

MEMORANDUM

May 2, 2022

TO: Planning, Housing, and Economic Development (PHED) Committee

FROM: Naeem M. Mia, Legislative Analyst

SUBJECT: **FY23 Recommended Operating Budget – Office of Zoning and Administrative Hearings (OZAH)**

PURPOSE: Vote on recommendations for the Council’s consideration

Expected Attendees:

- Lynn Robeson Hannan, Director, OZAH
- Julie Knight, Fiscal and Policy Analyst, Office of Management and Budget (OMB)

A. Summary of Staff Recommendations

1) *Approve the Executive’s recommended FY23 Operating Budget request for OZAH.*

B. Fiscal Summary

Zoning and Administrative Hearings	FY22 Approved	FY23 CE Recommended	Change from FY22 Approved
General Fund	\$681,382	\$705,001	3.5%
Personnel Costs	\$546,283 4.00 FTEs	\$563,519 4.00 FTEs	0.6% 0.00 FTEs
Operating Costs	\$60,754	\$80,825	33.0%
Total Expenditures (all funds)	\$681,382 3.50 FTEs	\$705,001 3.50 FTEs	3.5% 0%

C. Public Testimony

There were no speakers or testimony related to the Office of Zoning and Administrative Hearings during the Council's April 2022 operating budget public hearings.

D. Major Budget and Key Discussion Items for FY23

1. Increase Cost of Operating Expenses (+ \$20,000)

The CE is recommending a total increase of \$20,000 (or 33% above the FY22 Approved budget) for operating expenses, including \$10,000 for transcription services and \$10,000 for software costs. These additions are to the base budget.

The request for the additional money for transcription costs is due to a historical increase in activity over the last several years. In addition, new software is needed to allow for remote/hybrid meetings.

Council staff recommendation: Approve as requested by the County Executive.

2. Personnel and Technical Adjustments (+ \$3,619)

OZAH's FY23 recommended budget includes several personnel and technical adjustments to reflect updated personnel costs from the approved FY22 and proposed FY23 compensation agreements, retirement adjustments, and print and mail chargebacks.

Council staff recommendation: Approve as requested by the County Executive.

3. Hybrid Meetings

OZAH has been working to transition to hybrid hearings. The office has found that a hybrid option increases participation and also may reduce the cost to applicants when bringing in-out-of-state witnesses (although that decision is left to the applicant at their discretion).

OZAH received approval to install the necessary equipment in the OZAH/BOA hearing room to enable remote hearings from the COB Renovation CIP. Depending on the availability of parts, that all necessary equipment may be installed in the next several months.

Currently, the Hearing Examiner performs most of the work in remote hearing, but the hybrid set-up has additional components that a single staff member may not be able to perform. Staff with technical experience would greatly enhance the ability to conduct these meetings and permit the hearing examiner to focus on conducting the hearing.

At present, OZAH anticipates that staffing would be part-time (only on hearing days), although it would have to be structured to accommodate a variable hearing schedule.

Council staff recommendation: *Coordinate with existing Council IT staff to determine if current staff or contractor resources can accommodate this additional scope of work for OZAH. If additional resources are needed, return to the Committee in mid-FY23 to determine options.*

4. Staffing Updates

OZAH staff currently has one vacant hearing examiner position. The former hearing examiner left as of March 4, 2022. The department is currently in the process of hiring someone to fill his position.

This packet contains:

1. FY23 Recommended Publication– OZAH

Circle Page #

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Zoning and Administrative Hearings

RECOMMENDED FY23 BUDGET

\$705,001

FULL TIME EQUIVALENTS

4.00

LYNN R. HANNAN, DIRECTOR

MISSION STATEMENT

The mission of the Office of Zoning and Administrative Hearings (OZAH) is to conduct due process hearings in land use and other administrative matters in a manner that protects the rights of the participants, provides a complete record in each case, results in a thorough and balanced report or decision, and serves the public interest.

BUDGET OVERVIEW

The total recommended FY23 Operating Budget for the Office of Zoning and Administrative Hearings is \$705,001, an increase of \$23,619 or 3.47 percent from the FY22 Approved Budget of \$681,382. Personnel Costs comprise 88.54 percent of the budget for four full-time position(s) and no part-time position(s), and a total of 4.00 FTEs. Total FTEs may include seasonal or temporary positions and may also reflect workforce charged to or from other departments or funds. Operating Expenses account for the remaining 11.46 percent of the FY23 budget.

COUNTY PRIORITY OUTCOMES

While this program area supports all seven of the County Executive's Priority Outcomes, the following is emphasized:

Effective, Sustainable Government

PROGRAM CONTACTS

Contact Lynn R. Hannan of the Office of Zoning and Administrative Hearings at 240.777.6664 or Julie Knight of the Office of Management and Budget at 240.777.2760 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; receives applications, hears and decides conditional use cases; schedules and conducts hearings in contested cases referred by other departments, such as the

Commission on Human Rights; adjudicates objections and waivers associated with accessory apartment license applications; maintains administrative records for public inspection; collects application fees; responds to public inquiries on zoning and conditional use cases; and works with other County agencies in the preparation, revision, and review of procedural rules, fee schedules, and zoning text amendments.

BUDGET SUMMARY

	Actual FY21	Budget FY22	Estimate FY22	Recommended FY23	%Chg Bud/Rec
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	466,651	497,036	491,503	497,132	—
Employee Benefits	109,506	123,592	117,831	127,044	2.8 %
County General Fund Personnel Costs	576,157	620,628	609,334	624,176	0.6 %
Operating Expenses	60,748	60,754	17,701	80,825	33.0 %
County General Fund Expenditures	636,905	681,382	627,035	705,001	3.5 %
PERSONNEL					
Full-Time	4	4	4	4	—
Part-Time	0	0	0	0	—
FTEs	4.00	4.00	4.00	4.00	—
REVENUES					
Other Charges/Fees	1,700	0	0	0	—
Zoning Fees	79,079	65,000	65,000	65,000	—
County General Fund Revenues	80,779	65,000	65,000	65,000	—
GRANT FUND - MCG					
EXPENDITURES					
Salaries and Wages	995	0	0	0	—
Employee Benefits	0	0	0	0	—
Grant Fund - MCG Personnel Costs	995	0	0	0	—
Grant Fund - MCG Expenditures	995	0	0	0	—
PERSONNEL					
Full-Time	0	0	0	0	—
Part-Time	0	0	0	0	—
FTEs	0.00	0.00	0.00	0.00	—
REVENUES					
Federal Grants	995	0	0	0	%
Grant Fund - MCG Revenues	995	0	0	0	—
DEPARTMENT TOTALS					
Total Expenditures	637,900	681,382	627,035	705,001	3.5 %
Total Full-Time Positions	4	4	4	4	—
Total Part-Time Positions	0	0	0	0	—

BUDGET SUMMARY

	Actual FY21	Budget FY22	Estimate FY22	Recommended FY23	%Chg Bud/Rec
Total FTEs	4.00	4.00	4.00	4.00	—
Total Revenues	81,774	65,000	65,000	65,000	—

FY23 RECOMMENDED CHANGES

		Expenditures	FTEs
COUNTY GENERAL FUND			
FY22 ORIGINAL APPROPRIATION		681,382	4.00
Other Adjustments (with no service impacts)			
Increase Cost: Increase Operating Expenses - Transcription Services [Zoning and Administrative Hearings]		10,000	0.00
Increase Cost: Increase Operating Expenses - Purchase Software [Zoning and Administrative Hearings]		10,000	0.00
Increase Cost: Annualization of FY22 Compensation Increases		9,706	0.00
Increase Cost: FY23 Compensation Adjustment		6,727	0.00
Increase Cost: Retirement Adjustment		1,328	0.00
Increase Cost: Printing and Mail Adjustment		71	0.00
Decrease Cost: Annualization of FY22 Personnel Costs		(14,213)	0.00
FY23 RECOMMENDED		705,001	4.00

FUNDING PARAMETER ITEMS

CE RECOMMENDED (\$000S)

Title	FY23	FY24	FY25	FY26	FY27	FY28
COUNTY GENERAL FUND						
EXPENDITURES						
FY23 Recommended	705	705	705	705	705	705
No inflation or compensation change is included in outyear projections.						
Elimination of One-Time Items Recommended in FY23	0	(10)	(10)	(10)	(10)	(10)
Items recommended for one-time funding in FY23, including software purchases, will be eliminated from the base in the outyears.						
Labor Contracts	0	15	15	15	15	15
These figures represent the estimated annualized cost of general wage adjustments, service increments, and other negotiated items.						
Subtotal Expenditures	705	710	710	710	710	710

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