



COUNTY ADVISORY BULLETIN

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INTER-COUNTY ADJUSTMENT OF CDJFS ALLOCATIONS

APPLICABLE LAW CHANGE: Ohio Administrative Code Section 5101:9-6-82

STATUTORY AUTHORITY: Ohio Revised Code Sections 5101.02, 5101.161, 5101.46

EFFECTIVE DATE: August 30, 2013

BULLETIN SUMMARY

An Ohio Administrative Code (OAC) change has authorized boards of county commissioners to delegate to their county job and family services director, or other appropriate designee, authority to approve inter-county adjustment agreements for county job and family services funding allocations. Such agreements may also be referred to as “inter-county transfers” of job and family services (JFS) allocations.

BACKGROUND

County departments of job and family services receive over 50 different funding streams to operate an array of public assistance programs. Any county allocations left unspent once a fiscal year is closed out lapse back to the Ohio Department of Job and Family Services (ODJFS) for use at the state level.

For reporting purposes, each of these funding streams are required to remain separate and each fund has programmatic restrictions that limit the purpose for which they can be used. Thus, transferring monies between these funds can be confusing and sometimes creates problems – programmatic, audit, and otherwise. County JFS directors often times struggle to find adequate funding for one program, and have more than needed for another based on random moment sampling, but cannot use the excess funding to fill in the holes within their own county because of very complex federal and state guidelines.

Additionally, county JFS departments cannot spend more than their allocation in each of the distinctive funding streams or the overage must be paid for out of the county general fund. As such, most directors try to underspend as close to their allocation amount as possible.

While each county receives an allocation, or promise, of each of the various funds, they can only draw down what is spent and dictated as appropriate through random moment sampling. (For more information on random moment sampling, see *County Commissioners Handbook* Chapter 43 – [County Human Service Agencies](#) (page 15).)

One solution that was developed to address the issues of both helping directors manage these complex funds as well as avoiding county dollars lapsing back to the state is to allow county JFS departments, should they so request, to transfer excess allocations to a different county, who may be close to overspending in the same allocation. ODJFS Bureau of County Finance oversees and approves such adjustments between county allocations.

Under prior law, the Ohio Administrative Code required the board of county commissioners to pass a resolution authorizing the transfer of funding. Such a resolution needed to be done for each allocation adjustment requested.

The public perception of a county “trading” or “giving” dollars to another county, combined with the complexity and technical aspects of the various funding streams, made it difficult in some instances for boards of county commissioners to entertain formal resolutions on the matter.

SUMMARY

Given the technical nature of the various funding streams and their appropriate use thereof, the CCAO Health and Human Services Committee, and subsequently the CCAO Board of Directors, supported a rule change around this process that would enable boards of county commissioners to:

1. Assign authority to the director of the county department of job and family services to serve as their designee, thereby granting the director the authority to sign such an inter-county adjustment agreement on behalf of the county;
2. Assign authority to another party to serve as designee and therefore, grant that party authority to sign the inter-county adjustment agreement on behalf of the county; or
3. As per prior law, enter directly into the agreement as a board of county commissioners with a specific county with specific amounts.

DESIGNATING AUTHORITY

Should a board of county commissioners choose to delegate, or assign, authority to the director of the county JFS department or other appropriate authority, such resolution

must specify the period of time for which the authority has been delegated. There is no minimum or maximum specific in Ohio Revised Code. As such, authority could be extended anywhere from the duration of the current board of commissioners, to a calendar or state fiscal year, a biennium, or until otherwise designated.

Commissioners should consult with their prosecutor on either of the first two options noted above in terms of assigning authority to the county JFS director or other designee. County administrators are likely the most appropriate entity to be assigned such authority as delineated in the second option above, given the various authorities they may be assigned under other statutory provisions.

Attached to this advisory bulletin as Exhibit 1 is OAC Section 5101:9-6-82. Attached to this advisory bulletin as Exhibit 2 is a sample resolution boards of county commissioners may wish to use as the basis for exercising such authority to delegate authority regarding inter-county adjustment agreements per OAC 5101:9-6-82(F)(2)(a) or (b).

For additional information, or should you have any questions, please contact CCAO policy analyst Laura Abu-Absi, CCAO Policy Analyst, at (614) 220-7996, (888) 757-1904, or labu-absi@ccao.org.

EXHIBIT 1

Ohio Administrative Code Section 5101:9-6-82 – Inter-county adjustment of allocations.

(A) A county family services agency (CFSA), as defined in rule [5101:9-1-16](#) of the Administrative Code, may request an inter-county adjustment of funding for any state or federal allocation.

(B) Subject to the requirement of this rule, the Ohio department of job and family services (ODJFS) will execute the request to adjust allocated funds based on a final inter-county adjustment agreement between the involved directors of the CFSA. Proposed transactions and final agreements regarding the adjustment of funds will be entered into by the agencies involved. ODJFS will not be a party to or participate in any proposed or final inter-county adjustment agreements between any CFSA. However, in the event there are funding problems with one or more of the funds, the director of ODJFS may limit fund sources, either partially or totally, that are available for an exchange of allocation amounts between counties.

(C) ODJFS notifies the CFSA of county allocation funding levels through subgrant notices issued through the county finance information system (CFIS). The allocation amounts listed in the CFIS notice, less any draws against the allocation amounts, will be the maximum amount eligible for the inter-county adjustment of allocated funds.

(D) If funding level reductions or increases occur during the funding period, allocation dollar amount changes will be made proportionate to the certified allocation dollar amounts that ODJFS has on record as of the effective date for the announced funding level change. The funding period is the period in which services are performed and/or provided. Pending adjustments will not be a factor in the calculation.

(E) A CFSA requesting ODJFS to notify other counties that additional funding may be available or that it has a need for additional funding shall submit the JFS 02718 "Notice of Intent to Participate in Inter-county Adjustment of Allocated Funds" (rev. 5/2011) to the bureau of county finance and technical assistance (BCFTA). ODJFS will maintain a website for the purpose of posting information regarding the inter-county information submitted by the CFSA.

(F) When two CSFAs agree to an inter-county transfer of funding, each CFSA shall complete the JFS 02719 "Inter-county Agreement and Certification Release and Acceptance of Funds" (rev. 7/2013), which shall serve as the agreement between the county directors involved in the transaction.

(1) The director of the CFSA or another designee shall sign the JFS 02719. A resolution passed by the board of county commissioners of each county shall be attached to the JFS 02719.

(2) The board of county commissioners may pass a resolution:

(a) Assigning authority to the director of the CFSA to serve as their designee, thereby granting the director the authority to sign the inter-county adjustment agreement on behalf of the county for a specific period of time;

(b) Assigning authority to another party to serve as designee and therefore, grant that party authority to sign the inter-county adjustment agreement on behalf of the county for a specific period of time; or

(c) Agreeing to enter in the inter-county adjustment agreement with a specific county with specific amounts.

(3) A copy of the JFS 02719 agreement, along with the county commissioner resolution, shall be submitted to ODJFS, office of fiscal and monitoring services. The agreement will serve as a request for allocated funds adjustment and must be received by ODJFS no later than the last date of the liquidation period of the funds being transferred.

(G) Upon the timely receipt of a properly completed JFS 02719 and county commissioner resolution, ODJFS will execute the requested adjustment of funds from the counties involved in the transaction.

(1) ODJFS will reduce the allocation for funds as specified on the JFS 02719 and requested by the releasing county;

(2) ODJFS will increase the allocation for funds as specified on the JFS 02719 and requested by the accepting county; and

(3) Upon completion of the fund-adjustment, ODJFS will send revised subgrant notices to the CFSA involved.

(H) Inter-county agreements can only be made between similar CFSA's. Public assistance (PA) funds can only be transferred for other (PA) funds. Public children services agency (PCSA) funds can only be transferred for other PCSA funds. Child support enforcement agency (CSEA) funds can only be transferred for other CSEA funds.

(I) The approval by ODJFS to adjust the allocation of a CFSA pursuant to this rule is for the funding and liquidation period during the fiscal year in which it is made and does not obligate ODJFS to any future allocation increase to the CFSA.

(J) Nothing in this rule should be interpreted or construed to replace, amend, or supersede the requirements of rule [5101:9-6-02](#) of the Administrative Code.

(K) The definitions, requirements and responsibilities contained in rule [5101:9-6-50](#) of the Administrative Code are applicable to this rule.

Replaces: 5101:9-6-82

Effective: 08/30/2013

Promulgated Under: [111.15](#)

Statutory Authority: [5101.02](#), [5101.161](#), [5101.46](#)

Rule Amplifies: [5101.02](#), [5101.16](#), [5101.161](#), [5101.46](#), [5101.54](#), [5107.05](#), [5111.01](#), [5115.03](#)

Prior Effective Dates: 9/15/05, 11/6/09, 10/1/10, 5/31/11

EXHIBIT 2

RESOLUTION ASSIGNING AUTHORITY TO [NAME, TITLE] TO ACT AS THE [COUNTY] BOARD OF COUNTY COMMISSIONERS' DESIGNEE FOR APPROVING INTER-COUNTY ADJUSTMENTS OF ALLOCATED FUNDS

WHEREAS, Ohio Administrative Code Section 5101:9-6-82 provides for the inter-county adjustment of any state or federal county family services agency allocation; and

WHEREAS, Counties have requested such adjustments to best meet the needs of their constituents, due to the limited allowable uses of each fund and the nuances of the random moment sampling process on a county's funding stream; and

WHEREAS, Any unspent allocations within a county at the end of a fiscal year revert back to the state for use by the State Department of Job and Family Services; and

WHEREAS, A county family services agency must make such inter-county adjustment request to the Ohio Department of Job and Family Services, and include with such request a resolution authorizing such from that county's board of county commissioners; and

[proper citation for designating authority to county family service agency director]

WHEREAS, in accordance with Ohio Administrative Code Section 5101:9-6-82(F)(2)(a), a board of county commissioners may pass a resolution assigning authority to the director of the county family service agency to serve as their designee and therefore grant that party authority to sign the inter-county adjustment agreement on behalf of the county for a specific period of time; **THEREFORE BE IT**

OR

[proper citation for designating authority to county administrator or other appropriate designee]

WHEREAS, in accordance with Ohio Administrative Code Section 5101:9-6-82(F)(2)(b), boards of county commissioners may assign authority to another party to serve as their designee and therefore grant that party authority to sign the inter-county adjustment agreement on behalf of that county for a specific period of time; **THEREFORE BE IT**

RESOLVED, that the _____ Board of County Commissioners hereby assigns authority to [name, title], for [specify duration], to serve as the _____ Board of Commissioners' designee, and thereby grants Mr[s] _____ the authority to sign inter-county adjustment agreements on behalf of _____ County until _____ .

Upon roll call on the adoption of the resolution, the vote was as follows:

Adopted: