

## 2009 Expenditures Department Response

DEPARTMENT: Recorder

DEPARTMENT HEAD / ELECTED OFFICIAL: Rebecca Prem Groppe

OCA TITLE: 220061 – Registered Land

*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's office disagrees with the characterization of the listed expenses by the Budget Office as "non mandated". The Budget office analysis outlines the statutory mandates of the Recorder as set out in ORC Chapter 317. However, failed to note the obligations under Chapter 53 et seq. Importantly, the analysis does not address Chapter 5309 and Chapter 5310 which deal with the obligations and liabilities of the Recorder in the maintenance of Registered Land records. Hamilton County maintains the largest number of Registered land records in the State of Ohio. Registered Land requires essentially the operation of a completely separate recording operation within the Recorder's office. This is extremely labor intensive and requires specific supplies and special certificate paper, all over and above that which would be used in other departments.

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 specific areas addressed by the Budget office, "part time employees" and supplies, are utilized to fulfill the statutory obligations of this department as outlined in Ohio Revised Code Chapter 5309 and Chapter 5310. Absent the part time personnel, who handle incoming mail transactions, the office would be severely short-handed in addressing the already time pressed registered land transactions. Further, the additional supplies are those needed, over and above the requirements of a standard department due to the need to issue accurate certificates, involving specialized paper, printing and related supplies.

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 Certificates of land title issued by the Registered Land department are relied upon by all title examiners and real estate professionals involved in land transactions. Additionally, it is essential for citizens who own Registered Land or who have a lien, or other interest, in Hamilton County Registered Land. The

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**certificates are relied upon by other departments of the county who have an interest in Registered Land, including for tax collection 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.

**Yes, pursuant to the Ohio Revised Code, Registered Land recording fees are substantially higher than those for traditional document recording. ORC 5310.15. Absent the accurate maintenance of records, by this department, there could be no trust or faith in Hamilton County's substantial portions of Registered Land. Further, improperly issued certificates would lead to liability on the part of Hamilton County.**

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.

**As mentioned above, improperly issued certificates would lead to liability on the part of Hamilton County.**

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

**Historically, the Board has allowed the continuance of a system of land registration in Hamilton County.**

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.

**There are statutory obligations contained with in Ohio Revised Code Chapter 5309 and Chapter 5310 which require the continuance of accurate maintenance of registered titles.**

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

**Computers and printer and scanner out of service.**

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.

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**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).

**Eliminating part time may require the replacement by a full time employee with related expenses to perform the tasks.**

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 budget office has determined that the Registered land staffing is mandated aside from the part time addressed above.**

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 failure to create registered land certificates would be a breach of Ohio law. The failure to accurately or timely create these certificates may result in county liability. There may also be a need to replace part time personnel with full time.**

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

**Not applicable**

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?

**This department has cut back as a result of the last two rounds of budget cuts to bare minimum expenditures.**

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?

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**This option is being explored.**

Other Considerations and Comments:

**The Recorder's office disagrees with the characterization of the listed expenses by the Budget Office as "non mandated". The Budget office analysis failed to note the obligations under Chapters 5309 and 5310 which deal with the obligations of the Recorder in the maintenance of Registered Land records. Registered Land requires essentially the operation of a completely separate recording operation within the Recorder's office. This is extremely labor intensive. The use of part time employees is considered more cost efficient in their specific tasks. Additionally, it requires specific office supplies and special certificate paper, all over and above that which would be used in other departments.**