

2009 Expenditures Department Response

DEPARTMENT: Hamilton County Recorder
DEPARTMENT HEAD / ELECTED OFFICIAL: Rebecca Prem Groppe
OCA TITLE: 220103 – Unregistered 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 Budget Office has determined that the Office Supervisor, a Data Entry employee and Office Supplies in this section are non mandatory. The Recorder disagrees with the characterization of these expenses as “non mandated”. In general, the Unregistered land section of the Recorder’s office is more accurately described as the “traditional” recording office operation. The department has two cash registers staffed by employees who fulfill the main duties of recording. ORC 317.13 et seq. Additionally, the department is staffed with data entry operators who create the main direct and reverse indexes provided for in ORC 317.18 and ORC 317.19. This department is large and diverse, including the traditional recording, cashing and direct and reverse indexing.

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.

Yes, there is no question that the Office Supervisor is essential. Due to the diverse nature of this department, including the traditional recording, cashing and direct/reverse indexing, extra supervisory personnel are necessary in making key decisions which occur every couple of minutes. The task by task decisions made here, are so important that if not properly made, are potential areas of liability. These include the decisions as to how documents are indexed so that they may be located by title examiners. Also, the loss of a data entry position may result in delays in producing the statutory daily index. ORC 317.18.

Additionally, this department is heavily invested in equipment in need of regular maintenance and absent office supplies, will grind to a halt. Specific examples include cashing equipment, time and date stampers (surprisingly high maintenance), scanning equipment and IT related data processing equipment.

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 traditional recording office is essential for the work of all title examiners and real estate professionals in the county. Additionally, it is essential for citizens who wish to record or access any documents affecting land. These services are utilized by any county agencies

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who wish to record any interest in land. There is a substantial use by the Office of the Prosecutor for foreclosure, tax collection and county real estate purposes. Importantly, this is the intake department for all child support liens filed by county agencies.

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 of this department are the main source of income of the Recorder's office.

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.

These are mandated services, not providing them would result in a failure to follow the Ohio Revised Code and liability to the county.

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

The recording, cashiering and direct and reverse index is provided for by the Ohio Revised Code. Chapter 317. Specifically, ORC 317.13, ORC 317.18, ORC 317.19, and ORC 317.32, along with statutes dealing with the recording and handling of specific types of documents.

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.

No, it is statutory.

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

Unused cash registers, computers, scanners, stampers.

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 classified civil service.

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).

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As outlined above, there is potential liability for a reduction in the function of this 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 elimination in this code of the Office Supervisor is impossible. As outlined in the introductory comments, this office is diverse with several functions. The Office Supervisor makes all critical and final decisions affecting how the data processors actually place each document recorded (hundreds per day) into the statutory direct and reverse indexes. ORC 317.18 and ORC 317.19. Without critical review, of the differing choices available to the several different data entry personnel, errors would occur in the land records which could result in county liability. This supervisory function is specific and necessary. It is separate from the over all supervisory role of the Department Coordinator who coordinates the multi levels of intake, cashiering, stamping, scanning and indexing.

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.

Aside from waiting, a shut down as a result of loss of office equipment and liability as a result of failure to properly supervise or coordinate multi level functions.

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

Unknown

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?

The functions designated as non-mandated, the supervisor, data entry operator, and the supplies, are essential to the mandated functions of the office, so there is no more efficient alternative available. It would just be a failure to carry thru with the duties required by statute in a timely and accurate fashion.

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 question is more properly addressed under other assessments.

Other Considerations and Comments:

There really is no alternative than to have a functioning traditional recording desk. This multi-tasking department, including cashiering, stamping, scanning and direct/reverse indexing, carries out those activities mandated by the Ohio Revised Code in Chapter 317 et seq. with specific statutes addressed above. The designation of the Budget Office that the Office Supervisor, data entry operator and Office Supplies are non mandatory is believed to be incorrect. Importantly, in regard to the Office Supervisor. Without this supervisor's critical review of the differing choices available to the several data entry personnel, errors may occur in the land records which could result in county liability. These expenditures are necessary to handle the mandatory functions of this department.