AGENDA ITEM #22C
May 27, 2010

Introduction

MEMORANDUM

May 26, 2010

TO: County Council

FROM: Marlene Michaelson, Senior Legislative Analyst

SUBJECT: Intra- Fund Transfer

Attached on © 1-2 is a resolution approving an intra-fund transfer in the Administration Fund of the Maryland-National Capital Park and Planning Commission (M-NCPPC) from the three departments in Central Administrative Services (CAS) to the Merit System Board. The transfer is necessary because the Merit System Board is projecting FY10 expenditures in excess of its $56,300 budget based on its caseload and the need for outside legal advice. Since the $16,500 transfer to the Merit System Board is greater than 10% of its budget, M-NCPPC must have Council approval for this transfer. Additional information is provided in the transmittal from the Planning Board on © 3 to 4.

A public hearing and action are scheduled for June 15.

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Resolution No.: _____
Introduced: _____
Adopted: _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: County Council

SUBJECT: Amendment to the Maryland-National Capital Park and Planning Commission's (M-NCPPC) FY10 Operating Budget Administration Fund for the Merit System Board

Background

1. Article 28, section 2-118(a)(6) of the Annotated Code of Maryland permits the County Council to amend the budget of the M-NCPPC by resolution on the Council's initiative, or at the request of the Commission, after receipt of a recommendation from the County Executive, and after public hearing upon reasonable notice to the public.

2. The Commission in May 2010 requested transfers of appropriation within Administration Fund of The Maryland-National Capital Park and Planning Commission (M-NCPPC), from Central Administrative Services (CAS) Departments to Merit System Board to cover an anticipated overspending of Merit Board primarily driven by case loads.

3. As a result, a transfer of $16,500 to the Merit System Board in each County will be made from the following departments:
   - Department of Human Resources and Management: $5,500
   - Finance Department: $5,500
   - Legal Department $5,500

4. The net effect on the Administration Fund will be $0.

5. The Executive recommends approval of the transfer.

6. Notice of public hearing was given and a public hearing was held.

Action

The County Council for Montgomery County, Maryland approves the following action: an amendment to the M-NCPPC FY10 Operating Budget to allow for transfers of appropriation in the Administration Fund as follows:

FY10 TRANSFERS		
Department	FY10 Approved Budget	Amended FY10 Budget
Dept. of Human Resources and Management & Mgt.	2,516,550	2,511,050
Finance Department	4,021,900	4,016,400
Legal Department	1,292,050	1,286,550
Merit System Board	56,300	72,800
Total	**7,886,800**	**7,886,800**

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council

MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIRMAN

May 13, 2010

The Honorable Nancy Floreen, President
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

Subject: FY10 Budget Amendment – Intra-Fund Budget Transfer of $16,500 within the Administration Fund of the Maryland-National Capital Park and Planning Commission

Dear Ms. Floreen:

The Merit System Board of the Maryland-National Capital Park and Planning Commission is authorized by Article 28 Section 2-112 (b), of the Annotated Code of Maryland for the purpose of making and adopting the rules and regulations necessary to carry out the provisions of a merit system for the bi-county agency. The Merit System Board is an impartial three-member Board, appointed by the Commission. As part of their regular duties the Merit System Board:

- Reviews, hears and decides appeals of adverse actions and other actions identified as open to appeal in the Commission's Merit System Rules and Regulations (MSRR);
- Reviews, hears and decides appeals unresolved during the administrative grievance process; and
- Conducts or directs, as changing conditions dictate, surveys or investigations of apparent problems relating to the management of the Merit System as identified in the course of reviewing employee appeals.

Article 28, section 2-118(a)(6) of the Annotated Code of Maryland permits the County Council to amend the budget of the M-NCPPC by resolution on the Council's initiative, or at the request of the Commission. Specifically, according to section 2-118 (a) (7):

> *"An expenditure of funds may not be made or authorized by the Commission in excess of the available approved budget amounts plus 10 percent thereof for each park and recreation project and for each administrative or operating department or function of the Commission, as set forth in each county's legislation approving the budget,..."*

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www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

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Current Situation

The Merit System Board is projecting FY 10 expenditures in excess of the total budget appropriation of $56,300 per County. This bi-county budget in the Administration Fund totals $112,600 and provides for one part-time administrator, stipends for two board members and one chair, office materials and supplies, legal counsel, and official hearing recordation and transcription fees.

In FY10, the Merit System Board continued to address a backlog of cases from FY09 and heard a number of appeals cases originating in the current fiscal year. The annual case load is outside the control of the Board. Due to the backlog and number of complex cases, the new Board increased the use of outside legal advice. As a result, the Merit System Board requires a budget allocation increase in the amount of $16,500 in each County in FY10.

The source of funds for this increase would be transfers from each of the Central Administrative Services (CAS) Departments of Human Resources and Management, Finance and Legal. Each Department's budget appropriation level will be reduced by $5,500 per county. There is no impact to the Commission's total budget.

We appreciate your assistance regarding this request. Staff are available to discuss the request with you at your convenience so that the enclosed resolution may be introduced at the earliest possible time. Thank you for consideration of this necessary administrative transfer.

Sincerely,

Royce Hanson
Chairman

cc: Isiah Leggett, County Executive
Joseph F. Beach, Director of OMB

Enclosure: Draft Resolution