

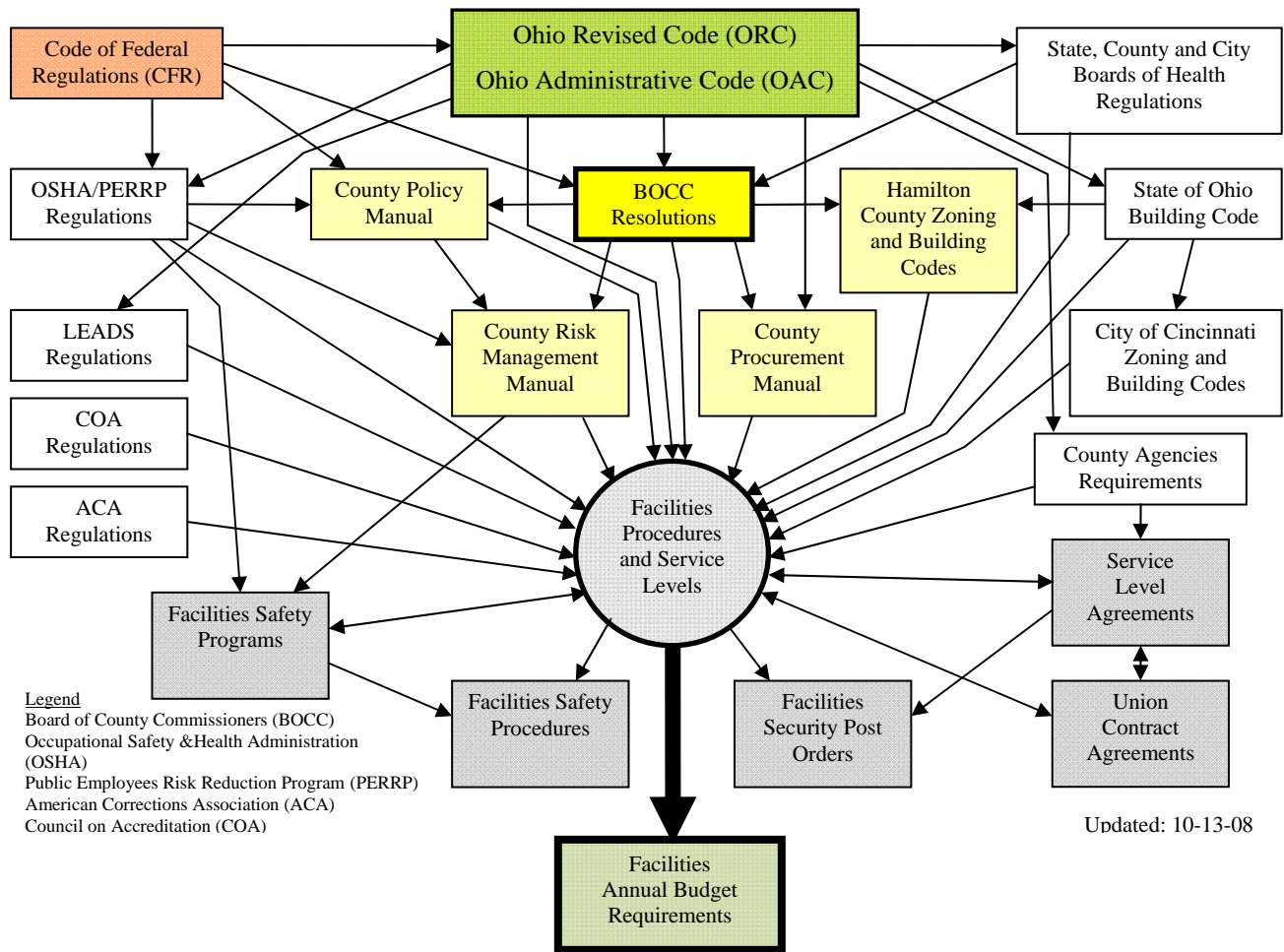
2009 Non-Mandated Expenditures Department Response

DEPARTMENT: COUNTY FACILITIES
 DEPARTMENT HEAD: Ralph Linne
 OCA TITLE: 060038 Building Services

Hamilton County departments and agencies have the opportunity to respond and provide insight to the Office of Budget and Strategic Initiatives (BSI) initial assessment as to non-mandated services. This response form should be used for each specific BSI assessment; not a general response for entire department. Take as much space as necessary for each question.

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.

Below is a Flow Chart showing the Laws, Rules, and Agreements which determine the budget and staffing levels for the Hamilton County Facilities Department (HCFD).



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The Director of County Facilities feels that **ALL SERVICES AND STAFFING**, provided under this OCA, are required in order to support the maintenance and renovation of BOCC owned and leased facilities as listed below:

- County Courthouse
- County Administration Building
- 800 Broadway
- 230 East Ninth Street
- 250 William Howard Taft

Below are several sections of the ORC which clearly states this opinion:

ORC 307.01(A) states “(A) A courthouse, jail, public comfort station, offices for county officers, and a county home shall be provided by the board of county commissioners when, in its judgment, any of them are needed.

ORC 305.16 states “The board of county commissioners may employ a superintendent, and such watchmen, janitors, and other employees as are necessary for the care and custody of the court house, jail, and other county buildings, bridges, and other property under its jurisdiction and control.”

ORC 307.92 states “As used in sections 307.86 to 307.91, inclusive, of the Revised Code, “contracting authority” means any board, department, commission, authority, trustee, official, administrator, agent, or individual which has authority to contract for or on behalf of the county or any agency, department, authority, commission, office, or board thereof.”

Law Library – County Courthouse

The following only relates to Law Library

ORC 305.18 states “(A) Subject to divisions (B) and (D) of this section, for the use of the law library referred to in section 3375.48 of the Revised Code, the board of county commissioners shall provide space in the county courthouse or in any other building located in the county seat, and utilities for that space.

(B)(2)(b) In calendar years 2008 through 2011, the board of county commissioners and the board of trustees shall be responsible for the costs of the space in the county courthouse or other building that the board of county commissioners provides for the use of the law library under division (A) of this section, the utilities for that space, and furniture and fixtures for the law library as follows:

- (i) In calendar year 2008, the board of county commissioners shall pay eighty per cent, and the board of trustees shall pay twenty per cent.*
- (ii) In calendar year 2009, the board of county commissioners shall pay sixty per cent, and the board of trustees shall pay forty per cent.*

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(iii) In calendar year 2010, the board of county commissioners shall pay forty per cent, and the board of trustees shall pay sixty per cent.

(iv) In calendar year 2011, the board of county commissioners shall pay twenty per cent, and the board of trustees shall pay eighty per cent.

(B)(3)(b) Beginning in calendar year 2012 and thereafter, the board of trustees shall be responsible for the costs of the space in the county courthouse or other building that the board of county commissioners provides for the use of the law library under division (A) of this section, the utilities for that space, and the law library's furniture and fixtures.

(B)(D)(1) Except as otherwise provided in division (D)(2) of this section, if the board of trustees of a law library association referred to in section 3375.48 of the Revised Code rents, leases, lease-purchases, or otherwise acquires space to expand or enlarge the law library for the use of the law library, the board of county commissioners of the county in which the association is located has no further obligation under division (A) of this section to provide space in the county courthouse or any other building located in the county seat for the use of the law library and utilities for that space, and has no further obligation under division (B) of this section to make payments for the compensation of the librarian and up to two assistant librarians of the law library appointed under section 3375.48 of the Revised Code and for the costs of space in the county courthouse or any other building for the use of the law library, the utilities for that space, and the law library's furniture and fixtures.

(B)(D)(2) Division (D)(1) of this section does not apply if the board of trustees of a law library association referred to in section 3375.48 of the Revised Code modifies the space used by the law library in a manner that results in no change in that space or in a reduction in that space and that results in no additional costs to the board of county commissioners for fixtures or furniture for the law library.”

County Treasurer – 138 East Court Street

The following only relates to County Treasurer

ORC 307.01(A) states “The board of county commissioners shall provide all rooms, fireproof and burglarproof vaults, safes, and other means of security in the office of the county treasurer that are necessary for the protection of public moneys and property in the office.”

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County Auditor – 138 East Court Street

The following only relates to County Auditor

ORC 319.03 states “The office of the county auditor shall be at the county seat, in such rooms as the board of county commissioners provides.”

Court of Appeals Facilities – 230 East Ninth Street

The following only relates to Court of Appeals

ORC 2501.18 states “The board of county commissioners must provide a room for holding court and a consultation room for the judges, cause such rooms to be properly furnished, heated, ventilated, lighted, and kept clean and in good order, and provide such other conveniences as the court deems necessary.”

Probate Court – 230 East Ninth Street

The following only relates to Probate Court

ORC 2101.01(A) states “A probate division of the court of common pleas shall be held at the county seat in each county in an office furnished by the board of county commissioners, in which the books, records, and papers pertaining to the probate division shall be deposited and safely kept by the probate judge. The board shall provide suitable cases or other necessary items for the safekeeping and preservation of the books, records, and papers of the court and shall furnish any blankbooks, blanks, and stationery, and any machines, equipment, and materials for the keeping or examining of records, that the probate judge requires in the discharge of official duties.”

Juvenile Court Facilities - 800 Broadway

The following only relates to Juvenile Court

ORC 2151.09 states “Upon the advice and recommendation of the juvenile judge, the board of county commissioners may provide by purchase, lease, or otherwise a separate building and site to be known as “the juvenile court” at a convenient location within the county which shall be appropriately constructed, arranged, furnished, and maintained for the convenient and efficient transaction of the business of the court and all parts thereof and its employees, including adequate facilities to be used as laboratories, dispensaries, or clinics for the use of scientific specialists connected with the court.

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**County Board of Health – 250 William Howard Taft
The following only relates to Board of Health**

ORC 3709.34 “The board of county commissioners or the legislative authority of any city may furnish suitable quarters for any board of health or health department having jurisdiction over all or a major part of such county or city”.

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.

- Board Of County Commissioners
- Auditor
- Administrative Services
- Budget and Strategic Initiatives
- Building Inspections
- CAGIS
- Community Development
- Court of Appeals
- Court of Common Pleas
- Court of Domestic Relations
- Court Jury Commissioner
- CLEAR
- Clerk of Courts
- Economic Development
- Engineer's Office
- Environmental Services
- General Health District (Board of Health)
- Greater Cincinnati Automobile Dealers Association
- Job and Family Services
- Juvenile Court
- Law Library
- Municipal Court
- Personnel
- Planning, Zoning and Community Development
- Probate Court
- Prosecutor's Office
- Public Works
- Public Defender's Office
- Purchasing
- Recorder's Office
- Soil and Water
- Sheriff's Office
- Treasurer
- Veterans Service Commission

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. –

- All services/activities under this OCA are in the county's indirect cost plan

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. - No

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5. Does the non-mandated service include Board of County Commissioner policy via resolution or motion? - No
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. - No
7. What are the equipment/non-personnel expenditure considerations with discontinuing a non-mandated service? (i.e., surplus equipment). - No
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.

None of the three positions (Deputy Director, JFS Security Officer 2, and JFS General Services Worker) recommended being laid off are in this OCA.

There reduction of \$41,000 will impact our ability to:

- Hire outside contractors for moves
- To do minor improvements/special cleaning to Courtrooms
- Perform minor repairs to cleaning equipments
- Replace stolen or damaged trash cans and mats

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. – The Director of County Facilities feels that **ALL SERVICES AND STAFFING ARE MANDATED**

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12. Are there any alternatives that result in savings to the general fund? – No - In 2007, County Facilities maintenance functions were reviewed by the Competition and Efficiency Committee. The report found that County Facilities managed properties to the best, most cost-effective standards and recommended that “the County Administration should move forward with encouraging consolidating property maintenance within the Facilities Department to the largest extent possible.”

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? - No

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: