

2009 Expenditures Department Response

DEPARTMENT: Hamilton County Recorder
DEPARTMENT HEAD / ELECTED OFFICIAL: Rebecca Prem Groppe
OCA TITLE: 220152 – Public Information

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 Budget Office has taken the position that the Public Information Coordinator and Office Supplies in this department are non mandated. The Recorder disagrees with the characterization of these expenses as “non mandated”. The Public Information section of the Recorder’s office is essential in carrying out the basic functions of the Recorder’s office as the custodian of the public real estate records. Public information consists of a team of employees who assist not only the title examiners who utilize the office, but importantly, the constant flow of citizens who come into the office for “over the counter service”. This department is headed by a Public Information Coordinator, who is the “Department Coordinator” for this department. Any cut in this department is a direct cut of services to the citizens of Hamilton 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 mandate for the Recorder’s public information is express in the Ohio Public Records Act and implied by the function of the office. The Recorder is the custodian of all records affecting real estate. This duty is set out in Ohio Revised Code Chapter 317 et seq. and specifically ORC 317.08, 317.13 and other statutes regarding the treatment of specific documents. Also, the assistance of public information employees is required in Registered Land matters as provided in Chapter 5309 and Chapter 5310.

Importantly, the mandate for the Public Information department of the Recorder’s office can be found in the recently amended Public Records law of Ohio requiring county offices to be responsive to citizen inquiries with assistance in locating documents. Ohio Revised Code Chapter 149 et seq., including but not limited to, ORC 149.43.

The public information personnel in the Recorder’s office assist the users of the office in locating the information they seek. This is particularly important to the citizens of the county who are not title examiners or real estate professionals, but who need information for any purpose, including but not limited to, easements, ownership documents, lien documents, genealogy or bankruptcy. The mandate is implied in the duty of the Recorder as the custodian of records. The Public Information Coordinator is the most knowledgeable of these deputies and is well

2009 Expenditures Department Response

versed in both the location of information in the office and the limits of the assistance to be rendered.

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 information provided is utilized by any person seeking documents recorded, indexed, or housed in this office. Naturally, this also includes all title examiners and real estate professionals in the county. Additionally, it is essential for citizens who wish to access any documents affecting land. Absent the public information personnel, these citizens would be forced to hire attorneys or title examiners to locate this information in the Recorder's office. Additionally, the services are utilized by county agencies. 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.

The revenues are in the form of both recording and copy fees. The recording fees are an indirect result of the efforts of the public information personnel. The copy fees are often a direct result of the efforts of the public information department. For example, once records are located by a visitor to the office, they are directed to the Photo/Microfilm department where they pay the statutory fee for the services.

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.

Absolutely, this would require almost all citizens or county agencies to hire counsel for even the simplest real estate matter, such as locating a deed in a bankruptcy or divorce or locating a mortgage. The cost of this small department, along with the salary of the coordinator are miniscule compared to the expense of doing away with public service by the Recorder's office.

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

Indirectly, when utilized in any county business involving real estate.

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.

2009 Expenditures Department Response

See answer to Number 1. The existence of this service is implied by the entire purpose of the Recorder's office.

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

Unused computer terminals.

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.

Employees are civil service classified.

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).

Not applicable, mandate is in the existence of the office.

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 determination of the Budget office is that the Department Coordinator is not mandated. The Recorder's office is of the position, as stated above, that the mandate is implied. Eliminating the supervisor of this small department would take away the base of knowledge available to the general public, the title examiners, and the real estate professionals. Additionally, service by less experienced staff who may not be as knowledgeable, or as aware of legal limitations could lead to misunderstandings and potential liability regarding real estate records.

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.

Primarily, this would put an end to much of any public service provided by this department. This department is very small and absent the knowledge and direction of the coordinator, citizens would in many cases be forced to hire counsel to locate simple real estate information. This office, since the last budget cuts, has received complaints regarding the waiting time for service.

**2009 Expenditures
Department Response**

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

Not applicable in the area of public service.

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?

As noted above, since the last two budget cuts, this service is running at a minimal level.

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

Unknown

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

Additional fees are addressed in responses dealing with other departments or OCA titles.

Other Considerations and Comments:

As stated above, the mandate for public service is implied in the entire statutory existence of this office. More directly, the mandate for the Public Information department of the Recorder's office can be found in the recently amended Public Records law of Ohio requiring county offices to be responsive to citizen inquiries with assistance in locating documents. Ohio Revised Code Chapter 149 et seq., including by not limited to, ORC 149.43. Absent the public information personnel, these citizens of the county would be forced to hire attorneys or title examiners to locate relatively simple information in the Recorder's office.