

2009 Expenditures Department Response

DEPARTMENT: Hamilton County Recorder
DEPARTMENT HEAD / ELECTED OFFICIAL: Rebecca Prem Groppe
OCA TITLE: 220111 - Administration

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.

Introduction: The Recorder disagrees with the characterization of the listed expenses by the Budget Office as “non mandated”. The referenced items in the OCA title are addressed below. In general, the Administration of the Recorder’s office makes precisely the decisions, and performs the functions, that execute the mandates of the Ohio Revised Code. The designation of these expenses as “non-mandated” by the Budget Office would essentially cease the operation of the Recorder’s office and the maintenance of land records as required throughout the Revised Code.

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.

The office of the Recorder is mandated by the Ohio Revised Code in Chapter 317, Chapter 5309 and Chapter 5310 along with other portions of the code dealing with the administration of County Government. This office is responsible for receiving and maintaining all land records in Hamilton County Ohio. These records are required by the code to be indexed and maintained in such a way that they may be retrieved, viewed and utilized. (See also Public Records portions of the Code including but not limited to Chapter 149).

The land records of Hamilton County are all indexed pursuant to Chapter 317 including ORC 317.18, 317.19 and ORC 317.20, along with mirroring Registered Land provisions in Chapter 5309 and 5310. This operation is overseen by the Assistant Chief Deputy to whom the data processing office (ORC 317.18 and ORC 317.19) and the Sectional Indexing office (ORC 317.20) report. The Assistant Chief’s supervisory responsibility over these departments is specifically for the purpose of statutory obligation and so is mandated.

These Records and indexes have been maintained in searchable format via computer since 1988. In 2003, the computerized records system was updated with custom software. The entire system is run by the Recorder’s office System Administrator who has control and knowledge of both the hardware in the system and the custom software. He has 24 hour, 7 day per week, access to the system allowing its continued operation. Absent the operation of the computer public inquiry database by these administrators, the county has no statutory operating ability.

The position of Administrative Manager is necessary in both the express and implied imperatives contained in the code. This employee has the responsibility for

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the purchasing, supply and administrative needs of each department. This includes, every aspect of the office, from paper to film development supplies. It requires extensive time in negotiating with suppliers and vendors. All of which lead to the end result of revenue, particularly in the area of the sale of documentation. Further, as noted above, the statutory mandates of this office are carried out via computerized land records. The public access to these records is done via an intranet/internet website. The Recorder's Administrative Manager is responsible for the maintenance of the content of the website.

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 Administration and maintenance of the Recorder's office is essential for the work of all real estate professionals in the county. Additionally, it is essential for citizens who wish to record or access any documents affecting land.

Additionally, the services are utilized by county agencies such as the engineer, auditor and treasurer. There is a substantial use by the Office of the Prosecutor for foreclosure, tax collection and county real estate purposes.

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.

Absolutely all revenues received by the Recorder's Office. These are provided for by statute in specific fee schedules. ORC 317.32 and ORC 5309.15 amongst others. Absent the administration of this office, these revenues would be lost.

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.

Lost revenue from the Recorder's office. Additionally, other employees would need to be hired to maintain the computer systems in which the county is substantially invested.

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

As outlined above, the administration of this office is both express and implied by the provisions of the Ohio Revised Code.

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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.

These functions are statutory. In the area of System Administration, there is still an unfulfilled contract with the software developer for system upgrades in the operational software.

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

Shutting down the computerized land records system would idle hundreds of thousands of dollars in equipment, such as the day to day servers, off site servers, computer terminals, both public and employee along with scanning materials and recently acquired custom software.

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.

Not applicable.

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).

Loss of these positions would stop the function of the Recorder's office as it operates today.

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.

See answer to question one. Additionally, as stated, loss of these positions would stop the function of the Recorder's office as it operates today. There would be an inability to access computerized land records in the computer system maintained by the system administrator and a failure in accuracy and income for operations that could go forward.

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.

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These are too numerous to detail. Obviously, there would be an extreme need for assistance in the maintenance of land records and the operation of the computer system. These skills would need to be brought in and paid for if the county is to continue its statutory obligations.

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

This office has already been cut to minimal levels.

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?

While open to new ideas, this office has been cut to extreme bare minimum levels in the last two budget cuts.

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

Traditionally, Recorder's offices are funded by fee income.

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

There is a potential for fee modification. The Recorder's office is exploring possibilities at this time.

Other Considerations and Comments:

It is baffling that the function of the administration of land records in this county could be deemed "non mandatory". The computerized indexes alone, maintained by the system administrator, are an obvious statutory requirement, along with the supervision of the data entry staff provided by the Assistant Chief and the Administrative Manager. Additionally, aside from the express statutory requirements, the administration is implied within the statutes requiring a county the size of Hamilton to maintain land records and maintain indexes which must be completed on a daily basis.