

Legislative Fiscal Office

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Joint Committee on Ways and Means

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To: Natural Resources Subcommittee

From: Kim To, Legislative Fiscal Office

Date: May 26, 2021

Subject: SB 5531 – Land Use Board of Appeals
Work Session Recommendations

Land Use Board of Appeals

	2017-19 Actual	2019-21 Legislatively Approved	2021-23 Current Service Level	2021-23 LFO Recommended
General Fund	1,997,590	2,203,477	2,237,153	2,520,015
Other Funds	16,789	79,905	36,486	36,486
Total Funds	2,014,379	2,283,382	2,273,639	2,556,501
Positions	6	6	6	7
FTE	6.00	6.00	6.00	7.00

Attached are recommendations from the Legislative Fiscal Office for the Land Use Board of Appeals.

The 2021-23 LFO recommended budget for the Land Use Board of Appeals is 7 positions (7.00 FTE) and \$2,556,501 Total Funds. This is a 12.0% increase from 2019-21 Legislatively Approved Budget.

The 2021-23 LFO recommended budget contains the following:

- Package 087: Increases General Fund by \$78,239 to allow the agency to migrate contracted administrative support functions (accounting/payroll, human resources, and IT) from its current service provider, the Department of State Lands, to the shared client services program at the Department of Administrative Services (DAS) starting June 2020. This increase was approved by the Legislature in SB 5723 (2020 SS2).
- Policy Option Package 090: Corrects a technical error in the reclassification of an Executive Support Specialist 2 position.
- Policy Option Package 101 Compliance Specialist 3: Increases General Fund by \$201,818 and 1 position (1.00 FTE) to establish a second staff attorney position to draft orders and opinions for review, research case law, and prepare the appellate court record for transmittal to the Court of Appeals. A second staff attorney will

enable the Board to better meet its statutory obligation to issue opinions and orders within the statutory deadlines.

Adjustments to Current Service Level

See attached “Work Session Presentation Report.”

Note: With the exception of Policy Option Package 099 reflecting Microsoft 365 Consolidation adjustments, statewide adjustments are not included in these recommendations. Any needed adjustments will be made in end of session bills.

Performance Measures

See attached “Legislatively Proposed 2021-23 Key Performance Measures.”

Budget Note

The Land Use Board of Appeals (LUBA) is directed to work with the Department of Administrative Services Enterprise Information Services (DAS EIS) to begin the foundational work on an electronic filing and case management system. That work must comply with State Information Technology Policy requirements and at minimum include business systems analysis, requirements gathering, business case development, and the project management services necessary to complete this work in a timely manner. LUBA and DAS EIS are to jointly report on the progress of this work including funding requirements to the Joint Committee on Ways and Means during the 2022 Legislative session.

Recommended Changes

LFO recommends a budget of \$2,520,015 General Fund, \$36,486 Other Funds, and 7 positions (7.00 FTE), which is reflected in the -1 amendment.

Final Subcommittee Action

LFO recommends that SB 5531, as amended by the -1 amendment, be moved to the Ways and Means Full Committee.

Carriers

Full Committee:

House Floor:

Senate Floor:

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2019-21 Agy. Leg. Adopted	2,061,858	-	34,981	-	-	-	2,096,839	6	6.00
2019-21 Ebds, SS & Admin Act	141,619	-	44,924	-	-	-	186,543	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2019-21 Leg Approved Budget	2,203,477	-	79,905	-	-	-	2,283,382	6	6.00
2019-21 Leg Approved Budget (Base)	2,061,858	-	34,981	-	-	-	2,096,839	6	6.00
Summary of Base Adjustments	101,879	-	-	-	-	-	101,879	-	-
2021-23 Base Budget	2,163,737	-	34,981	-	-	-	2,198,718	6	6.00
010: Non-PICS Pers Svc/Vacancy Factor	6,116	-	-	-	-	-	6,116	-	-
030: Inflation & Price List Adjustments	67,300	-	1,505	-	-	-	68,805	-	-
2021-23 Current Service Level	2,237,153	-	36,486	-	-	-	2,273,639	6	6.00
080: E-Boards	78,239	-	-	-	-	-	78,239	-	-
Adjusted 2021-23 Current Service Level	2,315,392	-	36,486	-	-	-	2,351,878	6	6.00
Total LFO Recommended Packages	204,623	-	-	-	-	-	204,623	1	1.00
2021-23 Legislative Actions	2,520,015	-	36,486	-	-	-	2,556,501	7	7.00
Net change from 2019-21 Leg Approved Budget	316,538	-	(43,419)	-	-	-	273,119	1	1.00
Percent change from 2019-21 Leg Approved Budget	14.4%	0.0%	(54.3%)	0.0%	0.0%	0.0%	12.0%	16.7%	16.7%
Net change from 2021-23 Adj Current Service Level	204,623	-	-	-	-	-	204,623	1	1.00
Percent change from 2021-23 Adj Current Service Level	8.8%	0.0%	0.0%	0.0%	0.0%	0.0%	8.7%	16.7%	16.7%

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2019-21 Ebds, SS & Admin Act	141,619	-	44,924	-	-	-	186,543	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2019-21 Leg Approved Budget	2,203,477	-	79,905	-	-	-	2,283,382	6	6.00
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Summary of Base Adjustments	101,879	-	-	-	-	-	101,879	-	-
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Package 087 August 2020 Special Session

Package Description This package reflects the 2021-23 budgetary impact of the increase in General Fund to account for the cost of transitioning support services (accounting, payroll, human resources, and IT) from Department of State Lands over to Department of Administrative Services during the August 2020 Special Session.

LFO Recommendation LFO Recommended.

LFO Recommended	78,239	-	-	-	-	-	78,239	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 090 Analyst Adjustments

Package Description This package corrects an error in the reclassification of an Executive Support Specialist 2 position.

LFO Recommendation LFO Recommended.

LFO Recommended	7,037	-	-	-	-	-	7,037	-	-
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Package 099 Microsoft 365 Consolidation

Package Description Microsoft 365 Consolidation: Microsoft 365 is being consolidated within the Office of the State Information Officer at the E5 level of service. This cost is built into the State Government Service Charge for every agency as a cost increase for the 21-23 biennium. This package makes a corresponding reduction to the agency base budget in an amount equivalent to what agencies should be paying in the current 2019-21 biennium for Microsoft 365 at the E3 level of service.

LFO Recommendation LFO Recommended.

LFO Recommended	(4,232)	-	-	-	-	-	(4,232)	-	-
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Package 101 Compliance Specialist 3 (General Fund)

Package Description This package adds a second staff attorney position. A second staff attorney would draft orders and opinions for review, research case law, and prepare the appellate court record for transmittal to the Court of Appeals. Having a second staff attorney will allow the Board to better meet its statutory obligation to issue opinions and orders within the statutory deadlines.

LFO Recommendation LFO Recommended.

LFO Recommended	201,818	-	-	-	-	-	201,818	1	1.00
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Legislatively Proposed 2021 - 2023 Key Performance Measures

Published: 4/29/2021 7:26:28 PM

Agency: Land Use Board of Appeals

Mission Statement:

To provide an accessible forum for resolving land use disputes quickly and efficiently and make LUBA decisions available as a decision making resource to state and local legislators, land use decision makers, property owners and the citizens of Oregon.

Legislatively Proposed KPMs	Metrics	Agency Request	Last Reported Result	Target 2022	Target 2023
1. TIMELY RESOLVE APPEALS - Percentage of appeals of land use decisions that are resolved within statutory deadlines or, if all parties agree, with no more than a 7 day extension of the statutory deadline.		Approved	64%	90%	90%
2. TIMELY SETTLE RECORD - Percentage of record objections that are resolved within 60 days after the record objection is received by LUBA.		Approved	67%	95%	95%
3. RESOLVE ALL ISSUES - Percentage of decisions where all issues are resolved when reversing or remanding a land use decision.		Approved	100%	100%	100%
4. SUSTAINED ON APPEAL - Percentage of final opinions that are sustained on appeal.		Approved	95%	90%	90%
5. CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	Timeliness	Approved	92%	95%	95%
	Expertise		88%	95%	95%
	Accuracy		92%	95%	95%
	Overall		92%	95%	95%
	Helpfulness		88%	95%	95%
	Availability of Information		80%	95%	95%

LFO Recommendation:

Approve the Key Performance Measures and targets as proposed.

SubCommittee Action: