County Commissioners Association of Ohio

2022 Candidates Briefing Guide

Stronger Counties. Stronger Ohio.

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1. Executive Summary

Over the past decade, counties have endured unprecedented challenges and achieved significant successes. Likewise, the partnership between the state and its 88 counties has experienced its share of setbacks and advances. The one constant throughout this era has been the importance of a strong state-county partnership in building strong counties for a stronger Ohio. As go Ohio's counties, so goes the state at-large.

Counties have certainly seen their fair share of challenges over the past decade. Just as counties were emerging from the depths of the Great Recession, state reductions in the Local Government Fund followed by the loss of the Medicaid MCO sales tax resulted in annual revenue reductions of \$300 million per year. The combination of these losses, paired alongside increasing cost pressures, resulted in delayed capital projects, furloughed staff and cuts to key county services.

In more recent years, the narrative has begun to change. Working together with the DeWine-Husted Administration and the General Assembly, counties have witnessed a welcome revitalization of the state-county partnership. Recent successes include historic levels of state funding for indigent defense reimbursement, renewed state support for county jail construction, investments in local water and sewer projects, funding for brownfield cleanup and demolition grants, broadband expansion, a special grant program for Appalachia, modernized transportation funding and much more. These developments mark a desperately needed and much appreciated strengthening of the state-county partnership.

That brings us to today. The state has an opportunity to continue and expand upon the successes of recent years. Ohio cannot afford to return to the days where counties' resources were reduced during a period of increasing challenges. It is up to state policymakers to ensure that the state-county partnership remains steadfast and vibrant — not just for the benefit of county government, but for all Ohioans.

To achieve that goal CCAO recommends the following legislative priorities to further strengthen the state-county partnership:

Key Priorities:

1. Fully fund indigent defense reimbursement and consider updates to system delivery

The administration and General Assembly made historic investments into indigent defense reimbursement in recent years. This support should continue to ensure this state-mandated service is fully funded. Counties are also interested in exploring ways to update the system delivery model.

2. Implementing and funding Next Generation 9-1-1

Next Generation 9-1-1 service is fundamental to enhancing public safety and emergency response. Modernizing Ohio's 9-1-1 fee structure through the Next Generation 9-1-1 access fee will allow for the state and local buildout of this important service.

3. Funding for county jails

County jails are aging and ill-equipped to serve Ohio's rapidly-changing jail population. In recent years, the state reinstituted a state-county partnership to provide funding for these badly-needed projects. That support must continue to ensure county jails can address the mental health and substance abuse needs of their jail population.

4. Protecting Ohio's children

Counties are responsible for the critical and challenging work of protecting Ohio's youngest residents. Increased state investments has aided counties in this work and it is crucial that this partnership continue to strengthen.

5. Preserve county revenue streams

Strong, stable revenue sources allow counties to fund important services and fulfill state mandates. Key county revenue streams like the sales tax must be protected from further erosion.

Additional policy priorities to promote economic development, infrastructure and workforce solutions:

Continue support for broadband expansion

The administration and General Assembly made significant investments into broadband expansion during the 134th General Assembly. These investments should continue through an all-of-the-above strategy open to all broadband providers and local governments.

• Investing in local water and sewer

Constructing and maintaining county water and sewer infrastructure is an increasingly expensive challenge, but it is critical for residential and business development. Increased state investment in recent years has aided counties in this area. Counties support a continuation of that partnership.

Brownfield cleanup and demolition funding

Remediating hazardous sites and demolishing abandoned facilities is a key component for economic redevelopment. New state funding for these initiatives has assisted local redevelopment efforts, and counties support continued investment in these areas.

Workforce development

Matching a skilled workforce with a thriving business community is key to county economic success. With many employers seeking workers today, a strong yet nimble partnership between the state and counties is critical to maximizing opportunities for workers and employers alike.

Policy proposals to realign and streamline county government:

Virtual public meeting authority

Allow counties and regional entities to permanently utilize modern virtual meeting technology to more efficiently conduct the public's business while promoting citizen engagement.

County boards of elections

Counties have little authority to control federal and state election mandates which increase election administration costs. The state should fully fund election administration.

Modernizing county purchasing statutes

In light of ongoing inflationary pressures, updates to county procurement laws are needed to improve counties' efficiency in acquiring goods and services.

County budgetary controls

Provide commissioners with additional budgetary tools to better manage growing costs and limited resources.

Veterans service commissions

Commissioners needs greater flexibility and oversight over county Veterans Service Commission operations and funding.

Repealing outdated health mandates

Counties should be relieved from outdated or misplaced state health mandates.

2. Who We Are

The County Commissioners Association of Ohio (CCAO) advances effective county government for Ohio through legislative advocacy, education and training, technical assistance and research, quality enterprise service programs and fostering greater citizen awareness and understanding of county government. CCAO seeks to formulate and promote public policies that strengthen county government, which ultimately enhances the quality of life for the residents of Ohio's 88 counties.

The services provided by county government represent some of the most direct interactions many Ohioans have with any level of government. From providing public safety to administering elections and protecting Ohio's children, it is county government that provides many of these direct services. Ohio's counties serve as branch administrative agencies of the state, with the state assigning counties with these specific responsibilities while offering limited local authority.

2.1. The role of county commissioners, executives and council members

The Office of County Commissioner is one of diverse responsibilities. County commissioners are called upon to address a multitude of issues on a daily basis. Thus, commissioners have to master a multitude of skills to tackle the many diverse challenges they encounter while in office. To serve as a county commissioner requires one to wear many hats.

Consider the many different roles that commissioners take on. Commissioners play a role similar to that of corporate CEO by virtue of their responsibilities for local economic development, tax abatement, budgeting and land use planning. Commissioners are seen as education planners given their increasing involvement in local workforce development and job readiness programs. Commissioners take on the role of environmental technician given their statutory obligations for controlling water pollution and solid waste disposal. County commissioners might at times resemble human services leaders thanks to welfare reform and the massive responsibility it places on counties to educate, train and find jobs for unemployed residents.

Simply put, county commissioners must master many skills – often all at the same time, each day and many evenings, 52 weeks a year.

It also should be noted that the statutory county commissioner model is not the only form of county government in Ohio. Two of Ohio's counties, Summit and Cuyahoga, utilize a charter form of county government which features a county executive and county council. While the structure is different, the work of charter counties closely resembles that of traditional statutory counties.

For further information on the role of county commissioners, the history and different forms of county government as well as information on other county elected officials and appointed authorities, please visit: https://ccao.org/wp-content/uploads/History.pdf.

3. Challenges of the past: Loss of key local revenue sources

The state-county partnership has endured a number challenges in past years, many of which were brought on by policy changes outside of counties' control. Two significant challenges in particular, the reduction in Local Government Funds and the loss of Medicaid Managed Care Organization sales tax, produced dramatic annual revenue losses for counties. These losses, totaling over \$300 million per year and on top of previous losses incurred due to changes to Ohio's tangible personal property tax, led to painful reductions in county services at a time when demand for county services was dramatically increasing.

3.1. Local Government Fund reductions

The state began distributing general revenue to local governments in the 1930s when the sales tax began. Property tax revenue had collapsed because of the Great Depression, and it was obvious that both the state and local government needed an additional revenue source. Since that time, the Local Government Fund (LGF) has received a designated share of state General Revenue Fund (GRF) taxes.¹ Amounts are distributed to counties largely based on population. This amount is referred to as the "undivided" county LGF. Counties pass on a majority of these revenues to townships and municipalities, using either a statutory formula or a distribution procedure devised at the local level. In the aggregate, counties retain about 36% of LGF distribution, but there is a wide variation in local formulas.

When the State of Ohio entered difficult fiscal times in the 21st century, the partnership that had existed for the previous 65 years began to erode as the legislature cut or froze Local Government Fund distributions repeatedly in efforts to balance the budget. In 2000, the LGF and a related fund received a statutory share of 4.8 percent of revenue from the personal income tax, corporate franchise tax, public utility excise tax and sales and use taxes.² Over the next 20 years, the LGF experienced four major policy changes:

- From July 2001 to January 2008, the LGF was frozen at a set annual amount, resulting in a \$644 million cumulative loss to all counties, townships and municipalities;
- LGF was put back on a percentage of tax receipts formula (3.68 percent of state GRF taxes) from 2008 to July 2011;
- State FY 2012-2013 budget legislation reduced the LGF by roughly 50 percent over a two-year period using a new formula;
- LGF returned to a percentage of state GRF taxes formula (1.66 percent) in August

¹In 2008, the Local Government Revenue Assistance Fund (LGRAF) was consolidated into the Local Government Fund, and a revised formula was created based on a share of total GRF taxes. Historically, small share of the LGF has been distributed directly to municipalities.

²The LGF received 4.2 percent of these five taxes and the LGRAF received a 0.6 percent share.

2013, which was temporarily raised to 1.68% during FY 2020-2021, and returned to 1.66% in the current budget.

In 2020, the "undivided" LGF distribution amount of \$377 million was just over half of the 2008 level (\$699 million). In 2008, counties retained \$270 million of the LGF funds after distribution to townships and municipalities in the county. In 2020, counties retained \$137 million.

If the LGF had been restored to its former 3.68% share of state GRF taxes in 2021, counties would have retained an additional \$190 million in 2021.³ Ohio should restore its partnership with counties and raise the LGF to its previous statutory level of 3.68 percent of the GRF taxes.

3.2. Loss of Medicaid MCO sales tax

In addition to cuts in the Local Government Fund, counties endured a significant reduction in sales tax collections due to the loss of the Medicaid Managed Care Organization (MCO) sales tax. For seven years (2010-2017), the sales tax base included payments made to Medicaid MCOs. The main purpose of this framework was to provide a state match for federal Medicaid grants, but county sales taxes also applied based on the number of individuals enrolled in managed care in each county.

The Medicaid MCO tax played a major role in providing revenue to counties as the economy climbed out of the Great Recession of 2008-2009. By 2016 counties received \$166 million from this tax, almost 8 percent of total county sales tax revenue. In 2017, the federal government forced the state to eliminate the tax, and counties received one-time transition payments from the state but no long-term replacement. The new Medicaid fee structure fully replaced the state's sales tax revenue losses but provides no benefit to counties.

³Estimates assume that county governments would retain about 36 percent of the LGF after it is distributed with other local governments.

4. Where counties stand today: A stabilized but uncertain landscape

Following the loss of LGF and MCO sales tax funds, counties were forced to meet growing demand for county services with severely limited revenue streams. Fortunately, increased state investments in recent years for certain state-mandated services has helped to backfill a portion of these losses. However, uncertainty regarding global events and economic factors continue to inject uncertainty into county revenue streams today.

Over the past two-plus years, counties have had to navigate the constantly changing landscape of COVID-19 and its impact on county finances. At the start of 2020, county revenues encountered a strong fiscal headwind with the onset of the COVID-19 pandemic. Decreased economic activity brought on by temporary business closures, elevated unemployment and reduced consumer spending translated directly to the weakening of multiple county revenue streams during the first several months of the year. An infusion of federal resources from the federal Coronavirus Aid, Relief, and Economic Assistance Act (CARES Act) aided in the initial county response to COVID-19, allowing counties to fund key services dedicated to mitigating the spread of the virus.

In 2021, county sales tax revenues recovered along with the economy. Counties also received federal funding through the American Rescue Plan Act (ARPA). Counties are looking for ways to use these one-time funds to make lasting, meaningful investments in infrastructure and other projects that benefit their communities for many years.

As we go through 2022, the durability of Ohio's economic recovery and its impact on county finances remains uncertain. For the moment, county finances are stable, but this may not last. During the pandemic, consumer spending shifted toward tangible goods, which tend to be subject to the sales tax, and away from other services that are generally not taxable. This reversed a long-term trend, but the effects are likely to be temporary as the economy reopens.

Other negative macro-economic trends are also coming into view. Federal policy, which was supportive of consumer spending in 2020–2021, may act as a restraint in the next few years as the US Federal Reserve increases interest rates. Moreover, unpredictable international events may continue to impact supply chains. Counties seek to work with the state to maintain stable and predictable sources of revenue.

5. Looking to the future: Key policy priorities to strengthen counties

Today, counties are eager to tackle the priority challenges facing their residents. A strong partnership with the state will be critical to the success of many of these endeavors. Fortunately, the state has shown a renewed commitment to advancing a number of priorities central to a strong state-county partnership. That momentum will need to continue throughout the 135th General Assembly to further build upon these successes.

CCAO recommends the following policy proposals to state lawmakers to continue advancing county government and to benefit Ohioans:

5.1. Fully fund indigent defense reimbursement and explore system delivery modernization

In the landmark United State Supreme Court ruling in *Gideon v. Wainwright*, the Court held, "The fundamental right to counsel is made obligatory upon the states by the fourteenth amendment."

Indigent defense is a state responsibility, and the continued assumption of full financial responsibility for indigent defense is a critical component of a strong state-county partnership.

For many years, Ohio opted to require that counties cover 50 percent of the costs they incurred for providing indigent defense counsel services. Beginning in 1979 and up until recent years, counties had been carrying more than their 50 percent share of the burden. The state reimbursement rate for indigent defense bottomed out in FY 2009 at a record low of 26.1 percent. Low reimbursement levels driven by limited state funding forced counties to absorb upwards of \$70 million of unreimbursed indigent defense expenses per year leading up to FY 2020.

Counties recognize and deeply appreciate the significant investments made into indigent defense reimbursement in recent years. New state GRF investments in the FY 2020-2021 budget raised reimbursement rates to approximately 75 percent, and a reimbursement rate of 90 percent would have been achieved in FY 2021 were it not for COVID-19-related budget reductions. Governor DeWine and the General Assembly further expanded on these investments in the FY 2022-2023 budget, appropriating sufficient funds to achieve an estimated 100 percent reimbursement in FY 2022.

Entering into FY 2023, widespread funding pressures to modernize appointed counsel rates and county public defender salaries, as well as to improve office facilities, are increasing county expenditures for indigent defense service. Difficulty attracting and retaining legal talent to accept indigent defense cases is a significant challenge for many counties. Many counties have adjusted compensation rates for indigent defense work in recent years to address this shortage. Reflecting this reality, the State Public

Defender's Office estimates a reimbursement rate of approximately 90 percent in FY 2023.

CCAO deeply appreciates the strong support provided by the administration and General Assembly in funding this state mandated service. CCAO respectfully requests that the General Assembly continue the successes of the FY 2022-2023 budget and fully fund the cost of the indigent defense system in the upcoming state budget bill.

Counties are also eager to explore strategies with lawmakers to update the indigent defense system delivery model. Increased state reimbursement in recent years has the state funding nearly all, if not the entirety, of the indigent defense system. However, the administration of indigent defense remains a county responsibility. A number of counties are willing to explore transferring administrative responsibility of the indigent defense system to the state and its corresponding funding responsibility, considering that the state now largely funds this service.

Indigent Defense System Costs, FY 2019 - FY 2022					
	FY 2019	FY 2020	FY 2021	FY 2022	
	(actual)	(actual)	(actual)	(estimate)	
State GRF Expenditures	\$33,642,784	\$87,422,757	\$86,560,141	\$140,599,510	
IDSF* Expenditures	\$29,720,857	\$29,372,000	\$24,752,229	\$25,896,000	
Total State Expenditures	\$63,363,641	\$116,794,757	\$111,312,370	\$166,495,510	
Total System Cost	\$150,844,217	\$156,144,975	\$148,253,469	\$166,495,510	
Reimbursement Rate	42.0%	74.8%	75.1%	100%	
Cost Borne by Counties	\$87,480,576	\$39,350,218	\$36,941,099	\$0	
*The Indigent Defense Support Fund (IDSF) is comprised of non-general fund receipts derived from surcharges on various fines and drivers' license reinstatement fees					

Source: Office of the Ohio Public Defender

5.2. Implementing and funding Next Generation 9-1-1

Operating a responsive, modernized 9-1-1 service is a crucial matter of public safety. Ohioans experiencing emergencies should be able to make calls to 9-1-1 from any device, from any location, at any time and receive a prompt response with the call taker able to see the location from which they are calling. However, the core of Ohio's 9-1-1 system currently uses the same call delivery technology that was in place when 9-1-1 was first introduced in 1987. With the rise of smartphone technology, our technological potential to enhance emergency response has increased, but only if the necessary investments at the state and local level are made.

Ohio must move to the Next Generation 9-1-1 (NG 9-1-1) system to provide the modernized emergency response system that Ohioans expect. Under the NG 9-1-1 system, all Ohioans would have access to voice and integrated text-to-9-1-1 operability as well as image and video sharing capability. The NG 9-1-1 system would allow for accurate location data for any caller, easier transfer of calls between local jurisdictions, more robust system reliability with options for disaster recovery and a diminished chance that any 9-1-1 call would ever go unanswered. In emergency situations where every second counts and where critical information needs to be conveyed quickly, NG 9-1-1 technology holds tremendous potential.

To implement NG 9-1-1, there must be investments on two fronts. First, the state must invest in the NG 9-1-1 Core Services System, consisting of computer servers and software to process 9-1-1 call information. Secondly, many local public safety answering points (PSAP) will require upgrades to integrate with the new state core system via the Emergency Services IP Network, a high-speed computer network.

Integral to funding the state and local technology upgrades needed for the NG 9-1-1 system is the establishment of a NG 9-1-1 Universal Access Fee. The Emergency Services Internet Protocol Network Steering Committee, a bipartisan body including state and local government officials, has recommended a Universal Access Fee of 70 cents per month, applied to all devices capable of calling 9-1-1, including wireless, landline and VOIP users. The proceeds of this fee would be used to fund the necessary technology upgrades for both the state core services system and for local PSAP upgrades.

Much of the legislative framework for implementing the NG 9-1-1 system as well as the Universal Access Fee is contained in Sub. House Bill 445 of the 134th General Assembly. CCAO strongly supports this legislation.

5.3. Continued support for county jails

Recent changes to the Ohio Revised Code, coupled with a shift in judicial sentencing, have resulted in more justice-involved individuals being managed at the county level. In order to effectively manage this population and promote public safety, counties need a variety of tools. The county jail is arguably the most important tool a county has for public safety, and they are by in large in a state of disrepair. To illustrate this point, nearly half of Ohio's full-service jails are out of compliance with a minimum safety standard by the Ohio Department of Rehabilitation and Correction.

Therefore, continued state support for county jail construction, expansion and renovation is a critical policy priority for counties. Aging county jails are called upon to meet challenges they were not constructed to address. Growing jail populations are straining outdated and undersized facilities. Increases in female prisoner populations, combined with an increasing percentage of inmates with mental health and addiction needs are challenging existing jail facilities in unprecedented ways. County jails require updates to meet these needs.

Beginning in the mid-1980 and up until the early 2000s, the state provided an average annual appropriation of nearly \$16 million for county jail construction. These funds were

critical in constructing jail facilities and maintaining existing jail infrastructure. Once state support ceased beginning in 2004, counties were largely on their own to build and maintain these facilities. Counties were increasingly unable to make the necessary investments into their jails to meet the growing and changing needs of the criminal justice system. The lack of state investment over the years is increasingly apparent today, with numerous jail facilities in need of new construction, expansion or significant repairs.

Fortunately, recent years have brought much desperately-needed assistance. As part of the FY 2021-2022 state capital appropriations bill contained in Senate Bill 310 (133rd General Assembly), the governor and General Assembly made \$50 million available to counties for competitive jail grants – the first dedicated pot of jail funding in 17 years. These funds were awarded to six badly-needed jail construction and expansion projects across the state. Lawmakers recently continued their support of county jails as part of the FY 2023-2024 capital budget, providing an additional \$50 million for county jail construction and expansion.

CCAO deeply appreciates the support of the DeWine Administration and General Assembly for resuming this critical partnership. It is important that this support continue in the 135th General Assembly. CCAO and the Buckeye State Sheriffs Association identified in a 2019 survey over \$1.3 billion in requested jail construction, renovation and maintenance projects across the state. With inflationary pressures pushing construction costs significantly upward, the total resources needed to address these projects has likely only increased. More details from this survey can be found in Appendix A.

5.4. Protecting Ohio's children

County public children service agencies administer child welfare in all 88 of Ohio's counties. The child protection system faces many challenges: the placement crisis, the need for a strengthened continuum of care, and workforce shortages. The system has grown to serve more children in the last decade as a result of the opiate epidemic and more children entering care primarily due to behavioral health needs, developmental disability needs and as a diversion from juvenile corrections rather than abuse or neglect.

The children in care today remain in the system longer and have more complicated needs, resulting in higher placement costs. The cost of care continues to increase across all placement settings. Many new and planned policies and initiatives contribute to these rising costs including Qualified Residential Treatment Program requirements and the subsequent residential care shift and the implementation of the Kinship Guardianship Assistance Program. Federal and state programs such as the Family First Prevention Services Act and OhioRISE provide for transformational change that will, over time, help reduce the number of children entering foster care. The implementation of these programs necessitates capacity-building funds and continued expansion of provider networks for the programs to have the greatest impact.

To adequately respond to the needs of the children entering care, more foster families

need to be recruited and additional support must be given to both foster and kinship families. The state should also work across cabinet agencies to create short-term children's crisis stabilization options.

The overall system is experiencing a serious workforce shortage that places a crucial system in even greater peril. County caseworkers witness the destruction of families and traumatic situations for children, leading to a high level of trauma in their own work experience. Our child protection workforce must be reinforced by keeping caseloads down and making sure supervisors have the training and supports they need to retain qualified workers. Innovative programs such as tuition reimbursement or loan repayment could provide support and incentivize caseworkers to remain with a county agency. Additionally, mobile crisis units should be available across the state to assist counties with severe staffing shortages or critical situations. If a long-term solution is not found that can address the strains on this system, a generation of children will be living with the aftermath.

The governor and the General Assembly have recognized the need for resources in Ohio's child protection system. In the last two state operating budgets, the state increased its investment in the State Child Protection Allocation (SCPA) by an additional \$60 million per year, bringing the total investment in the SCPA to \$120 million per year. This recent investment in the child protection system has renewed the partnership between the state and the counties in this key area.

Counties still fund the largest share of the expenses in the child welfare system with county general fund dollars and dedicated levies (53 of the 88 counties have children services levies). The state must help its county partners overcome these challenges through increased investments in children services workforce, the State Child Protection Allocation, and the continuum of care.

5.5. Preserving county revenue sources

5.5.1. Protecting the sales tax base

The sales tax is often considered the lifeblood of county government. Sales tax collections generate over half of the general fund revenues for a typical county, by far the largest single revenue source. The strength and fiscal health of a county is often closely tied to the performance of the sales tax.

Although counties can control the sales and use tax rate, they do not control the "base" of the tax; in other words, the goods and services to which the tax applies. Changing technology, economic trends and policy decisions combine to create fluctuations in the sales tax base and result in revenue shifts that are beyond counties' control. Federal treatment of out-of-state internet sales is a key example of changing technology, business practice, and federal tax policy.

In 2018, the U.S. Supreme Court in *South Dakota v. Wayfair* overturned the existing physical presence rule, allowing states and local governments to more easily collect sales tax from out-of-state vendors. Ohio took advantage of this ruling and imple-

mented a remote vendor collection requirement in 2019. This policy change, on the eve of the COVID-19 pandemic, likely played a major role in bolstering sales tax revenue in 2020 as consumers accelerated online purchases.

Despite this helpful policy change, the sales tax faces long-term challenges. When the state sales tax was created in the 1930s, it applied to the sale of tangible goods and not to services. As the modern economy shifts toward the consumption of services, the sales tax has lagged behind. Although Ohio has added some services to its tax base, such as dry cleaning and landscaping, many growing sectors of the economy remain untaxed, such as professional services and health care.

Economic and demographic trends will continue to shrink the sales tax base in the long run, placing many counties in a difficult position. As of May 2022, 52 counties utilized the maximum 1.5 percent sales tax rate, up from 38 in 2007. Many of these maxed-out counties are in the Appalachian region of the state; 25 of Ohio's 32 Appalachian counties no longer have the flexibility to increase the sales tax to raise funds for programs.

Medical services, which are largely tax-exempt, will consume a growing share of consumption expenditures as the state's population ages. As part of a continuing effort to provide stable revenues to counties, enhance county fiscal security and generate revenue in a fair and equitable manner from all segments of our evolving economy, CCAO supports the broadening of the state's sales and use tax base to include additional services.

Unfortunately, the General Assembly frequently carves out new exemptions from the sales tax. The Ohio Department of Taxation's Tax Expenditure Report officially recognized 62 distinct sales tax exemptions at the start of 2021 budget process. House Bill 110 then added new exemptions for employment services and sales of investment bullion and coins that will combine to cost counties and transit agencies approximately \$40 million per year.

Although some exemptions serve legitimate purposes, such as avoiding "tax pyramiding" in the manufacturing production process, aiding charitable organizations or incentivizing certain industries, narrowly drawn carve-outs do little but aid one specific company or interest group. However well-intentioned each of these decisions may be, they erode the sales tax base and have questionable economic value for the state as a whole. Collectively, sales tax exemptions and special carve-outs are expected to cost the State of Ohio over \$6 billion per year in the current biennium and will cost counties approximately \$1.5 billion. CCAO strongly opposes efforts to further narrow the tax base and supports closing some existing exemptions in order to raise revenue.

5.5.2. LLC loophole challenges property tax system

It has become common in real estate transactions, including residential sales, to characterize the sale as a transfer of ownership shares in a limited liability company or other pass-through entity. In this way, the parties avoid recording a new deed with the county auditor and paying the conveyance fee (also known as the real property transfer tax). This practice reduces county revenue and undermines the ability of the county auditor to fairly value the property. Over time, as real estate transactions are removed from public scrutiny, it becomes increasingly difficult to maintain a complete list of comparable arms-length transactions that are necessary for the county auditor to establish proper valuations. As a result, property tax millage may be set at higher rates than are otherwise necessary and taxing districts must file more frequent challenges of LLC-owned property.

CCAO supports legislation that will ensure transparency when a controlling interest is transferred in an LLC that owns real estate. Legislation should create and enforce a method to fairly value real estate in transactions that include many different types of assets so that the transfer tax can be levied in a fair and transparent manner.

6. Additional policy priorities to promote economic development, infrastructure and workforce solutions

An employer's decision to locate is often driven by the quality of life and services that a community offers its residents. Counties play an active role in creating environmental that attract employers and business growth. Public safety services, schools, parks and recreation activities are several of the visible attributes of a community's quality of life, but much of the public infrastructure under the surface is equally important.

Readily available and affordable broadband service; safe and sanitary water and sewer systems; development-ready sites; a job-ready workforce and thriving small businesses are all part of what it takes to support Ohio's job creation efforts. Here's how Ohio can partner with counties to foster job creation and economic growth:

6.1. Access to broadband

It is estimated that over 300,000 Ohio households — nearly 1 million Ohioans — lack access to high-speed internet. This prevents Ohioans from accessing job opportunities, electronic marketplaces, telehealth services, virtual learning opportunities and other critical services. Expanding broadband service to all Ohioans is a critical component to ensuring Ohio's future growth and competitiveness.

The DeWine Administration and the General Assembly have taken strides to help close Ohio's broadband gap and extend service to the unserved and underserved. The Ohio Residential Broadband Grant Program was established during the 134th General Assembly and was appropriated over \$250 million to fund broadband expansion grants. BroadbandOhio recently announced the first round of grant awards from this program, which are slated to fund expansion projects to 43,000 Ohio homes and have generated commitments to serve an additional 52,000 households.

Ohio must continue its efforts to expand broadband service. CCAO favors an all-ofthe-above strategy for broadband expansion. The state should support efforts by private providers, cooperatives, public-private partnerships, and community networks to expand affordable and reliable broadband service. The need for broadband service is so critical, Ohio cannot afford to exclude certain providers. This is a critical challenge that needs to be addressed with every available provider and resource.

6.2. Water and sewer funding

Ohio, like much of the country, is facing massive water and sewer infrastructure upgrades. The water crisis in Flint, Michigan, and the lead contamination tragedy in Sebring, Ohio, illustrated the challenges that our aging infrastructure is facing to adequately provide quality drinking water for both our citizens and businesses. The U.S. Environmental Protection Agency, in its water quality report to Congress, says that more than \$14.5 billion is needed to fully fund storm water and waste water projects in Ohio over the next 20 years. Over half of this cost is needed to prevent or control mixed storm water and untreated waste water from discharging into water systems – the second highest of all states. Drinking water projects require \$12.2 billion over 20 years, not including any potential replacement of lead supply lines.

Despite the immense needs in Ohio, over the past several decades federal infrastructure programs have emphasized loans instead of grants. This means that most projects are paid for by increasing rates on customers. Each year, Congress appropriates funds to state revolving loan programs for water and sewer projects. The federal subsidies are used to lower the interest to below market rates and to provide partial loan forgiveness to limited high need projects. In Ohio, these programs are administered by the Ohio Environmental Protection Agency as the Drinking Water State Revolving Fund and the Clean Water State Revolving Funds. The Bipartisan Infrastructure Law passed in November 2021 will provide increased capitalization for state revolving funds across the country.

Other state funding sources include the Ohio Water Development Authority (OWDA), which can provide market-rate loans. The Ohio Public Works Commission can also provide grants or loans to water and sewer projects. A limited number of federal grant programs are available, such as through the US Department of Agriculture Rural Development, Appalachian Regional Commission, and Community Development Block Grant (CDBG) program.

In 2021, the Ohio General Assembly appropriated \$250 million for a water and sewer infrastructure grant program administered by the Ohio Department of Development. The appropriation, which was made in HB 168, was from federal ARPA funds. The department received 1,200 applications for these funds, requesting \$1.4 billion in assistance, indicating the high level of need for water infrastructure grants. ODOD selected 183 projects for funding.

Many counties are planning to use their own ARPA funds for water and sewer projects. Given the scale of the needs, however, costs for construction and repair of Ohio's water and sewer infrastructure far exceed the financial capacity of counties and other local governments to incur these obligations. Together, the state and counties must find ways to address this challenge. CCAO requests that the state continue to provide a source of grant funding in addition to the OPWC, through ARPA funds or other means.

6.3. Brownfield remediation and site revitalization

The state-county partnership for economic development took two significant steps forward in the most recent state budget bill (HB 110) through the creation of new programs for brownfield remediation and site revitalization in the Department of Development. The Brownfield Remediation program awards grants to counties and other local governments for the cleanup of contaminated sites throughout Ohio. The program received \$350 million for the biennium. The legislative rules for the program reserved \$1 million for local governments until July 1, 2022. Amounts that are not reserved by that date are made available statewide on a first-come, first-serve basis if the applicant can provide a 25% financial match.

The Building and Site Revitalization program awards grants for the demolition of commercial and residential buildings and revitalization of surrounding properties on sites that are not brownfields. The overall program structure is similar to brownfields except that the county land bank will be the lead agency, if one exists. The program received an appropriation of \$150 million for the biennium. The department must reserve \$540,000 for each county, which will be placed in a statewide pool if not used by July 1.

The legislative authority for these programs is in permanent law. CCAO supports continued funding in future budgets in order to continue this important economic development work.

6.4. Workforce development

One of the biggest assets a community can offer employers is a qualified, job-ready workforce. County government in Ohio plays a critical role in local economic development initiatives and implementing human services programs aimed at helping residents obtain, maintain or improve their employment.

Tools that counties utilize in this task include the federal workforce program known as the Workforce Innovation and Opportunity Act (WIOA) and strong partnerships with the local workforce development boards and their OhioMeansJobs centers. Some counties also use dollars from the federal Temporary Assistance for Needy Families (TANF) block grant, delivered through the county JFS, to invest in the local workforce infrastructure.

Ohio should avoid a one-size-fits-all approach to workforce development policy. The success of the local workforce development area and county-level workforce development programs is dependent on the degree to which those programs are employer-led and employer-centric at the local level. Ohio's public workforce system is helping Ohio move forward by bringing local connections to 245 Ohio businesses. These 245 businesses are represented across Ohio's 20 Workforce Development Boards, with 28 Business Organizations and more than 40 labor representatives also serving on local workforce boards.

As Ohio develops workforce development success measures and programming, we urge a comprehensive look at best practices driving success at the local level. OhioMeansJobs centers and workforce development areas must continue to have the flexibility to partner with different counties and areas who fall outside arbitrary, bureaucratic boundaries and instead work across systems to meet both local and regional needs.

The pandemic drastically affected workers and businesses across Ohio and exacerbated labor shortage trends that started before 2020. Medium and small businesses continue to need support in hiring and training new workers or upskilling returning workers. Likewise, jobseekers who were displaced require job skills training before new employment. The workforce system in Ohio would benefit from flexible funding to assist both businesses and supportive services for jobseekers.

7. Policy proposals to realign and streamline county government

A fresh look at how county and state government can reinvent the partnership between them is needed. As creatures of state statute, counties are assigned many responsibilities to complete on behalf of the state. Over time, the nature of these responsibilities changes and modernization and realignment are warranted. The following areas are all ripe for reform which would enhance county government efficiency and embrace modern practices.

7.1. Virtual public meetings

CCAO supports allowing counties and regional entities to conduct public meetings and hearings using virtual technology. Counties first gained virtual public meeting authority on a limited scale in 2014 for multi-county petition drainage meetings. The COVID-19 pandemic significantly expanded virtual meeting authority for all public bodies and has proven to be an efficient means to conduct public business while still promoting and ensuring public engagement in county government. Virtual public meetings allow counties to do more in the same amount of time, reducing unnecessary travel time and creating more efficient processes.

At a minimum, CCAO would support providing multi-county entities the ability to conduct virtual public meetings, similar to the manner already established in the Ohio Revised Code for multi-county petition drainage projects. CCAO also is open to allowing virtual public meetings for boards of commissioners during declared public emergencies, snow emergencies, or to allow for virtual participation by hospitalized commissioners.

7.2. Boards of elections

Counties have become alarmed by the dramatic growth in costs associated with conducting elections. Counties have little control over the election administration process but have a significant budgetary responsibility. The state should fully fund election administration expenses.

A significant election expense is an increase in public records requests when election boards are preparing for and conducting elections. There should be discussions about the growing demand for public records in boards of elections offices just prior to Election Day and ways to mitigate the growing strains and expenses while responding to the public in a timely manner.

CCAO also supports potential cost-saving measures such as appropriate reductions in polling locations and limits on the number of back-up paper ballots required with electronic voting equipment.

Over the past eight years, the state has shown a willingness to partner with counties

in the procurement of new voting machines and electronic pollbooks, two expensive election infrastructure costs for counties. As e-pollbooks age and fall out of compliance with state security directives, CCAO asks the state to maintain this partnership and provide funding for their replacement.

7.3. Modernize county purchasing statutes

With certain exceptions, a county must use competitive bidding to purchase any goods and services, including construction, that are expected to cost over \$50,000. The competitive bidding process can be time-consuming and expensive because of notice requirements and the time spent to prepare bid specifications. It also discourages communication between the bidder and the county. For these reasons, competitive bidding may not be suitable for smaller projects. The current \$50,000 threshold in state law has not been increased since 2012. In light of the current inflationary environment, the General Assembly should increase the cost threshold to \$100,000 and similarly raise the emergency exception threshold from \$100,000 to \$150,000.

Another outdated bidding rule affects construction projects specifically. Current law requires the county to reject construction bids with a cost greater than 10 percent of the architect's cost estimate. With rapid changes in the marketplace for key construction materials, many projects must be rebid, which can cause months of delay and further increased costs. The General Assembly should revise this law to allow counties to accept bids up to 20 percent over estimate if the contracting authority determines that the bids are otherwise reasonable and in line with market trends.

State law also hinders efficient county purchasing by limiting the goods and services that can be purchased with a credit card. Counties may only purchase specific items that are listed in the Revised Code, such as transportation-related expenses, webinars, and telecommunications. Children's service agencies may purchase emergency supplies for children removed from the home. Even before the COVID-19 pandemic, business practices were changing rapidly as many vendors switched to only accepting online payments. The COVID-19 pandemic accelerated this trend. It is vital that the General Assembly modernize the county credit card statute to allow the use of credit cards to purchase a wide array of services and goods that are needed for county operations. State law should continue to mandate that counties adopt a detailed policy governing the use of credit cards by county employees.

7.4. County budgetary controls

CCAO asks policymakers to provide boards of county commissioners with much needed budgetary tools to more efficiently manage taxpayer dollars and special funds, particularly in times of fiscal distress.

7.4.1. Special funds

Consistent with the authority of state government to divert money from certain special revenue funds to the state general revenue fund during periods of significant fiscal stress and to provide for the most efficient use of county resources, CCAO supports similar authority for county commissioners to divert money in special funds to the county general fund.

Such authority should be exercised in accordance with all of the following: (1) not apply to funds comprised of voted property tax levies for specific purposes or to the real estate assessment fund; (2) be done pursuant to a resolution of the board after public notice to other elected officials and the public, as well as after a public hearing; (3) assure that adequate monies remain in the special fund to meet any specific statutory mandate; and (4) be authorized through a resolution that applies only to the current fiscal year.

CCAO generally opposes the creation of special funds as they can inhibit the ability to set overall priorities. In regards to certain existing special funds, CCAO requests that a board of county commissioners be able to access certain revenues in special funds if a county is in fiscal distress and resources available to the commissioners are exhausted.

7.4.2. Limitations on salary appropriations for selected county entities

CCAO urges the General Assembly to limit the authority of the courts, the prosecutor, the board of elections and the veterans' service commission to require the commissioners to appropriate to their offices a total amount for salaries which exceeds the average of the annual aggregate percentage increase or decrease for salaries appropriated by the commissioners to the other county offices.

County commissioners generally possess the authority to limit the aggregate amount of funds to be used for salary purposes in the various county offices through the county appropriation process. This modification would not change the autonomy enjoyed by elected officials over the individual compensation of their employees but simply restrict spending to no more than the total appropriated by the commissioners.

7.4.3. Other fiscal considerations

One of the main functions of the board of county commissioners is to serve as the taxing authority of the county and exercise general control over county finance. The board levies taxes and special assessments, adopts the annual budget and makes appropriations. It also authorizes the borrowing of money and issues bonds. Practically, contracts to which the county is a party must be authorized and executed by it. Most purchases either require the approval of the board or are made by it directly.

It is a sound principle of finance that the control of expenditures should rest with the body responsible for raising the funds. The board of commissioners is the proper body to determine the relative need of the various agencies and activities and to keep the county budget in balance.

7.5. Veterans service commissions

CCAO supports initiatives to review the law and operation of county Veteran Service Commissions to be sure enhanced and coordinated services are available to our brave men and women of the armed services returning home. The mandate contained in ORC Section 5901.11 to fund the Veterans Service Commission at a level of up to fivetenths of a mill per dollar on the assessed value of the property of the county should be studied by the Department of Veteran Services in an effort to identify alternative funding options to replace current county funding.

The current mandate is for unvoted "inside millage." One option would be to allow voters to replace the current mandate with an outside millage property tax levy. Over time, voters could adjust the amount raised by the levy based on the needs of veterans in the county. This would ensure accountability to voters in the same manner as any other levy-funded service.

CCAO supports the enhanced ability for the boards of county commissioners to review and revise the budget of the Veterans Service Commission, especially as it pertains to the administrative and operational expenses of the Commission. As it relates to operational expenses, there is a special need to be sure that the Veterans Service Commission does not have the authority to provide for staff compensation increases that exceed the average increase provided to other appointing authorities through the appropriation process.

Additional checks and balances are needed to ensure that needy veterans are receiving essential financial assistance and other services in a cost efficient and responsible manner that fully utilizes other health, human service and employment programs. The Department of Veteran Services should provide funding for any training that is mandated by the department. To ensure stronger oversight of this statutorily dedicated county funding, boards of county commissioners should become the appointing authority for members of Veteran Service Commissions.

7.6. Repealing outdated health mandates

7.6.1. County assessments for state administered programs

The Department of Health currently has the authority to require counties to withhold inside millage in order to pay for programs run through the Ohio Department of Health's Bureau for Children with Medical Handicaps (BCMH). ODH Line item 440607, Medically Handicapped Children – County Assessments, supports the Children with Medical Handicaps Program and is to be used to pay for treatment services rendered on behalf of children not covered by federal funds or Medicaid. These assessments against counties are estimated to be \$24 million in state fiscal year 2023. This state administered public health program should be funded by state revenue sources.

7.6.2. Tuberculosis treatment costs

County commissioners have an antiquated statutory duty to pay for treatment and detention costs for those afflicted with tuberculosis (TB). In the past, the Ohio Department of Health has made funds available to counties for cases that completed treatment. Help from the state is appreciated; however, with an average of 163 active TB cases each year, the cost can range from several thousand to well over \$100,000 per case. Counties need relief from this outdated mandate, and the state should either fully fund this duty or put the responsibility in a more logical place.

7.6.3. County health department office space

Office space costs of general health districts should become operating costs of the district in the same way such costs are classified in combined health districts. In addition, the use of voted health levies to fund office space costs should be specifically authorized. It would provide an additional means to eliminate the unfunded mandate on the county general fund, since counties are not required to provide money for health departments' operating budgets.

8. Appendices

8.1. Appendix A: County Jail Needs Survey, 2019 EFFECTIVE JAIL MANAGEMENT IS AT RISK

The ability of the county jail to perform its mission within the criminal justice system is currently jeopardized by four key factors:

- Our county jail facilities are aging.
- Our jails serve the inappropriate role of "de facto" mental health and addiction facilities.
- Our jails are challenged by the increasing female inmate population.
- Demand for beds in our jails is outpacing current capacity.

These challenges to the county jail mission are compromising our ability to effectively manage and allocate sufficient resources to our jails.

Between 60 and 70 percent of our counties' general fund budgets are allocated to criminal justice. Operation of the jail alone is consuming between 25 and 35 percent of our general fund budgets.

Ohio's county jails by their nature are faced with continued costly updates and repairs to their structural, mechanical and operating systems in order to provide a safe and secure facility that is capable of addressing and managing the challenges of the inmate population.

Facility fatigue will require a substantial capital investment for jail construction, expansion and renovation. The age of county jail facilities suggests that there is a crisis on the horizon. The general lifespan of a jail is between 25 to 30 years, and approximately one-third of county jails within the state were opened prior to 1988. County jail facilities are reaching a point where costly updates and repairs to their structural, mechanical and operating systems are going to become a necessity.

The Bureau of Adult Detention is aware of serious operational issues being experience by some jails that could possibly be resolved through either a significant investment in their current facility or construction of a new facility. We understand that several jails are unable to currently meet the Ohio Minimum Jail Standards due to the limitations of their facilities.

Furthermore, in order to effectively address today's criminal justice population, facilities must adapt to new designs that are focused on housing and managing the mentally ill, those with substance abuse disorders and the increasing female population.

A state-county partnership providing state capital dollars to counties to assist them with construction, expansion, renovation and repair of their county jail facilities to meet these challenges is an important first step in helping our counties mitigate the risk confronting county jail management. In recent years, the state has renewed its jail funding partnership with Ohio's counties. Beginning in 2018, Hamilton, Warren, Fayette, Allen, and Tuscarawas counties received a total of \$4.25 million dollars through legislative earmarks in House Bill 529 of the 132nd General Assembly for jail renovation projects.

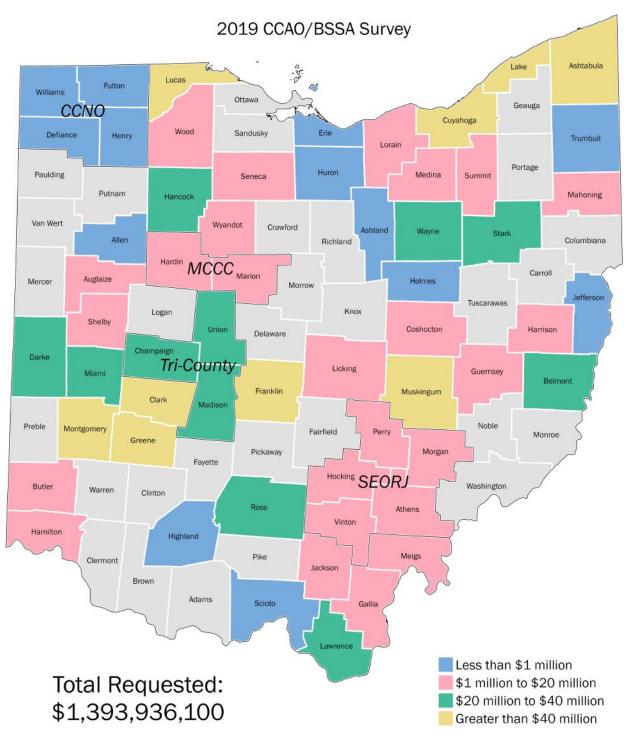
Additionally, \$50 million dollars was appropriated for county jail construction and/or renovation in SB 310 of the 133rd General Assembly. The Ohio Department of Rehabilitation and Correction (ODRC) was tasked with developing a grant process to award funding to counties under this legislation. ODRC ultimately awarded funding for jail projects in Coshocton, Gallia, Harrison, Lawrence, and Scioto Counties as well as funding to a regional jail in southeast Ohio.

Most recently, HB 687 from the 134th General Assembly appropriated an additional \$50 million for jail projects as well as a \$500,000 earmark for a project at the Butler County Correctional Complex. Ohio's counties are thankful for this renewed partnership and investment from the state of Ohio. The new jail projects will allow counties to adequately serve their jail populations, which will result in increased public safety for their communities.

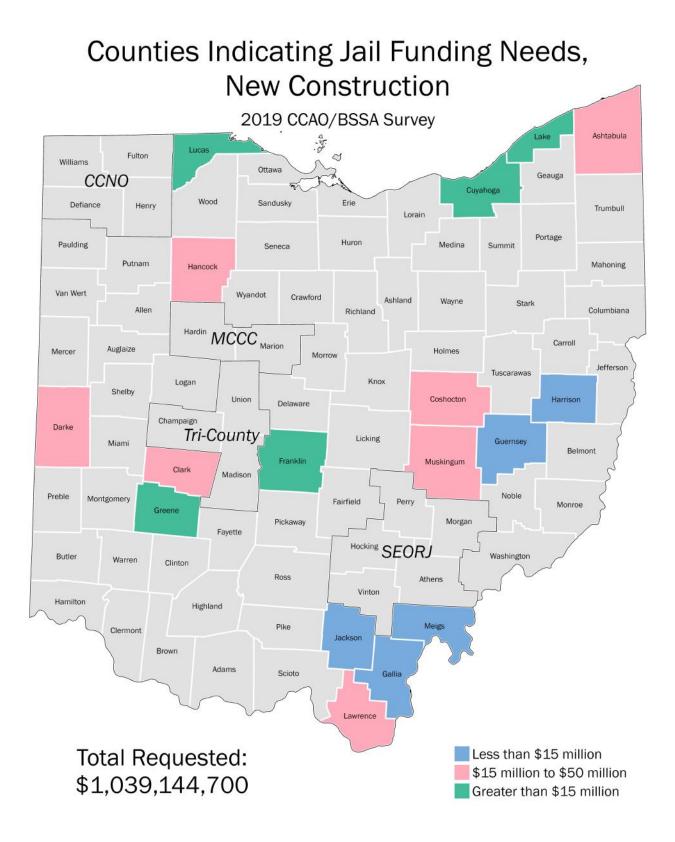
County Jail Needs, Estimated Costs CCAO-BSSA 2019 Survey					
County	New Build	Renovations or Expansions	Physical Plant Repair	Total Estimated	
Allen			\$712,300	\$712,300	
Ashland			\$600,000	\$600,000	
Ashtabula	\$43,730,000			\$43,730,000	
Auglaize		\$3,200,000		\$3,200,000	
Belmont		\$24,000,000		\$24,000,000	
Butler		\$10,000,000		\$10,000,000	
Clark	\$49,000,000			\$49,000,000	
Coshocton	\$15,735,940			\$15,735,940	
Cuyahoga	\$380,500,000	\$7,500,000		\$388,000,000	
Darke	\$20,000,000			\$20,000,000	
Erie			\$242,000	\$242,000	
Franklin	\$90,000,000			\$90,000,000	
Gallia	\$15,000,000			\$15,000,000	
Greene	\$70,000,000			\$70,000,000	
Guernsey	\$5,500,000			\$5,500,000	
Hamilton			\$7,800,000	\$7,800,000	
Hancock	\$21,375,000			\$21,375,000	
Harrison	\$10,100,000			\$10,100,000	
Highland		\$335,100		\$335,100	
Holmes		\$550,000		\$550,000	
Huron			\$782,000	\$782,000	
Jackson	\$8,700,000			\$8,700,000	
Jefferson			\$620,000	\$620,000	
Lake	\$94,160,300			\$94,160,300	
Lawrence	\$20,000,000			\$20,000,000	
Licking			\$2,912,000	\$2,912,000	
Lorain		\$3,000,000		\$3,000,000	
Lucas	\$155,000,000			\$155,000,000	
Mahoning			\$2,912,000	\$2,912,000	
Medina		\$11,000,000		\$11,000,000	
Meigs	\$15,000,000			\$15,000,000	

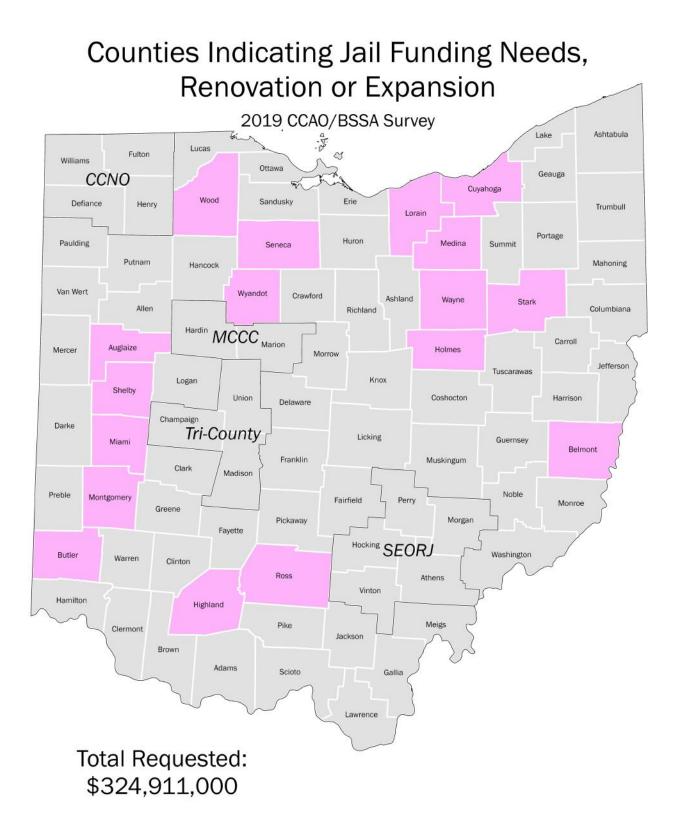
County Jail Needs, Estimated Costs CCAO-BSSA 2019 Survey						
County	New Build	Renovations or Expansions	Physical Plant Repair	Total Estimated		
Miami		\$21,000,000		\$21,000,000		
Montgomery		\$99,000,000		\$99,000,000		
Muskingum	\$40,000,000			\$40,000,000		
Ross		\$20,000,000		\$20,000,000		
Scioto			\$815,000	\$815,000		
Seneca		\$1,000,000		\$1,000,000		
Shelby		\$10,000,000		\$10,000,000		
Stark		\$23,900,000		\$23,900,000		
Summit			\$10,100,000	\$10,100,000		
Trumbull			\$750,000	\$750,000		
Wayne		\$23,450,000		\$23,450,000		
Wood		\$16,976,000		\$16,976,000		
Wyandot		\$16,500,000	\$700,000	\$17,200,000		
Regional Jails						
CCNO			\$935,000	\$935,000		
SEORJ		\$1,500,000		\$1,500,000		
Tri-County		\$30,000,000		\$30,000,000		
MCCC		\$2,000,000		\$2,000,000		
Total	\$1,053,801,240	\$324,911,100	\$29,880,300	\$1,408,592,640		

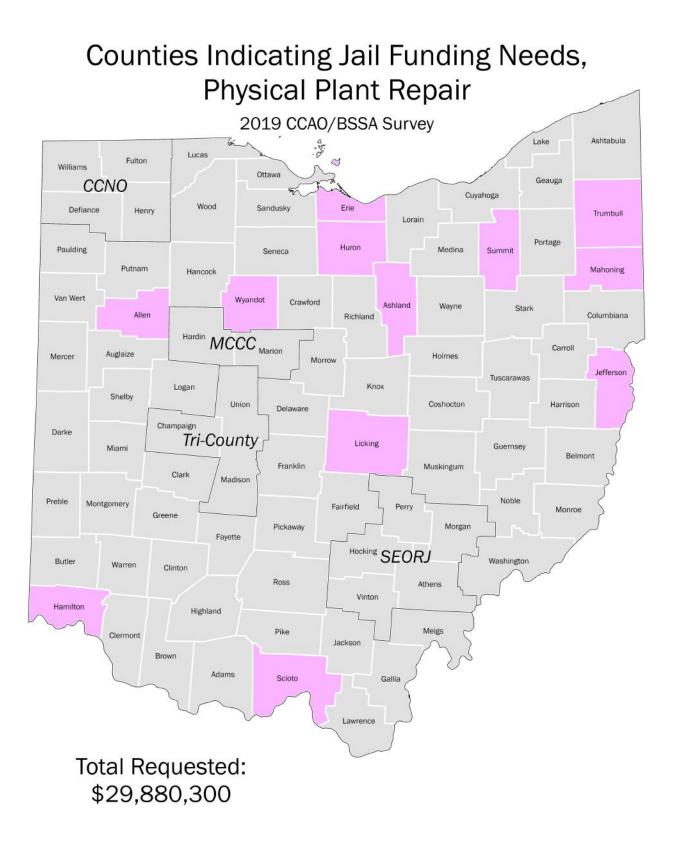
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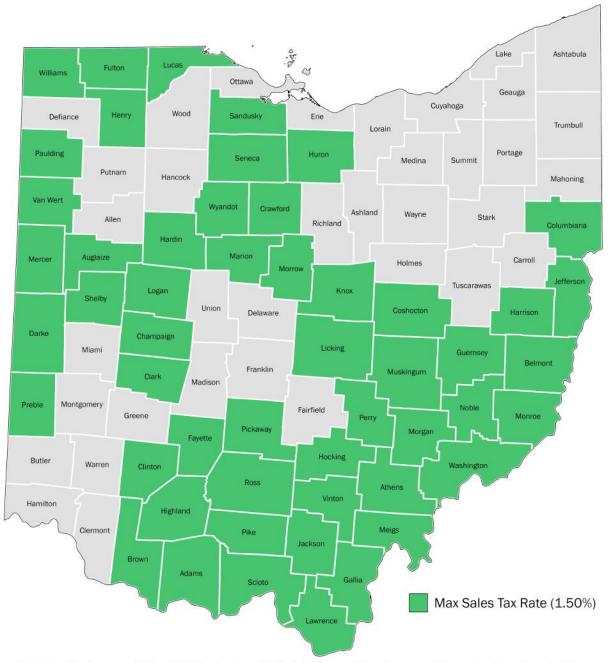
Counties Indicating Jail Funding Needs, Total







8.2. Appendix B: Counties at Maximum Sales Tax Rate, May 2022



Note: Counties have an additional 0.50% sales tax authority following an affirmative vote of the county electorate and subject to two conditions:

1) There is at least 0.50% of unused sales tax authority by the regional transit authority operating within the county; and

2) The revenue raised by the additional 0.50% can only be used for jail construction and/or operations.

8.3. Appendix C: CCAO Leadership

2022 CCAO Executive Committee

President – Deborah Lieberman, Montgomery County Commissioner 1st Vice President – Tom Whiston, Morrow County Commissioner 2nd Vice President – Chris Abbuhl, Tuscarawas County Commissioner Treasurer – Glenn Miller, Henry County Commissioner Secretary – Denise Driehaus, Hamilton County Commissioner Member – Tim Bubb, Licking County Commissioner Member – Julie Ehemann, Shelby County Commissioner

2022 CCAO Board of Directors

Rom Amstutz, Wayne County Commissioner Tony Anderson, Fayette County Commissioner Joe Antram, Logan County Commissioner Terry Boose, Huron County Commissioner Armond Budish, Cuyahoga County Executive Sabrina Christian Bennett, Portage County Commissioner Bryan Davis, Scioto County Commissioner Jeff Fix, Fairfield County Commissioner Pete Gerken, Lucas County Commissioner Richard Gould, Greene County Commissioner Thomas Graham, Jefferson County Commissioner Mike Halleck, Columbiana County Commissioner Steve Hambley, Medina County Commissioner DeAnna Holliday, Lawrence County Commissioner Larry Holmes, Darke County Commissioner Shannon Jones, Warren County Commissioner Casey Kozlowski, Ashtabula County Commissioner Gary Merrell, Delaware County Commissioner John O'Grady, Franklin County Commissioner Matt Old, Erie County Commissioner David Painter, Clermont County Commissioner Gary Scherer, Pickaway County Commissioner Christiane Schmenk, Union County Commissioner Ilene Shapiro, Summit County Executive Donnie Willis, Jackson County Commissioner

8.4. Appendix D: CCAO Policy Team



From left: Nick Ciolli, Research Analyst; Adam Schwiebert, External Affairs Manager; Cheryl Subler, Executive Director; Rachel Massoud Reedy, Outreach and Member Engagement Manager ; Dr. Jon Honeck, Senior Policy Analyst; Kyle Petty, Legislative Counsel

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