

COUNTY LEADER



County Commissioners Association of Ohio quarterly magazine

Summer 2020



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1) Holmes County Commissioner Joe Miller presents a model of their courthouse clock tower restoration project by Midstate Contractors, Inc.
2) Allen County Commissioners Greg Snear, Cory Noonan and Beth Seibert, who was sworn into office in June.

A MESSAGE FROM 2020 CCAO PRESIDENT CARL DAVIS, MONROE COUNTY COMMISSIONER

As we deal with the summer heat, we reflect back on the first half of 2020. It has been nearly five months since we gathered in Washington D.C. As we also look back at the January board meeting and the Winter Conference, it seems as though it has been ages since we've assembled.

Although we have not met in person, that doesn't mean we're not getting anything accomplished. The Bylaws Committee, chaired by Commissioner Tim Bubb from Licking County, has met several times and they have a draft nearly completed for consideration by the Executive Committee and the board of directors, to be presented to the membership for ratification at the 2020 Winter Conference. CCAO committees have continued to meet virtually and are working on many issues. The Executive Committee and board of directors held our July meetings remotely.



Staff continues to work remotely and on-site as situations require or permit. Our staff is to be commended for the excellent job they have done leading us through the current situation.

Getting the \$350M in COVID funding for counties was a great achievement. The policy staff has been successful in getting clarification on spending restrictions and continue to work both on the state and national level to relax the restrictions and attain another distribution for counties.

The achievement that I am most pleased with is the fact that during the second quarter 2020, we finally have all entities' ratification of our MOU. It was a long time coming, but I think that it was well considered and is a good document. I want to thank all who were involved, both members and staff, that brought it to fruition.

As I sit here at home today, participating in the virtual NACO meeting, I have to wonder where we stand on our September board meeting or even our Winter Conference. We will be surveying the membership soon to explore ways a modified conference could look as we consider how best to provide a positive, productive experience.

We have proven that we can effectively have a virtual meeting, but I miss the human aspect.

Stay safe and I hope to see you all very soon.

Respectfully,
Carl M Davis
Monroe County Commissioner
CCAO 2020 President

LETTER FROM CCAO EXECUTIVE DIRECTOR CHERYL SUBLER

CCAO Members: Uniting and Finding Common Ground for Impactful Solutions

Finding common ground among our 282 elected county commissioners, county executives and county council members along with hundreds of affiliate members has been a hallmark of CCAO. That unity has led to strength and sustainability over the years, along with many successes. This rings true in our respected policy and advocacy work as well as with our valued service programs which support and strengthen counties.



STATEHOUSE ADVOCACY

In July, the association kicked off its policy platform development process to establish our comprehensive legislative agenda for 2021-2022. The CCAO board of directors and policy team urge all members to participate in this inclusive and thorough process which directs our legislative advocacy.

Last year, CCAO members presented a unified request that the state fully fund indigent defense and, as a result, found strong support at the statehouse. The governor proposed an unprecedented increase in state funding - an additional \$120 million for the biennium. The House kept this and upped the appropriation an additional \$35 million for State Fiscal Year (SFY) 21, and the Senate agreed to the historic \$155 million additional new money for counties. Amazing!

Fast forward to 2021, and the picture has changed. State revenue declines due to the COVID pandemic have caused the state Office of Budget and Management to make downward adjustments, and the state public defender is now projecting the SFY 21 indigent defense reimbursement rate to be 70 percent.

While the projected SFY 21 figure represents the second highest reimbursement rate in the history of Ohio's indigent defense reimbursement process (second only to SFY 20), we are disappointed the original funding was lowered and the goal posts were moved.

As a result, our unified message for full state-funding for the constitutional mandate of providing indigent defense services will continue to be at the forefront of the 2021-2022 policy agenda, building on the significant progress made in 2019.

What additional policy issues will be on CCAO's agenda next session? Well, the answer is for you - our members, to determine.

Again, please take the time this summer to complete our platform development survey for 2021-2022, participate in CCAO standing committees this fall to formulate platform recommendations, and partake in CCAO's annual business meeting during the Winter Conference to consider and approve the platform presented by the CCAO board of directors. CCAO is a member-driven organization, and your involvement will shape our agenda.

VALUED SERVICE PROGRAMS

CCAO's service programs are member-directed enterprises providing cost-effective products that sustain and advance counties in a challenging and evolving world. These programs focus on common needs facing counties and their employees across the state and leverage their purchasing power to stretch every dollar.

CORSA, our stellar property and liability program with 66 member counties and 38 county affiliates, proudly delivered a flat renewal for policy year 2020/2021. Moreover, this coverage includes enhancements focused on cyber security – a major concern for all employers. In addition, CORSA has been producing informative guidance bulletins to assist counties in mitigating risk posed by the COVID pandemic and offering best practices so counties can keep employees safe and productive, whether in the office or teleworking.

CORSA's success can be traced back to the leadership provided by its nine-member board of directors that has steadfastly and cost-effectively addressed the shared needs of counties and implemented forwarding-thinking strategies targeting potential hazards on the horizon. Thank you to Commissioners Tony Zartman and Jack Evans, whose time on the CORSA board ends this year. Your service is deeply appreciated.



Zartman

Evans

CEBCO, another outstanding program, was established because several counties sought more stability and fair pricing for employee health benefits. Today, the program provides health and prescription coverage to 39 counties, along with CCAO staff, and covers approximately 11,900 employees and 26,800 members.

This year the program will collect approximately \$186 million in premiums for Medical and Rx. In the last 16 years, CEBCO has kept health care costs in check with an average renewal increase below five percent, which is well below state and national health care trends.

The CEBCO board continues to explore ways to incentivize wellness. The CEBCO board recognizes the wellbeing of counties' employees and their families is vital. In addition, the board fully understands that wellness impacts counties' bottom line in many ways.

Special thanks to Commissioners John Bayliss and Marilyn John who will end their service on the CEBCO board this year. We applaud your commitment and leadership.



Bayliss

John

Another area that our members have asked CCAO to explore is a long-term strategy that could produce favorable energy pricing. Palmer Energy, the CCAO Service Corporation partner, has crafted a 100 percent Ohio-based solar program that is detailed more in this issue of County Leader. Long story short, we are excited about the potential for this program and encourage counties not yet committed to take a serious look at it.

Our valued service programs and respected advocacy and educational outreach are member-driven and founded on the belief that by working together on common goals, we all are stronger. This key formula has resulted in a strong, long-lasting foundation that will enable us to lead into the future with impactful solutions.

We at CCAO look forward to that future working alongside each of you.

LEGISLATIVE UPDATE

COUNTIES USE FEDERAL CARES ACT FUNDS TO BOOST SMALL BUSINESS ECONOMIC RECOVERY

by Jon Honeck, Senior Policy Analyst

One of the greatest concerns facing counties across the state is the condition of the small business sector. Even with the lifting of the statewide stay-at-home order, some small businesses are not operating at full capacity and others are experiencing reduced consumer demand because of the state's double-digit unemployment rate. According to a survey by the National Federation of Independent Business, nearly two-thirds of Ohio small business are concerned about their customers returning and forty percent believed that it would take a year or more for sales to return to normal, or they were just not sure.¹



Miller

Counties around the state have used CRF resources to establish small business grant programs.

Henry County Commissioner Glenn Miller explained that “We had three main priorities for using CARES Act dollars to address the COVID outbreak: protective gear for first responders, law enforcement and medical personnel; ensuring that our children and seniors were being fed and were safe; and, helping our county businesses. Through the CARES Act money, we were able to create the Henry County Small Business Relief Program. The first round of grants will provide up to \$5,000 for any Henry County business that has not received federal funds.”

The most publicized source of federal emergency assistance for small business is the Paycheck Protection Program, which has been extended through Aug. 8, 2020. The PPP uses local financial institutions to provide a loan to pay up to eight weeks of payroll costs including benefits, along with interest on mortgages, rent, and utilities. The loan is forgivable if the business keeps employees on the payroll. For some businesses, the PPP provided a temporary lifeline during the shutdown period, but there are many continuing challenges during the recovery.

In Ashtabula, the county commissioners launched ReStart Ashtabula County, which will award grants up to \$10,000 to qualifying small businesses.

With the passage of Ohio House Bill 481, all Ohio counties now have access to federal Coronavirus Relief Fund (CRF) resources that can be used to address the county's own Coronavirus-related expenses and to address community needs. One of the allowable purposes under U.S. Treasury guidance is the provision of grants to small businesses to reimburse the costs of business interruptions. The Treasury Department has made it clear that a continued stay-at-home order is not necessary to establish a small business program.

“This pandemic had a significant impact on our small business owners and negatively affected our local economy,” said Casey Kozlowski, president of the Ashtabula County Board of Commissioners. “With the recent passage of the CARES Act and Ohio House Bill 481, we are focusing first on providing assistance to our small businesses so we can get our economy stabilized again.”



Kozlowski

CRF guidelines give counties the flexibility to tailor a small business grant program to the county's individual circumstances. Treasury guidelines make

1 Small Business Owners Share Impact of COVID-18, National Federation of Independent Business, published June 2, 2020. Accessed July 15, 2020. <https://www.nfib.com/content/nfib-in-my-state/coronavirus/small-business-owners-share-impact-of-covid-19/>

“WITH THE RECENT PASSAGE OF THE CARES ACT AND OHIO HOUSE BILL 481, WE ARE FOCUSING FIRST ON PROVIDING ASSISTANCE TO OUR SMALL BUSINESSES SO WE CAN GET OUR ECONOMY STABILIZED AGAIN.”

- ASHTABULA COUNTY COMMISSIONER CASEY KOZLOWSKI

it clear, however that there must be some kind of individualized assessment of needs to ensure that the assistance is necessary in response to the COVID-19 public health emergency. The following are some of the factors to consider in setting up a small business grant program:

- **Administration:** The county may administer the program itself or use a community partner to evaluate applications. Summit County, for example, has partnered with the Akron Chamber of Commerce to run the COVID-19 Small Business Emergency Relief Grant Program.
- **Grant Amount:** Most counties have established grant limits of \$5,000 or \$10,000, but it is within the county’s discretion to provide higher or lower amounts. Cuyahoga allows applicants to apply for either a grant or a loan.
- **Size of business:** Programs are typically using the number of employees and/or annual sales to define an eligible small business. Ashtabula requires an employee count between 2 and 25 FTEs, and annual sales of less than \$2 million. Hamilton County allows any business with 50 or fewer employees to apply, including sole proprietors, but annual revenue cannot exceed \$1 million.
- **Evidence of need:** Counties are requiring applicants to show evidence of declining revenue during the period of the pandemic.

- **Compliance with applicable regulations:** Programs are taking steps to ensure that business recipients are in good standing with federal, state, and local authorities. Henry County requires applicants to attest that they are in compliance with all applicable regulations for its type of business; current with all taxes and fees; in good standing with building code or property maintenance regulations; and are not in bankruptcy or have not filed for bankruptcy.
- **Exclusion for certain types of establishments:** Counties may exclude certain types of businesses at their discretion, such as cannabis dispensaries, liquor or tobacco stores, banks, and adult entertainment establishments.
- **Coordination with PPP and other federal programs:** US Treasury guidelines will not allow the recipients of CRF payments to also claim the same expenses for other federal programs. If program guidelines do not exclude recipients with PPP loans, recipients must find a way to separate expenses to avoid overlap.

Coronavirus Relief Funds allow counties to provide a much-needed boost to small businesses in their communities. The grants are considered taxable income under IRS rules, but program rules are relatively flexible compared to most federal programs.

In the coming weeks, counties have a golden opportunity to consult with entrepreneurs and business organizations to design a program based on the needs of the community.



FEATURE

OHIO SOS CALLS FOR POLL WORKERS ON ELECTION DAY

by Frank LaRose, Ohio Secretary of State

My office recently issued an Election Administration Preparedness directive to county boards of elections that outlines the detailed steps they need to take to prepare for voting in the midst of the current public health crisis.



This directive covers everything from preparing for a greater number of absentee votes, to providing protective equipment for elections workers, and ensuring social distancing at our polling locations, among others. Along with this directive we provided an allotment of federal CARES dollars for the county boards of elections to help with implementation.

Finally, as the pandemic continues, we expect to have an increased need for new poll workers to replace the older Ohioans who may choose not to serve on election day. While my team and those at the county boards are working feverishly to recruit new poll workers, we need your help. One of the most important things you can do at the county level is to give your employees the day off to serve as poll workers.

Please consider giving your staff a “Day for Democracy” as their service is needed now more than ever. We know from this past primary that early recruitment is essential for dealing with the present uncertainty. Being proactive now will help avoid emergency calls from your board of elections about the need for additional poll workers in the weeks before the election. Those interested in becoming a poll worker can contact their county board of elections or go to www.VoteOhio.gov/DefendDemocracy to sign up.

Additionally, we are recommending to each board that they organize a poll worker reserve force to be prepared to step up should regular poll workers not report for duty on the morning of November 3rd.

“PLEASE CONSIDER GIVING YOUR STAFF A “DAY FOR DEMOCRACY” AS THEIR SERVICE IS NEEDED NOW MORE THAN EVER.”

These are not ordinary times and I know this is not an ordinary request - please work with your board of elections to identify a portion of your workforce for this critical responsibility. If county and municipal governments work with their BOE to identify a portion of their workforce to be trained and ready to serve as reserve poll workers we can fulfill one of our most basic responsibilities as elected leaders – ensuring that every citizen has an opportunity to cast their vote in an orderly election. Please contact your board or our SoS Elections Division (Election@OhioSoS.gov) if you need specific guidance on how to implement a poll worker reserve force program.

As we march forward together towards November, I am truly grateful for the support you have provided our team and your county board of elections. Please do not hesitate to reach out directly to me or my team with any questions or concerns that you may have as we approach the election. 2020 has been challenging, but by working together we will emerge better and stronger than ever before and carry out our duty for the people of Ohio.



LaRose with a poll worker.

FEATURE

FINDING WAYS TO COMMUNICATE DURING THE COVID-19 CRISIS

Submissions by Jodi Andes, Franklin County Public Information Officer, and Jimmy Flint, Seneca County Communications Coordinator

The Commissioner Conversations - Franklin County

When the pandemic hit, the obstacles Franklin County – and every other county – were up against quickly came into sharp focus.

It was March 2020 and COVID-19 cases were sprouting up all over the state, necessitating unprecedented changes to how we do business, provide services to our residents, and keep our staff and the county as safe as possible. Employees were assigned to work from home where possible; county offices scrambled to allow for more online transactions, use of mail, or video chats – anything that could minimize contact.

Meanwhile, private companies including the media, were doing the same. Managing communications in this crisis would require outlets for unlimited, unfettered government information fast from a reliable source that could reach residents via outlets they were accustomed to using.

Franklin County Commissioners John O’Grady, Marilyn Brown and Kevin L. Boyce, wanted to fill that void.

The decision was made to start using several new communication outlets in a consistent fashion, so residents received this information on channels they were already using. We knew residents needed to hear about emergency grants for homeowners and renters, grants and loans for small businesses, and other information about how we could support them in this challenging time, as well as health information about this previously unknown virus.

We began by adding pages to our website with links to all county agencies and information about their revised hours and service information. Smaller elected county offices were experiencing the same struggles and appreciated a central repository that could steer residents to the agency they need.



This information included avenues to see commissioner meetings online or by phone, resources for residents and businesses, information by agency, and a space to echo the same information and advice being released by Franklin County Public Health. In addition, we also translated much of this information into Spanish, Arabic, Somali, Nepali and French for our New American community.

We also added two new social media channels for communication – Nextdoor and Instagram, and worked to find even more ways for the commissioners to speak directly to our residents.

The Commissioner Conversations series on Facebook Live has been a good solution for us. It allows the commissioners to interview county staff and leadership, local business owners, public health officials, and community leaders in a way that all county residents can access. Facebook Live does not require a Facebook account or any sort of registration. It allows viewers to participate

in the discussion by leaving comments on the video in Facebook, which staff then relays to the commissioner in real time so that he or she can address them; and unlike some other video conferencing methods, it can't easily be interrupted by uninvited participants.

Perhaps best of all, we're able to archive the discussions on Facebook and YouTube so that any interested resident can access them later even if they weren't able to watch live. We use social media to promote upcoming editions of Commissioner Conversations, and to link to past videos for anyone who missed them the first time around.

Commissioner Conversation guests have included the directors of the commissioners' Job and Family Services and Economic Development and Planning Departments, as well as the Office on Aging, religious and community leaders, and local restaurant owners

The County Corner - Seneca County

My name is Jimmy Flint, and I am the Public Relations Coordinator for Seneca County. When I started the job in late 2018, one of the media initiatives we thought was important was to launch a weekly radio show. The radio show is part of an "all-of-the-above" strategy to reach as many of our residents as possible with news and information related to county business. One of our overarching goals is to be as transparent and accessible as possible, and we achieve this with a social media strategy and a traditional media strategy. The traditional media strategy helps us disseminate important information through print, and online news sources, radio and TV. The County Corner segment goes live once a week (right now it's every Thursday at 8 a.m.) on our local Tiffin station, AM 1600 WTTF and 93.3 FM.

Why is it important to you to continue the weekly segment?

As part of our "all-of-the-above" media strategy, it is important to feature county guests regularly on the radio as another effort to reach as many people as possible with news and information related to the county. One advantage of this medium is that it allows a chance for residents to hear directly from our commissioners and other county officials. It also is more personable than reading a quote in the newspaper.

discussing the challenges they face and how the county can help them recover. They've been well received, sometimes logging several thousand live viewers and many more coming back to review the discussions later.

We have had 30 discussion sessions of this type since April and we now consistently receive requests to feature new topics as the public has come to rely on these more and more.

The transition has not been without some obstacles, including Internet overload as everyone started using the world wide web more, but the small challenges have been well worth the effort. We are grateful to have new means for consistent communication with our residents and hope to continue to use these new avenues for communication even after the current pandemic passes.



Flint with Seneca County Commissioner Mike Kerschner

What is your process for scheduling interviews?

I typically schedule interviews ahead of time for 2-3 months. I rotate each of the commissioners so they have a radio spot once per month. The other week(s) in the month features a newsworthy county employee or official. Before the radio appearance, I work closely with the station manager and interviewer, Jon Kerns, to come up with some potential discussion topics. From here, I put together a document for the interviewee with some basic notes and background information to help them be prepared for the interview. On the morning of the appearance, the interviewee joins me in the studio with Kerns, and the segment usually lasts about 10 minutes.

What kind of interviews have you done?

Each week on the County Corner radio segment is different. During the show, Kerns has 3-5 topics to discuss, usually relating to recent business or news related to the county commissioners or other county offices. We've also done some special segments, for example, we did a budget trivia game for one show. We gave a link out to listeners and let them play the budget trivia game along with Kerns, who was questioned by Commissioner Shayne Thomas. The budget-related questions show was a way to inform people on facts they may not know.

What benefits have you seen?

I believe that having a radio show helps us reach a different audience, that we might not reach through other forms of media. We do cross-post the segments to our social media and they are archived on SoundCloud, but I think a live radio audience is a different group of listeners that we may not have reached before. Our media partners do an excellent job covering county business, but I can't stress enough how beneficial it is to have a regular forum for the commissioners and other officials to give an unfiltered message on topics that are important to our citizens. I also believe it is beneficial that people can listen to the show live, or can come back and listen later on the WTTT SoundCloud page. We also link to each of the recordings from our Facebook page.

Was there anything surprising that came out of this?

I've been encouraged by how well the shows have gone. We also have such a good relationship with the radio station, that we are usually able to schedule other special radio interviews on other days to cover an important news topic. The station also uses information from press releases sent out by our office to complete its local newscast.

I've also been encouraged by how committed the commissioners (Commissioners Mike Kerschner, Shayne Thomas and Tony Paradiso) have been in working with me to be prepared for the interviews. They also have worked on and continued to improve on their delivery. Each of them has built a rapport with the host of the show, which has led to higher-quality segments that are more conversational, and less robotic.

How will you continue this in the future?

We plan to keep operating with our current format. All three commissioners have been consistent with their appearances, but I look forward to reaching out to other county officials and employees to give them a forum during our regular timeslot.

Anything to add?

I don't think so! We think this regular segment has been good for increasing our accessibility and transparency. It's a way to delve a little deeper into issues and allow the public to hear an unfiltered message straight from the source. Sometimes in meetings, we stick just to the most important information. On the radio, we can dig deeper and discuss the context or nuance of an issue easier. We often hear from residents that they listened live or online to the segment, and we know it's just one piece of a larger strategy to spread the word about what work we are getting done at the county.

[Click here](#) to listen to a County Corner interview Seneca County Commissioner Shayne Thomas.

[Click here](#) to listen to an interview with Seneca County Commissioner Mike Kerschner.



Seneca County Commissioner Shayne Thomas

GUEST COLUMN

PCSAO CALLS FOR SUPPORT FOR FAMILY FIRST ACT

by Angela Sausser, Executive Director, Public Children Services Association of Ohio

Few elected officials are more familiar with the needs of children services agencies than county commissioners. After all, Ohio historically relied more heavily on local dollars to pay for child protection than any other state.



As caseloads began increasing early this decade due to the Great Recession and the opioid epidemic, county commissioners stood by local child protection leaders. They appropriated additional county funds to pay for rising placement costs and approved new levies for the ballot. The sheer number of kids entering custody, combined with more complex cases, left the system reeling with a workforce crisis, a shortage of foster homes and too many youth sent out of state for treatment.

Some of those county commissioners went on to serve in the legislature. They recognized that the state needed to be more of a financial partner in child protection, and in 2017 the General Assembly began investing new state dollars. This culminated in historic investments in children services last year - \$236 million in new funding over two years - led by Gov. DeWine and joined by the General Assembly.

In addition, strong leadership is in place to introduce innovative practices, recruit new foster parents, and support families in crisis. This leadership is critical for Ohio to successfully implement the federal [Family First Prevention Services Act](#).

The Family First Act, passed in 2018, makes federal funding available to pay for evidence-based services to stabilize a family and prevent children from entering foster care, but requires a 50% match.

Another part of Family First requires residential treatment facilities to meet new quality standards by Oct. 1, 2021 or be ineligible for federal reimbursement, and reduces over-reliance on such placements for youth who would do better in family

settings. Family First aligns well with the [Children's Continuum of Care Reform Plan](#), released by Public Children Services Association of Ohio (PCSAO) in 2018. Together, PCSAO's plan and Family First offer a framework that will help keep children safe, support struggling families and achieve better outcomes for all.

Ohio goes live with Family First on Oct. 1, 2021, but questions remain:

- How will the match for evidence-based prevention services be paid for and provided equitably across the state?
- How and when will residential treatment facilities meet new qualifications in order to remain federally reimbursable?
- How will counties recruit qualified treatment foster caregivers to care for children who are no longer eligible for residential placements?

Now, a year from Family First implementation, the economic recession brought on by the pandemic is hitting state and county budgets hard. We are grateful that the new state investments remain intact. Further investments will be needed to successfully implement Family First and the additional transformational changes the Governor wants to see in the children services system.

Just as [children services caseworkers continued to serve families despite COVID-19](#), Ohio must continue building the infrastructure necessary for the success of Family First despite the economic downturn. We stand ready to work with elected officials at all levels to build an infrastructure that invests in families early, achieves better outcomes, and saves money in the long run.

FEDERAL UPDATE

COUNTING DURING COVID: A US CENSUS UPDATE

by Adam Schwiebert, Policy Analyst

The decennial census is never an easy process. Counting over 300 million people spread across 50 states and 5 territories has inherent challenges. The US Census Bureau is accustomed to these challenges though, and many plans are made in the lead up to the next census to ensure that accurate counts are achieved.



Heading into the 2020 Census, state and local governments took many steps to prepare Ohioans for a strong census response. This included the creation of local complete count committees featuring local leaders promoting the census within their local communities. With the self-response phase of the census kicking off on March 12, it quickly became apparent though due to COVID-19, the 2020 Census would be unlike any census before it.

Like many other organizations operating during COVID-19, the US Census has been forced to adapt. The deadline for the self-response phase has been extended three months, from July 31 to October 31. Census workers, who would normally begin interviews for non-responding households in mid-May, are now scheduled to begin their door-to-door efforts on Aug. 11.

Other unique challenges, such as counting populations in college-based towns, have forced the census to evolve. With many universities sending students home prior to April 1, the census has had to take measures to ensure that these students are counted toward their college-based community where they would normally reside, absent a pandemic.

As census workers begin their door-to-door surveys, concerns about social distancing will likely weigh in the minds of potential respondents. While the census has taken safety precautions for its workers, the pandemic only makes the job of conducting the

“WITH LESS THAN 100 DAYS LEFT TO RESPOND, IT’S MORE IMPORTANT THAN EVER TO GET THE WORD OUT TO COMPLETE THE 2020 CENSUS TODAY.”

census more difficult. It’s that increased difficulty which could lead to undercounts and communities losing out on key federal resources.

The good news is that the census has never been easier to complete. The 2020 Census will be first census to primarily be conducted online, although traditional forms of response such as telephone and paper mail responses will still be available.

As CCAO members are aware, the census is vital in determining how hundreds of billions in federal funds are distributed as well as how legislative districts are drawn. Every census form that goes unanswered leaves funds on the table and reduces political representation.

At the time of publication, Ohio’s self-response rate totals 66.8 percent, ahead of the national self-response rate of 62.6 percent. Looking across Ohio’s counties, here are the leading counties in terms of highest self-response rate:

1. Medina County – 79.2%
2. Geauga County – 77.2%
3. Delaware County – 76.9%
4. Warren County – 75.8%
5. Lake County – 75.7%

While Ohio and many of its counties are off to a good start, room for improvement still remains. There is still time to ensure that no Ohioan goes uncanceled. Visit 2020census.gov for more information on the census and how to make sure no one is left out.

[Click here](#) to watch a short video of Mr. Schwiebert discussing the importance of completing the 2020 Census. Feel free to share on your social media channels.

GUEST COLUMN

THE CHALLENGES OF VOTING IN A PANDEMIC

by Aaron Ockerman, Ohio Association of Election Officials Executive Director

To say the 2020 Ohio presidential primary was challenging for local election officials would be an understatement. Although everyone involved in Ohio elections acted in good faith, and to the best of their abilities, the coronavirus conspired to bring confusion and difficulty to an already difficult process. The executive, legislative and judicial branches all weighed in to produce an unprecedented election that no one is eager to repeat.



While the decisions made over the handling of the March 17 election are subject to many opinions, the facts around its financial impact are not. It was Ohio's longest and most expensive primary, with the time elapsed between the filing deadline and the certification of final results spanning over 6 months. Expenses unheard of before piled into board of elections offices forcing them to beg, steal and borrow from their already trim budgets.

And although the outlook for November is one of optimism, county elections officials and county commissioners must face the daunting task of adequately funding what could be the highest turnout election in the state's history with already busted budgets. How can we do this?

For starters, the Ohio Association of Election Officials (OAE) has been working closely with the legislature and the Secretary of State to invest federal dollars into our November preparations. A sincere commitment by Secretary LaRose to commit millions to local boards of elections was reaffirmed by the Ohio Controlling Board. Unlike some states where federal dollars have been gobbled up at the state level, Ohio will be investing CARES money in both the capital needs (new equipment such as letter openers and mail sorters) and people needs (poll worker recruitment and training) of local boards of elections.

Yet even with this commitment, more remains to be done. A Brennan Center study estimates that Ohio election officials will need between \$70M-\$82M to successfully run their November elections amid the pandemic. That is far more than the \$12.9M the feds have appropriated to Ohio to date. To this end OAE has engaged in a rigorous lobbying effort of our Congressional delegation to provide desperately needed resources. Conversations have been positive, but nothing in DC is a given these days.

In these difficult times it is imperative that local elections officials and local county commissions communicate and engage in an honest discussion about the realities of voting with COVID. Elections boards must be understanding of the strained budgets already facing counties. And commissioners must be understanding of the very real, unavoidable additional expenses that elections boards will incur. While these conversations will not be easy, they are necessary.

Only through an open and honest dialogue can we ensure that on Nov. 3, Ohioans are given the fair, open and honest presidential election that they expect and deserve.

VOICE OF COUNTY LEADERSHIP

KEVIN BOYCE, FRANKLIN COUNTY COMMISSIONER



How long have you been a county commissioner?
I am nearing the end of my first term; 4 years.

Can you tell me about yourself? What is your professional background? What other elected positions have you held? Why did you first run?
Columbus born and raised; a proud graduate of East High School, Go TIGERS! I received a bachelor's degree in political science from The University of Toledo and went on to obtain a master's degree in Public Administration from Central Michigan University.

I would say my interest in government came from a budding relationship with a standout professor, the late Jack Ford who quickly became a mentor and dear friend. Ford, a legislator in the Ohio House tapped me as his legislative aide, and eventually I became his chief of staff when he was chosen Minority Leader for the House Democratic Caucus. He was tough but fair - I cannot thank him enough for seeing greater potential in me and for sharing his wisdom with me. I held many positions and served in many leadership roles during my time as a legislative staffer.

My first elected position was that of Columbus City Council where I served for years, followed by serving as treasurer for the State of Ohio under the Administration of Governor Ted Strickland. In addition to a call to serve I share a passion for public finance. I hold several finance licenses that led me to the managing director position for a public finance firm; it is there that I help many municipalities secure financial stability through prudent investment of public funds.

How has your experience as a state legislator affected your role as commissioner?

I have to say my time in the legislature helped me understand the importance of open lines of communication and coordination between our levels of government. Our local elected officials and their actions have a tremendous impact on the daily lives of constituents. The state has authority to make an impact, but the enforcement/execution is key.

It is that coordinating component that can make the difference in ensuring the local perspective and impact, whether beneficial or detrimental, is heard when legislative efforts are being crafted, drafted and decided. Our state house delegation is in tune to our perspective and is in touch on our initiatives and efforts; they need us as much as we need them.

Why did you want to be a commissioner?

The county is a level of government that has a massive impact on daily life; while many know about what services, resources their city government provides, the county is another key element but not many are sure how we play a role. After learning for myself about the county's duty and role in providing social and human services to constituents. I knew I found a niche that marries two of my passions: direct allocation of service and serving the public.

What are you most proud of for having achieved in your time as commissioner?

I have to say there are numerous. I am proud that Franklin County installed the Building Futures Program; this partnership joins our JFS and EDP Departments to help men and women gain entry into the building trades. I firmly believe the best social service is a good paying job.

What has been the biggest challenge you've dealt with as a county commissioner?

The pandemic has forced us to make many difficult decisions and we are nowhere near the end of this. I was at city council when the recession hit and that posed a host of budgetary challenges and today while somewhat different it is no different. The health and safety of our constituents is the lens from which I approach decisions.

One of the primary responsibilities of a commissioner is to develop a balanced budget and provide adequate resources to deliver county services. What has been one of the biggest challenges in that area?

One layer of our decision making is that of robust discussion and debate. I am fortunate to have two colleagues that bring their strong skill sets and talents to our Board of Commissioners, combined with what I bring to our board, and we have a dynamic trio that has accomplished many tremendous feats that are and will better the lives of the residents of Franklin County.

What has your county been doing to enhance the state-county partnership?

With the support of my colleagues the position of director of Government Affairs was created; this position ensures our ear to the ground on conversations and legislative efforts happening at the Statehouse. As a former staffer and legislator, I know firsthand legislation can move quickly and often times the window to weigh-in and offer perspective is small. Our director of Government Affairs keeps us in the loop, and I can say since the installation of our director, we have been in line with the hectic goings on at the Statehouse. It doesn't hurt that our director has a direct line to CCAO! Franklin County is very active in NACo (National Association of County Officials) as well.

What benefits have you gained from being a CCAO member?

CCAO has been a steadfast voice and resource since my days as State Representative. I can attest to the benefit of our membership especially the access to high level conversations and opportunity to partner and use resources to work our legislative channels. I am thankful for CCAO as a platform to engage in the legislative process and see this relationship as mutually beneficial.

How have you been doing or what has your county been doing to participate in the state county partnership?

My colleagues and myself have engaged in the state legislative process in many forms, from letters of support or opposition to providing testimony. I am proud of our active role in voicing concern and backing of efforts. In addition we have hosted bi-

annual touch base with our statehouse delegation. These conversations have been most fruitful, as it is an opportunity to hear key legislative policies they're deliberating from their respective committees and offices; and in turn, we have a chance to ensure we provide insight and perspective on said efforts and share of opportunities to explore future partnerships.

Are there any personal causes you'd like to mention?

The Rise Together Poverty Blueprint is a foremost priority. This effort has the backing of our leadership council, a collective of social service providers, community and business leaders that have partnered with us to combat racism and poverty; a tall order but I am honored that we are taking on these behemoth issues head on and without trepidation.

What do you find are the most successful methods for reaching out to the residents of your county to communicate what your office is doing?

I believe the pandemic has forced elected officials, community leaders and service organizations to pivot the way in which one stays in touch. I host weekly community conversations on Facebook Live, and, coupled with a strengthened social media presence, I am finding new innovative channels and opportunities to engage and output information to residents. These platforms have allowed me to provide in time information and ensure residents are kept in the loop.



Boyce with Portage County Commissioner Kathleen Clyde

GUEST COLUMN

FROM HOMELESSNESS TO RECOVERY: PROGRAM REUNITES FAMILY OF EIGHT

by Mike Boehmer, APR, Communications Coordinator, Clermont County

Robert Schubert and wife Christina Northern – the parents of six children, ages 15 to 20 months – had lived in a van in back of a Clermont County sandwich shop for 18 months when they came to Family Recovery Court. He signed up for the rigorous year-long program on Aug. 21, 2018, and she joined about a month later.

Addiction to methamphetamine knocked them down to the point that their children were placed in foster care on Oct. 17, 2017.

Thanks to the structure and support of Family Recovery Court (a part of Clermont County Juvenile Court), they regained custody of their children on Sept. 27, 2019. Robert has been sober since Aug. 15, 2018, and Christina, June 17, 2018.

On June 11, the six children joined their parents at a virtual/in-person graduation ceremony at the court. Thomas, 15, Landen, 13, Ethan, 10, Zelia, 8, Hailey, 5, and Lily, 20 months, watched as Judge James A. Shriver praised the family, wearing masks due to COVID-19. Family members and case workers watched online via Zoom.

The specialized docket under Judge Shriver was one of the first of its kind in southwestern Ohio when it started on Nov. 13, 2014. Clermont County Family Recovery Court was based on the drug court model, which emphasizes treatment over punishment.

On average, the program takes more than a year to complete. Families (couples or individuals) voluntarily enter Family Recovery Court.

Requirements include attending frequent court hearings, Substance Use Disorder treatment, random and frequent drug screens, meetings with a case manager, calling and checking in regularly, attending AA or similar sober support meetings and getting a sponsor or mentor, having income, establishing housing, taking care of criminal matters and getting a driver’s license.

Robert and Christina did six months of parenting classes, anger management training and marriage counseling. They participated in regular drug screening, completed outpatient treatment at Clermont Recovery Center, and attended recovery meetings – while holding down jobs.

“It was definitely a challenge,” Robert said. “They kept us going. When you stop using drugs, you’re starting a new life.”

The couple also needed to find a residence, a difficult task due to an eviction and two prior drug convictions.

A case manager helped the family find a 2-bedroom apartment – their home for almost two years. The program helped with the first month of rent, deposit and gas cards. Three boys are in one bedroom, three girls in another, and the parents have a bed in the living room.

They kept the kids in school in Fayetteville, about 45 minutes away, because they’re doing so well there. All have earned “student of the week” or “student of the month” awards since returning to their care.

“It hasn’t been easy, but we’re probably better off now than we have ever been,” Robert said. “All of our bills are paid. We’re maintaining a home. We’re building a nest egg to get a home closer to the school.”

“When they came to Family Recovery Court, they were homeless. They have an extensive history of drug use including a variety of substances,” Judge Shriver said. “They have both maintained employment, secured housing, regained custody of their children, completed treatment requirements and are both celebrating more than 18 months of sobriety. They have complied with all other program requirements and Recovery Court officials are so proud of their progress. Since their children have returned to their home, they have shared photos with the court of celebrating holidays and spending time in nature, which they love to do.”

GUEST COLUMN

A KEY TO FINANCIAL INDEPENDENCE

by Empower Retirement

As we celebrated our independence on July 4, the ability to enjoy financial independence is also cause for celebration. But, as we all know, it doesn't just happen!

Access to a retirement savings plan is one of the keys to financial independence. CCAO created, administers and offers the CCAO Deferred Compensation Plan to provide a means for county employees to save for retirement and cover the gap in income that OPERS is not intended to replace.

You can help your employees and Empower can help you.

The first step is simply getting started.

- **Encourage retirement savings** for all employees in the CCAO plan.
- **Provide key communications**, like the [Plan Highlights](#) and contact information for [Empower Retirement Plan Advisors](#).

Help connect your employees with Empower

Retirement. In today's virtual environment, some of the safest forms of connecting with employees are by phone and email.

- **Please email mary.cameron@empower-retirement.com** an Excel file with the employee roster, including, name, phone and email address.
- If possible, indicate employees already in the plan and Empower will update participant accounts.

Include employees not participating to allow Empower to communicate effectively about the plan benefits.

Encourage outreach to Empower's Retirement Plan Advisors – available at no cost!

Empower Retirement Plan Advisors are located throughout the state and are available to educate



employees by conducting new hire orientations, topical webinars and one-on-one investment counseling and advice session. They can also help employees enroll in the plan if they haven't already.

All of these services are provided to employees at no cost.

The Retirement Plan Advisors are your contacts to ensure your employees:

- Know about the plan.
- Have access to information, tools and assistance to enjoy financial independence.

Call or email your Empower Retirement Plan Advisor to discuss how they can help. Better yet, ensure you are enrolled in the CCAO Deferred Compensation Plan and have had your 2020 Retirement Readiness Review.

Thank you for supporting the CCAO Deferred Compensation Plan. Because, it doesn't just happen!

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GUEST COLUMN

CLCCA CALLS FOR MEMBERS

by the County Loss Control Coordinators Association staff

During these unprecedented times, the County Loss Control Coordinators Association (CLCCA) remains committed to supporting Loss Control Coordinators in the delivery of effective safety, loss control and risk management programs. As the role of risk managers continues to evolve, the CLCCA board continues to emphasize the benefits of membership, which include networking and staying connected with other loss control professionals and industry experts and staying abreast of organizational safety and risk management updates and best practices. As a reminder, counties are also eligible for a 10% credit on CORSA member contributions if their designated Loss Control Coordinator is a current, dues-paying member of CLCCA and attends at least 1 CLCCA and 1 CORSA sponsored meeting during the calendar year.

If you are not yet a CLCCA member, we invite you to join. County memberships are available at Professional or Associate levels, and we also have Business Associate or Sponsoring memberships for our industry partners. We are proud to announce our current sponsor lineup, which includes Clemans Nelson & Associates, Inc. and Mazanec, Raskin & Ryder Co., L.P.A., CompManagement, Oswald, and Bricker and Eckler. These firms provide a variety of in-depth services to local governments in matters related to personnel and risk mitigation, and we are pleased that they have partnered with CLCCA to share their expertise.

CLCCA offers several educational and networking events each year for members. Our virtual Summer Meeting focused on cybersecurity and the legalities (and pros/cons) of online meetings. We will continue to monitor the climate for conducting in-person meetings and will structure our Fall and Winter meetings to ensure they are offered in a safe and convenient manner.

The CLCCA board would like to thank CORSA and CCAO for all the legal bulletins, briefings, hotline calls, webinars, and other helpful guidance that has been passed to help counties respond to COVID-19 issues these past few months. We all benefit from this collaborative, risk-mitigation mindset, and we are indeed stronger when we work together.

As we now approach another transition from the COVID-19 quarantine back to business as the “new normal,” the focus of county safety and risk management programs will shift once again as we work to ensure the continued safety for our employees and customers.

As you adapt to this “new normal,” we invite you to reach out to the CLCCA board with any risk management questions or concerns you may have. Please visit www.clcca.com for more information about CLCCA, to contact us, or to download a membership application. We look forward to serving your needs and continuing to support you in your loss control endeavors.

Sincerely,

PRESIDENT

Michelle Ripley-Crombie, Procurement/Contract Manager – Risk Manager (Portage County)

VICE PRESIDENT

Katie Bayness, Human Resources Director (Belmont County)

SECRETARY/TREASURER

Cathy Jones, Risk Management Director (Mahoning County)

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Kathy Hostutler, Human Resource Administrator (Geauga County)

Southwest Director

Robert Slane, County Administrator (Madison County)

Southeast Director

Brooke Alverson, Safety/Loss Coordinator (Coshocton County)

CEBCO NEWS

CEBCO UPDATE

Mike Kindell, Managing Director of Health and Wellness

2020 has been a year that no one anticipated and how health insurance is being delivered has changed, as well. Virtual doctor visits have become a necessity for many families and CEBCO supports these, currently, with no copay for an in-network provider visit.



The number of claims attributable to COVID-19 has not had a large impact on CEBCO to this point, and we hope and wish continued good health for all of our Ohio counties.

CEBCO 2021 Renewal

There have been multiple challenges for CEBCO this year and one of the changes that CEBCO will need to make is our 2021 Renewal schedule. We will not have an in-person renewal meeting this year, but instead the renewal exhibits will be delivered in person or virtually by your benefit specialist. We anticipate that they will be available the second week of August. The CEBCO board of directors is pleased to announce that they have elected to use \$10 million in member equity, so that the final overall renewal increase will be 5.45% for 2021, which is slightly higher than our previous sixteen year average. As is the case with multiple health care pools across the country, high cost claimants are having a larger impact this year than they have had in recent years.

Annual Membership Meeting

The CEBCO Annual Meeting of Members will be held on Friday, August 28 at the Columbus Airport Embassy Suites, at 10 a.m. The original meeting was scheduled for April, but needed to be postponed. We are currently working with the venue for all contingencies, from our normal in-person meeting to an all virtual meeting with multiple combinations in between. A recap will be provided for 2019 and we will attempt to provide some clarity to everything that has happened in 2020. There are some requested changes to our

Code of Regulations that will be discussed, as we look to provide more flexibility for some of the provisions contained within it. Most importantly, CEBCO will hold elections for four board of directors seats that will be expiring in 2020. Each year, there are four expiring terms that must be filled for the coming board term. Details for the meeting are forthcoming!

Wellness Program Updates

One of the biggest challenges that CEBCO has faced this year is the unexpected bankruptcy and closing of our previous wellness vendor, Interactive Health. The Wellness Team of Tori Sinclair and Hannah Whiston have spent countless hours working on options so that we can complete this year's program on time. Fortunately, CEBCO was able to contract with a Cincinnati-based company, HealthWorks, who will be able to complete the scheduled county blood draw events and provide forms for blood draws that must be done at a physician's office or at our lab vendor. We are confident that we will provide the lists of program completion to our counties within our normal time frames.

Staff Updates

In the last edition of County Leader, the spotlight was on CEBCO's longest tenured staffer, Melissa Bodey, who has been with us for 15 years. We would like to recognize four more staff members: Wendy Dillingham, 14 years; Debi Burnette, 14 years; Tori Sinclair, 8 years; and Hannah Whiston, 2 years! We appreciate the dedication, hard work, and support that they have provided to CEBCO members. All of them contribute to the continued success of the CEBCO program.

Finally, we are happy to welcome Justin Grant to our team as our newest benefit specialist. Justin started with CEBCO on March 16, and his anniversary will always coincide with the date that CCAO started a Work-from-Home program. In a short time, Justin has proved a be a valuable addition!

CORSA NEWS

LET'S TALK CYBER SECURITY

by Ali Redmond, CORSA Membership Services Manager; Jeff Knapp, CORSA Claims Supervisor



SINCE COVID-19, **300%** INCREASE IN REPORTED CYBER CRIMES

62% EXPERIENCED PHISHING & SOCIAL ENGINEERING ATTACKS

THERE IS A CYBER ATTACK EVERY **39** SECONDS

CORSA members, now that we have your attention, let's talk Cyber Security.

The statistics above are eye opening and show the reality of today. More than ever, cyber thieves are targeting local governments and tax dollars with great sophistication. And as if a pandemic isn't scary enough, hackers are taking the opportunity to attack vulnerable networks as office workers have moved to working from home. The attacks come in many forms such as phishing, malware or ransomware.

In the past, CORSA cyber claims often were the result of someone gaining unauthorized access to computer systems via an unsecured RDP connection, malicious website or by an employee clicking a "bad link." This would result in ransomware being introduced into the CORSA member's computer system which would lock the user out of their files and often spread throughout any connected computers and servers. Recently, we have had several claims involving what is known as a business email compromise (BEC).

In BEC scams, an unauthorized user sends an email message that appears to come from a known source

making what appears to be a legitimate request for information or sends a link to download a document from what appears to be a reliable source.

When the information is transmitted or the link clicked by the unsuspecting user, the hacker can gain either confidential financial information or access to the user's email program and begin transmitting requests for financial information to other users.

Once access to the email is gained, the hacker can search the system for protected information such as bank account numbers, routing numbers, wire transfers, copies of financial instruments such as checking account information.

Once access to information such as this is obtained, the hacker can then divert funds from the company's financial reserves. In today's technology driven world where it is common for employees to use their work email address for personal business, the hackers also often gain access to personal bank accounts as well. Finally, business email compromises can lead to implementation of ransomware, exposure of outside parties' protected information, damage to software and hardware, interruption of business operations, and other methods of cyber extortion.

CORSA has been able to help resolve each of the recent BEC cases for our members. With the direction of a Breach Coach, expert analysis and remediation by nationally recognized forensics experts, and coordination by experienced claims specialists we have determined point of entry, isolated malware or unauthorized access to the member's environment, and remediated the user's systems to restore protected functioning. We have also determined if any unauthorized access to protected information had occurred, identified those parties affected, made appropriate notification, and provided credit monitoring services to those affected.

BEC cases are on the rise according to the law enforcement agencies and private security firms. CORSA members can protect themselves by having



users be careful about what information they share on social media. Passwords can often be obtained from open sharing of birthdays, pet names, etc. Users should not click on any link in an unsolicited email or text message asking you to update or verify account information. Carefully examine the email address, URL, and spelling used in any correspondence. Scammers use slight differences to trick your eye and gain your trust. Never open an email attachment from someone you don't know and be wary of email attachments forwarded to you.

Our experts have guided our members to set up two-factor (or multi-factor) authentication on any account that allows it, and never disable it. Verify payment and purchase requests in person if possible or by calling the person to make sure it is legitimate. You should verify any change in account number or payment procedures with the person making the request. Be especially wary if the requestor is pressing you to act quickly.

If the worst happens and you discover you have been breached, notify Beth Miller, CORSA claim and litigation manager (614) 220-7989 or Jeff Knapp, CORSA claims supervisor (614) 220-0642, immediately and they will help you work through the situation.

CORSA is dedicated to helping our members shield themselves from digital threats and fending off cyberattacks through employee training subsidies and grants as shown in the next column.

"AS A CORSA MEMBER, I AM THANKFUL FOR THE HELP WE WERE GIVEN BY CORSA WHEN WE EXPERIENCED OUR RANSOMWARE ATTACK. WHEN YOU ARE IN THE MIDST OF A TRAGEDY IT IS NICE TO HAVE GUIDANCE FROM A CALMER THIRD PARTY. HAVING A CLAIMS ADJUSTER COME IN TO MEET WITH YOUR OFFICIALS WHEN YOU ARE FIRST COMMUNICATING THE ATTACK WAS OF GREAT ASSISTANCE.

AL FRANCIS FROM CORSA DID A GREAT JOB EXPLAINING ATTACKS AND WORKING THROUGH THEM. CORSA STAYED IN CLOSE CONTACT WITH US AND DID WHATEVER IT TOOK TO HELP GET US BACK UP AND RUNNING." -

TERESA GARCIA, COUNTY ADMINISTRATOR, SANDUSKY COUNTY

- CORSA University offers on-line training courses specific to cyber security.
- Direct subsidies for IT Scans, Anti-Phishing Software, Preventive Services/Encrypting (Data Anchor).
- Grant program available for member specific IT issues.
- Cyber Best Practices and Model Policy

CORSA members need to be proactive in defending and securing their networks.

For more information regarding CORSA's cyber risk management services please contact Frank Hatfield, Risk Manager, at (614) 220-0639 or fhatfield@ccao.org.

CCAO SERVICE CORP NEWS

CCAO SOLAR PROGRAM NEEDS YOUR YES NOW

by John Leutz, Assistant Director

Counties interested in joining the CCAO Solar Program only have until the end of August to execute their Letter of Intent to participate in the program.

Now is the time to say yes to CCAO's Solar Program opportunity.



**County Commissioners
Association of Ohio
Service Corporation**

The CCAO Solar Program is designed to provide two excellent benefits. First, it is a pricing hedge against future electric energy costs; second, it utilizes green energy through solar generation.

The CCAO Solar Program will lock in a portion of your electricity purchases at a very competitive rate over an extended period of time and is designed to protect you against the anticipated increasing cost for electricity that will be driven by inflation and spiraling demand for electricity.

Equally important is that we will be contracting for solar power generation through a power purchase

agreement. This allows counties to benefit from the “green energy hedging” without holding any part of or assuming any of the risk of ownership or operation of the solar facility itself.

CCAO and Palmer Energy are currently making presentations regarding this unique project.

Contact CCAO Assistant Director John Leutz at (614) 299-2800 or jleutz@ccao.org to schedule a meeting before the end of August to discuss your county's participation in the program.



COUNSELOR'S CORNER

USE COUNTY PROSECUTORS AS A LEGAL RESOURCE

Louis Tobin, Executive Director, Ohio Prosecuting Attorneys Association

While county prosecutors may be best known for prosecuting criminals, as county commissioners well know, they are also legal counsel to county authorities. This is perhaps a lower profile aspect of their jobs but an equally important one and one that has been brought to the forefront as Ohio has begun to deal with effects of COVID-19.

COVID-19 and the actions taken in response to it have presented a variety of challenges for government and an endless series of legal questions for county government. I personally have fielded questions on issues related to human resources, FMLA, access to the courthouse, core functions of county offices, essential services, and of course – who has the authority to order people to wear a mask. Most of the time my answer has been “That’s an interesting question. I don’t really know. Let me look into it.” I then do my own research and inevitably ask the prosecutors what they think. My experience over the last few months highlights a few things I think Commissioners should keep in mind:

Prosecutors are some of the best lawyers in the state. Clearly, I am biased. But our prosecutors are a wealth of knowledge. The civil division/civil staff in your county prosecutor’s office has specialized training, experience, and knowledge and their ability to provide good guidance never ceases to amaze me.

Don’t hesitate to contact them. This seems obvious, but having done association work for over 10 years, I know that the first instinct is often to see what your association thinks and how colleagues are handling something. While we all want some degree of uniformity between counties, your prosecutor should be your first call. Some questions may have more than one possible answer and your prosecutor may have a different opinion than your colleague’s prosecutor a few counties over. Trust that your prosecutor will do what is right for your county.

Give them time to find the answer. Lawyers don’t have the answers to all legal questions in their head. At least I know I don’t. Legal questions, and particularly some of the novel legal questions that

have come up during this pandemic, may require research, may require consultation with other lawyers in the office, and may require input from other prosecutors’ offices, the OPAA, or the Ohio Attorney General. Reaching the right conclusion can take time.

As to some of the hot topics above – here is a primer on a couple:

Who has authority to close county buildings including the county courthouse? The short answer is that you do, subject to limitations over facilities occupied by courts. The board of county commissioners, as a general rule, is charged with the management and control of county property. See *Dall v. Cuyahoga County Building Commission*, 24 Ohio Dec. 9 (1913). The “county commissioners are authorized by statute to provide offices for the county officials and may do this, either in a separate building or in the courthouse, and have control over these offices.” *State ex rel. Hottle v. Board of County Commissioners of Highland County*, 52 Ohio St. 2d 117 (1977). “The part so assigned [to the courts, however,] is as much within the control and jurisdiction of the courts as if the whole building were devoted exclusively to judicial purposes.” *State ex rel. Bittikofer v. Babst*, 97 Ohio St. 64 (1917).

Who has the authority to order masks? The Ohio Department of Health for starters. R.C. 3701.13 grants the department the authority to make special or standing orders or rules for preventing the spread of contagious or infectious disease. So do health districts. R.C. 3709.21 provides that “The board of health of a general health district may make such orders and regulations as are necessary for its own government, for the public health, the prevention or restriction of disease, and the prevention, abatement, or suppression of nuisances.” But keep in mind that you still have control over county buildings and so can order that masks be worn in county buildings even absent action by the Department of Health and your health district. What’s more, if you are in a home rule county, you likely have authority to pass an ordinance requiring masks for the entire jurisdiction.

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CORSA LEADERSHIP

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CEBCO LEADERSHIP

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Co-Chair: Doug Spencer, Auglaize County Commissioner

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County Leader, CCAO's quarterly e-magazine, provides an in-depth look at the news, programs and policies affecting Ohio's 88 counties. The e-magazine also showcases our members, offers best county practices as well as ways to enhance the state-county partnership practices and shares the offerings of the association.

If you have questions or story submissions, contact Editor Andrew Johnson at ajohnson@ccao.org or 614-220-7986.