


PHED COMMITTEE #1
April 25, 2011

Worksession

MEMORANDUM

April 21, 2011

TO: Planning, Housing and Economic Development Committee
FROM:  Jean C. Arthur, Legislative Analyst
SUBJECT: **Worksession: FY12 Operating Budget
Board of Appeals**

At this session, the Committee will review the Executive's recommendation for the FY12 operating budget for the Board of Appeals. Relevant pages from the FY12 Recommended Operating Budget are attached on circle 1.

The following persons are expected at this worksession:

Catherine Titus, Chair, Board of Appeals

Katherine Freeman, Executive Director, Board of Appeals

Jane Mukira, OMB

OVERVIEW

For FY12, the County Executive is recommending a total of \$549,090, a decrease of \$17,740 or 3.1 percent from the FY11 approved budget of \$566,830. The recommended budget funds three full-time positions for three workyears, plus 0.5 workyears for the five part-time members of the Board of Appeals.

| | FY11 Approved | FY12 CE Recommended | % Change |
|----------------------|---------------|---------------------|----------|
| EXPENDITURES | | | |
| General Fund | \$566,830 | \$549,090 | -3.1% |
| Total Expenditures | \$566,830 | \$549,090 | -3.1% |
| | | | |
| PERSONNEL | | | |
| Full-time | 3 | 3 | |
| Part-time | 0 | | |
| Workyears | 3.6 | 3.5 | -2.8% |
| | | | |
| REVENUE | | | |
| General Fund Revenue | \$235,000 | \$223,310 | -5.0% |
| | | | |

FY12 Expenditure Issues

The budget for this office is small and supports 3.5 workyears. As mentioned above the five board members make up 0.5 workyears. The office does not expect any expenditure changes during the next fiscal year. The Executive is recommending an increase in operating expenses at \$110 more than the current fiscal year. That is due to increase cost for Help Desk Support and printing and mailing adjustments. Changes in the budget are shown below:

| Adjustments | Expenditures |
|--|---------------------|
| Restore Personnel Costs – furloughs | \$6,350 |
| Annualization of FY11 Personnel Costs | 4,130 |
| Help Desk | 60 |
| Printing and Mail Adjustment | 50 |
| Miscellaneous personnel Change | 0 |
| Retirement Adjustments | -2,700 |
| Group Insurance Adjustment | -2,910 |
| Eliminate Chargeback from People's Counsel | -22,720 |

Revenue Issues

The Board expects to handle about the same number of filings in FY12 as in the current fiscal year. The budget includes estimated revenue of \$251,270 from filing fees in FY12. The Board transfers to Park and Planning 25 percent of the special exception filing fees it collects. Park and Planning must make a recommendation on all special exception applications.

Staff Recommendation: Approve as submitted by the County Executive.

Board of Appeals

MISSION STATEMENT

The mission of the Board of Appeals is to implement the flexibility provided in the Zoning Ordinance as approved by the County Council and to assist County residents in understanding and participating in the special exception, variance, and administrative appeal process.

BUDGET OVERVIEW

The total recommended FY12 Operating Budget for the Board of Appeals is \$549,090, a decrease of \$17,740 or 3.1 percent from the FY11 Approved Budget of \$566,830. Personnel Costs comprise 89.7 percent of the budget for three full-time positions for 3.5 workyears. Operating Expenses account for the remaining 10.3 percent of the FY12 budget.

LINKAGE TO COUNTY RESULT AREAS

While this program area supports all eight of the County Result Areas, the following are emphasized:

❖ **A Responsive, Accountable County Government**

DEPARTMENT PERFORMANCE MEASURES

Performance measures for this department are included below. The FY11 estimates incorporate the effect of the FY11 savings plan. FY12 and FY13 targets assume the recommended FY12 budget and FY13 funding for comparable service levels.

| Measure | Actual FY09 | Actual FY10 | Estimated FY11 | Target FY12 | Target FY13 |
|--|----------------|----------------|-------------------|----------------|----------------|
| Number of administrative appeals filed | 18 | 12 | 12 | 12 | 12 |
| Number of variances filed | 17 | 15 | 15 | 15 | 15 |
| Number of variances heard | 18 | 12 | 12 | 12 | 12 |
| Average days to issue Notices of Variances hearings | 13 | 13 | 13 | 13 | 13 |
| Number of administrative appeals decided | 12 | 10 | 10 | 10 | 10 |
| Number of administrative appeals heard | 12 | 10 | 10 | 10 | 10 |
| Number of special exceptions decided | 15 | 15 | 15 | 15 | 15 |
| Number of variances decided | 18 | 12 | 12 | 12 | 12 |
| Number of work sessions held | 33 | 30 | 30 | 30 | 30 |
| Number of special exceptions heard | 15 | 15 | 15 | 15 | 15 |
| Number of special exceptions filed | 21 | 24 | 24 | 24 | 24 |
| Average days to issue Notices of Special Exception hearings ¹ | 14 | 14 | 14 | 14 | 14 |
| Average days to issue Notices of Administrative Appeals hearings | 14 | 14 | 14 | 14 | 14 |
| Average days to issue written variances ² | 39 | 30 | 30 | 30 | 30 |
| Average days to Variances hearing | 74 | 74 | 74 | 74 | 74 |
| Average days to issue written Special Exceptions ³ | 38 | 35 | 35 | 35 | 35 |
| Average days to issue written administrative appeals ⁴ | 74 | 50 | 50 | 50 | 50 |
| Number of administrative actions taken | 254 | 250 | 250 | 250 | 250 |
| Average days to Administrative Appeals hearing ⁵ | 144 | 144 | 144 | 144 | 144 |
| Number of walk-in clients assisted | 370 | 350 | 350 | 350 | 350 |
| Average days to Special Exceptions hearing ⁶ | 116 | 130 | 130 | 130 | 130 |
| Number of telephone inquiries answered | 1,547 | 1,570 | 1,570 | 1,570 | 1,570 |

¹ County Code requires mailing of written notices of hearings within 7 days after the filing of any appeal, petition for special exception, request for a variance, or other matter within the Board's jurisdiction.

² Board of Appeals Rule 9.1 requires issuance of variance opinions within 30 days of close of record.

³ Board of Appeals Rule 9.1 requires issuance of special exception opinions within 30 days of close of record.

⁴ Board of Appeals Rule 9.1 requires issuance of administrative appeal opinions within 45 days of close of record.

⁵ County Code requires that the hearing on an administrative appeal be held not fewer than 30 days following the issuance of the written notice of the hearing.

⁶ County Code requires that the hearings for special exceptions be held not fewer than 60 days following the issuance of the written notice of hearing, and that the hearing on any other matter within the Board's jurisdiction be held not fewer than 30 days.

ACCOMPLISHMENTS AND INITIATIVES

❖ Productivity Improvements

- *The Board continues to update and encourage use of its website to reduce paper usage. Photocopying is done double-sided. Scrap paper is recycled and used for writing tablets. The Board has an Intern-Volunteer to assist with administrative duties in the office.*

PROGRAM CONTACTS

Contact Katherine Freeman of the Board of Appeals at 240.777.6600 or Jane Mukira of the Office of Management and Budget at 240.777.2754 for more information regarding this department's operating budget.

PROGRAM DESCRIPTIONS

Zoning Related Hearings and Administrative Appeals

The Board of Appeals hears requests for special exceptions and variances as provided in the Zoning Ordinance. The Zoning Ordinance requires that requests for certain uses (special exceptions) be considered for approval by the Board. Development standards for each zone are also set by the Zoning Ordinance. Variances from these standards require approval by the Board. The Board of Appeals also holds hearings and rules on appeals from administrative actions of certain governmental departments and agencies, as provided in the County Code.

BUDGET SUMMARY

| | Actual FY10 | Budget FY11 | Estimated FY11 | Recommended FY12 | % Chg Bud/Rec |
|--|----------------|----------------|-------------------|---------------------|------------------|
| COUNTY GENERAL FUND | | | | | |
| EXPENDITURES | | | | | |
| Salaries and Wages | 443,106 | 396,010 | 385,350 | 389,710 | -1.6% |
| Employee Benefits | 110,353 | 114,200 | 104,830 | 102,650 | -10.1% |
| County General Fund Personnel Costs | 553,459 | 510,210 | 490,180 | 492,360 | -3.5% |
| Operating Expenses | 44,089 | 56,620 | 61,120 | 56,730 | 0.2% |
| Capital Outlay | 0 | 0 | 0 | 0 | — |
| County General Fund Expenditures | 597,548 | 566,830 | 551,300 | 549,090 | -3.1% |
| PERSONNEL | | | | | |
| Full-Time | 4 | 3 | 3 | 3 | — |
| Part-Time | 0 | 0 | 0 | 0 | — |
| Workyears | 4.7 | 3.6 | 3.6 | 3.5 | -2.8% |
| REVENUES | | | | | |
| Board of Appeals Fees - MNCPPC | 0 | -75,000 | -27,960 | -27,960 | -62.7% |
| Board of Appeals Fees | 230,113 | 310,000 | 251,270 | 251,270 | -18.9% |
| County General Fund Revenues | 230,113 | 235,000 | 223,310 | 223,310 | -5.0% |

FY12 RECOMMENDED CHANGES

| | Expenditures | WYs |
|---|----------------|------------|
| COUNTY GENERAL FUND | | |
| FY11 ORIGINAL APPROPRIATION | 566,830 | 3.6 |
| Other Adjustments (with no service impacts) | | |
| Increase Cost: Restore Personnel Costs - Furloughs | 6,350 | 0.1 |
| Increase Cost: Annualization of FY11 Personnel Costs | 4,130 | 0.0 |
| Increase Cost: Help Desk - Desk Side Support | 60 | 0.0 |
| Increase Cost: Printing and Mail Adjustment | 50 | 0.0 |
| Technical Adj: Miscellaneous Personnel Change | 0 | 0.1 |
| Decrease Cost: Retirement Adjustment | -2,700 | 0.0 |
| Decrease Cost: Group Insurance Adjustment | -2,910 | 0.0 |
| Decrease Cost: Eliminate Chargeback from People's Counsel | -22,720 | -0.3 |
| FY12 RECOMMENDED: | 549,090 | 3.5 |

FUTURE FISCAL IMPACTS

| Title | CE REC. FY12 | FY13 | FY14 | (S000's) FY15 | FY16 | FY17 |
|---|-----------------|------------|------------|------------------|------------|------------|
| This table is intended to present significant future fiscal impacts of the department's programs. | | | | | | |
| COUNTY GENERAL FUND | | | | | | |
| Expenditures | | | | | | |
| FY12 Recommended | 549 | 549 | 549 | 549 | 549 | 549 |
| No inflation or compensation change is included in outyear projections. | | | | | | |
| Subtotal Expenditures | 549 | 549 | 549 | 549 | 549 | 549 |