

OFFICE OF THE WARREN COUNTY CLERK
PAMELA J. VOGEL, COUNTY CLERK
JODY ROSS, DEPUTY

County Clerk/DMV Committee Meeting Agenda
Oct. 28, 2009

1. **Housekeeping Items:**

A. **Travel Approvals:**

- a.) ~~NYS DMV Supervisors Meeting @ Ballston Spa, NY Oct 28, 2009~~
- b.) NYS Archives RAC Meeting @ Clifton Park Nov. 4, 2009
- c.) NYS DMV New Employee Training – Wk of Nov. 16, 2009

B. **LGRMIF:** Notice of Full Funding (\$ 72,192) received. Will need 2009 Budget amend for 1st 50% , however, NYS may still retain a portion (estimates: 5 – 10%). Contingency: If final received before Finance Meeting, submit budget amendment. If not, will have to wait once again.

2. **Old Business:**

- A. **DMV Vacancies:** Still Awaiting results of Exam (9/12/09). Hopefully by Nov. 1, 2009
- B. **Mortgage Expense Tax:** Potential source of revenue pursuant to NYS Tax Law Sect. 262. See Attachment. Discussion.
- C. **Recording Clerk Position:** Gr. 7, (\$ 28,041 for 2009; \$ 29,538 for 2010); Vacant as of Aug. 2009 Position was discussed at Aug. Committee Meeting; not sent to Board; Also 9/24/09 discussion.

Responsibilities: Total Activity/Services: 69,729 as of 9/30/09. Concentration on Imaging & Indexing of all court filings (20,000 doc ytd; 100,000 pages per year. Indexing & Imaging of all real property recordings (10,000 doc/ 80,000 pages @ \$ 5 per page/\$ 400,000). Assists public in Record Room accessing documents. Duties separate to preserve integrity of Recording Process.

Comments:

Imaging volume due to increase as a result of Judge's ruling: Supporting Papers to Motions. (As Per Judge Ann Pfau, July 1, 2009) . Average imaging increase: 500-1000 pages per motion.

Employee Leave Time: 6 employees: 33 days of vacation, not including any sick leave, thru 12/31/09 remain; plus Holidays. Deputy leave anticipated – Additional 14 days (has been helping with verifications in Recording).

Document Backlog: Currently 175 Mortgage Satisfactions require verification against the mortgage document in Record Room; unable to dedicate sufficient personnel for this. Delay impacts Mortgage Recording Process.

Revenue: Established Recording Fees are retained by County; Approximately \$ 1 million per year to A. 1255 Clerk Fees. Mortgage Tax Expense could offset Clerk budget as well providing add'l source of revenue. (Note: New employee in 2010: \$ 2806 reduction in Dept. 22 salary schedule.)

Statutory Obligations:

County Law Art 12 – Section 525: Clerk provides necessary supplies for all recording, filing, depositing all papers. Note: Constitutional responsibility: benefit of public, not just county.
RPL Art. 9 : Recording Officer to provide clerical (Sect. 316a13); monies (Sect. 316@12); Order of Recording & Time of Recording RPL Sect. 317, 319.
CPLR Art 1-80: Civil Practice Rules, Procedures, Fees.

MORTGAGE TAX EXPENSE

Legislation: Pursuant to Section 262 of NYS Tax Law, counties are entitled to retain an amount determined to be necessary, proper, reasonable to cover expenses incurred by the County Clerk in the collection of Mortgage Tax. The amount retained is taken from the total tax collected prior to distribution. It is not a new tax.

Allowable Costs: As per NYS Mortgage Recording Tax Manual, costs associated with Mortgage Tax Collection may include: personnel time to review documents; determine correct tax; examine tax exemption affidavits; process tax receipts; apply mortgage tax numbers; distribute tax to all entities; deposit, account for, and reconcile all bank accounts for purposes of mortgage tax collection and apportionments; as well as to prepare and disseminate reports required in compliance with NYS Taxation & Finance/Mortgage Tax Audit Division. Each county clerk determines own costs; multiple staff may be engaged in the various parts of the mortgage recording and tax collection process. Basically, costs of personnel, system, support, and supplies may be used to determine the allowance/expense. Retaining Mortgage Tax Expense helps the overall county budget. Those that benefit from the tax collected: all towns, city, county, state, help to defray the expenses incurred by the county/County Clerk associated with Mortgage Tax collection process.

Current Applications: Nearly all counties have adopted Mortgage Tax Expense; based on recent information: 5 counties have not: including Warren. The amounts vary. Average \$ 1 per capita.

Procedure For Adopting: County Board of Supervisors resolution requesting approval from State Tax Commission for Clerk to retain Mortgage Tax Expense. Upon approval of resolution, forward copy of resolution and completed MT-3 (prepared by Clerk) along with cover correspondence to NYS Dept. of Taxation and Finance. State Tax Commission approves. Upon receipt of approval, Clerk can apply the monthly expense to Statement of Mortgages Recorded. Does not require Home Rule Legislation.

Warren County Clerk Expense Estimate: Description of Duties, Expenses detailed on page 2. 2008/2009 Av.

3000 mortgages/1000 mortgage tax affidavits/\$ 5,082,192 in 2008 (\$ 3,636,708 (2009 ytd)/Approx. 47% of total receipts collected are mortgage tax fees/fee collection responsibility of Legal Recording Clerks (3).

Review, Acceptance, Tax Collection Expense : 3 employees @ 47%	\$ 61,594.
Daily Account Reconciliation: 1 employee @ 10%:	\$ 4,204.
Monthly/Financials/ Semi-Annual Tax Preparation: County Clerk @ 20%	\$ 13,862.
20/20 Electronic Document System: \$ 120,000 @ 5%	\$ 6,000.

Total Expenses Estimate: **\$ 85,660.**

Final Expense Determination: Amount designated may be any portion of total expenses identified by Clerk as specific to Mortgage Tax Collection & Tax Law Section 262. Amount is deducted from total tax collection based on 1 ¼% (Basic, Add'l, Local, Special Add'l). Note: Basic distributed to each town semi-annually, most amounts typically exceed town's projected revenue for MT aid.

Examples:

Annual \$ 48,000 at \$ 4000/mo - less than 1% of total tax collected or .75 per capita;

Annual \$ 60,000 would be about \$ 1 per cap/statewide average.

Total monthly collection of \$ 348,558.27 (Aug. 2009), w/ \$ 4000 per mo. retained: Basic expense: \$ 1641.27 (shared by all municipalities); Warren Co. Local: \$ 837.86; Warren Co. Addl: 759.10; NYS: \$ 761.77.

Implementation Procedure: If approved, Clerk will establish additional revenue code with Treasurer's Office. (Currently, Clerk Fees (A1255) and Mortgage Tax (A1256 for Add'l, Local). Revenue will be reflected each month at the fixed monthly amount. (Note: NYS requests a figure divisible by 12!).

Expense Breakdown:

Review, Acceptance, Tax Collection, 3000 mtgs per year/\$ 5 million:

Review each instrument for form, correct fee and tax submission, calculate and distribute all tax collected (Basic, Additional, Local, Special Additional), examine all Mortgage Tax Affidavits submitted, apply tax numbers to all Mortgage Documents, process all documents into EDMS for tax receipting and distribution. Recording Clerks also generate mortgage tax number reports. Any documents submitted, determined to have incorrect fees, are returned to sender. Three employees share in responsibilities equally. Each: 1000 mtgs per year.

Sr. Legal:	\$ 38,929 X 30% benefit X 47% of fee collection duties	\$ 23,785
Legal Rec:	\$ 32,344 X 30% benefit X 47% of fee collection duties	\$ 19,762
Legal Rec:	\$ 29,538 X 30% benefit X 47% of fee collection duties	\$ 18,047
Total Salaries		\$ 61,594

Daily Account Reconciliation:

Total Clerk Daily Report, Write checks distributing to appropriate accounts, Prepare Account Deposit, Verify deposits with bank, Enter all deposits into Check Register. Verify monthly Statements with County Clerk.

Sr. Account Clerk	\$ 32,444 X 30% benefits X 10% accounting duties	\$ 4,204
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Monthly/Statements of Mortgage Reported, Semi-Annual Tax Preparation: \$ 13,862

Generation of Monthly report, calculation & distribution of account interest, enter into EDMS, preparation of MT4 with held included, forward to entities: NYS, Sonyma, Warren County Treasurer; verification of Mortgage Tax Account balances against reports. Prepare all semi-annual reports for review by NYS and with approval to Warren County Board of Supervisors.

County Clerk	\$ 69,314 X 30% benefits X 20% mortgage tax duties	\$13,862.
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20/20 Electronic Document System: \$ 6,000

Cashiering, Reporting, Indexing & Imaging System for all duties associated with County Clerk's Office; specific to Mortgage Tax: Mortgage Tax Distribution by Town, Outside Counties, by Tax (contains fee breakdowns based on county tax % (3/4, 1%, 1 1/4%, transportation authority etc.), Interest, Mortgage Tax Report, Mortgage Tax # Report, Mortgage Tax Summary, Semi Annual, Statement of Mortgages Recorded, Mortgages Held, Report of Released Mortgages; includes consumables (toner, paper).

\$ 120,000 annually/90,000 documents/5% for Mortgage & Tax Related: \$ 6,000
(5% represents – 3% total documents plus additional for system support, reports)



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12230

The New York State Archives
Grants Administration Unit
9A81 Cultural Education Center
Albany, NY 12230

Tel. (518) 474 - 6926
Fax (518) 486 - 1647
E-mail: Archgrants@mail.nysed.gov

October 15, 2009

Project Number: 0580-10-1339

Pamela Vogel, Project Director
Warren County
1340 State Route 9
Lake George, NY 12845

Dear Ms. Vogel:

After reviewing your proposal for a Local Government Records Management Improvement Fund (LGRMIF) grant, the New York State Archives, a unit of the NYS Education Department (SED) is pleased to inform you it has tentatively awarded your organization a grant in the amount of \$72,192. This was a highly competitive year for grants, with only \$5,579,929 in funding available. Please be aware that the Governor has proposed cuts to local assistance, including the LGRMIF, which may or may not affect the final amount of your grant award.

All grants, regardless of type or dollar amount, are subject to further review, monitoring, and audit to ensure compliance. SED has the right to recoup funds if the approved activities are not performed and/or the funds are expended inappropriately.

You will receive payment for this grant as follows:

1. 50% of the award, which you should receive in approximately four weeks. Note that the Archives no longer requires the submission of a Grant Acceptance Form to begin this process.
2. Up to 40% of the grant will be released when you submit form FS-25 *Request for Funds for a Federal or State Project* to SED's Grants Finance Unit. Please note applicants must submit these requests now based on anticipated expenditures for the next month only, as the State Education Department can no longer accept requests based on anticipated expenditures for the next quarter.
3. The remaining 10% will be released when the project is completed and the *Grant Project Final Report Form (FR-1)* and the *Final Expenditure Report (FS-10-F) Short Form* have been submitted to the Grants Administration Unit of the New York State Archives and approved by SED's Grants Finance Unit.
4. **You must complete all project work and expend all funds no later than June 30, 2010, as extensions are not allowed in this program.**

If you have any questions regarding this offer, you may contact the Grants Administration Unit at (518) 474-6926.

Sincerely,

Christine W. Ward
New York State Archivist and Chief Executive Officer of the Archives Partnership Trust

att:
cc: Denis P. Meadows, RAO

OFFICE OF THE WARREN COUNTY CLERK
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JODY ROSS, DEPUTY

**MORTGAGE TAX EXPENSE: NYS TAX LAW SECTION 262
THE MATH**

TOTAL EXPENSES CLAIMED	\$	<u>48,000.00</u>	=	.0094	($<1\%$)
TOTAL TAX COLLECTED 2008	\$	5,082,192.47			

TOTAL TAX COLLECTED 2009	\$	5,082,192.47			
TOTAL EXPENSES CLAIMED	\$	<u>48,000.00</u>			
TOTAL TAX DISBURSED	\$	5,034,192.47	=	.9906%	

TAX IS DISBURSED TO TOWNS, CITY, WARREN COUNTY AND NYS.

**AMOUNT OF EXPENSE CLAIMED HAS MINIMAL IMPACT ON TAX
DISBURSEMENT.**

AUTHORIZATION TO ATTEND MEETING OR CONVENTION

Check one:

- [X] In-State (needs Supervisory Committee authorization)
[] Out-Of State (needs Board resolution)

The County Clerk/DMV hereby authorizes P. Vogel, Tom Lynch

(Supervisory Committee)

(Employee Name)

to attend NYS Archives Reg. Advisory Council

(Name of meeting or organization)

at Clifton Park

(Address)

on Nov 4, 2009 Mode of transportation to be used County Vehicle

(Dates)

(County Vehicle or Mass Transportation)

If the mode of transportation is not a county vehicle or mass transportation, please explain:

Proper documentation must be attached when submitting for approval.

(Please check documents attached)

[X] Notice of meeting or convention including cost. No cost

For Overnight Travel

[] Room rate \$ GSA * Rate \$

[] Meal costs - GSA * per diem rate \$

*www.gsa.gov

Date: 10-27-09

[Signature]

Department Head Signature

Date: 10/28/09

[Signature]

Committee Chairman Signature

Please refer to the Warren County Travel Policy and County Vehicle Use Regulations for general policy guidelines.

SCHEDULE "A"
AUTHORIZATION TO ATTEND MEETING OR CONVENTION

Check one:

- In-State (needs Supervisory Committee authorization)
- Out-Of State (needs Board resolution)

The County Clerk/DMV hereby authorizes new employee

(Supervisory Committee) (Employee Name)

to attend NYS DMV New Employee Trainings

(Name of meeting or organization)

at Albany NY

(Address)

on Nov 16-20, 2009 Mode of transportation to be used County Vehicle

(Dates) (County Vehicle or Mass Transportation)

If the mode of transportation is **not** a county vehicle or mass transportation, please explain:

Proper documentation must be attached when submitting for approval.

(Please check documents attached)

- Notice of meeting or convention including cost.

No Cost

For Overnight Travel

- Room rate \$ _____ GSA * Rate \$ _____
- Meal costs - GSA * per diem rate \$ _____

* www.gsa.gov

Date: 10-27-09



Department Head Signature

Date: 10-28-09



Committee Chairman Signature

Please refer to the Warren County Travel Policy and County Vehicle Use Regulations for general policy guidelines.
