

DPS Advisory Committee
Policy and Procedures Ad Hoc Subcommittee
February 22, 2008 Preliminary Report to the County Executive

In November, 2008 the DPS Advisory Committee established an ad-hoc subcommittee to review DPS' policies and procedures for the purpose of making recommendations on how to possibly improve DPS' performance. The Subcommittee is comprised of engineers, surveyors, architects, attorneys, and business persons. The Subcommittee sought to interview all DPS managers. An outline of the subject matter contained in the interviews, in the form of a letter from the Committee to the DPS managers is attached hereto as Attachment 1.

The Subcommittee has interviewed eleven of fifteen managers¹.

Of those managers that did participate, the persons conducting the interviews were left with a strong feeling that the managers were truly an asset to the public. They were well qualified, extremely dedicated to providing a quality product and eager to embrace new concepts that would benefit the public and DPS.

I. Preliminary Findings:

a) DPS generally lacks codified rules and procedures for how its employees are to complete their day-to-day tasks. This results in efforts that are duplicated time and again and also is the source of numerous exception items that drain the agency's resources. Consequently, the Subcommittee feels that significant savings² could be achieved by implementing such rules and procedures

b) A conflict exists across County agencies with regard to the interpretation of DPS' regulations. Consequently, DPS' customers are sometimes given differing directives, for the same project and issue, from different agencies³. In such case, the customers are left to fend for themselves across multiple agencies at sometimes great expense to the agencies and the customers.

c) DPS' computer system does not require valid entries in certain fields, thereby allowing permit applications to bypass vital aspects of the permitting process. Consequently, problems are generated that unduly divert DPS' management time onto issues that could have been prevented at the point of data entry.

¹ The Subcommittee as a whole concluded that the interviewing process might not be as productive as possible if the County staff being interviewed had other County staff members participate in those interviews. Accordingly, only the voting members participated in the interviews of DPS' management and the drafting of this report. Nevertheless, this report was provided to all members of the DPS Advisory Committee prior to its publication.

² The Subcommittee plans to provide additional information regarding cost savings in a future report.

³ For example, DPS may instruct a developer to use a drainage ditch that is cut in the shape of a "U" and DPWT, for the same project, may direct the developer to cut the ditch in the shape of a "V".

- d) DPS' objectives are hamstrung, in some respects, by the bifurcation of, and duplicative functions that exist between, DPS and the Maryland National Capital Park and Planning Commission ("MNCPPC").
- e) DPS lacks effective deterrents for persons or entities who attempt to circumvent DPS' policies and procedures. Consequently, DPS must respond to preventable problems after they occur, with their associated management times and costs.
- f) On some occasions, DPS' management feels powerless to solve the problem of poor job performance on the part of some of those persons whom they manage.⁴

II. Preliminary Recommendations:

- a) Arrange for those managers who have not yet participated in the interview process to do so.
- b) Implement codified rules and procedures⁵. This would significantly reduce the amount of exception items that arise whereby DPS' customers have differing views and expectations. Exception items often take an inordinate amount of DPS resources and cost the DPS users considerable time and money. Examples of exception items include inconsistent land-use decisions and inconsistent permissible building techniques.
- c) Clearly define and implement Lead Agency authorization. Additionally, or in the alternative, establish an Office of Resolution. This office would include an individual with the authority to resolve disputes among County agencies with regard to DPS regulations. Parties finding themselves caught between various agencies could bring the issue to this Office. The Office would have 30 days to provide a resolution, which would be made public. The Office's data could then be used by County regulators to amend the regulations where necessary to avoid cross agency conflicts⁶.
- d) Implement software edits that alert the data entry operator to the absence of vital information, and/or alert the operator that data is likely in error. For example, the cost of construction is far below the average, or the amount of land disturbance is less than the footprint of the new construction.

⁴ Some interviewees, as well as other County managers, described the process that must be undertaken when their employees repeatedly fail to follow directives. It was described as being so time consuming, laborious and cumbersome as to be unworkable and for practical purposes, a non-option.

⁵ Implementation recommendations are currently being formulated. A preliminary recommendation will be to develop a flow chart that clearly defines: a) the interfaces between DPS and all other agencies, and b) the required elements of all permit applications and their related job steps.

⁶ The Subcommittee further recommends that the agencies and departments involved conduct a regular meeting of their directors or director's designees, to review the unresolved conflicting areas. The purpose would be to offer agency heads the opportunity to collectively resolve these issues. An agency director, selected by the County Executive, should be assigned to schedule these meetings.

- e) Set a short-term goal, of perhaps 2 months, for prioritizing which DPS functions should be codified first for the purpose of alleviating as many exception items as possible.
- f) Consolidate the zoning, review and inspection processes within DPS. Until such time that such consolidation can be completed, relocate MNCPPC staff to DPS to reduce expense and delay associated with the physical distance between the agencies' staff.
- g) Amend existing DPS regulations to provide for required and effective deterrents, for applicants who provide materially false information to DPS. Example deterrents could include a required delay of 14 days for the second materially false submission, 30 day delay for the subsequent improper submission on the same project. In addition, DPS' current enforcement mechanisms⁷ should be applied in strict adherence to County regulations so that, in effect, they act as a deterrent against future infractions.
- h) Amend the existing process for managing employees who do not respond to management's directives. Such process should include the ability to more easily terminate employees who show a documented course of conduct that is contrary to DPS' standards.

Respectfully submitted,

DPS Advisory Committee, Policy and Procedures Ad Hoc Subcommittee

Steve Kanstoroom, Chair
Joav Steinbach, P.E. Vice-Chair
Tom Aylward, AIA
George Donovan
Larry Gordon, Esq.
J. D. Grewell*

* J.D. Grewell joined the Subcommittee after the interviews were conducted, however, has approved this report as submitted.

⁷ Current mechanisms include Stop Work Orders, Citations, and revocation of permits.

**DPS Advisory Committee;
Policy and Process Ad Hoc Subcommittee - Confidential Interview Questions**

1) A brief description of your job.

- i. How did you learn your job?
- ii. What training do you need to do your job: a) initially, b) ongoing?
- iii. What materials/guidelines do you use to do your job?
- iv. What discretion/flexibility do you have?
- v. How do you store information and make it available to the public?
- vi. Who do you work with?
- vii. What is your work product?
- viii. Primarily do you implement or establish policy?
- ix. Do you interface with the public, and if so, how?
- x. Do require someone else's work product to be able to complete yours?

2) Sources of input to your Section, i.e. paper building permit applications,

notes from applicants' professionals, correspondence from other agencies.

i. Quality of input – what steps are in place to assure it?

3) Exception items, i.e. unique issues which may entail: a) unforeseen delays or

complications, b) escalation for senior management involvement, or c)

redundancies.

i. What is the hardest part of your job? – see also 4 and 5.

ii. Causes

iii. How often do you have to do something over and why?

4) Items you feel may be better handled by a different part of DPS or which you believe could possibly benefit from a policy or regulatory change.

- i. Do you have enough manpower (perhaps say staff) in your section? – See also 5.
- ii. What would you change if you could? – See also 5.
- iii. What changes would you make to make your work more efficient/effective?
- iv. What should the public know to understand your job/work product? How should this be conveyed?

5) Policies, procedures or technology that you believe would make your job easier or more rewarding.

- i. What technology do you use?
- ii. What additional technology would help you?