



## STAFF REPORT AND FISCAL IMPACT NOTE

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**Ordinance:** O-18-19

**Title:** Department of the Environment

**Date:** April 21, 2019

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### STAFF REPORT

This ordinance establishes Title 19, Environment and moves the regulations in Title 14, Title 17, and Title 21 related to forest conservation, reforestation and afforestation, critical areas, grading, erosion, sediment control, and floodplain management to Title 19. Under the proposed reorganization, the Department of Planning and Zoning would no longer be responsible for regulations pertaining to forestation conservation, reforestation and afforestation, critical areas, or floodplain management, and the Department of Public Works would no longer be responsible for regulations pertaining to stormwater.

This ordinance also amends Section 22.24.040 to provide that adequacy of public facilities for stormwater management facilities shall include compliance with the new Section 19.50 of the City Code, which is moved from Section 17.10 of the existing code. However, it does not amend Section 22.24.010. Consequently, the responsibility of determining whether a development meets adequacy of public facilities for stormwater management would remain with the Director of Public Works.

*We recommend amendment 22.24.010 to require the Director of the Department of the Environment to make the APF determination for stormwater management if all stormwater management regulations are moved under the Department of the Environment.*

According to Alderman Savidge, who drafted the ordinance and sent it to the Office of Law for formatting, this ordinance reassigns existing Code provisions that currently fall under the Departments of Planning and Zoning and Pubic Works to the Department of the Environment. It does not substantively modify the provisions of the City Code or any environmental policy already adopted by ordinance.

*Prepared by Teresa Sutherland, City Manager*

## FISCAL IMPACT

When compared to the Mayor's proposed FY2020 budget, creating a Department of the Environment will result in \$9,000 of additional expenses in the General Fund for which the City Council will have to increase revenue or make a commensurate cut in some other General Fund appropriation. The \$9,000 is the difference in the cost for the grade A20 Director position proposed in this ordinance and the grade A17 Environmental Policy Advisor, grade A17 position included in the Mayor's proposed budget.

Other than the Director position, staffing for the new department is not included in this proposed ordinance. However, there are budget implications for the staffing as envisioned by Alderman Savidge, who drafted the ordinance, as described below.

- The Mayor's proposed budget includes a second Stormwater Management Engineer, grade A15 position, funded in the Watershed Restoration Fund for \$90,270. At this time, Alderman Savidge has advised us he is not proposing to include this position in the budget.
- Alderman Savidge is proposing to modify the duties of the existing Environmental Programs Coordinator position (grade A13 in the Mayor's proposed budget) to establish an Environmental Programs Manager position. The manager would supervise the employees who have forest conservation, reforestation and afforestation, erosion control, grading, and stormwater management duties, including the City Forester, the Stormwater Management Engineer, and the Environmental Compliance Inspector.

According to Alderman Savidge, creating a manager position will help achieve the Mayor's goal of freeing up more of the Director's time to work on the development of environmental policy.

The appropriate grade for the Environmental Programs Manager position has not yet been determined, but it likely would be grade A16 or higher because the stormwater management engineer position that would report to the manager is a grade A15.

The proposed salary range for a grade A16 is \$73,702 - \$124,244, while the proposed salary range for the grade A13 Environmental Programs Coordinator position is \$59,327 - \$100,011. Therefore, the cost of the Environmental Programs Manager position will likely be \$17,250 - \$29,080 more than the Environmental Programs Coordinator position proposed by the Mayor, including benefits.

- The Environmental Programs Coordinator position has only stormwater management duties in the Mayor's proposed budget, as does the Environmental Compliance Inspector position. Therefore, both are appropriately funded in the Watershed Restoration Fund (\$82,600 for the Environmental Programs Coordinator position and \$98,000 for the Environmental Compliance Inspector position).

Alderman Savidge is proposing that the Environmental Compliance Inspector provide inspection and field support for forest conservation and other programs, in addition to stormwater, as the Department of Neighborhood and Environmental Programs (DNEP) did.

To the extent the Environmental Programs Manager and Environmental Compliance Inspector spend time performing duties unrelated to stormwater management, those duties would not meet the restricted purposes for which the fund may be used. Therefore, the portion of their salaries and benefits administering programs other than stormwater management may not be charged to the Watershed Restoration Fund, which would further increase General Fund expenses.

We cannot determine the how much of the cost for these two positions could be allocated to the Watershed Restoration Fund and how much must be allocated to the General Fund until (1) the duties of the Environmental Programs Manager position are established, (2) Human Resources has determined the appropriate grade for the manager position, and (3) we can establish a basis for allocating the costs of the two positions between the Watershed Restoration Fund for stormwater duties and the General Fund for all other duties. We do, however, know that if these positions have duties other than stormwater management, General Fund expenses will increase, and Watershed Restoration Fund expenses will decrease. Any increase in General Fund expenses requires the City Council to raise revenue or make a commensurate cut in some other General Fund appropriation.

*Prepared by Jodee Dickinson, Finance Director*