

2009 Expenditures Department Response

DEPARTMENT: Hamilton County Recorder

DEPARTMENT HEAD / ELECTED OFFICIAL: Rebecca Prem Groppe

OCA TITLE: Photo/Microfilm

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 Photo/Microfilm section of the Recorder’s office fulfills the Ohio Revised Code requirements for the preservation of real estate records and plats, along with the revenue producing sale of copies. ORC Chapter 317 et seq. Fees for copies are set out in ORC 317.32 and ORC 5310.15. It should also be noted that this department provides rolls of microfilmed documents for sale to outside parties. This is a revenue generating venture for the county.

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 duty of the Recorder to preserve records is mandatory. The county has historically decided that the real estate records of the county are to be preserved via microfilm. Additionally, the revenue generating aspect of this department is required by the Ohio Revised Code in section 317.32 and section ORC 5310.15. The microfilm “office supplies” are essentially the raw material utilized for these functions. This consists of microfilm toner, archive writers, photo development chemicals and supplies, along with the blank paper and toner required for making and selling the copies for which fees are mandated by the Revised Code. While reducing the microfilm expenses to 2007 actual would match demand for preservation microfilm, it may require limiting the sale of microfilm. Further, reducing the office supplies would not allow the copying required for statutory fees. This office also accounts for housing fund fees mandated by ORC Section 317.36.

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 photo/microfilm department is essential for the work of all title examiners and real estate professionals in the county. This allows them to leave the office with copies of documents needed in real estate transactions. Additionally, it is essential for citizens who wish to obtain copies of documents affecting their land. These services are utilized by any county agencies engaged in activities requiring plats,

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deeds and easements. There is a substantial use by the Office of the Prosecutor for foreclosure, tax collection and real estate litigation.

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.

County revenues made from the sale of microfilm rolls and paper copies 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.

Not providing the copies which would be eliminated by the reduction in office supplies would result in a decrease in income.

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

Historically, the former county microfilm board had made determinations under the commissioners regarding microfilm.

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.

Sale of microfilm to outside sources and sale of copies by the county are made on a per transaction basis.

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

Unused microfilm equipment, darkroom supplies, archive writer and copiers. Surplus printers.

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.

The assessment does not involve employees in this department.

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).

The assessment does not involve employees in this department.

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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.

The assessment does not involve employees in this department.

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.

Failure to provide copies would result in a loss of revenue and a potential legal challenge to provide public records. ORC Chapter 149 et seq and specifically ORC 149.43.

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

Since this department is both preserving recorded documents and income generating, eliminating these services would reduce income to both the general fund and the state housing fund as mandated in Ohio Revised Code Section 317.36.

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?

Substantial savings have been realized already in limiting service to equipment and other steps taken. As stated, it is questionable what is actually "non mandated", since these functions all answer directly to Ohio Revised Code sections, or are revenue generating.

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

Not applicable.

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

Research is being undertaken regarding the possibility of changing the fee structure, along with a review of relevant code provisions.

Other Considerations and Comments:

It is questionable what is actually "non mandated". Each of the functions designated "non mandatory" are actually specifically required by the revised code Chapter 317, or the commission's historic policy to preserve via microfilm. In fact, the copy service is required under ORC 317.32 and ORC 317.36. Even if these services were deemed optional, they are revenue generating.