

## 2009 Non-Mandated Expenditures Department Response

DEPARTMENT: REGIONAL PLANNING COMMISSION

DEPARTMENT HEAD / ELECTED OFFICIAL: TODD M. KINSKEY, INTERIM DIRECTOR

OCA TITLE: 260026

*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.

*Section 713.23 of the Ohio Revised Code points out the powers and duties of a Regional or County Planning Commission. Although all of these powers and duties are prefaced with the word **may**, they are still part of the ORC and since the Regional Planning Commission was created in 1929 we feel that those duties and powers are now effectively mandated by that Section of the ORC. Section 713.23 lists the types of duties that are performed by our Community Planning and Data Products Sections that are listed as non-mandated in the Budget Office evaluation. A review of the services to be eliminated reveals critically important work that undermines numerous goals included in the BoCC Budget Policies. Please see the "Other Considerations and Comments" section below for more detail on the impacts of eliminating those powers and duties identified in the ORC as tasks that **may** be performed by a Regional Planning Commission. It is difficult to understand how the County could function without these services.*

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.

*The recipients of the services and activities of our Community Planning and Data Products sections include each political jurisdiction in Hamilton County and all of their residents and business owners. Essentially, the entire population of the County is served through programs/projects (see "Other Considerations and Comments" section) staffed by our Community Planning and Data Products sections. Additionally the Board of Commissioners and all County Departments are recipients of non-mandated services provided by our web developer (web services) as well as via census and data analysis services and GIS mapping and analysis services.*

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.

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*HCRPC collects revenues through contracts with jurisdictions, other county agencies, and individual citizens for certain services performed by our Community Planning and Data Products Sections. We receive administrative funding through CDBG for certain planning services as well. If these two sections are eliminated, RPC would lose approximately \$115,000 in CDBG funding because there would not be any staff to perform the funded activities. The loss of other revenue is detailed in the "Other Considerations and Comments" section.*

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.

*Any jurisdiction that is involved with Project Impact pays either no fees or minimal fees for our planning services. If they had to engage an outside consulting firm to complete the same work they would either incur exponentially higher costs or, most likely, not be able to do the work at all due to the prohibitive cost of the projects. Recent planning projects have taken place in Elmwood Place, Lincoln Heights, Golf Manor, Columbia Township and Addyston to name a few. In addition to Project Impact expenses, communities would incur any expenses associated with planning studies, Census challenges, GIS mapping and myriad other small information requests that are currently provided to Planning Partnership members (29 jurisdictions) at little or no cost.*

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

*Yes. BoCC policy No. 3 identifies "working in partnership with those jurisdictions – including the City of Cincinnati and the many first ring suburbs in the County – to improve their quality of life and stabilize population loss is a top budget priority as is supporting county functions that assist in that effort" as a budget priority. This goal encompasses the work of the Community Planning section relative to Project Impact support to First Suburbs Consortium, GCEP, and other initiatives. The county's goal to "improve quality of life and stabilize population loss" would be greatly jeopardized as RPC is the vehicle carrying out this goal.*

*Additionally, based on the analysis and observations provided in the "Other Considerations and Comments" section of this document, non-mandated services to be eliminated conflicts with Budget Policy Nos. 2, 3, 4, 5, 7, 22, 29 and 33.*

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.

*RPC has a three-year contract with MSD for \$150,000 (approximately \$50,000 in revenue per year – 2009, 2010, 2011) that fulfills a portion of the EPA Consent Decree. All of the*

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*work in this contract will be performed by planners within the Community Planning section and the Executive Director. Additionally, RPC has a second contract with the Village of Greenhills for approximately \$32,000 to prepare a Comprehensive Plan (this revenue was not submitted during the initial budget process – the contract was just finalized in October). Though not specifically a contract, RPC is designated as a State Data User Center which brings with it expectations relative to carrying out necessary functions relative to the 2010 Census process. (Please see the “Other Considerations and Comments” section below for more detail on the benefits of being designated as a State Data User Center)*

*All RPC contracts include a clause (“All terms of this contract shall remain in force and effect unless and until either party receives thirty (30) days written notice to the other party of its intent to terminate this agreement, in which event this agreement will terminate after the said thirty (30) day period”) that enables RPC to end a contractual arrangement with due notice.*

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

*RPC will have at least 30 workstations that will not be in use as well as a large quantity of office furniture and miscellaneous equipment. The County would have at least five web-servers that would not be in use as the Web Developer is not mandated by the ORC. Several printers/copiers would no longer be needed, etc. Please note, however, that as a restricted fund with a separate appointing authority, any disposition of RPC equipment would require approval by the RPC Commissioners. In addition, as a restricted fund, all revenues generated by the auction of any equipment would belong to RPC and not be refunded to the General Fund.*

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.

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*The Budget Office recommendation for RPC called for elimination of the Executive Director position because it has been vacant (although an Interim Director has been in place since May 1<sup>st</sup>). It is unclear how the RPC could function without a director. Nevertheless, elimination of this position would create some administrative issues due to the fact that the Executive Director also serves as the Secretary of the Rural Zoning Commission and as the Department Head for the Planning Commission, Zoning Commission, and Community Development. Presently, the signature of the Director is required on contracts, subdivision plats, sick and vacation slips, payroll, etc. In addition, it is critical to note that the RPC is currently conducting a job search to permanently fill the position with approval from County Administration.*

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 impact of deleting the Community Planning and Data Products Sections of the RPC is substantive. All of the projects/efforts that have resulted in an award winning organization would be eliminated (i.e. all BoCC projects, Community COMPASS implementation, Project Impact, First Suburbs staffing, planning contracts, County web site, Census support, GIS mapping, etc.) Please see the "Other Considerations and Comments" section below for more detail of the projects that would be eliminated.*

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

*No. Due to the staff reductions of RPC over the last two years, any cuts to the current staffing would result in significant reduction in the RPC work program. Given the numerous Community COMPASS implementation projects in combination with BoCC projects, drastic programmatic changes would be necessary if there is the loss of any staff.*

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?

*It does not appear that there is a more efficient way to deliver such services because almost all the costs associated with mandated services consist of compensation*

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

*RPC is a restricted fund and therefore this is not an option.*

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

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*RPC subdivision fees were raised substantially in 2008 (for the first time in many years) with the approval of the Homebuilders Association and the Ohio Valley Development Council. Their support was based on the high level of service they receive from the Development Services (mandated) section as well as the fact that RPC is committed to improving planning throughout Hamilton County. The RPC, through the Community Planning section, works to educate Planning Commissioners throughout the region as well as helping communities to prepare plans and update development regulations. The value of these services was highlighted in 2007 when the current fees were proposed. If the Community Planning section is eliminated and/or if development fees are raised again, it is highly unlikely that such support would continue. Given the current economic climate, opposition would be likely. Additionally, it is critical to note that the fees controlled by RPC all relate to development projects. As long as the economy remains stagnant and development projects falter, fees are unlikely to generate significant income which makes fee increases an unlikely method to address the budget deficit.*

Other Considerations and Comments:

*If current Community Planning and Data Products staff were cut to achieve mandated levels the following programs/initiatives would be abolished:*

*Project Impact – The mission of this effort is to reverse population and job loss, and sustain unique traditional, historic, and authentic qualities of older communities (now effective in Elmwood Place, Lincoln Heights, Cheviot, Golf Manor, and Addyston). The elimination of this program would conflict with BoCC Budget Policy No. 3.*

*First Suburbs Consortium staff support – The mission of this effort is to implement Hamilton County's goals related to sustaining and revitalizing mature built-out communities. The elimination of this program would conflict with BoCC Budget Policy No. 3.*

*Local Alliance for Nature and Development – The mission of this effort is to implement Hamilton County's goals related to conservation of greenspace and balancing development and the environment through promotion/adoption of sustainable development practices including Smart Growth and Green Building techniques. The elimination of this program would conflict with BoCC Budget Policy No. 3.*

*LAND-HC has also been part of the Support Team for the Hamilton County Stormwater District in the development of the Stormwater Rules and Regulations. These Rules and Regulations are closely tied to the unveiling of the MSD Green Infrastructure Project. Arguably, elimination of this staffing would conflict with Budget Policy Nos. 7 and 33.*

*Certified Planning Commissioners' Program – The mission of this effort is to build capacity for community building through 49 local planning commissions. This very*

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*successful program trains local planning commissioners to make better decisions and promote sound planning principles throughout Hamilton County communities. The elimination of this program would conflict with BoCC Budget Policy No. 4.*

Planning Partnership – *The mission of this effort is to effectively plan for the future of Hamilton County and build partnerships for plan implementation. Elimination of staff support would essentially bring this partnership to an end and the annual fees paid by members (approximately \$45,000 per year) would also be eliminated. The elimination of this program would conflict with BoCC Budget Policy Nos. 3, 4 and 5.*

Local Government Contractual Services – *The mission of this effort is to help ensure that community trends are anticipated, challenges are addressed, priorities are focused, and plans are achieved strategically. Elimination of the Community Planning staff would end this service that has a potential to generate approximately \$32,000 (\$32,000 – Greenhills contract) in 2009. Due to the reduced rates (as compared to private contractors) offered by RPC, there is a direct benefit to local governments as compared to fees charged by private contractors. Each \$1 invested in planning for a community has the potential to leverage hundreds or thousands of dollars from other funding sources. For example, a planning study performed by RPC in Fairfax, at a cost of \$30,000 to the community, was used as a basis for the redevelopment of the Red Bank Road and Wooster Pike Corridors which received approval for \$1.2M in Congestion Mitigation and Air Quality Improvement Program funds. They are in the process of applying for another \$2M. The elimination of this program would conflict with BoCC Budget Policy Nos. 4 and 29.*

County Research – *The mission of this effort is to provide the County Commissioners and Administration with research activities on an as-needed basis. Recent County Commissioner research priorities include: education, poverty, health, and public safety. The Community Planning and Data Products sections as well as the Executive Director provide direct support to the BoCC in the form of research and report preparation on various topics of interest to the Board. Elimination of the Community Planning and Data Products sections would likely result in the need for the Board to hire consultants to provide the same support. Based on past projects, the BoCC would need to significantly increase its budget to replace RPC services if these sections and Executive Director positions are eliminated. Elimination of such research would conflict with numerous budget policies.*

Countywide Report Card – *RPC currently assists the Budget Office in the preparation of the countywide report card by providing data and web editing. This service would no longer be possible and its elimination would conflict with Budget Policy No. 29.*

MSD Consent Decree – *RPC has recently signed a three year contract to assist MSD in educating Hamilton County communities about the need to address stormwater*

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*infiltration issues. This work includes reviewing and upgrading development regulations to allow for green technologies to be utilized in new developments and redevelopments. This unique project, where the County is both the client and the contractor, fulfills Budget Policy No. 7 which requires the Board to carry out state/federal mandated responsibilities as well as the specific direction to reduce the local share of the costs to implement the Consent Decree found in Budget Policy No. 33.*

*Transportation Initiative – RPC has presented a proposal to the Administration and BoCC to establish a task force to create a Hamilton County Transportation Policy Plan. If implemented, the BoCC would be presented with a series of options to insure that Hamilton County has a clear policy on all transportation issues. Such an effort would empower the Board and County to play a more significant role at OKI as well as leverage Hamilton County OKI votes to improve funding to Hamilton County communities. It is envisioned that RPC would create a transportation arm to advise the Board on all transportation related issues. Obviously, without a Community Planning staff (which would perform such duties) the project cannot move forward.*

*Cool Counties Climate Initiative – The Board of County Commissioners became a member of the Cool Counties initiative early this year which calls for an 80% reduction in the County's geographical emissions of carbon equivalent by the year 2050. Community Planning and Data Products staff and the Executive Director have been very involved in the planning of a Climate Initiative project designed to engage Hamilton County's political subdivisions to promote cleaner, healthier, cheaper to maintain, job creating, energy efficient communities. The elimination of staffing would negatively effect this BoCC project and conflict with Budget Policy Nos. 3 and 4.*

*Community Safety Task Force – The Board of County Commissioners established the Task Force for Community Safety to review the recommendations described in the report "Sex Offenders and Communities: Community Solutions for Prevention, Management, and Release of Sex Offenders in Hamilton County, Ohio." Regional Planning Commission staff authored this report and provides support to the task force through research, data analysis, GIS mapping, and administration. The elimination of this program would conflict with Budget Policy No. 2*

*GCEP Project Support – RPC serves as the project coordinator for the GCEP initiative and handles all the contracts and billing. If the Executive Director position is eliminated, it is unlikely that anyone else within the RPC would have the knowledge or capacity to perform such functions and therefore, such action would conflict with Budget Policy No. 22.*

*Bicycle Friendly Communities Project - Hamilton County and the City of Cincinnati are beginning a new project that will make our communities better for bicycling, provide different transportation options, improve public health, and enhance our quality of life.*

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*They are joined in this effort by First Suburbs Consortium of Southwest Ohio—an organization of 26 older suburban communities surrounding Cincinnati. The project is called Bicycle Friendly Community (“BFC”) and it is sponsored by the League of American Bicyclists. We are joining 84 other cities across the country that are working to make bicycling a viable transportation option for their residents. Elimination of staffing would conflict with Budget Policy No. 3.*

*County Web Services – The Regional Planning Commission employs the only county web services staff – Web Developer who is responsible for programming codes, etc. for the entire county web site and a Systems Administrator who is responsible for the web site hardware (servers, etc.). In the absence of these two positions, the Hamilton County Web would not exist. Additionally, the Web Developer maintains/manages the content for twenty (20) departments, some of which are done by contract. Therefore, elimination of the County Web Services would greatly affect other departments and reduce income. Arguably, this elimination would conflict with Budget Policy No. 29.*

*Census –Without Data Products section staff, Hamilton County would lose its designation as a State Data User Center, and would no longer have a preview of Census data releases. We would find out about trends when they are released in the newspaper instead of being able to respond to such reports in advance. This designation has been quite significant in our recent population challenges. Without the challenges, the county’s population would be 30,000 less. Two more challenges are on the books which can boost our county by an additional 10,000. In a state that is not growing, this population gain from our county was extracted out of other urban counties like Cuyahoga and Mahoning. Therefore, Hamilton County benefits from additional state funding . Additionally, as a state affiliate, RPC was able to participate in the Local Update of Census Addresses program which enabled a comparison of the Hamilton County address data list to the Bureau’s master list which found over 7,000 missing addresses. Elimination of staffing would conflict with Budget Policy No. 3.*

*Additionally, RPC provides analysis of current Census data as well as all County duties that will be necessary in the ramp up to the 2010 Census. It is anticipated that a Data Products staff member will be a key member, and perhaps the leader, of the Complete Count Committee; another process to ensure an accurate count and appropriate state and federal funding. Elimination of staffing would conflict with Budget Policy No. 3.*

*Lastly, John Huth (Data Products) is the only person in the state who is certified to produce population estimates for state liquor licenses. Elimination of this service would conflict with Budget Policy No. 29.*

*Geographic Information Systems (GIS) – The GIS staff works with the Sheriff and Prosecutor to identify boundaries around schools to restrict the residence of sexual predators. Elimination of this service would conflict with Budget Policy No. 2.*

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*The GIS staff also updates the RPC's layers within the CAGIS database inputting street centerline data and addressing data utilized in the assignment of addresses for all properties within the unincorporated Hamilton County and three municipalities. The street and address assignment is a crucial duty as local 911 Services relies on this data to respond to life safety emergencies. Additionally, address assignment is crucial to all development permitting agencies because the address is the data set to which development (permitting) initiation is linked. Without a street centerline and address, permitting cannot begin. Elimination of this service would conflict with Budget Policy No. 2.*

*The GIS staff is also involved in the CAGIS Construction Coordination Project checking pavement through GIS, inputting all pavement and street intersections into GIS to inventory and manage as an asset. Elimination of the Construction Coordination service would conflict with a current Administration/CAGIS/RPC effort to improve construction coordination and thereby reduce costs to Hamilton County jurisdictions. Arguably, elimination of the Construction Coordination project would conflict with Budget Policy No. 29 as well.*