



COUNTY ADVISORY BULLETIN

CAB

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BULLETIN 2013-03

SEPTEMBER, 2013

COUNTY RECORDER TECHNOLOGY FUND

GENERAL ASSEMBLY REPURPOSES RECORDER EQUIPMENT FUND AS TECHNOLOGY FUND; ESTABLISHES FIVE YEAR FUNDING FORMULA FOR FUNDS

BILL: Am. Sub. HB 59

REVISED CODE SECTIONS EFFECTED:

Amends ORC Sections 317.06, 317.32 and 317.321

LEAD SPONSOR: Representative Amstutz

HOUSE COSPONSORS: Anielski, Baker, Beck, Blair, Boose, Brown, Burkley, Conditt, Dovilla, Grossman, Hackett, C. Hagan, Hayes, Lynch, McClain, McGregor, Pelanda, Rosenberger, Ruhl, Sears, Sprague, Stebelton, Thompson

SENATE COSPONSORS: Beagle, Burke, Coley, Faber, Hite, Lehner, Oelslager, Peterson, Schaffer, Uecker, Widener

EFFECTIVE: September 29, 2013

BILL SUMMARY

House Bill 59, the state biennial budget bill, includes language that represents the Ohio Senate's attempt at a compromise proposal following a lengthy debate during the budget deliberation process between the County Commissioners Association of Ohio (CCAO) and the Ohio Recorder's Association (ORA) regarding the county recorders equipment fund, now renamed the county recorders technology fund.

This county advisory bulletin (CAB) will discuss the current law and budgetary process regarding the county recorders equipment fund, the permanent changes to the now county recorders technology fund, and the temporary changes to both the county recorders technology fund law and the budgetary processes, including limitations on the permissible uses of the fund, within HB 59. In addition, the CAB includes two appendices: Exhibit A provides examples of the temporary funding formulas under HB 59; Exhibit B provides a list of the pertinent affected statutes.

SYNOPSIS

As noted above, HB 59 includes a Senate proposed compromise that mandates certain allocations of recorders' fees to the county recorder's (equipment) technology fund for a period of five years from January 1, 2014 through December 31, 2018.

Under current law, a county recorder (hereafter "recorder") may request up to \$7 dollars of recordation fees associated with various document filings including real estate transfers, financing documents, and probate records that otherwise go the county general fund to be placed in a special equipment fund. Commissioners may approve, reject, or modify such requests to establish a special equipment fund.

A House adopted provision would have changed the name of the fund from "equipment" to "technology," removed commissioners ability to reject or modify such request, and would have prohibited a board of commissioners from diminishing any general fund support for the recorder's office should the special fund have been created, essentially establishing a "maintenance of effort" requirement.

Senate leadership, recognizing the strong opposition from CCAO and steadfast support from the ORA, attempted to forge a compromise that was included in the omnibus budget amendment. In the end, despite neither CCAO nor ORA support, the Senate provision was included in the final version of the legislation.

The Senate provision provides for the following:

- Retains the name change to the "technology fund;"
- Locks in or "grandfathers" any current allocation of recorder's fees to the recorders equipment fund (now the recorder's technology fund) for a period of five years (calendar years 2014-18);
- Requires a mandated bump of up to \$3 to be directed to the recorder's technology fund from the general fund during the same five year period, which must be requested by the county recorder on an annual basis;
- Provides that the sum of such allocations cannot exceed \$8;

- Provides that, if the sum of the grandfathered distribution and the mandatory up to \$3 bump is less than eight dollars, a county recorder (similar to current law) could request an additional allocation up to the \$8 cap for a period of up to five years, but this would remain a permissive request to the board of county commissioners. Thus, commissioners could approve, reject, or modify the latter request; and
- Specifies the purposes for which the fund may be used.
- Sets forth limitations on the authorized purposes of the fund, including three items that commissioners have repeatedly requested with regards to special funds:
 1. Only personnel expenses directly related to the authorized purposes may be paid from the fund. Additionally, the personnel expenses paid from the fund cannot exceed the aggregate salary line item established by commissioners. Finally, use of the fund for compensation bonuses or for recognizing outstanding performance is prohibited.
 2. Authority for the commissioners to transfer monies from the special fund to the county general fund should the county be in fiscal caution, fiscal watch, or fiscal emergency; and,
 3. A requirement that the county recorder training be paid out of the special fund, if the special fund has been established.

Finally, CCAO strenuously opposed any general fund maintenance of effort or supplanting provision as a terrible precedent with regard to special funds in general and an attempt to establish a new arbitrary funding standard that would likely lead to costly litigation. This provision was not included in the Senate language.

Beginning January 2019, all requests return to their current permissive nature and can be requested for a period of up to five years.

COUNTY RECORDERS EQUIPMENT FUND (PRIOR TO HB 59 EFFECTIVE DATE- SEPTEMBER 29, 2013)

By October 1 of any year the county recorder may submit to the county commissioners a written request that certain fees collected by the recorder be designated for the acquisition or maintenance of micrographic or other equipment or for contract services.

Such a written proposal must include at a minimum the following items:

1. A request that a certain amount, not to exceed seven dollars of the following fees collected by the recorder be designated as "general fund monies to supplement the equipment needs of the county recorder:"
 - the fees collected for filing or recording certain instruments, if the photocopy or any similar process is employed,¹
 - the fee for filing a financing statement to perfect a security interest or an agricultural lien,² and
 - various fees for recording an assortment of instruments regarding registered land.³

The \$28 fee for recording and indexing the first two pages of a transfer, conveyance, or assignment of tangible or intangible personal property, or rights or interests therein, and an \$8 fee for each subsequent page of that instrument if the photocopy or any similar process is employed, was also to be credited to the county recorders equipment fund, if such fund had been established.

2. The number of years, not to exceed five that the special designation would remain in effect.
3. An estimate of the total amount of fees generated for filing or recording documents under the specified sections.
4. An estimate of the total amount of fees generated for filing or recording documents that will be designated as "general fund monies to supplement the equipment needs of the county recorder," if the commissioners approve the recorder's request.

The law permits the recorder to include in the proposal a description of the equipment, maintenance or contract services that the recorder requests. If the recorder has no immediate plans to acquire equipment or utilize services, the proposal must indicate the general needs of the office and that the purpose of the proposal is to reserve funds for future equipment needs.

The county commissioners must journalize the recorder's proposal and set a date between 15 and 30 days from receipt of the proposal on which to meet with the recorder to review the proposal.

By December 15 of any year in which the commissioners receive such a proposal, they must approve, reject, or modify the proposal and notify the recorder of their action on

1 A base fee of \$14 and a Housing Trust Fund fee of \$14 continue to be charged for the first two pages, and a base fee of \$4 and a Housing Trust Fund fee of \$4 continue to be charged for each subsequent page.

2 A fee of \$20 continues to be charged for responding to a request for information about a financing statement naming a particular debtor, or a \$5 fee if the request is less particular.

3 The fees continue to be range from \$5 to \$30.

the proposal. If the commissioners reject or modify the proposal, they must make a written finding that the request is for a purpose other than acquiring, leasing or obtaining equipment or contracts for use by the county recorder or that the amount requested is, in the opinion of the commissioners, excessive. If the commissioners approve the proposal, they must request the State Auditor to approve establishment of a special fund.

The purchase of equipment and services for the county recorder must be properly budgeted as part of the county annual appropriation measure. Such purchases are also governed by requirements for competitive bidding and certification of availability of funds and, when applicable, any requirements of a data processing or microfilm board.

COUNTY RECORDERS EQUIPMENT FUND (FOLLOWING HB 59 EFFECTIVE DATE- SEPTEMBER 29, 2013)

Permanent Changes

Renaming and repurposing of the equipment fund to the technology fund

HB 59 renames the current county recorder's equipment fund (or "general fund monies to supplement the equipment needs of the county recorder") as the "county recorder's technology fund."⁴

In addition, the bill specifies that any proposal for a county recorder's technology fund shall be for the following purposes:

- The acquisition and maintenance of imaging and other technological equipment and contract services therefore;
- To reserve funds for the office's future technology needs if the county recorder has no immediate plans for the acquisition of imaging and other technological equipment or contract services, or to use the county recorder's technology fund as a dedicated revenue source to repay debt to purchase any imaging and other technological equipment before the accumulation of adequate resources to purchase the equipment with cash.
- For other expenses associated with the acquisition and maintenance of imaging and other technological equipment and contract services, including personnel costs within the specified restrictions.⁵

Revised information to be included within a proposal

HB 59 revises the information that must be in a funding proposal by requiring greater detail:

4 ORC 317.321 (B)
5 ORC 317.321(A)

- Acquisition and Maintenance of Equipment - A proposal for the purposes of the acquisition and maintenance of imaging and other technological equipment and contract services for such equipment must include a description or summary of the imaging and other technological equipment that the county recorder proposes to acquire and maintain, and the nature of contract services that the county recorder proposes to use.
- Reserve Funds or Debt Repayment – A proposal to reserve funds for the office's future technology needs (if the county recorder has no immediate plans for the acquisition of imaging and other technological equipment or contract services), or to use the county recorder's technology fund as a dedicated revenue source to repay debt to purchase any imaging and other technological equipment before the accumulation of adequate resources to purchase the equipment with cash, must explain the general future technology needs of the office for imaging and other technological equipment, or for revenue to repay debt.
- Other Expenses - Finally, if a proposal is for “other expenses associated with the acquisition and maintenance of imaging and other technological equipment and contract services,” the proposal must also specify these other expenses that the recorder proposes to pay with moneys in the technology fund.⁶

Revised fees that may be requested for technology fund

HB 59 increases from “an amount not to exceed \$7” to “an amount not to exceed \$8,” the amount of the fees described above that the county recorder may request be placed in the county treasury to the credit of the county recorder's technology fund.⁷

However, the bill decreases the amount of fees collected for recording and indexing the first two pages of an instrument that transfers, conveys, or assigns tangible or intangible personal property that is deposited in the county recorders technology fund.⁸ If the county recorder's technology fund has been established, of the \$28 fee charged for recording and indexing the first two pages of the instrument, \$14 must be deposited into the county treasury to the credit of the technology fund and \$14 must be deposited into the county general fund, instead of the entire \$28 going into the county recorders technology fund, as required by prior law. If no county recorder technology fund has been established, the act requires that the entire \$28 fee be deposited into the county general fund.⁹

Personnel Expense Restrictions

If the proposed use of the county recorder's technology fund includes associated expenses for personnel, the use of the fund for personnel shall be strictly confined to personnel directly related to imaging and other technological equipment, and any

⁶ ORC 317.321(C)

⁷ ORC 317.321(B)(1)

⁸ Please note that, according to the Ohio Recordors Association, these documents are not very prevalent in recorders' offices.

⁹ ORC 317.32(A)(2)

compensation increases for those personnel shall not exceed the average of the annual aggregate percentage increase or decrease in the compensation fixed by the board of county commissioners for their employees, and for the officers in ORC Section 325.27.¹⁰

Further, the use of the fund for compensation bonuses, or for recognizing outstanding employee performance in a manner described in ORC Section 325.25, is prohibited.¹¹

Special Provision for Counties in Fiscal Caution, Watch or Emergency

If a county is under a fiscal caution, fiscal watch, or fiscal emergency declared by the Auditor of State, the board of county commissioners, notwithstanding tax levy laws that dictate how county funds are to be transferred, may transfer from the county recorder's technology fund any moneys the board deems necessary.¹²

The bill also requires that if a county has established a county recorder's technology fund, the costs the county recorder must incur for training programs and continuing education must be paid from the county recorder technology fund, including registration fees, lodging and meal expenses, and travel expenses. Under prior law, the board of county commissioners approved a reasonable amount requested by the county recorder for these costs from the county general fund.¹³

Temporary Changes

Funding formula for county recorder's technology fund

- Locks in or “grandfathers” any current allocation of recorder’s fees to the county recorders technology fund for a period of five years (calendar years 2014-18) Thus, a proposal that has been approved by the board of county commissioners before and that is in effect on September 29, 2013, continues in effect until January 1, 2019, regardless of the number of years of funding specified in the approved proposal. (Under prior law, a proposal was valid for up to five years, as designated in the approved proposal.);¹⁴
- Requires a mandated bump of up to \$3 to be directed to the recorder's technology fund from the general fund during the same five year period, which must be requested by the county recorder on an annual basis;¹⁵
- Provides that the sum of such allocations cannot exceed \$8;¹⁶

10 ORC 317.321(G)

11 ORC 317.321(G)

12 ORC 317.321(H)

13 ORC 317.06(B)

14 ORC 317.321(E)(2)

15 ORC 317.321(E)(3)

16 ORC 317.321(E)(4)

- Provides that, if the sum of the grandfathered distribution and the mandatory up to \$3 bump is less than eight dollars, a county recorder (similar to current law) could request an additional allocation up to the \$8 cap for a period of up to five years, but this would remain a permissive request to the board of county commissioners. Thus, commissioners could approve, reject, or modify the latter request;¹⁷ and

Beginning January 2019, all requests return to their current permissive nature and can be requested for a period of up to five years.

17 ORC 317.321(E)(4)

EXHIBIT A

Selected Examples of the Impact of Temporary Funding Formulas on County Recorder Technology Funds under House Bill 59

The temporary funding formulas for county recorder technology funds will have varying impacts on counties.

For example if County X Board of Commissioners currently allocates \$4 of the recorder's fees to the recorder's technology (equipment) fund, the Board will be required to continue allocating \$4 of these fees for the next five years until January 2019. Not later than the first day of October beginning in year 2013 and each year thru 2017, County X Recorder may also submit a written request for up to \$3 in additional fees be allocated to the recorder's technology fund. Because the sum of such requests would not exceed the \$8 cap, the Board would be required to approve this additional request, if submitted annually. However, if County X Recorder requested the additional \$1 not to exceed the \$8 cap, the Board would retain authority to approve, reject, or modify this request; such request can be for a number of years, not to exceed five years.

Current allocation	Up to \$3 bump	Additional \$ to \$8 cap
\$4 Commissioners must continue to fund for next 5 years until January 2019.	\$3 Commissioners must fund for next 5 years, if requested each year until January 2019.	\$1 Commissioners retain authority to approve, reject, or modify.

However, in our example, if County Y Board of Commissioners currently allocates \$5 of the recorder's fees to the recorder's technology (equipment) fund, the Board will be required to continue allocating \$5 of these fees for the next five years until January 2019. In addition, County Y Recorder may also request up to \$3 in an additional bump in fees be allocated to the recorder's technology fund. However, because the sum of such requests meets the \$8 cap, the County Y Recorder would not be able to request any additional fees.

Current allocation	Up to \$3 bump	Additional \$ to \$8 cap
\$5 Commissioners must continue to fund for next 5 years until January 2019.	\$3 Commissioners must fund for next 5 years, if requested each year until January 2019.	N/A

EXHIBIT B

OHIO REVISED CODE SECTIONS 317.06, 317.32, and 317.321

AS ENACTED BY AM. SUB. H.B. 59 OF THE 130TH GENERAL ASSEMBLY

EFFECTIVE SEPTEMBER 29, 2013

Sec. 317.06. (A) Each county recorder who is newly elected to a full term of office shall attend and successfully complete at least fifteen hours of continuing education courses during the first year of the recorder's term of office and complete at least another eight hours of such courses each year of the remaining term. Each county recorder who is elected to a subsequent term of office shall attend and successfully complete at least eight hours of such courses in each year of any subsequent term of office. To be counted toward the continuing education hours required by this section, a course must be approved by the Ohio recorders' association. Any county recorder who teaches an approved course shall be entitled to credit for the course in the same manner as if the county recorder had attended the course.

The Ohio recorders' association shall record and, upon request, verify the completion of required course work for each county recorder and issue a statement to each county recorder of the number of hours of continuing education the county recorder has successfully completed. Each year the association shall send a list of the continuing education courses, and the number of hours each county recorder has successfully completed, to the auditor of state and shall provide a copy of this list to any other individual who requests it.

The association shall issue a "failure to complete notice" to any county recorder required to complete continuing education courses under this section who fails to successfully complete at least fifteen hours of continuing education courses during the first year of the county recorder's first term of office or to complete a total of at least thirty-nine hours of such courses, including the fifteen hours completed in the first year of the first term, by the end of that term. The association shall issue a "failure to complete notice" to any county recorder required to complete continuing education courses under this section who fails to successfully complete at least eight hours of continuing education courses each year of any subsequent term of office or to complete a total of at least thirty-two hours of such courses, by the end of that subsequent term. The notice is for informational purposes only and does not affect any individual's ability to hold the office of county recorder.

~~(B) Each board of county commissioners shall approve, from money appropriated to the county recorder, a reasonable amount requested by the county recorder of its county to cover the~~ The costs the county recorder must incur to meet the requirements of division (A) of this section, including registration fees, lodging and meal expenses, and travel expenses shall be paid from the county recorder's technology fund, if such a fund has been established under section 317.321 of the Revised Code.

Sec. 317.32. The county recorder shall charge and collect the following fees, to include, except as otherwise provided in division (A)(2) of this section, base fees for the recorder's services and housing trust fund fees collected pursuant to section 317.36 of the Revised Code:

(A)(1) Except as otherwise provided in division (A)(2) of this section, for recording and indexing an instrument if the photocopy or any similar process is employed, a base fee of fourteen dollars for the first two pages and a housing trust fund fee of fourteen dollars, and a

base fee of four dollars and a housing trust fund fee of four dollars for each subsequent page, size eight and one-half inches by fourteen inches, or fraction of a page, including the caption page, of such instrument;

(2) For recording and indexing an instrument described in division (E)(1) of section 317.08 of the Revised Code if the photocopy or any similar process is employed, a fee of twenty-eight dollars for the first two pages to be deposited ~~into the county treasury to the credit of the special fund designated as "general fund moneys to supplement the equipment needs of the county recorder" under section 317.321 of the Revised Code~~ as specified elsewhere in this division, and a fee of eight dollars to be deposited in the same manner for each subsequent page, size eight and one-half inches by fourteen inches, or fraction of a page, including the caption page, of that instrument; If the county recorder's technology fund has been established under section 317.321 of the Revised Code, of the twenty-eight dollars, fourteen dollars shall be deposited into the county treasury to the credit of the county recorder's technology fund and fourteen dollars shall be deposited into the county treasury to the credit of the county general fund. If the county recorder's technology fund has not been established, the twenty-eight dollars shall be deposited into the county treasury to the credit of the county general fund.

(B) For certifying a photocopy from the record previously recorded, a base fee of one dollar and a housing trust fund fee of one dollar per page, size eight and one-half inches by fourteen inches, or fraction of a page; for each certification if the recorder's seal is required, except as to instruments issued by the armed forces of the United States, a base fee of fifty cents and a housing trust fund fee of fifty cents;

(C) For manual or typewritten recording of assignment or satisfaction of mortgage or lease or any other marginal entry, a base fee of four dollars and a housing trust fund fee of four dollars;

(D) For entering any marginal reference by separate recorded instrument, a base fee of two dollars and a housing trust fund fee of two dollars for each marginal reference set out in that instrument, in addition to the fees set forth in division (A)(1) of this section;

(E) For indexing in the real estate mortgage records, pursuant to section 1309.519 of the Revised Code, financing statements covering crops growing or to be grown, timber to be cut, minerals or the like, including oil and gas, accounts subject to section 1309.301 of the Revised Code, or fixture filings made pursuant to section 1309.334 of the Revised Code, a base fee of two dollars and a housing trust fund fee of two dollars for each name indexed;

(F) For recording manually any plat not exceeding six lines, a base fee of two dollars and a housing trust fund fee of two dollars, and for each additional line, a base fee of ten cents and a housing trust fund fee of ten cents;

(G) For filing zoning resolutions, including text and maps, in the office of the recorder as required under sections 303.11 and 519.11 of the Revised Code, a base fee of twenty-five dollars and a housing trust fund fee of twenty-five dollars, regardless of the size or length of the resolutions;

(H) For filing zoning amendments, including text and maps, in the office of the recorder as required under sections 303.12 and 519.12 of the Revised Code, a base fee of ten dollars and a housing trust fund fee of ten dollars regardless of the size or length of the amendments;

(I) For photocopying a document, other than at the time of recording and indexing as provided for in division (A)(1) or (2) of this section, a base fee of one dollar and a housing trust fund fee of one dollar per page, size eight and one-half inches by fourteen inches, or fraction thereof;

(J) For local facsimile transmission of a document, a base fee of one dollar and a housing trust fund fee of one dollar per page, size eight and one-half inches by fourteen inches, or fraction thereof; for long distance facsimile transmission of a document, a base fee of two dollars and a housing trust fund fee of two dollars per page, size eight and one-half inches by fourteen inches, or fraction thereof;

(K) For recording a declaration executed pursuant to section 2133.02 of the Revised Code or a durable power of attorney for health care executed pursuant to section 1337.12 of the Revised Code, or both a declaration and a durable power of attorney for health care, a base fee of at least fourteen dollars but not more than twenty dollars and a housing trust fund fee of at least fourteen dollars but not more than twenty dollars.

In any county in which the recorder employs the photostatic or any similar process for recording maps, plats, or prints the recorder shall determine, charge, and collect for the recording or rerecording of any map, plat, or print, a base fee of five cents and a housing trust fund fee of five cents per square inch, for each square inch of the map, plat, or print filed for that recording or rerecording, with a minimum base fee of twenty dollars and a minimum housing trust fund fee of twenty dollars; for certifying a copy from the record, a base fee of two cents and a housing trust fund fee of two cents per square inch of the record, with a minimum base fee of two dollars and a minimum housing trust fund fee of two dollars.

The fees provided in this section shall be paid upon the presentation of the instruments for record or upon the application for any certified copy of the record, except that the payment of fees associated with the filing and recording of, or the copying of, notices of internal revenue tax liens and notices of other liens in favor of the United States as described in division (A) of section 317.09 of the Revised Code and certificates of discharge or release of those liens, shall be governed by section 317.09 of the Revised Code, and the payment of fees for providing copies of instruments conveying or extinguishing agricultural easements to the office of farmland preservation in the department of agriculture under division (H) of section 5301.691 of the Revised Code shall be governed by that division.

Sec. 317.321. (A) Not later than the first day of October of any year, the county recorder may submit to the board of county commissioners a proposal for funding any of the following:

(1) The acquisition of and maintenance of micrographic or imaging and other technological equipment or for and contract services or a proposal to therefor;

(2) To reserve funds for the office's future equipment technology needs if the county recorder has no immediate plans for the acquisition of imaging and other technological equipment or contract services, or to use the county recorder's technology fund as a dedicated revenue source to repay debt to purchase any imaging and other technological equipment before the accumulation of adequate resources to purchase the equipment with cash. Either

(3) Subject to division (G) of this section, for other expenses associated with the acquisition and maintenance of imaging and other technological equipment and contract services.

(B) The proposal shall be in writing and shall include at least the following:

(1) A request that an amount not to exceed seven ~~eight~~ dollars of the ~~fee total base fees~~ collected for filing or recording a document for which a fee is charged as required by division (A)(1) of section 317.32 of the Revised Code or by section 1309.525 or 5310.15 of the Revised Code and the amount of the fees collected under division (A)(2) of section 317.32 of the Revised Code be placed in the county treasury and designated as "general to the credit of the county recorder's technology fund ~~moneys to supplement the equipment needs of the county recorder~~";

(2) ~~The~~ Except as provided in division (E)(3) of this section, the number of years, not to exceed five, for which the county recorder requests that the amount requested under division (A)(1) of this section be given the designation specified in that division;

(3) An estimate of the total amount of fees that will be generated for filing or recording a document for which a fee is charged as required by division (A)(1) or (2) of section 317.32 of the Revised Code or by section 1309.525 or 5310.15 of the Revised Code;

(4) An estimate of the total amount of fees for filing or recording a document for which a fee is charged as required by division (A)(1) or (2) of section 317.32 ~~of the Revised Code~~ or by section 1309.525 or 5310.15 of the Revised Code that will be ~~designated as "general~~ credited to the county recorder's technology fund moneys to supplement the equipment needs of the county recorder" if the request submitted under division ~~(A)(B)~~(1) of this section is approved by the board of county commissioners.

~~(C)~~ A proposal for the acquisition or maintenance of micrographic or other equipment or for contract services may purposes of division (A)(1) of this section shall include a description or summary of the micrographic or imaging and other technological equipment, or maintenance of the micrographic or other equipment, that the county recorder proposes to acquire and maintain, or and the nature of contract services that the county recorder proposes to utilize, if the proposal is for those purposes. A proposal to reserve funds for the office's future equipment needs if the county recorder has no immediate plans for the acquisition of equipment or services purposes of division (A)(2) of this section shall explain the general future technology needs of the office for imaging and other technological equipment, or for revenue to repay debt, if the proposal is for those purposes. A proposal for the purposes of division (A)(3) of this section shall identify the other expenses associated with the acquisition and maintenance of imaging and other technological equipment and contract services that the county recorder proposes to pay with moneys in the county recorder's technology fund, if the proposal is for those purposes.

~~(B)(D)~~ The board of county commissioners shall receive either a proposal and the clerk shall enter it on the journal. At the same time, the board shall establish a date, not sooner than fifteen or later than thirty days after the board's receipt of board receives the proposal, on which to meet with the recorder to review the proposal.

~~(C)(E)(1)~~ Not Except as provided in division (E)(3) of this section, not later than the fifteenth day of December of any year in which a proposal for the acquisition or maintenance of micrographic or other equipment or for contract services is submitted under division (A) of this section, the board of county commissioners shall approve, reject, or modify the proposal and notify the county recorder of its action on the proposal. If the board rejects or modifies the proposal, it shall make a written finding that the request is for a purpose other than for acquiring, leasing, or otherwise obtaining micrographic or other equipment or contracts for use by the county recorder a purpose in division (A) of this section, or that the amount requested for the acquisition or maintenance of micrographic or other equipment or for contract services is excessive as determined by the board. If the board approves the proposal, it shall request the establishment of a special fund under section 5705.12 of the Revised Code for any fees designated as "general fund moneys to supplement the equipment needs of the county recorder."

(2) ~~Not later than the fifteenth day of December of any year in which a proposal to reserve funds for the office's future equipment needs is submitted under division (A) of this section, the board of county commissioners shall approve the proposal, notify the county recorder of its action on the proposal, and request the establishment of a special fund under section 5705.12 of the Revised Code for any fees designated as "general~~ A proposal submitted

under division (A) of this section that was approved by the board of county commissioners before, and is in effect on, the effective date of this amendment shall continue in effect until January 1, 2019, notwithstanding the number of years of funding specified in the approved proposal.

(3) A proposal submitted under division (A) of this section between October 1, 2013, and October 1, 2017, may request that an amount that does not exceed three dollars be credited to the county recorder's technology fund, in addition to the amount previously approved by the board of county commissioners in a proposal described in division (E)(2) of this section. The proposal may be submitted each year during that time period, but shall be limited to funding in the following fiscal year. If the total of the amount under division (E)(2) of this section and the amount requested under this division does not exceed eight dollars, the board shall approve the proposal and notify the county recorder of its approval.

(4) If the total amount of fees provided for in divisions (B), (E)(2), and (E)(3) of this section is less than eight dollars, a proposal requesting additional fees may be submitted to the board of county commissioners under division (E)(1) of this section, as long as the total amount of the fees in divisions (B) and (E)(2), (3), and (4) of this section that are to be credited to the county recorder's technology fund does not exceed eight dollars, and the proposal is for a number of years, not to exceed five.

(5) When a proposal is approved by the board of county commissioners under division (E) of this section, the county recorder's technology fund moneys to supplement the equipment needs of the county recorder." is established in the county treasury, and, beginning on the following first day of January, the fees approved shall be deposited in that fund.

~~(D)~~(F) The acquisition ~~or~~ and maintenance of ~~micrographic or imaging~~ and other technological equipment, and the acquisition of other associated expenses and contract services therefor, shall be specifically governed by sections 307.80 to 307.806, 307.84 to 307.846, 307.86 to 307.92, and 5705.38, and by division (D) of section 5705.41 of the Revised Code.

(G) If the use of the county recorder's technology fund for the purposes of division (A)(3) of this section includes associated expenses for personnel, the use of the fund for personnel shall be strictly confined to personnel directly related to imaging and other technological equipment, and any compensation increases for those personnel shall not exceed the average of the annual aggregate percentage increase or decrease in the compensation fixed by the board of county commissioners for their employees, and for the officers in section 325.27 of the Revised Code. Use of the fund for compensation bonuses, or for recognizing outstanding employee performance in a manner described in section 325.25 of the Revised Code, is prohibited.

(H) If a county is under a fiscal caution under section 118.025 of the Revised Code, or is under a fiscal watch or fiscal emergency as defined in section 118.01 of the Revised Code, the board of county commissioners, notwithstanding sections 5705.14 to 5705.16 of the Revised Code, may transfer from the county recorder's technology fund any moneys the board deems necessary.