

MEMORANDUM

January 9, 2015

TO: County Council

FROM: Amanda Mihill, Legislative Attorney *A. Mihill*

SUBJECT: **Public Hearing:** Expedited Bill 58-14, Administration – Non-merit Positions – Development Ombudsman

Expedited Bill 58-14, Administration – Non-merit Positions – Development Ombudsman, sponsored by the Council President at the request of the County Executive, was introduced on November 25, 2014. A Planning, Housing and Economic Development Committee worksession is tentatively scheduled for February 23, 2015 at 2 p.m.

Bill 58-14 would create a non-merit position of Development Ombudsman in the Office of the County Executive.

This packet contains:

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Expedited Bill No. 58 -14
Concerning: Administration – Non-merit
Positions – Development
Ombudsman
Revised: 11/18/2014 Draft No. 1
Introduced: November 25, 2014
Expires: May 25, 2016
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN EXPEDITED ACT to:

- (1) create a non-merit position of Development Ombudsman in the Office of the County Executive; and
- (2) generally amend the laws governing non-merit positions in the Executive Branch.

By amending

Montgomery County Code
Chapter 2, Administration
Section 2-26

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

* * *

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:

LEGISLATIVE REQUEST REPORT

Expedited Bill -14, Structure of County Government – Non-merit Positions – Development Ombudsman

DESCRIPTION: The requested legislation creates a non-merit position of Development Ombudsman in the Office of County Executive.

PROBLEM: This new position is needed to facilitate the approval process of commercial and residential development projects deemed high priorities by the County and to resolve conflicts that arise related to the entitlement process, permitting, and general regulatory procedures.

GOALS AND OBJECTIVES: To act as a facilitator for commercial and residential development projects, by working as an intermediary to address challenges, issues and concerns during development; to promote regulatory efficiency, accessibility, transparency, predictability and consistency across agencies and departments; to identify systemic challenges in the entitlement process, permitting, and general regulatory procedures and to facilitate necessary changes that bring about tangible improvements that save both time and costs.

COORDINATION: Office of Human Resources

FISCAL IMPACT: Office of Management and Budget

ECONOMIC IMPACT: n/a

EVALUATION: n/a

EXPERIENCE ELSEWHERE: n/a

SOURCE OF INFORMATION: Stuart Weisberg OHR (7-5154)

APPLICATION WITHIN MUNICIPALITIES: n/a

PENALTIES: n/a



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

October 31, 2014

TO: Craig Rice, President
Montgomery County Council

FROM: Isiah Leggett, County Executive 

SUBJECT: Expedited Bill to Create Non-merit Position of Development Ombudsman

I am attaching for Council introduction an Expedited Bill to create a non-merit position of Development Ombudsman.

The purpose of this bill is to create a position to more efficiently facilitate the approval process of commercial and residential development projects and to help resolve conflicts that arise related to the entitlement process, permitting, and general regulatory procedures. This position would serve to promote regulatory efficiency, accessibility, transparency, predictability and consistency across agencies and departments. The Development Ombudsman would also act to identify systemic challenges in the entitlement process, permitting, and general regulatory procedures and to facilitate necessary changes that bring about tangible improvements that save both time and costs.

I am also attaching for your information a draft copy of Executive Regulation 18-14, Position Description for Development Ombudsman, which includes a definition of the work, examples of duties and responsibilities, and the recommended qualifications, knowledge, skills, and abilities for the position.

Attachments

IL: sw



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland

Subject Position Description for Development Ombudsman	Regulation Number 18-14
Originating Department Office of Human Resources	Effective Date

Position Description for Development Ombudsman in the Office of the County Executive

Executive Regulation No. 18-14
Issued by: County Executive

Authority: Montgomery County Code, 2004, Sections 1A-204 and 2-26(f)
Supersedes: none
Council review: Method (1)

Montgomery County Register, Volume xx, Issue xx
Comment deadline:
Effective date: _____

Summary: This regulation provides a position description for the non-merit position of Development Ombudsman in the Office of the County Executive. It includes a definition of the work, examples of duties and responsibilities, and the recommended qualifications, knowledge, skills, and abilities for the position. Montgomery County Code Section 2-26(f) designates this position as a non-merit position. Under County Code Section 1A-104(b)(2), a person holding a position in the Executive Branch designated by law as a non-merit position must be professionally qualified under a position description established by regulation under method (1).

Address for Comments: Office of Human Resources, Executive Office Building, 7th Floor
101 Monroe Street, Rockville, Maryland 20850

Staff contact: Stuart Weisberg, 240-777-5154, or stuart.weisberg@montgomerycountymd.gov

Please use the key below when reading this regulation:

- | | |
|------------------------------|---|
| Boldface | <i>Heading or defined term.</i> |
| <u>Underlining</u> | <i>Added to existing regulation by proposed regulation.</i> |
| [Single boldface brackets] | <i>Deleted from existing regulation by proposed regulation.</i> |
| <u>Double underlining</u> | <i>Added by amendment.</i> |
| [[Double boldface brackets]] | <i>Deleted from existing or proposed regulation by amendment.</i> |
| * * * | <i>Existing language unchanged by executive regulation.</i> |

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MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland

Subject Position Description for Development Ombudsman	Regulation Number 18-14
Originating Department Office of Human Resources	Effective Date

Position Description for Development Ombudsman

DEFINITION OF CLASS:

This is senior staff level work dedicated to facilitating the approval process of commercial and residential development projects deemed high priorities by the County and to resolving conflicts that arise related to the entitlement process, permitting, and general regulatory procedures. The position is located in the Offices of the County Executive. As this is a non-merit position within Montgomery County Government, the employee will be appointed by the County Executive and confirmed by the County Council. The employee reports to the Chief Administrative Officer (CAO). Key responsibilities of the position include:

- Acting as a facilitator for commercial and residential development projects, by working as an intermediary to address challenges, issues and concerns during development;
- Promoting regulatory efficiency, accessibility, transparency, predictability and consistency across agencies and departments both internal and external to County Government; and
- Serving as a catalyst by identifying systemic challenges in the entitlement process, permitting, and general regulatory procedures and facilitating with the agencies and departments to make necessary changes that bring about tangible improvements that save both time and costs.

The work is primarily sedentary, performed primarily in office settings subject to usual everyday risks, although the employee may make occasional on-site visits to various on-going development projects.

EXAMPLES OF DUTIES:

- Assists with the process of obtaining commercial and residential real estate development approvals and permits necessary for construction by acting as a problem-solving liaison between the County and State agencies and those affected by their rules and processes.
- Brings systemic concerns to the attention of the County leadership for resolution.
- Recommends improvements in procedures and processes to agencies and the County Executive.
- Facilitates communication and coordination between the public, individuals, groups, businesses and various County and State agencies (e.g., WSSC, M-NCPPC, SHA, DEP, MMCDOT, MDOT, MDE, MHT, DBED and DPS).
- Works across government agencies to address systemic problems and reduce regulatory burdens while promoting transparency and predictability regarding regulatory activity, consistency of business regulation within the County, appropriate flexibility, and a reasonable balance between

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MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland

Subject Position Description for Development Ombudsman	Regulation Number 18-14
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the underlying regulatory objectives and the burdens imposed by the regulatory activity.

KNOWLEDGE, SKILLS AND ABILITIES:

- Extensive knowledge of the principles and practices of land development, construction, and master planning (i.e., transportation needs, resource protection, and public facilities) and current issues affecting building and land regulation and development.
- Knowledge of the County's real estate regulatory processes and real estate development matters.
- Knowledge of infrastructure matters related to development projects including financing permitting and capital project schedules.
- Skill in identifying, analyzing and evaluating information concerning highly complex and often politically sensitive technical and conceptual information.
- Skill in negotiating agreements which accommodate the conflicting interests and viewpoints of numerous groups and organizations.
- Ability to express facts, conclusions and recommendations clearly and concisely, both orally and in writing.
- Ability to establish and maintain effective working relationships with government and elected officials, community and business groups, builders and developers.
- Ability to provide high level subject matter input, expertise, and advice regarding the development of land use planning policies.
- Ability to attend meetings and perform work assignments at locations outside the office.

RECOMMENDED QUALIFICATIONS:

Experience: Seven (7) years of progressively responsible experience involving development review, permitting, zoning, economic development, community planning, and land use planning processes, monitoring and tracking, three (3) years of which are in a supervisory or executive capacity.

Education: Possession of a Bachelor's Degree from an accredited college or university in real estate, engineering, business administration, construction management, architecture, economics, urban planning or in an appropriate planning specialization or related field.

Equivalency: An equivalent combination of education and experience may be substituted.

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MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland

Subject Position Description for Development Ombudsman	Regulation Number 18-14
Originating Department Office of Human Resources	Effective Date

MEDICAL PROTOCOL: Medical History Review:

Approved: _____
Isiah Leggett, County Executive

Date

Approved as to form and legality:

Anne T. Winkler 10/15/14
Office of the County Attorney Date

⑧

**Fiscal Impact Statement
Bill XX-14**

Position Description for Development Ombudsman in the Office of the County Executive

1. Summary.

This bill will create the non-merit position of Development Ombudsman in the Office of the County Executive.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

The estimated annualized compensation costs for this position are \$198,600, based on the average salary paid to other Question A employees within Montgomery County Government.

Assuming this position will be filled for the second half of FY15, the total cost for the current fiscal year will be approximately \$99,300 in compensation for a total six-year estimated cost of \$1,092,300.

Key responsibilities of the ombudsman position include the promotion of regulatory efficiency and consistency, both internal and external to County Government. Successful execution of these and other responsibilities will likely result in budgetary savings over what would be achieved without the position. The amount of that savings is, however, indeterminate.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

See the response to item 2.

4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.

N/A

5. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.

N/A

6. An estimate of the staff time needed to implement the bill.

Staff time will be spent by participants in the hiring process. The total time needed is indeterminate and will vary based on the number and qualifications of the applicants.

7. **An explanation of how the addition of new staff responsibilities would affect other duties.**

N/A

8. **An estimate of costs when an additional appropriation is needed.**

See response to item 2.

9. **A description of any variable that could affect revenue and cost estimates.**

The salary for a new hire can vary from the estimate based on the credentials of the selected candidate.

10. **Ranges of revenue or expenditures that are uncertain or difficult to project.**

N/A

11. **If a bill is likely to have no fiscal impact, why that is the case.**

N/A

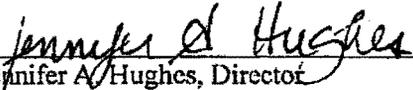
12. **Other fiscal impacts or comments.**

N/A

13. **The following contributed to and concurred with this analysis:**

Lori O'Brien, OHR Compensation Manager

Corey Orlosky, OMB Management and Budget Specialist



Jennifer A. Hughes, Director
Office of Management and Budget

10/29/14
Date

**Economic Impact Statement
Expedited Bill ##-14, Structure of County Government
Non-merit Positions – Development Ombudsman**

Background:

This legislation would create a non-merit position of Development Ombudsman in the Office of the County Executive. This position would facilitate the approval process of commercial and residential development projects deemed a high priority by the County. The position would resolve conflicts that arise related to the entitlement process, permitting, and general regulatory process.

1. The sources of information, assumptions, and methodologies used.

Not applicable.

2. A description of any variable that could affect the economic impact estimates.

There are no variables that could affect the economic impact estimates.

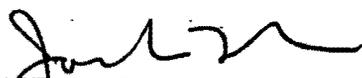
3. The Bill's positive or negative effect, if any on employment, spending, saving, investment, incomes, and property values in the County.

Expedited Bill ##-14 establishes a position that would facilitate commercial and residential development projects and thereby encourage economic development in the County. By promoting regulatory efficiency, accessibility, transparency, predictability and consistency across agencies and departments, this position would expedite the development process thereby reducing both time and costs of development projects. Therefore Bill ##-14 would have a positive impact on economic development and the County's economy.

4. If a Bill is likely to have no economic impact, why is that the case?

This bill would have an economic impact because its purpose is to facilitate the approval process and resolve conflicts and thereby reduce the costs and time for specific development projects.

5. The following contributed to or concurred with this analysis: David Platt and Rob Hagedoorn, Finance.



Joseph F. Beach, Director
Department of Finance

10/15/14

Date

(11)