

The Ohio Commission on Local Government Reform and Collaboration
County Commissioners' Association Building: Columbus, Ohio
April 30th, 2010
Minutes

In Attendance:

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| Anita Lopez: Co-Chair | Jennifer Economus | Lynda Murray |
| Daniel Troy: Co-Chair | Dan Foley | Rob Roland |
| Michael Cochran | Martin Jenkins | Tom Weidman |
| Tim Downing | Chester Jourdan | Larry Wolpert |

Approval of March 26th, 2010 Minutes:

Co-Chair Daniel Troy requested a motion to approve the March 26th minutes. It was moved by Mr. Weidman and seconded by Ms. Murray. The motion passed unanimously.

Budget and Finance Report:

Mr. Downing explained that the Ohio State University John Glenn School of Public Affairs has been paid and no further invoices have been submitted. The Commission still has approximately \$50,000 remaining in budget. Dr. Wirick of the John Glenn School added that an additional invoice will be made for expenses of two other Ohio universities that conducted research for the Commission.

Welcome from County Commissioners' Association of Ohio Executive Director

Mr. Larry Long, Executive Director of the County Commissioners' Association of Ohio welcomed the Commission and provided an overview of the CCAO's functions, and how the CCAO enables collaborative services. Among the examples of collaborative services provided to the Commission:

- Organizing and administering self insurance programs for property and liability insurance and for health insurance for county employees in 62 of the 88 counties in Ohio.
- The CCAO has developed its own deferred compensation program for county employees, and sponsors a worker's compensation program group rating program and a retrospective rating program.
- The CCAO has programs for counties to aggregate natural gas purchases, obtain lower long distance phone costs, and participate in group purchases working with the National Association of Counties.

Next Mr. Long discussed the structure of county government in Ohio, noting that 87 of 88 Ohio counties still use the statutory government characterized by three county commissioners and 8 elected executive officials – this despite the state legislature enacting chapter 302 of the ORC in 1960. No county has ever enacted this alternative form of government.

He explained also that the Ohio Constitution was amended in 1978 to allow for county charter proposals to be submitted directly to the electorate. Summit County adopted this form of county government in 1980, as did Cuyahoga County in 2009, taking effect next year. The county charter form of government enables certain county elected positions to be eliminated. Mr. Long gave the example that Summit County combined the roles of the auditor, treasurer, and recorder

into an elected fiscal officer. In Cuyahoga County, all elected positions except for the prosecutor will be eliminated.

Mr. Long said he believed that generally members of the CCAO do not believe that the current structure of county government is the only one that can work for taxpayers, and they respect the right of electors to change the form of county government at the ballot box.

Mr. Troy said his understanding of the alternative forms of county government could be placed on the ballot by the county commissioners; however the county is still kept in a statutory setting. Mr. Long agreed, and added that either county commissioners or electors can place moving to a charter form or alternative form of county government on the ballot. In both cases, the electorate must approve the change.

Mr. Troy asked if the structure of county government relating to the eight elected county offices is statutory. Mr. Long replied yes.

In response to a question to Mr. Troy, Mr. Long explained that there is no constitutional basis for a checks and balance system within the executive branch - rather, checks and balances were only intended to take place between the branches of government. He added that even so, it is reasonable to discuss checks and balances within the executive branch as it relates to county finances and other issues.

Update by the Glenn Institute:

Dr. Jennifer Evans-Cowley presented the Commission with an updated version of a Prevailing Wage Report. The updated version featured examples from Sycamore Township in Hamilton County.

Mr. Downing asked if a representative from the John Glenn School had an approximation on the invoices that are outstanding. Dr. David Wirick said his expectation was approximately \$35,000, consisting of one \$15,000 payment for each university and payment for graduate student time on the research.

Mr. Downing said that at the time of the meeting, there was no quote on the cost of assembling the final report, as it was still undecided who would be responsible for writing the report.

Subcommittee Reports:

Mr. Jourdan reported on the recommendations put forth by the subcommittee on the Alternative Service Delivery Models. A synopsis of the subcommittee's last meeting was provided to the Commission.

Mr. Foley reported on the recommendations for the Local Tax Structure subcommittee, whose report was distributed to Commission members. One of the recommendations from the subcommittee called for state incentives for regional tax sharing as well as initiatives that will promote economic development strategies. The subcommittee suggested that H.B. 920 may need to be addressed to enable regional tax sharing. Mr. Foley explained that the recommendations put forth by the subcommittee relating to tax sharing are voluntary, and will not be mandates.

Mr. Roland added that the Regional Prosperity Initiative, which spoke to the Commission during their December 4th meeting, was in the process of producing recommendations for what state legislation should be changed to enable regional tax sharing. Their recommendations would likely be finished by May 15th.

Ms. Lopez reported that the subcommittee on Incentives for Collaboration was in the process of formulating recommendations and anticipated being done relatively soon.

Testimony by the Ohio Council of County Officials:

Mr. Todd Bickle, Clerk of Courts of Muskingum County and President of the Ohio Council of County Officials offered testimony to the Commission. The OCCO represents the various elected county positions in Ohio. He explained that as budgets have become tighter, Ohio counties have learned to work more collaboratively and efficiently. County government officials effectively satisfy their responsibilities to carry out their duties as efficiently as possible, therefore it is imperative to retain all elected county positions to ensure checks and balances within the county government.

The OCCO recognizes, however, that citizens may want to change the structure of county government, and believes any new county structure should be approved by the electorate. The OCCO also recommends enabling expansion of intergovernmental agreements within and between counties, but does not recommend creating additional tax levying districts.

Mr. Bickle gave an example to the Commission of a hypothetical issue explaining the role of each elected member of county government. The example illustrated the considerable extent that the offices collaborate to accomplish their respective tasks.

Mr. Downing asked why it was necessary to elect the clerk of courts, the auditor, and recorder given that these positions are ministerial rather than policy making in nature. Mr. Bickle responded that the electorate prefers the representative form of government. He also explained that multiple elected positions make it less likely that any one individual could engage in dishonest behavior.

Mr. Troy asked if Section 302 of the ORC may need expanded to allow for further restructuring of county government such as combining the offices of recorder and auditor. Mr. Bickle said the OCCO would not have a problem with such a change if the restructuring of county government was approved by voters.

Mr. Wolpert asked if many other states also elect these county positions. Mr. Bickle replied that it is not uncommon. Mr. Wolpert asked if the clerks of courts for the mayor's courts were part of the OCCO, and if not, if they have their own association. Mr. Bickle said they were not part of OCCO, though we was not sure if they had their own association.

Mr. Jenkins observed that the county positions engage in collaborative behavior voluntarily; would there be a benefit if these individuals were compelled to maximize collaborative behavior? Mr. Bickle that these positions were already compelled to

collaborate because they are held accountable by the electorate. Additionally, there are already examples of collaboration between these county positions that are statutory.

Ms. Lopez mentioned how the electorate is attempting to reform their elected offices in Hamilton and Ashtabula Counties. She asked for Mr. Bickle's position on whether or not there should be specific recommendations for an alternate form of county government vs. decisions for reform being made at the local county level. He believed it should be left to the individual county to determine which county form of government is most ideal.

Mr. Downing asked if Mr. Bickle would support a recommendation calling for minimum qualifications for certain county positions. Mr. Bickle said he would, and that the Ohio Clerk of Courts Association had called for minimum qualifications for that office in the past, but no one in the state legislature addressed the issue.

Presentation of Proposed Recommendations Submitted by Commission Members:

Mr. Troy said that all Commission members had a copy of individually submitted recommendations from each Commissioner. He encouraged Commissioners present to review the recommendations before the next meeting, and said that further recommendations may be made if a Commission member thinks of a new recommendation.

Mr. Cochran suggested that the Commission only include recommendations that are supported by a super majority.

Mr. Troy said other recommendations that are not endorsed by a majority may be briefly mentioned, even if they are not full blown recommendations.

Consensus Development of Proposed Recommendations:

Mr. Bob Steinbach of the Miami Regional Valley Planning Commission led a discussion for Commission members as they considered which recommendations to include in the final report. The discussion was facilitated by an exercise that consisted of placing index cards on push-pin boards. Commission members were given the opportunity to vote for those issues that they believed most important, as well as a chance to vote against issues they did not believe needed to be incorporated in the final report.

The Commissioners were also able to vote on other components of the final report, such as who would be the most important audience for the report and considerations for wording and the report's structure. Some of the results of this exercise are included below.

Possible Titles [may choose only one]:

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| The Ohio System for Local Government: | 6 in favor |
| Building a Better Ohio System of Local Government: | 5 in favor |
| [A title including the words "System" and "Collaboration"] | 1 in favor |

Key Audiences for the Final Report [may choose more than one]:

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| Governor | 10 in favor |
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| General Assembly | 10 in favor |
| Editorial Boards | 5 in favor |
| Local Statewide Associations | 1 against |

Standards for Inclusion in the Final Report: [may vote for one and against one]

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| Supermajority | 6 in favor, 1 against |
| Majority | 5 in favor, 2 against |
| Consensus | 1 for, 2 against |
| Unanimity | 1 against |

Should a Minority Report be Included? [may vote for or against]:

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| Inclusion of Minority Report | 6 in favor, 6 against |
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Old & New Business

Mr. Troy asked if any Commission members had any new or old business to discuss. There was discussion concerning future meetings, and a tentative decision to meet again on Friday May 21, and also on Friday, June 4. Mr. Troy requested a motion to adjourn the meeting at approximately 3:00 pm. It was moved by Mr. Downing and seconded by Ms. Economus. The motion was approved unanimously. The Ohio Commission on Local Government Reform and Collaboration was adjourned.