

PHED COMMITTEE #2  
April 25, 2011

**Worksession**

**MEMORANDUM**

April 21, 2011

TO: Planning, Housing and Economic Development Committee  
FROM: JCA Jean C. Arthur, Legislative Analyst  
SUBJECT: **Worksession: FY12 Operating Budget  
Office of Zoning and Administrative Hearings**

At this session, the Committee will review the Executive's recommendation for the FY12 operating budget for the Office of Zoning and Administrative Hearings. Relevant pages from the FY12 Recommended Operating Budget are attached on circle 1.

*The following persons are expected at this worksession:*

Martin Grossman, Director, Office of Zoning and Administrative Hearings  
Jane Mukira, OMB

**OVERVIEW**

For FY12, the County Executive is recommending a total of \$572,500, an increase of \$23,310 or 4.2 percent from the FY11 approved budget of \$549,190. The office continues to have three positions for 3.8 workyears. The restoration of furlough costs adds 0.1 workyear to the budget.

	FY11 Approved	FY12 CE Recommended	% Change
<b>EXPENDITURES</b>			
General Fund	\$549,190	\$572,500	4.2%
Total Expenditures	\$549,190	\$572,500	4.2%
<b>PERSONNEL</b>			
Full-time	3	3	0
Part-time	.75	.75	0
Workyears	3.7	3.8*	1.4%
<b>REVENUE</b>			
General Fund Revenue	\$122,500	\$122,500	0

### **FY12 Expenditure Issues**

<b>Adjustments</b>	<b>Expenditures</b>
Group Insurance Benefits for Administrative Specialist and Hearing Examiner	\$35,000
Restore Personnel Costs – furloughs	11,040
Printing and Mail Adjustment	460
Help Desk	170
Local conference and related travel	-500
Retirement Adjustments	-4,770
Duplicating services for development plans and other large print items	-2,000
Group Insurance Adjustment	-4,090
Reduce Transcription Budget	-5,000
Elimination of one-time items approved in FY11 (Contract attorney fees as a carry-over from FY10)	-7,000

### **Staffing**

The Office of Zoning and Administrative Hearings has had two staffing changes in the current fiscal year that have increased its personnel costs. These are not new positions but replacements for personnel who resigned or retired in the past year. The new hires have higher benefit costs and in one case, a higher salary, than the people they replaced.

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\* 0.1 workyear increase due to restoration of furlough costs.

## **Revenue**

The Office of Zoning and Administrative Hearings collects fees for its services, including filing fees for local map amendments, development plan amendments, and a few special exceptions. The fees were last raised in May 2010, and range from \$725 for the Rural Density Transfer zone to \$26,500 for the Town Sector zone.

Revenue collected is dependent on the number of applications filed. The Executive projects that OZAH will collect \$147,500 in fees in FY12, the same as FY11. However, in the first two quarters of this year, the office has collected only \$8,900 in fees and unless it receives applications for several large filings, it is not likely to see revenue at the rate of \$147,500.

As with the Board of Appeals, OZAH sends a portion of the fees it collects to Park and Planning to compensate for Park and Planning's role in framing the decision on land use matters.

**Staff Recommendation: Approve as submitted by the County Executive.**

# Zoning and Administrative Hearings

## MISSION STATEMENT

The mission of the Office of Zoning and Administrative Hearings is to provide a hearing process for land use and other administrative matters that protects the due process rights of the participants as well as the public interest.

## BUDGET OVERVIEW

The total recommended FY12 Operating Budget for the Office of Zoning and Administrative Hearings is \$572,500, an increase of \$23,310 or 4.2 percent from the FY11 Approved Budget of \$549,190. Personnel Costs comprise 83.3 percent of the budget for three full-time positions and one part-time position for 3.8 workyears. Operating Expenses account for the remaining 16.7 percent of the FY12 budget.

## LINKAGE TO COUNTY RESULT AREAS

While this program area supports all eight of the County Result Areas, the following are emphasized:

❖ **A Responsive, Accountable County Government**

## DEPARTMENT PERFORMANCE MEASURES

Performance measures for this department are included below. The FY11 estimates incorporate the effect of the FY11 savings plan. FY12 and FY13 targets assume the recommended FY12 budget and FY13 funding for comparable service levels.

Measure	Actual FY09	Actual FY10	Estimated FY11	Target FY12	Target FY13
Number of Hearing Examiner decisions overturned on appeal	0	1	0	0	0
Average time from filing a case until hearing is held (months) <sup>1</sup>	4.5	4.5	4.5	5.0	5.0
Total cases completed	46	50	50	50	50
Percentage of Hearing Examiner recommendations accepted by County Council, Board of Appeals, and Human Rights Commission	96	96	96	96	96
Percentage of all legal deadlines and requirements met	100	100	100	100	100

<sup>1</sup> Slight increase in average time a case is heard after filing. Each case must be reviewed/examined by Park and Planning Staff. Reductions in planning staff have added to wait time. Also, OZAH now shares one administrative staff person with BOA, thus causing an increase in OZAH processing time of an application.

## PROGRAM CONTACTS

Contact Martin Grossman of the Office of Zoning and Administrative Hearings at 240.777.6667 or Jane Mukira of the Office of Management and Budget at 240.777.2754 for more information regarding this department's operating budget.

## PROGRAM DESCRIPTIONS

### **Zoning and Administrative Hearings**

The Hearing Examiner receives applications for certain zoning matters decided by the County Council; schedules and conducts public hearings; prepares and issues reports and recommendations for County Council action; hears and decides certain special exception cases; schedules and conducts referral hearings from other departments; maintains administrative records for public inspection; collects fees; responds to public inquiries; and works with other County agencies in the preparation, revision, and review of procedural rules, fee schedules, and zoning text amendments. Administrative support involves preparing advertising and other forms of notice; providing court reporter services; printing and mailing; and general office services.

## BUDGET SUMMARY

	Actual FY10	Budget FY11	Estimated FY11	Recommended FY12	% Chg Bud/Rec
<b>COUNTY GENERAL FUND</b>					
<b>EXPENDITURES</b>					
Salaries and Wages	375,987	365,320	326,550	404,710	10.8%
Employee Benefits	68,801	74,590	68,440	72,380	-3.0%
<b>County General Fund Personnel Costs</b>	<b>444,788</b>	<b>439,910</b>	<b>394,990</b>	<b>477,090</b>	<b>8.5%</b>
Operating Expenses	49,937	109,280	107,820	95,410	-12.7%
Capital Outlay	0	0	0	0	—
<b>County General Fund Expenditures</b>	<b>494,725</b>	<b>549,190</b>	<b>502,810</b>	<b>572,500</b>	<b>4.2%</b>
<b>PERSONNEL</b>					
Full-Time	3	3	3	3	—
Part-Time	1	1	1	1	—
Workyears	3.8	3.7	3.7	3.8	1.4%
<b>REVENUES</b>					
Zoning and Administrative Hearing Fees - MNCPPC	0	-25,000	-25,000	-25,000	—
Zoning and Administrative Hearing Fees	35,080	147,500	147,500	147,500	—
<b>County General Fund Revenues</b>	<b>35,080</b>	<b>122,500</b>	<b>122,500</b>	<b>122,500</b>	<b>—</b>

## FY12 RECOMMENDED CHANGES

	Expenditures	WYs
<b>COUNTY GENERAL FUND</b>		
<b>FY11 ORIGINAL APPROPRIATION</b>	<b>549,190</b>	<b>3.7</b>
<b>Other Adjustments (with no service impacts)</b>		
Increase Cost: Group Insurance Benefits for Administrative Specialist and Hearing Examiner	35,000	0.0
Increase Cost: Restore Personnel Costs - Furloughs	11,040	0.1
Increase Cost: Printing and Mail Adjustment	460	0.0
Increase Cost: Help Desk - Desk Side Support	170	0.0
Decrease Cost: Local conference and related travel	-500	0.0
Decrease Cost: Duplicating services for development plans and other large print items.	-2,000	0.0
Decrease Cost: Group Insurance Adjustment	-4,090	0.0
Decrease Cost: Retirement Adjustment	-4,770	0.0
Decrease Cost: Reduce transcription budget	-5,000	0.0
Decrease Cost: Elimination of One-Time Items Approved in FY11 (Contract Attorney Fees as a carry-over from FY10)	-7,000	0.0
<b>FY12 RECOMMENDED:</b>	<b>572,500</b>	<b>3.8</b>

## FUTURE FISCAL IMPACTS

Title	CE REC. FY12	FY13	FY14	(S000's) FY15	FY16	FY17
This table is intended to present significant future fiscal impacts of the department's programs.						
<b>COUNTY GENERAL FUND</b>						
<b>Expenditures</b>						
<b>FY12 Recommended</b>	<b>573</b>	<b>573</b>	<b>573</b>	<b>573</b>	<b>573</b>	<b>573</b>
No inflation or compensation change is included in outyear projections.						
<b>Subtotal Expenditures</b>	<b>573</b>	<b>573</b>	<b>573</b>	<b>573</b>	<b>573</b>	<b>573</b>