

Worksession

MEMORANDUM

April 27, 2012

TO: Planning, Housing and Economic Development Committee

FROM: Jean C. Arthur, Legislative Analyst *JCA*

SUBJECT: **Worksession: FY13 Operating Budget
Office of Zoning and Administrative Hearings**

At this meeting the Committee will review the Executive's recommendation for the FY13 Operating Budget for the Office of Zoning and Administrative Hearings. Relevant pages from the FY13 Recommended Operating Budget are attached at ©1-3.

The following persons are expected at this worksession:

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

OVERVIEW

For FY13, the County Executive is recommending a total of \$592,188, an increase of \$19,688 or 3.4 percent from the FY12 approved budget of \$572,500. The Office has three full-time positions and one part-time position for 3.75 FTEs.

	FY12 Approved	FY13 CE Recommended	% Change
EXPENDITURES			
General Fund			
• <i>Personnel</i>	\$477,090	\$516,083 ¹	8.2%
• <i>Operating</i>	\$95,410	\$76,105	-20.2%
Total Expenditures	\$572,500	\$592,188	3.4%
PERSONNEL			
Full-time	3	3	0
Part-time	1	1	0
FTEs	3.8	3.7 ²	-1.3%
REVENUE			
General Fund Revenue	\$122,500	\$65,000	-46.9%

¹ A portion (\$18,885) of the increase in personnel cost is due to a position reclassification and is offset by an equal reduction in operating expenses.

² Decrease is due to technical adjustments, no changes in staff.

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 number of filings has decreased since the start of the economic decline. Also, the cases tend to be smaller as the number of large plots declines. However, the Committee should note that since the start of 2012, the number of applications for re-zonings has been going up compared to 2011.

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 FY13 Operating Budget for the Office of Zoning and Administrative Hearings is \$592,188, an increase of \$19,688 or 3.4 percent from the FY12 Approved Budget of \$572,500. Personnel Costs comprise 87.1 percent of the budget for three full-time positions and one part-time position for 3.75 FTEs. Operating Expenses account for the remaining 12.9 percent of the FY13 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 FY12 estimates reflect funding based on the FY12 approved budget. The FY13 and FY14 figures are performance targets based on the FY13 recommended budget and funding for comparable service levels in FY14.

Measure	Actual FY10	Actual FY11	Estimated FY12	Target FY13	Target FY14
Program Measures					
Number of Hearing Examiner decisions overturned on appeal ¹	1	2	0	0	0
Average time from filing a case until hearing is held (months) ²	4.5	4.5	5.0	5.0	5.0
Total cases completed	50	54	55	55	55
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

¹ The County Council rejected OZAH's recommendation on two rezoning cases, G-864 and DPA 11-1. Local Map Amendment G-864 is now on appeal with the Circuit Court and the Council remanded Development Plan Amendment DPA 11-1 back to the Hearing Examiner.

² 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.

ACCOMPLISHMENTS AND INITIATIVES

❖ **The Council amended Zoning Ordinance §59-G-2.29, to specify procedures and time-frames to be followed by the Hearing Examiner in processing renewals of major home occupation special exceptions (Zoning Text Amendment No. 09-3). OZAH established procedures to address the Council's directives. Through the research efforts of OZAH staff, it was determined that of the 119 cases on record, only 38 of the home occupation special exceptions were actually active. The Board of Appeals has updated its database to reflect the current correct number of 38 existing, active home occupation special exceptions in the County. Working with DPS, OZAH has begun sending out regular renewal notices in these active cases. OZAH will hold hearings on these cases when required by the ZTA.**

❖ **Productivity Improvements**

- **OZAH requires all applicants and petitioners to submit all case exhibits in electronic format in addition to hard copies. This measure saves money for OZAH. OZAH no longer outsources the job of converting large plans and maps to an electronic format. The Hearing Examiners use the electronic version of exhibits to insert these items into their written reports.**

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 zoning application fees; responds to public inquiries on zoning cases and certain special exception cases; 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 legal advertising and other forms of notice; providing court reporter services for hearings before the Hearing Examiners; coordinating public hearing calendar, preparation of the Office's annual budget, printing and mailing; and general office services.

BUDGET SUMMARY

	Actual FY11	Budget FY12	Estimated FY12	Recommended FY13	% Chg Bud/Rec
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	355,035	404,709	363,857	432,105	6.8%
Employee Benefits	75,533	72,381	71,958	83,978	16.0%
County General Fund Personnel Costs	430,568	477,090	435,815	516,083	8.2%
Operating Expenses	60,334	95,410	95,410	76,105	-20.2%
Capital Outlay	0	0	0	0	—
County General Fund Expenditures	490,902	572,500	531,225	592,188	3.4%
PERSONNEL					
Full-Time	3	3	3	3	—
Part-Time	1	1	1	1	—
FTEs	3.70	3.80	3.80	3.75	-1.3%
REVENUES					
Board of Appeals Fees	6,250	0	0	0	—
Zoning Fees	17,288	122,500	65,000	65,000	-46.9%
Other Charges/Fees	-775	0	0	0	—
County General Fund Revenues	22,763	122,500	65,000	65,000	-46.9%

FY13 RECOMMENDED CHANGES

	Expenditures	FTEs
COUNTY GENERAL FUND		
FY12 ORIGINAL APPROPRIATION	572,500	3.80
<u>Other Adjustments (with no service impacts)</u>		
Increase Cost: Lump Sum Wage Adjustment	8,976	0.00
Increase Cost: Retirement Adjustment	5,931	0.00
Increase Cost: Group Insurance Adjustment	5,201	0.00
Technical Adj: Reduce FTEs	0	-0.05
Shift: Help Desk - Desk Side Support to the Desktop Computer Modernization NDA	-170	0.00
Decrease Cost: Printing and Mail Adjustment	-250	0.00
FY13 RECOMMENDED:	592,188	3.75

FUTURE FISCAL IMPACTS

Title	CE REC.			(S000's)		
	FY13	FY14	FY15	FY16	FY17	FY18
This table is intended to present significant future fiscal impacts of the department's programs.						
COUNTY GENERAL FUND						
Expenditures						
FY13 Recommended	592	592	592	592	592	592
No inflation or compensation change is included in outyear projections.						
Elimination of One-Time Lump Sum Wage Adjustment	0	-9	-9	-9	-9	-9
This represents the elimination of the one-time lump sum wage increases paid in FY13.						
Subtotal Expenditures	592	583	583	583	583	583