

Resolution No.: 16-389
Introduced: November 27, 2007
Adopted: November 27, 2007

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY MARYLAND**

By: County Council

SUBJECT: Executive Regulation 20-07AM, Overtime Offset Fees

Background

1. On August 2, 2007, the County Council received Executive Regulation 20-07, Overtime Offset Fees from the Executive. Executive Regulation 20-07 would modify the Department of Permitting Services' offset fee structure by splitting the plan review portion of the fee from the inspection service. The fee is charged when overtime services are requested by the customer in order to expedite action by DPS on a particular request. The plan review overtime charge would be 125% of the regular rate. The overtime inspection work would be billed at a rate of \$90 per hour with a minimum of three hours when it involves a DPS employee returning to work.
2. On September 24, 2007 the Planning, Housing, and Economic Development Committee discussed the proposed regulation and recommended that the language in Section V of the resolution regarding the indexing of fees be revised to allow for the increasing of the fees in this regulation annually by the Department of Permitting Services without the need for approval of an Executive Regulation.
3. On November 13, 2007 the Council received Executive Regulation 20-07AM, which incorporates the changes recommended by the Planning, Housing, and Economic Development Committee.

Action

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

Executive Regulation 20-07AM, Overtime Offset Fees is approved.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive . 101 Monroe Street . Rockville, Maryland 20850

Subject: Overtime Offset Fees	Number: 20-07AM
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date:

Montgomery County Regulations on:

OVERTIME OFFSET FEES

Issued by: County Executive
Regulation No.

Authority: Code Section 8-13, 8-24B- 8-28, 17-2, 17-10, 17-20
19-6, 19-45, 19-67, 22-13, 27A-5(e), and 49-7

Supersedes: 17-97

Council Review: Method 2 under Code Section 2A-15
Register Vol. 14, Issue 5.

Comment deadline:

Effective date:

Sunset date: None

SUMMARY: This regulation revises Executive Regulation 17-97 Adoption of an Overtime Offset Fees Department of Permitting Services by changing the method to calculate overtime fees for inspections in order to recover inspection costs.

ADDRESS: Department of Permitting Services
255 Rockville Pike, Second Floor
Rockville, Maryland 20850

STAFF CONTACT: Hadi Mansouri
Division of Building Construction
(240) 777-6233

BACKGROUND INFORMATION: The Department of Permitting Services is the agency mandated to administer and enforce building and construction regulations in Montgomery County. Historically, the department has provided overtime services at a cost premium without recovering the cost of the expenditures. The purpose of this regulation is to provide the department with a schedule of fees to recover the cost of overtime services provided by department employees.



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Sec. 1. Authorization

This regulation is adopted pursuant to the authority set forth in Sections 8-13, 8-24B, 8-28, 17-2, 17-10, 17-20, 19-6, 19-45, 19-67, 22-13, 27A-5(e), and 49-7 of the Montgomery County Code, 1994, as amended, in order to establish an overtime offset fee for those plans review and inspection activities within the development process for which the department is responsible. The department has in the past included in its fee schedule the cost it incurs for overtime work performed through its *schedule of fees for services rendered to its customers* in an amount which covers the administration and enforcement costs. It is appropriate to set an overtime offset fee schedule at the same rate as the department pays its employees which is the overtime rate of time and one-half plus overhead costs.

Sec. 2. Scope

The department may charge an overtime offset fee for work performed during non-business hours, when the applicant requests the use of overtime for the expeditious plan review, inspection, or processing of the applicant's permit or license. The department may require payment of the fee in advance or accept a previously approved billing arrangement. By establishing an overtime offset fee the department does not agree to provide overtime services requested by an applicant, nor are they bound to provide such services. The provision of all overtime services are entirely at the discretion of the department.

Sec. 3. Effect

The department will only charge an overtime offset fee if additional overtime services have been requested by a customer, the department has determined, in its discretion, that such overtime services are available, and the department has provided the services. The department will establish a departmental procedure for handling all requests by customers for non-business hour services.

Sec. 4. Fee Rates

The department may charge an overtime offset fee for expedited permit processing, plan review and inspection as follows:

1. Overtime plan review rate is 125% of the regular fee.
2. Overtime inspection service shall be charged at a rate of \$90.00 per hour with a minimum of three hours when an employee is required to return to work.



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Sec. 5 INDEXING OF FEES TO LABOR COST INCREASES

The Director of Permitting Services must adjust each fee set in or under this regulation on July 1 of each year by a percentage that does not exceed the rate of the increase (if any) in the department's approved personnel costs for the then-current fiscal year compared to the approved personnel costs for the preceding fiscal year. For fees of \$100 or more, the Director must calculate the revised fee to the nearest five dollars. For fees under \$100, the Director must calculate the revised fee to the nearest dollar. The Director must publish the amount of this adjustment not later than July 1 of each year.

This regulation becomes effective on


Isiah Leggett, County Executive

11/08/07
/Date/

Approved as to form and legality
Montgomery County, Md. County Attorney's Office

