

BCC INFORMAL REGULAR SESSION

DATE: Monday, April 29, 2013

| <u>NAME</u> | <u>TITLE</u> | <u>AFFILIATION</u> | <u>PHONE/EMAIL ADDRESS</u> |
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| <u>Donald Clapper</u> | <u>Recorder</u> | _____ | _____ |
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STATEHOUSE REPORT

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April 19, 2013

Budget sub-bill mandates commissioners establish special fund for county recorders upon recorder request

Commissioners need to ask legislators to remove recorder equipment fund mandate from budget sub-bill!!

On Friday, April 19, the CCAO Board of Directors took a position in opposition to proposed language within the budget bill (House Bill 59), that would require commissioners establish a special equipment fund for county recorders upon request by the recorder.

Under current law, the county recorder may, as part of a proposal, request that the board of county commissioners establish a recorder equipment fund to be designated for the acquisition or maintenance of micrographic or other equipment or for contract services from certain fees collected by the recorder (up to 7 dollars). ***Importantly, the board of county commissioners, as the county budget authority, may approve, reject or modify the proposal as they deem necessary.***

Under the proposed language the following changes would be made:

- Expands the scope of the permissible use of equipment funds to include various technologies used today in a recorder's office, including personnel costs for redaction, etc.
- Increases the permissible request to 8 dollars of the fee collected for filing or recording a document be placed in the equipment fund.
- Limits the period of the proposal for use from one year from the date the proposal is approved.
- Requires a board of county commissioners to approve the proposal.
- Provides that any funding received under the technology proposal "does not diminish the duty of the board of county commissioner to provide funding for the expenses incurred by, and the personnel necessary for the county recorder to perform the duties of office."

CCAO strongly opposes this abrogation of commissioners' budget and appropriating authority. The board of county commissioners represents the appropriate discretion for making such appropriations. As the duly elected budget authority for counties, commissioners are entrusted with ensuring not only the efficient use of taxpayer dollars,

but also that the use of dollars represents the proper prioritization of limited county resources.

In addition, CCAO finds the proposed language in the final bullet an unnecessary attempt to set new arbitrary funding standard that likely lead to costly litigation. The current recourse of a writ of mandamus is sufficient remedy under law.

While CCAO obviously would prefer this language to be removed, policy staff has expressed our concerns with the amendment sponsors and is working on language that would mitigate the adverse effects of this proposal if it cannot be removed.

However, CCAO asks commissioners to please contact their respective Senators, Senate Leadership, and members of the Senate Finance Committee, to ask that the recorder equipment fund amendment, as proposed be removed.

In addition, CCAO will be drafting sample letters and resolutions regarding opposition to the recorders equipment fund proposal that will be emailed to commissioners for your use on Monday.

For more information on this issue, please contact CCAO Senior Policy Analyst Josh Hahn at jhahn@ccao.org.