

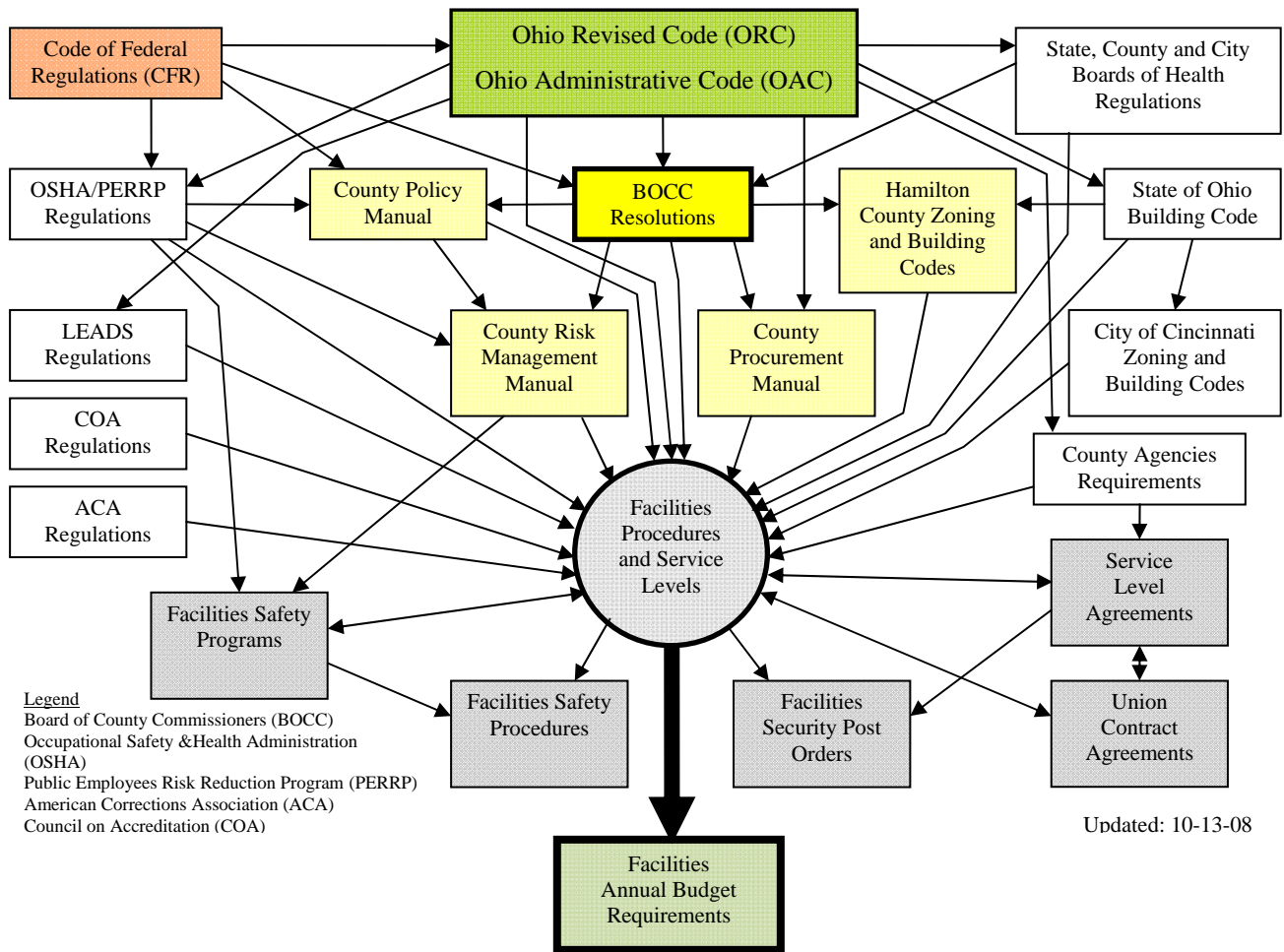
# 2009 Non-Mandated Expenditures Department Response

DEPARTMENT: COUNTY FACILITIES  
 DEPARTMENT HEAD: Ralph Linne  
 OCA TITLE: 060053 Plant Management Corrections

*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:

- Clerk of Court's Record Center
- Communication Center
- Coroner's Office
- County Engineer's Garages
- Justice Center – North Building
- Justice Center – South Building
- Juvenile Youth Detention Center
- Patrol Headquarters Complex
- Public Works Garage
- Sheriff's Target Range

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. The buildings and offices shall be of such style, dimensions, and expense as the board determines. All new jails and renovations to existing jails shall be designed, and all existing jails shall be operated in such a manner as to comply substantially with the minimum standards for jails in Ohio adopted by the department of rehabilitation and correction.*

*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.*

*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.”*

*ORC 305.18 states “Each county officer or department head shall make an inventory, on the second Monday in January of each year, of all the materials, machinery, tools, and other county supplies under the jurisdiction of such county officer or department head. Such inventory shall be a public record, made in duplicate, and one copy shall be filed with the clerk of the board of county commissioners and one copy with the county auditor.”*

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**Communications Center**

**The following only relates to Communications Center**

*ORC 307.63 (C) states “The board of county commissioners may construct, acquire, or contract for communications facilities for the public safety communications system. In addition, the board may acquire or contract for computers and other equipment in connection with the system, provide equipment to the users of the system, maintain the facilities and equipment, employ personnel or contract for personal services, and exercise other powers as necessary to operate the system. The board may adopt policies or rules for the administration, operation, and maintenance of the system.”*

**Coroner's Facility - 3159 Eden Avenue**

**The following only relates to Coroner**

*ORC 313.07 states “There may be established in the county seat of justice suitable quarters, laboratories, and equipment necessary for the proper performance of the duties of the coroner. Such quarters shall be known as the coroner’s office, laboratory, and county morgue.”*

**Justice Center – North & South – 1000 Sycamore**

**The following only relates to Justice Center**

*OAC 5120:1-8-03 states*

*“Security*

*Each full service jail shall maintain the following minimum standards in regard to security of the facility.*

*(A)(6) Equipment necessary to maintain utilities, communications, security and fire protection in an emergency. Documentation supports that such equipment is tested quarterly and repaired or replaced as needed.*

*(B)(13) In regard to a key control system: c) There shall be a reporting system for documenting and repairing broken or malfunctioning keys or locks.*

*(B)(14) Toxic, corrosive and flammable substances and tools shall be:*

*(a) Stored in a secure area;*

*(b) Used by prisoners only under direct staff supervision;*

*(c) Used only in accordance with manufacturer's instruction;*

*(d) Accessible only to authorized persons.*

*OAC 5120:1-8-04 states*

*“Housing.*

*(C) Single cells/rooms and multiple occupancy cells/rooms/dormitories shall provide the following:*

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- (1) Air circulation of twenty cubic feet of outside or recirculated filtered air per minute per occupant or as required by the local authority having jurisdiction. Documentation from a qualified source shall be maintained by the facility.*
- (2) Temperatures shall be maintained in a range between sixty-six to eighty degrees Fahrenheit.*
- (3) Sanitation facilities shall include access to an operable flush toilet and lavatory with hot and cold potable water on a twenty-four hour a day basis without staff assistance.*
- (D) In prisoner housing areas, the following shall be provided unless otherwise determined by local authority having jurisdiction:*
  - (2) Shower facilities at a minimum of one operable shower for every twelve occupants. Water temperatures shall be controlled thermostatically in a range from one hundred and five to one hundred and twenty degrees Fahrenheit”*

*OAC 5120:1-8-05 states*

*“Sanitation and environmental conditions.*

- (A) All areas of a full service jail shall be safe and sanitary, including the food service and laundry areas. Staff and prisoners shall have specific housekeeping responsibilities, which shall include, but are not limited to:*
  - (3) Regular maintenance and repairs.*
- (B) All grounds, walkways, driveways and parking areas shall be illuminated at night.*
- (C) The jail shall be inspected annually by local or state health authorities and a written report shall be provided. There shall be a written plan to correct jail-related deficiencies.*
- (D) The jail shall be inspected once a month for insects, vermin and rodents. Treatment shall be provided as needed by a licensed exterminator. The jail shall maintain documentation of the inspections and any necessary extermination treatments.*
- (E) The jails shall maintain documentation that the following standards are met with regard to interior lighting:*
  - (1) At least twenty foot-candles, measured thirty inches above the floor, in prisoner reading areas.*
  - (2) At least fifteen foot-candles, measured thirty inches above the floor, in prisoner accessible areas.*
  - (3) Lighting in prisoner sleeping areas shall be reducible to between two and four foot-candles, measured thirty inches above the floor.*
- (K) The jail shall be inspected annually by a certified local or state fire safety inspector applying the applicable jurisdictional and Ohio Fire Code. The jail shall have a written plan to correct any jail-related deficiencies. The jail shall maintain documentation of the inspections and any corrective measures taken.*
- (L) The jail shall have a written fire safety plan approved by local fire officials, and that is reviewed annually and updated as needed. The plan shall include fire prevention, training and drills, fire response and post-fire documentation and review. A current copy of the plan shall be maintained at the local fire department.*
  - (1) Training in jail fire safety equipment shall be conducted annually.*
- (M) Jail facility exits shall be clear and evacuation routes shall be posted or clearly marked throughout the facility.”*

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*OAC 5120:1-8-7 states*

*“Visitation.*

*(C) There shall be documentation that lighting is twenty foot-candles, measured thirty inches above the floor.”*

### **ADDITIONAL ORC/OAC Laws/Regulations that must be followed when they apply:**

- Hazardous Waste, Universal Waste and Used Oil Laws - Ohio Revised Code (See chapters 3734 and 3745)
  - General Chapter 3754-49
  - Hazardous Waste Management System - General Chapter 3745-50
  - Hazardous Waste Management Standards - Chapters 3745-51, 52, 53, 54, 55, 56, 57, 65, 66, 67, 68, 69, 205, 256, 266, 270
  - Universal Waste Management Standards Chapter 3745-273
  - Used Oil Management Standards Chapter 3745-279
- Hazardous Waste, Universal Waste and Used Oil Rules - Ohio Administrative Code Section 3752
- Ohio Administrative Code (OAC) rules *3745-52-11* and *3745-52-34* requires that Lamps be regulated under Ohio’s universal waste rules (UWR)

### **BOCC RESOLUTIONS**

**The following are resolutions (copies in reference materials) that must be followed by the administrative staff that provides the services required to support the maintenance, design, construction, and/or renovation of a County building:**

- Resolutions Adopting Hamilton County Risk Manual – Dated 4-5-1995, 5-31-1995, 10-27-1995, 10-4-1995, and 8-20-2003
- Resolution Adopting Hamilton County Purchasing Manual – Dated 4-15-1995
- Resolution Approving the Hamilton County’s GREEN Building Policy for New Construction and Major Renovations – Dated 4-23-2008
- Resolution Approving an Energy Policy for Hamilton County – Dated 4-23-2008
- Resolution Modifying Selection Procedures for Building Equipment Based on Life Cycle Costing – Dated 9-27-2000
- Resolution Modifying Selection Procedures for Professional Services of Architects, Engineers, Construction Managers and Environmental Professional – Dated 9-30-1998 – Per ORC

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**LEGAL MAINTENANCE/DESIGN/CONSTRUCTION SERVICE  
LEVEL REQUIREMENTS – Non-ORC/OAC**

**The following are references other than ORC/OAC (total descriptions can be provided upon request) that must be followed during the maintenance, design, and/or renovation of County buildings:**

- Pollution Prevention Act of 1990 - UNITED STATES CODE TITLE 42 - THE PUBLIC HEALTH AND WELFARE - CHAPTER 133
- All renovation activities shall be completed in full compliance with the Americans with Disabilities Act ("ADA") and Architectural and Transportation Barriers Compliance Board, Federal Register 36 CFR Parts 1190 and 1191, Accessibility Guidelines for Buildings and Facilities; Architectural Barriers Act ("ABA") Accessibility Guidelines; proposed rule, published in the Federal Register on July 23, 2004.
- Contractor(s) shall assure to BOCC that all services provided shall be completed in full compliance with the Americans with Disabilities Act ("ADA") and Architectural and Transportation Barriers Compliance Board, Federal Register 36 CFR Parts 1190 and 1191, Accessibility Guidelines for Buildings and Facilities; Architectural Barriers Act ("ABA") Accessibility Guidelines; proposed rule, published in the Federal Register on July 23, 2004.
- All maintenance, design, and renovation activities shall be completed in full compliance with the City of Cincinnati Building Code within the City limits
- All maintenance, design, and renovation activities shall be completed in full compliance with the Hamilton County Building Code when there is no other municipality which has adopted their own Building Code
- All maintenance and renovation activities shall be in full compliance with the OSHA regulations
- All maintenance activities shall be in full compliance with the EPA regulations

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.

- |                               |                            |
|-------------------------------|----------------------------|
| • Communications Center (911) | • Municipal Court          |
| • Clerk of Courts             | • Public Defender's Office |
| • Coroner                     | • Public Works             |
| • County Engineer             | • Prosecutor               |
| • Juvenile Court              | • Sheriff's Office         |

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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
  - Services provided to County organizations for which the project is funded with restricted funds are charged back to that funding source
  
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, see question 1
  
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. – None known of.
  
7. What are the equipment/non-personnel expenditure considerations with discontinuing a non-mandated service? (i.e., surplus equipment). – N/A
  
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. – Yes – Local 20

### **LOCAL 20 CONTRACT ARTICLE 27 LAYOFF AND RECALL**

Section 27.1. When the Employer determines that a layoff is necessary, the Employer's designee shall notify the affected employees five (5) calendar days in advance of the effective date of the layoff. The Employer, upon request from the Union, agrees to discuss with representatives of the Union the impact of the layoff on bargaining unit employees. Any layoff in the bargaining unit shall be instituted in accordance with seniority, as defined in Article 10 of this Agreement within each classification selected for layoff, and in accordance with each employee's ability to perform the remaining work. Upon notification of layoff, total seniority shall prevail providing the senior employee is licensed and qualified to perform the work available.

Section 27.2. Employees who are laid off shall be placed on a recall list for a period of one (1) year. If there is a recall, employees who are still on the recall list shall be recalled in the inverse order of their layoff, provided they are presently qualified to perform the available work.

Section 27.3. Notice of recall shall be sent to the employee by certified mail. The Employer shall be deemed to have fulfilled its obligation by mailing the recall notice by certified mail, return receipt requested, to the last mailing address provided by the employee.

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Section 27.4. The recalled employee shall have five (5) calendar days following the date of receipt of the recall notice to notify the Employer of his or her intention to return to work and shall have fourteen (14) calendar days following the receipt of the recall notice in which to report for duty, unless a different date for returning to work is otherwise specified in the notice.

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 identified
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**

Budget Analyst recommended that the following be removed and below are the consequences of not providing these services:

- Subscriptions – Membership to American Corrections Association (ACA) – Without this the management staff would be without a key resource to understand changes in the requirements for the management of correction facilities
- Travel/Training – ACA conference – Without this the management staff would be able attend a conference to evaluate cost saving improvements in equipment and processes for the maintenance and management of correction facilities
- Vehicle Replacement – Vehicle is over 8 years old, will have over 120,000 miles come 2009 and has a higher than normal repair record. If not replaced, the high repair costs will continue.

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

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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: