is continuing to engage in conversations around other significant provisions of WIOA, such as the process for determining one-stop operators, and will continue to provide updates as they are available.

Stay tuned for more information, or contact CCAO staffer Laura Abu-Absi (labu-absi@ccao.org or 614-220-7996) with questions or comments.

Comprehensive Case Management and Employment Program (Section 305.190)

The bill creates and formally names this program that has been touted by the governor in recent public appearances. The comprehensive case management and employment program is designed to provide more person-centered case management to individuals receiving benefits through counties' Temporary Assistance for Needy Families (TANF) and Workforce Innovation and Opportunity Act (WIOA) programming.

Commissioners are to designate a lead agency – either the CDJFS or, if separated, the county's Ohio Means Jobs center/workforce development agency – to implement the program, including developing a program plan, serving as the fiscal agent, and coordinating services. This designation must occur by October 15, 2015. The bill states the lead agency/county is liable for proper expenditure of all funds in the program.

The program is to start for 16-24 year olds by December 15, 2015 and then expand to work-required individuals by July 1, 2016.

Individuals who would be required to participate in the program as set forth in the bill are:

- Ohio Works First recipients who are work-eligible
- Low-income individuals who are an adult, in-school youth, or out-of-school youth and are considered to have a barrier to employment under WIOA

Individuals who are able to volunteer to participate in the program are:

- Ohio Works First recipients who are not work-eligible
- Individuals receiving benefits and services under the Prevention, Retention, and Contingency Program

Under the program, participating individuals will receive a comprehensive assessment of employment and training needs, and receive an individualized employment plan, which could recommend services such as a high school diploma/equivalent, job placement, job retention support, or other services.

The bill provides ODJFS is to establish an evaluation system to monitor performance and outcomes. It also provides ODJFS with broad rule-making authority to address eligibility, services, partnerships, and “any other issues that the Director determines should be addressed in rules to implement this section.”

Adult Protective Services

Funding - The bill provides a \$3.5 million per year appropriation to county adult protective services (JFS 600-534) statewide. This shows as a decrease from SFY15, for which the legislature appropriated one-time funds of \$10 million. However, it is a substantial increase from SFY14 funding of approximately \$500,000 statewide and subsequent years prior. (For details on the allocation of the \$10M one-time funds, click [here](#).)

While not reflected in the bill, we understand it is the intent of the Administration to provide each county with a base allocation of \$30,000 out of this line item, as opposed to the typical formula allocation.

CCAO requests counties work with their JFS in light of the new requirements – particularly the first point listed below outlining service expectation without regard to

funding – and notify staff if it is believed obligations will outweigh funding available both via the state and current local investments.

Policy Changes and Minimum Requirements – the bill proposes several policy changes that would impact the delivery of adult protective services in several county JFS departments. Most notably, there is a change in terms of eliminating language that correlated service expectation to the level of available funding:

- Current law provides counties are to investigate reports, evaluate the need for, and provide or arrange for protective services *to the extent of available funds*. The bill eliminates the caveat of “to the extent of available funds”, but maintains the requirement to investigate reports, evaluate the need for, and arrange for the provision of protective services. (ORC Sec 5101.62)

The bill makes other changes to APS program requirements which impact counties. HB 64:

- Provides the CDJFS must receive written or oral reports of APS 24/7
- Sets forth that ODJFS must establish and maintain a uniform statewide automates APS information system. All reports made to and investigations conducted by CDJFS, and protective services provided to adults, must be entered into the system.
- Requires each CDJFS to prepare a MOU signed by various entities at the county level, including law enforcement, prosecutor, coroner, and others. The MOU is to create an interdisciplinary team to coordinate APS efforts and delineate roles and responsibilities.
- Provides authority for CDJFS to petition the court for an order authorizing the provision of protective services on an emergency basis for immediate and irreparable financial harm, in addition to current authority for physical harm.
- Requires ODJFS to develop training for APS, and requires all APS caseworkers and their supervisors to undergo the training.
- Gives ODJFS the authority to promulgate rules for APS, including establishing requirements for intake procedures, investigations, case management, and the provision of protective services.
- Establishes authority for an ex parte emergency order authorizing the provision of protective services for an adult on an emergency basis under certain circumstances.
- Clarifies the definition of “exploitation”
- Clarifies that written and oral reports of alleged elder abuse are confidential
- Clarifies jurisdiction over reports made of abuse for individuals involved with the developmental disabilities, long-term care, nursing home, and child welfare systems.

Contact CCAO staffer Laura Abu-Absi (labu-absi@ccao.org or 614-220-7996) with questions or comments.

Water Quality update – Senate passes Lake Erie algae bill, House continuing its hearings

On Wednesday, the Ohio Senate unanimously passed [Sub. SB 1](#). Farmers applying fertilizer and manure on frozen or rain soaked fields in Western Basin of the Lake Erie watershed would be subject to new limitations and could face civil penalties.

Also in the substitute bill:

- Phosphorus monitoring at water treatment plants.
- Ending open-lake disposal of dredged material in Lake Erie by 2020.
- Point and nonpoint source study of nutrient loading by Ohio EPA.
- Lead plumbing provisions.
- Emergency clause.
- Five-year sunset on fertilizer and manure management sections

Sections that were pulled from the as introduced version include:

- Private/public sewer regulations.
- The transfer of the Agriculture Pollution Abatement Program from the Department of Natural Resources to the Department of Agriculture.
- A new Office of Harmful Algae Management and Response is created in Ohio EPA.

Before the final vote, Senate Republicans tabled an amendment from [Sen. Michael Skindell](#) (D-Lakewood) that would have directed the Ohio EPA to establish standards for the allowable level of microcystin in drinking water. The change also would require testing for the toxin in public water systems and reporting to local health departments.

Main co-sponsor of SB1, [Sen. Randy Gardner](#) (R-Bowling Green), agreed that the issue is important but said the U.S. EPA should first develop a standard. Sen. Gardner said the bill doesn't address every issue on the subject but does create new standards that should help with water quality. While other issues will be addressed in the budget and elsewhere.

House Agriculture Committee

Meanwhile, the House Agriculture & Rural Development Committee continued hearing testimony Wednesday on the lower chamber's version [HB 61](#), which is similar to the Senate measure, but with some differences.

Chairman [Rep. Brian Hill](#) (R-Zanesville) said he expected the panel will adopt a substitute version next week and vote it out of committee the following week. Revisions the Senate made to its proposal have improved the bill, he said, adding that no decision has yet been made on which chamber's version would ultimately be the vehicle for passage.



Chairman Brian Hill

Several agriculture groups testified as interested parties on the HB61 bill. Tony Seegers, director of state policy for the Ohio Farm Bureau, recommended tweaking the proposed ban on spreading manure and fertilizer when significant rainfall is in the immediate weather forecast. The restrictions should be different for fertilizer and manure and perhaps should recognize different soil conditions, he said. Moreover, the legislation could take into account differences between liquid and dry manure, he added.

Mr. Seegers expressed concern that small and medium sized farmers in the basin might not be able to comply when the proposed ban takes effect and pointed to significant costs and delays for constructing new manure storage facilities.

As such, he asked members to exempt from penalties farmers who are in the process of working with soil and water conservation districts to develop nutrient management plans. And, noting that regulations on home sewer systems, municipal sewage systems, and CAFOs grant violators time to return to compliance, Mr. Seegers requested similar treatment for farming operations subject to the legislation.

To access more committee testimony, please follow the link to the [House committee's webpage](#). For additional information on water quality issues, please contact CCAO staffer Brian Mead at bmead@ccao.org or 614-220-7982.

New public sewer Opt-out bill introduced

During last year's lame duck period the Senate was working on an amendment that would have allowed a home owner to "opt-out" from connecting to a newly run public sewer line. This amendment would have gone into last session's water quality bill HB 490 before the measure failed to pass late last year.

This week, [Sen. Bob Peterson \(R-Sabina\)](#), author of the HB 490 amendment introduce his legislative fix to create an "opt-out" proposal, [SB 58](#). The bill would authorize a property owner whose property is served by a household sewage treatment system to elect not to connect to a private sewerage system, **a county sewer, or a regional sewerage system** should they have a functioning system. The home owner would have to connect within 15 years from the date on which construction of the public sewer is completed.

CCAO and other interested parties are working with the sponsor on this legislation. It is anticipated that this measure may be rolled into the budget. Please send your comments to CCAO

County Engineers Association of Ohio pitches permissive license tax to Finance Committee, members express interest

Muskingum County Engineer Doug Davis, President of the County Engineers Association of Ohio (CEAO) asked the House Finance Committee to consider a proposal backed by CCAO, the Ohio Municipal League, the Ohio Township Association, the Mid-Ohio Regional Planning Commission and CEAO, increasing authority for permissive motor vehicle license fees as part of the state transportation budget ([HB 53](#)).

As background, Engineer Davis explained that counties are responsible for maintaining 26,800 of Ohio's 44,900 total bridges, and that 5400 of those bridges are functionally deficient or functionally obsolete, 1200 have reduced load limits, and 79 are closed. Davis explained that state and



Rep Ryan Smith

federal motor fuel taxes are the primary means of highway funding in Ohio. Ohio last increased the state gas tax to 28 cents in 2005 and the federal government last increased the federal gas to 18.4 cents in 1993.

Davis said that highway user fees have not kept up with dramatic increases in the cost of doing business and that user fees such as the gas tax were at best stagnant or declining. Davis highlighted for the committee increases in the cost of construction materials such as asphalt (192 percent), aggregate (92 percent), steel (85 percent) and concrete (25 percent) since 2000.

The local government permissive motor vehicle license tax proposal would authorize counties, municipalities, and townships to increase license fees by a combined total of \$15 in \$5 dollar increments. Counties could levy one \$5 dollar exclusively for county purposes at any time, a second \$5 could be levied by the county with the proceeds split among local governments, and a third \$5 would be available to any municipality or township at any time. Please see the attached textbox for highlights of the local government proposal.

For additional information on the status of current motor vehicle license taxes levied statewide, please see attached CCAO County Data Exchange Bulletins [CDE 2013-01](#), [CDE 2013-02](#), [CDE 2013-03](#), and [CDE 2013-04](#).

The chairman of the House Finance Committee Representative [Ryan Smith \(R – Bidwell\)](#) said that a proposed fee increase was something his caucus might consider including in a substitute bill.

“We’ll have to discuss with members and see what their appetite is for that,” Representative Smith said. “That it could be permissive and allow the voters to vote on it would be appealing, I think – for members to allow their communities to decide what they want to pay for.”

For additional information regarding issues discussed in this article, contact CCAO Staffer Brad Cole at bcole@ccao.org

- Counties could levy a \$5 permissive license tax in any year for the following registration year
- Any municipality or township could levy a \$5 permissive license tax for the following registration year
- Any county for a period of 4 years would have exclusive authority to levy a \$5 license tax with the proceeds split 50% to the municipality or urban township for municipal/urban township registrations and 50% to the county, and 30% to the township and 70% to the county for township registrations.
- After 4 years any county may enact the license tax in any jurisdiction that has not enacted the tax.

Statehouse Etcetera



CCAO REGIONAL LEGISLATIVE BRIEFINGS – The schedule and locations for these events can be viewed on the front page of the [CCAO website](#) – Details about the event were sent two weeks ago in an email. Please consider attending, invite your key staff and department heads, and also invite your other county elected officials to attend. **RSVP ASAP** to Amanda Jones at ajones@ccao.org or 614-220-7985.

Mark your calendar now for the annual **Ohio Council of County Officials Legislative Reception**. The event has been scheduled for TUESDAY, APRIL 21, 5:00 PM to 7:00 PM in the STATEHOUSE ATRIUM. Also, we encourage you to call your legislators, tell them you are coming, and ask them to put the event on their calendars.

CCAO Legislative Program for the 131st General Assembly is now on the front page of the CCAO web site. Refer to it often - and especially before you are contacting your legislators about any issue. During your conversation we urge you to bring up an issue or two that are extremely important to you and your county's residents. The **CCAO's 6 Key Priorities** can be found on pages 2 and 3.

Indigent defense funding – Budget Priority - The governor's proposed budget provided no increase for indigent defense. Reimbursement stays at 40 percent and the General Revenue Fund appropriation remains at \$9.6 million per year. Increasing the proposed appropriation by an additional \$12 million each year will take reimbursement to 50%. **Contact your legislators now and ask them to increase the Office of the Public Defender's line item GRF 019501 "County Reimbursement" by at least \$12 million** to restore the State's initial commitment to county reimbursement in ORC 120.18 and reestablish an equal partnership in funding indigent defense.

Bills Introduced



- SB 57** **LOCAL ROADS** ([Eklund, J.](#)) To authorize counties to adopt resolutions regulating motor vehicle traffic on county and township roads. Am. 305.50
- SB 58** **SEWAGE SYSTEMS** ([Peterson, B.](#)) To authorize a property owner whose property is served by a household sewage treatment system to elect not to connect to a private sewerage system, a county sewer, or a regional sewerage system under specified conditions. Am. 317.08, 6112.01, 6112.03, and 6117.51 and to enact sections 6112.06, 6117.52, and 6119.60
- SB 63** **ONLINE VOTER REGISTRATION** ([LaRose, F.](#)) To create an online voter registration system. Am. 3503.14 and to enact section 3503.20
- HB 72** **PORT AUTHORITIES** ([Conditt, M.](#)) To authorize port authorities to create energy special improvement districts for the purpose of developing and implementing plans for special energy improvement projects and to alter the law governing such districts that are governed by a nonprofit corporation. Am. 1710.01, 1710.02, 1710.021, 1710.03, 1710.04, 1710.05, 1710.06, 1710.061, 1710.07, 1710.11, 1710.12, 1710.13, 4582.06, and 4582.31; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 1710.061 (1710.40); and to enact sections 1710.20, 1710.21, 1710.22, 1710.23, 1710.24, 1710.25, 1710.26, 1710.27, 1710.28, 1710.29, 1710.30, 1710.31, 1710.32, 1710.33, 1710.34, 1710.35, 1710.36, and 1710.37
- HB 76** **PUBLIC RECORDS** ([Patmon, B.](#)) To include in the definition of public record records kept by a police department established by a qualified nonprofit corporation or a campus police department established by a private college or university. Am. 149.011 and 149.43

Hearing Schedule



Monday, February 23

House Finance & Appropriations ([Committee Record](#)), (Chr. [Smith, R.](#), 466-1366), Rm. 313, 3:00 pm
HB 53 **TRANSPORTATION BUDGET** ([Grossman, C.](#)) To make appropriations for programs related to

transportation and public safety for the biennium beginning July 1, 2015, and ending June 30, 2017, and to provide authorization and conditions for the operation of those programs. --4th Hearing- Possible substitute

Tuesday, February 24

State of the State - House Session, Senate Session, (Chr. [Rosenberger, C.](#), 466-3357; Chr. [Faber, K.](#), 466-4900), Roberts Centre, 123 Gano Rd., Wilmington, 7:00 pm

- Joint session to hear the governor's State of the State address

Wednesday, February 25

House Finance & Appropriations ([Committee Record](#)), (Chr. [Smith, R.](#), 466-1366), Rm. 313, 9:00 am

[HB 53](#)

TRANSPORTATION BUDGET ([Grossman, C.](#)) To make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2015, and ending June 30, 2017, and to provide authorization and conditions for the operation of those programs. --5th Hearing- All testimony

House Health & Aging ([Committee Record](#)), (Chr. [Gonzales, A.](#), 466-4847), Rm. 116, 9:30 am

[HB 4](#)

OVERDOSE DRUGS ([Sprague, R.](#), [Rezabek, J.](#)) Regarding authority to furnish or dispense naloxone to a person who may be at risk of an opioid overdose or a person who may be in a position to assist a person who is at risk. --3rd Hearing-All testimony-Possible amendments & vote

House Energy & Natural Resources ([Committee Record](#)), (Chr. [Landis, A.](#), 466-8035), Rm. 017, 10:00 am

[HB 8](#)

OIL & GAS LAW ([Hagan, C.](#), [Ginter, T.](#)) To revise provisions in the Oil and Gas Law governing unit operation, including requiring unit operation of land for which the Department of Transportation owns the mineral rights, and to specify that the discounted cash flow formula used to value certain producing oil and gas reserves for property tax purposes is the only method for valuing all oil and gas reserves. --2nd Hearnig-All testimony

Senate Transportation, Commerce & Labor ([Committee Record](#)), (Chr. [Manning, G.](#), 644-7613), North Hearing Rm., 10:15 am

- Agency testimony on transportation and public safety budget (HB53)

[SB 5](#)

POST-TRAUMATIC STRESS ([Patton, T.](#), [Brown, E.](#)) To make peace officers, firefighters, and emergency medical workers diagnosed with post-traumatic stress disorder arising from employment without an accompanying physical injury eligible for compensation and benefits under Ohio's Workers' Compensation Law. --2nd Hearing-All testimony-Possible vote

House Session, (Chr. [Rosenberger, C.](#), 466-3357), House Chamber, 1:30 pm

House State Government ([Committee Record](#)), (Chr. [Maag, R.](#), 644-6023), Rm. 018, 3:00 pm

[HB 46](#)

GOVERNMENT SPENDING ([Dovilla, M.](#), [Dever, J.](#)) To require the Treasurer of State to establish the Ohio State Government Expenditure database. --1st Hearing-Sponsor

Thursday, February 26

House Finance: Health & Human Services Sub. ([Committee Record](#)), (Chr. [Sprague, R.](#), 466-3819), Rm. 313, 9:00 am

- Budget testimony from Department of Medicaid, Office of Health Transformation and Joint Medicaid Oversight Committee

House Finance & Appropriations ([Committee Record](#)), (Chr. [Smith, R.](#), 466-1366), Rm. 313, 9:00 am)

[HB 53](#)

TRANSPORTATION BUDGET ([Grossman, C.](#)) To make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2015, and ending June 30, 2017, and to provide authorization and conditions for the operation of those programs. --6th Hearing- Possible amendments & vote