



CLACKAMAS COUNTY

Office of County Clerk

SHERRY HALL
CLERK

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April 20, 2010

Dear Citizens of Clackamas County:

I would like to share my response to the Performance Audit of the County Clerk's Office conducted by MATRIX Consulting Group, a private auditing firm. The pages following this letter are recommendations made by the auditing firm. My responses are in green font.

After careful review of the Final Draft Report of the Performance Audit for the Clackamas County Clerk's Office, I have the following general comments.

The County Clerk's Office is very pleased with the outcome of the audit in that it reaffirms nearly all of the management decisions made in the past several years and the direction the Clerk has taken the department.

While the report makes a number of recommendations, none are hypercritical, nor do they suggest a major change in direction for the Clerk's Office, a fact noted by the auditors in their Executive Summary:

"Overall, the Project Team observes that the Clackamas County Clerk's Office is well run with respect to a variety of analytical protocols used including comparison to best management practices, comparison to other agencies, field observations and various other diagnostic methods. Opportunities noted, with few exceptions, should not be viewed as critical operational shortcomings; rather, they serve as opportunities to enhance current service delivery methods which are generally founded on sound operational and management principles."

A number of the recommendations made by the auditors are beyond the scope of the County Clerk, and in some cases are the exclusive responsibilities of other parties. The Clerk will consider those recommendations as suggestions that the Clerk be involved in promoting those issues and keeping them on the radar screen in case of future developments.

Sincerely,

A handwritten signature in black ink that reads "Sherry Hall".

Sherry Hall
Clackamas County Clerk

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SECTION 1 – Records Management Recommendations

1. Recommendation: The County Clerk with support of the Board of Commissioners should designate the Records & Information Manager the final authority relative to records management decision-making. The Records Management Department should be identified as an authoritative department as opposed to an advisory department, having final authority over records management decisions with respect to records retention, destruction, etc.

2. Recommendation: Various protocols should be developed that facilitate the authoritative role of the Records Management Department. This includes Records Destruction Notifications which are based on exception reporting from the departments as opposed to “permission to destroy notices” which do not have a mandated turn-around time.

3. Recommendation: Department Records Coordinators should be trained to be a QA/QC extension of the Records Management Department, ensuring that records management regulations are followed within their respective organizations. Each division (as opposed to Department) should have their own Records Coordinator.

4. Recommendation: The Records Management Department should only be designated and budgeted as an Internal Service Fund if all departments are mandated to use the services. Otherwise, the Records Management Department should become a General Fund operation. Fees for service could be charged for the various records services provided to help off-set General Fund costs. This model would help determine the total cost recovery of the Records Management operation and would facilitate prediction of future staff resource needs.

The four recommendations above are better made to the Board of Commissioners as they fall outside of the authority of the County Clerk alone to implement. The Clerk will support, as needed, the Board of Commissioners if they determine these issues should be studied further. Such a decision should not be made without total involvement by the County Clerk. These are probably valid recommendations in terms of quality of records management, but may not fit easily into the organizational structure of the County. The recommended implementation dates of these four recommendations are unrealistic as they represent major interdepartmental protocols and adjustments. If the efforts began in the first part of 2010 and were designated as priorities, we believe it will still take 6-12 months to restructure the Records Management approach with the necessary buy-in of the Commissioners and the various elected and appointed department heads.

5. Recommendation: Ensure that the Records Management van is always locked, particularly when it contains records.

This process has been implemented.

6. Recommendation: Update the Records Management Policies and Standards Manual as soon as practical into a comprehensive document incorporating all relevant Records Management Department operational protocols. This effort should be completed within twelve months. Identify the 17-page 2009 Records Manual as a “desk reference” or incorporate this content into the policies and standards noted.

This is a positive recommendation. The Records Management Policies and Standards Manual is a document stored online and accessible to the Records Management Staff on the County's Intranet site.

7. Recommendation: Adopt and implement a Records Management Advisory Council that meets on a quarterly basis.

Designing the management of records and information with an Advisory Council is a positive recommendation and deserves further consideration. Technology Services would be a partner in this Council.

8. Recommendation: To the extent possible continue to accelerate documentation destruction to free up space in the records management Records Center.

This is an ongoing process. Requests are sent to departments to authorize records destruction. Records can't be destroyed until the signed authorization is returned to Records Management.

9. Recommendation: The County plans to tear down the current County Archives building. This should be prefaced by a facility needs assessment on the Records Center or a new structure to include storage space needs as well as building features to including security, temperature / humidity control, fire prevention / suppression elements, etc.

The new Archives space has been designated.

10. Recommendation: All future County Clerk Office information technology initiatives should be based upon a developed needs assessment business proposal to be included in an Information Technology Strategic Plan developed for the County and sponsored by the IS Department.

This is a reasonable recommendation. I agree the Clerk should be deeply involved in development of any such referenced assessments and strategic initiative as they relate to the Clerk's Department IT needs.

11. Recommendation: Continue to address with the District Attorney and the IS Department the file label printing problems.

This has been resolved.

12. Recommendation: Authorize (7.4) positions in the Records Management Department, including one manager and 6.4 line staff.

This is a validation of the current staffing levels in this area of the Clerk's Department and no action is necessary.

SECTION 2 – Recording Recommendations

13. Recommendation: Implement a formal job rotation assignment program in the Recording Department for the Records and Election Technician I positions.

As the auditors recognize, the Recording Division has undergone extensive cross-training and the staff members do rotate assignments as the needs arise. The auditor's finding is that somehow there is an insufficiency in operations since there is no "formalized" rotation of jobs. I don't agree, all staff is able to back up on any desk and sufficiently perform the duties.

14. Recommendation: Develop a telephone answering assignment protocol and rotate a telephone answering assignment list on a regular basis.

My observation here is similar to the recommendation above. The auditors did not specifically indicate that these issues are present in the Recording Office. I will take appropriate action, if warranted, based on my findings.

15. Recommendation: Reduce the QA / QC indexing and scanning expectation from 100% of records to 5% of records. If errors are discovered, perform a more focused sampling to identify potential problems and effect solutions. Perform this QA / QC consistently on a move forward basis, addressing back-log as time is available.

This is perhaps the most serious recommendation made in this portion of the audit. While I share the auditors concern about the reported backlog of documents, I recognize that the QA/QC of the indexing particularly and the scanning of recorded documents is at the very heart of the statutory function of the Clerk as the only legitimate repository of property records. Given the reliance on these records by the citizens of Clackamas County and various property related industries and businesses, we can not support a 5% sampling as being adequate.

Automatic Indexing software has recently been implemented and one benefit of this software is reduction of the backlog of documents.

16. Recommendation: Develop an Ad-hoc Committee of Title Company managers and County Clerk representatives to address various business-related issues that influence and impact both parties in the delivery of Title Company document services to mutual end-users.

Clackamas County Recording has a good relationship with Title Companies and we work together. The Oregon Association of County Clerks actively engage Title Companies and other Land Record related agencies in Recording and Legislation matters.

I co-chair the Oregon PREP (Property Records Education Partners) Chapter which is an affiliate of PRIA (Property Records Industry Association). PREP provides a local structured forum for stakeholders of the property records industry to meet and work together more effectively.

17. Recommendation: Update the Recording Department's Policies and Procedures Manual as soon as practical. Develop quick reference desk manuals subsequent to this effort.

This is a positive recommendation and has been implemented. Quick Reference Desk Manuals have been developed.

18. Recommendation: Implement a QA / QC protocol in the Recording Department for the Document Reject process as a substitute for the on-going approval performed by the Records and Elections Technician II positions.

A 100% review in these cases is not an appropriate level of oversight. Simple rejects can be handled by staff. More complicated rejects are given a second look by a lead worker.

19. Recommendation: Aggressively explore optional payment methods for Recording Department services to include potential credit card acceptance and placement of an ATM machine in close proximity to the Department.

Pursuant to the County Treasurer's Office Policy, an ATM machine is not an option. I am in the process of exploring optional payment methods.

20. Recommendation: Transfer archival files from Recording to Records Management using the County's intranet or exchangeable high-capacity flash drives instead of disposable CDs. Explore use / cost of TIS for microfilm production which would eliminate the attendant process.

This change has been implemented. The Recorded Documents are now picked up from the County Site electronically.

21. Recommendation: Continue to explore implementation of Auto-indexing, E-Recording, and subscription-based document inquiry for the Recording Department

This recommendation validates a course of action already underway by the Clerk and provides encouragement for continuation of those efforts. Auto-indexing software has been implemented as previously stated in Recommendation # 15.

22. Recommendation: Authorize eight (8) positions in the Recording Department, including one manager and 7 line staff.

This is validation of the current staffing levels in this area of the Clerk's Department and no action is necessary.

SECTION 3 – Elections Recommendations

23. Recommendation: Perform formalized and fully documented bi-annual security audits of the County's ballot and envelope printing contractor and the mail services contractor. The Security audit should include an audit of access controls, chain of custody procedures for handling ballot stock, adequate supervision, fire detection and suppression equipment and security cameras.

While these security reviews are currently conducted, it is reasonable that a more formal process be established with expected standards clearly identified with specific areas to be audited agreed upon by both the County and the vendors. Whether this is annual or bi-annual is a matter for discussion between the Clerk and the vendors.

Each vendor is bound by contract to perform as described in the contract documents.

24. Recommendation: The County should formally request that a permanent elections staff member be present at the U.S. Postal Service mail processing facility whenever a batch of outgoing ballots is sent to the processing facility by the County's contract mail house. The monitor should ensure that outgoing ballots are handled expeditiously and segregated from bulk rate mail flow. It is recognized that the U.S. Postal Service may be reluctant to allow total access to mail processing facilities without a formal exception.

Upon recommendation of the auditors, staff now accompanies the vehicle transporting the ballots for mailing from the mail house vendor to the postal facility. (This is above and beyond what is mandated by statute; however, ballot security is top priority and we have implemented this good recommendation)

25. Recommendation: The Department should implement a dual custody procedure for retrieving incoming ballots from the Post Office. Implementing this recommendation would require two elections staffers or volunteers to retrieve all incoming ballots.

Live ballots from public drop sites have long been picked up and transported by two staff of opposing political parties. Effective November 2009, upon recommendation of the auditors, we have implemented this dual custody procedure for ballots coming directly from the post office. (This is above and beyond what is mandated by statute; however, ballot security is a top priority and we have implemented this good recommendation)

26. Recommendation: Implement chain of custody protocols in all ballot processing efforts.

Chain of custody protocols are in place as ballots are received, signatures are verified, individual precinct batches are opened, inspected and then tallied. (This is above and beyond what is mandated by statute; however, ballot security is a top priority and we have implemented this good recommendation)

27. Recommendation: The Department should install a cardkey lock on the Supervisor's door (to be used whenever ballots are present). A security camera should be installed in the hallway outside.

These modifications have been completed.

28. Recommendation: The County should submit a modification request to the Secretary of State to extract address information from the DMV database when a positive identification is made and populate the corresponding fields in OCVR. This field could be over-riden and adjusted by data entry staff if circumstances warranted.

The Secretary of State's Elections Division has designed a process for analyzing changes and improvements to the OCVR system. This issue has been under discussion for some time and continues to be evaluated. This issue is beyond the scope of the County Clerk, and as recognized in the audit narrative, there are some significant issues surrounding the usability of DMV data for voter registration purposes. While this has been done in some states, in most cases those states have mandated the voter registration address values be adopted by the motor vehicle agencies. This is most often found in states where Elections and Motor Vehicles agencies are under the control of the same state level official. This is not the case in Oregon. Any changes or recommendations to the Oregon Centralized Voter Registration System must go through the Change Control Committee for discussion and implementation.

As of March, 2010, people who have an Oregon Driver's License, Learner's Permit or ID card and an electronic signature in the DMV's database can register to vote "on line" using a process similar to that described by the auditors. Changes such as this are not in the scope of the County Clerk, but rather, the State Elections Division.

29. Recommendation: The County should follow-through on a modification request to the Secretary of State to automatically activate voters when they reach 18 years of age in OCVR. Saber development team is currently designing this functionality.

This procedure is in place and, therefore, no action by the Clackamas County Clerk is warranted. Any changes or recommendations to the Oregon Centralized Voter Registration System must go through the Change Control Committee for discussion and implementation.

30. Recommendation: The County should perform a cost/benefit study and, if deemed cost-effective, submit a modification request to the Secretary of State to implement scanning signatures on ballot return envelopes and split-screen signature verification where dual columns of voter signatures (from registrations and ballot return envelopes) are displayed on a monitor for verification workers.

While the auditors appear to be strong proponents of this technology, such an operation involves significant capital expenditures and significant space for the equipment necessary to scan the signatures from the envelopes. If the Clerk is to perform a cost/benefit study, as recommended, a key element would be the length of time for personnel savings to pay back the capital and ongoing maintenance costs of the equipment and the additional space.

31. Recommendation: Electronic signature verification is currently under study throughout the elections industry. Clackamas and Oregon is closely monitoring the success of those jurisdictions that are testing this. The County should sponsor a modification request to the Secretary of State to conduct a feasibility study for implementing electronic signature verification in Oregon.

As previously discussed, the Secretary of State has a process for analyzing and considering improvements and changes to OCVR. The issue of electronic signature verification is very prevalent in the discussions in the Elections community and action by the Clackamas County Clerk in this area will probably have little impact. The ongoing studies of the effectiveness of such systems in elections offices are being followed carefully by appropriate Election officials in Oregon and elsewhere; and eventually a consensus will emerge.

32. Recommendation: The County should implement an elected official lookup feature.

Depending upon the design of such a feature, it may or may not have much usefulness. Some jurisdictions have found that there is little use by the voting public of such a feature, and that there are higher value features that the tax dollars should be used to provide in online services.

The County website allows citizens to look up County Officials and contains links to each City's website. Additionally, candidate filing forms and Voter's pamphlet submissions have been made available online for citizen review.

33. Recommendation: The County should implement online candidate filing and fee payment.

This is a positive recommendation and I, with the Elections Manager, will further review this recommendation with State Elections, other County Clerks and the County Treasurer to explore the possibility of online candidate filings and fee payments.

34. Recommendation: Eliminate the Assistant Elections Manager position upon that classification's vacancy.

The Assistant Elections Manager has been eliminated.

35. Recommendation: The County Clerk should develop a succession plan for the Elections Department to identify potential gaps in managerial and technical expertise in the next 3-5 year period and a plan for addressing those gaps. This should be expanded to the remainder of the Clerk's Office as soon as practical.

This is a positive recommendation that deserves further review. The Senior Management team and I will work with HR to explore these concerns.

36. Recommendation: Authorize (7) positions in the Elections Department, including one manager and six line staff

This is validation of the current staffing levels in this area of the Clerk's Department and no action is necessary

SECTION 4 – County Clerk's Office

37. Recommendation: Maintain the existing staffing levels of two (2) positions in County Clerk's Administration. Explore opportunities for the Administrative Assistant to provide additional clerical support to the Records Management Department.

This is validation of the current staffing levels in this area of the Clerk's Department and no action is necessary. The Administrative Assistant provides clerical support to Records Management in the area of HR. Any other Records Management clerical support is better done by Records Management staff.

38. Recommendation: Maintain BOPTA operations in the County Clerk's Office as currently administered.

This is validation of the current staffing levels and process in this area of the Clerk's Department and no action is necessary.