



County of Hamilton

DUSTY RHODES
AUDITOR

COUNTY ADMINISTRATION BUILDING
138 EAST COURT STREET
CINCINNATI, OHIO 45202

December 3, 2010

Honorable Hamilton County Commissioners
138 E. Court Street, Room 605
Cincinnati, Ohio 45202

Honorable Commissioners:

I respectfully request that the Commission and County Administration refrain from a "review" of our Weights and Measures operation. Such a review would be a remarkable waste of public resources.

Our two remaining inspectors, trained and certified pursuant to Ohio Administrative Code requirements, are prepared to respond to reasonable inquiries from you or any citizen, even as they conduct their many duties mandated by the Ohio Revised Code and designed to enhance responsible commerce and faith in the marketplace.

You and your aides are welcome to shadow our Chief Inspector in the field. If you like, he can brief you as to the diversity of the devices he and his associate inspect and test. He can show you the state of the art computer notebook that is taken into the field, and describe and demonstrate software that has made duplicate data entry a vestige of the past and enables quick and thorough reporting.

In addition, I can provide details of a recent performance audit of the Cuyahoga County Auditor's Office conducted by the Honorable Mary Taylor, Auditor of State, in which we assisted as a peer. We were not surprised that at 2008 personnel levels (3.6 FTEs), our Weights and Measures staff conducted considerably more tests per full time employee than each of the other three counties studied. Our cost per citizen was on a par with two peers and much lower than the other, and our cost per agency/establishment inspected, cost per inspection and cost per test were significantly below average.

As you may recall, in May of 2010 our Weights and Measures Department was awarded the prestigious Frank P. Gallo Award for "program excellence in administration, personnel and training and standards and equipment" presented by the Ohio Weights and Measures Association.

Data from all Ohio jurisdictions is compiled annually by the Ohio Department of Agriculture, Division of Weights and Measures. I have attached a copy of the 2009 Hamilton County report for your perusal. You will note the high level of productivity and the successful completion of device checks during the calendar year. Sadly, our Chief Inspector projects we will complete some 9000 device checks in 2011, down from the nearly 14,000 conducted in 2009.

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While the Ohio Revised Code does not stipulate how frequently devices should be tested, we have, until this year, inspected 100% each year for over two decades. This is in line with manufacturer and common sense guidelines and corresponds to a question found on the last page of the Ohio Annual Report form: *Does the jurisdiction strive to test devices at least once every twelve months?*

Also on that last page of the Annual Report is this question: *Sufficient personnel are available to carry out weights and measures tasks?* For 2009, with 3.5 FTEs, we responded affirmatively. We will naturally have to answer differently in the upcoming report because General Fund cutbacks have been met with attrition in this General Fund department as follows:

- When the department director overseeing, among other functions, Weights and Measures (he was, in addition to being a certified inspector, a past President of the Ohio Weights and Measures Association) retired in 2010, he was not replaced.
- When a long-term inspector resigned to accept a position in another county, he was not replaced.
- Another former inspector has been absorbed by a different and exceedingly busy Auditor's Office unit and the majority of his pay now derives from funds other than the General Fund.

Moreover, as you are well aware, in the 2011 budget we not only were refused the funding we requested to bring in a needed accountant and Weights and Measures inspector, we also sustained an effective cut of \$92,856 in our General Fund appropriation. The fact that we were not granted even a "continuation budget" means that the *existing* Weights and Measures staff, our two remaining inspectors, are now in potential jeopardy.

Not one cent of taxpayer money should be spent *studying* our Weights and Measures operation. Instead, simply ask us to show you what we do and look at existing records to learn how well and thoroughly we do it and how we compare with other jurisdictions.

I know I need not remind you that Hamilton County is the largest Weights and Measures jurisdiction in the State of Ohio... What is required in order to properly serve consumers is an additional inspector, not another pointless report.

Sincerely,



Dusty Rhodes