

SB 5531 A BUDGET REPORT and MEASURE SUMMARY

Carrier: Sen. Anderson

Joint Committee On Ways and Means

Action Date: 06/04/21

Action: Do pass with amendments. (Printed A-Eng.)

Senate Vote

Yeas: 11 - Anderson, Frederick, Girod, Golden, Gorsek, Johnson, Knopp, Lieber, Steiner Hayward, Taylor, Thomsen

Nays: 1 - Hansell

House Vote

Yeas: 11 - Bynum, Drazan, Gomberg, Leif, McLain, Nosse, Rayfield, Sanchez, Smith G, Sollman, Stark

Prepared By: Drew Cohen, Department of Administrative Services

Reviewed By: Kim To, Legislative Fiscal Office

Land Use Board of Appeals

2021-23

Budget Summary*

	2019-21	2021 - 23	2021-23	Committee Change from 2019-21	
	Legislatively Approved Budget ⁽¹⁾	Current Service Level	Committee Recommendation	Leg. Approved	
				\$ Change	% Change
General Fund	\$ 2,203,477	\$ 2,237,153	\$ 2,520,015	\$ 316,538	14.4%
Other Funds Limited	\$ 79,905	\$ 36,486	\$ 36,486	\$ (43,419)	-54.3%
Total	\$ 2,283,382	\$ 2,273,639	\$ 2,556,501	\$ 273,119	12.0%

Position Summary

Authorized Positions	6	6	7	1
Full-time Equivalent (FTE) positions	6.00	6.00	7.00	1.00

⁽¹⁾ Includes adjustments through January 2021

* Excludes Capital Construction expenditures

Summary of Revenue Changes

General Fund supports over 98% of the Land Use Board of Appeals (LUBA) core operations. The remaining 2% of revenue are Other Funds derived from filing fees, publication sales, and other miscellaneous fees. Filing fees collected from land use appellants and interveners are transferred to the state’s General Fund. LUBA estimates the agency will transfer \$138,100 to the General Fund from these fees during the 2021-23 biennium. LUBA introduced House Bill 2110, which proposes to increase the fee to file a notice of intent to appeal a land use decision or limited land use decision from \$200 to \$300. The anticipated new revenue from the fee increase is projected to be \$27,300 per biennium and LUBA expects to collect approximately \$81,900 each biennium. All filing fee revenue is deposited in the General Fund.

Summary of Natural Resources Subcommittee Action

LUBA was established in 1979 by the Oregon Legislature to provide prompt, professional, and efficient resolutions of land use appeals. LUBA has jurisdiction to review appeals of land use decisions made by cities, counties, districts, and state agencies. In this role, LUBA is also responsible for developing a consistent body of land use law. LUBA is required by statute to publish its orders and opinions and make them public for citizens, decision-makers, and participants in land use processes to use as guidance for future land use decision-making. The Subcommittee recommended the following budget note related to the administration of a case management system:

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.

The Subcommittee recommended a budget of \$2,556,501 total funds, including \$2,520,015 General Fund, \$36,486 Other Funds expenditure limitation, and seven positions (7.00 FTE). This is a 12% increase from the 2019-21 legislatively approved budget. The Subcommittee recommended the following packages:

Package 087: August 2020 Special Session. This package increases General Fund by \$78,239 to reflect the 2021-23 budgetary impact of transitioning support services from the Department of State Lands over to the Department of Administrative Services during the August 2020 special session.

Package 090: Analyst Adjustment. This package increases General Fund by \$7,037 to correct a technical error in the reclassification of an Executive Support Specialist 2 position.

Package 099: 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 2021-23 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.

Package 101: Compliance Specialist 3 (General Fund). This package establishes a second full-time staff attorney position that will draft orders and opinions for review, research case law, and prepare the appellate court record for transmittal to the Court of Appeals. This position is funded through an increase in General Fund of \$201,818, for one position (1.00 FTE).

Summary of Performance Measure Action

See attached Legislatively Adopted 2021-23 Key Performance Measures form.

DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION

Oregon Land Use Board of Appeals
Drew Cohen (971) 707-8779

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS		FEDERAL FUNDS		TOTAL ALL FUNDS	POS	FTE
			LIMITED	NONLIMITED	LIMITED	NONLIMITED			
2019-21 Legislatively Approved Budget at Jan. 2021*	\$ 2,203,477	\$ -	\$ 79,905	\$ -	\$ -	\$ -	2,283,382	6	6.00
2021-23 Current Service Level (CSL)*	\$ 2,237,153	\$ -	\$ 36,486	\$ -	\$ -	\$ -	2,273,639	6	6.00
SUBCOMMITTEE ADJUSTMENTS (from CSL)									
SCR 66200-010 - General Program									
Package 087: August 2020 Special Session Services and Supplies	\$ 78,239	\$ -	\$ -	\$ -	\$ -	\$ -	78,239		
Package 090: Analyst Adjustment Personal Services	\$ 7,037	\$ -	\$ -	\$ -	\$ -	\$ -	7,037	0	0.00
Package 099: Microsoft 365 Consolidation Services and Supplies	\$ (4,232)	\$ -	\$ -	\$ -	\$ -	\$ -	(4,232)		
Package 101: Compliance Specialist 3 Personal Services	\$ 201,818	\$ -	\$ -	\$ -	\$ -	\$ -	201,818	1	1.00
TOTAL ADJUSTMENTS	\$ 282,862	\$ -	\$ -	\$ -	\$ -	\$ -	282,862	1	1.00
SUBCOMMITTEE RECOMMENDATION *	\$ 2,520,015	\$ -	\$ 36,486	\$ -	\$ -	\$ -	2,556,501	7	7.00
% 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%
% Change from 2021-23 Current Service Level	12.6%	0.0%	0.0%	0.0%	0.0%	0.0%	12.4%	16.7%	16.7%

*Excludes Capital Construction Expenditures

Legislatively Approved 2021 - 2023 Key Performance Measures

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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 Approved 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:

Approved LFO recommendation.