

# 2009 Non-Mandated Expenditures

## Department Response

**Department: Hamilton County Clerk of Courts**  
**Elected Official: Gregory P. Hartmann**  
**OCA Title: 460345 Administration**

1. Are there elements of the BSI non-mandated services that you believe are mandated? If so, provide the specific Ohio Revised Code (ORC) citation, Code of Federal Regulation (CFR) and/or relevant case law information. Please be especially diligent if there is a specific service or staffing level prescribed by law.

Credit card fees are an accepted means of payment under Ohio Revised Code Section 301.28. The Board of County Commissioners passed a resolution authorizing the acceptance of financial transaction devices for payments on May 19, 2004. In that resolution, the Board required that no convenience fee be charged for the use of credit cards.

2. Who are the recipients of the service or activity for the non-mandated service? How many recipients? Please note any internal customers, other county departments, jurisdictions, businesses, etc. If the service is geographic specific (i.e., a satellite probation office), please identify the neighborhood, township or municipality.

Recipients of the service provided by the acceptance of credit cards:

- A. Citizens who wish to pay their fees and fines online or over the phone, or simply wish to use a credit card as their means of payment.
  - B. Attorneys who use the Clerk's efilings system, and those that make case deposits and pay courts costs with credit cards.
3. Are there county revenues associated with the non-mandated services? If so, please provide the methodology for any lost revenues. Please consider state or federal reimbursements, grants, fees, etc. Please note if the service or activity is included in the county's indirect cost plan.

No.

4. If the county did not provide the non-mandated service, is there the potential for increased expenditures in another jurisdiction within Hamilton County? If so, please list the specific municipality and/or township.

N/A

5. Does the non-mandated service include Board of County Commissioner policy via resolution or motion?

Yes, the resolution is dated May 19, 2004 from image 1589 to 1594.

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6. Are there contracts or agreements that preclude the elimination of a non-mandated service? If so, please provide the specific language as to termination and/or amendment terms.

Yes, Board's contract with Fifth Third Bank is currently under review by the Prosecutor. The goal is to have a third party vendor charge a convenience fee to the end user so that the County no longer subsidizes the use of credit cards.

7. What are the equipment/non-personnel expenditure considerations with discontinuing a non-mandated service? (i.e., surplus equipment).

The Clerk has 20 credit card terminals for non-Auto Title functions that are leased for \$15.50 per terminal per month. Use of the credit card service Skipjack is \$94.99 per month plus \$0.05 per transaction. Fifth Third Bank charges an additional base fee of 1.97% for every transaction. On top of that base fee percentage, Fifth Third Bank increases the per transaction fee as the security level of the transaction decreases. For non-Auto Title transactions, that per transaction fee has been as high as 3.5% of a transaction.

8. Do any of the non-mandated services include employees represented by a bargaining unit? If so, please note the union and provide information as to reduction-in-force and job abolishment considerations.

No.

9. For positions within non-mandated services, are there are special circumstances that preclude a traditional job abolishment process? Separation costs will be addressed centrally including leave balance payouts, unemployment compensation and severance (based on current Commission policy).

No.

10. In addition to positions associated with non-mandated services, the Budget Office included a review of management layers, support staff, and currently vacant positions. Please comment on the impact of eliminating these positions.

N/A.

11. What is the performance impact of not providing the non-mandated service? For example, wait times, waiting lists, case loads, operating hours and other consequences of not providing the service.

If the Clerk were to stop accepting credit cards, it would result in the following:

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- A. Efiling would no longer be possible. The attorneys that use this system would be very unhappy. It would make long run efficiencies in the way the Clerk takes in filings impossible to realize.
- B. Citizens would be forced to pay their fines and fees with cash, checks, or money orders. This would be very inconvenient for many citizens. It would also likely result in an increase in the number of not sufficient funds checks received by the Clerk, and a dramatic reduction in the amount of fines and fees collected.

12. Are there any alternatives that result in savings to the general fund?

Yes, the Clerk has actively pushed to retain a third party vendor for the processing of credit card fees. The Fifth Third Bank contract is currently under review by the Prosecutor and the Board has gone out to bid for a third party vendor.

13. Are there more efficient ways to deliver a mandated service that may allow for the savings to offset the cost of a non-mandated service?

The Clerk of Courts routinely seeks out ways to provide mandated and non-mandated services in ways that create savings or avoid costs. The Clerk has actively pushed to retain a third party vendor for the processing of credit card fees.

14. Is there an opportunity to transfer any non-mandated expenditures to another funding source (i.e., restricted fund or grant)?

No.

15. Does your department have any fees that could be raised to offset the cost of a mandated service?

No.

Other Considerations and Comments: