

Worksession

MEMORANDUM

April 27, 2012

TO: Planning, Housing and Economic Development Committee
FROM: ^{JCA} Jean C. Arthur, Legislative Analyst
SUBJECT: **Worksession: FY13 Operating Budget
Board of Appeals**

At this meeting the Committee will review the Executive's recommendation for the FY13 Operating Budget for the Board of Appeals. Relevant pages from the FY13 Recommended Operating Budget are attached at ©1-3.

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 FY13, the County Executive is recommending a total of \$577,864, an increase of \$28,774 or 5.2 percent from the FY12 approved budget of \$549,090. The recommended budget funds three full-time positions.

	FY12 CE Recommended	FY13 CE Recommended	% Change
EXPENDITURES			
• <i>Personnel Costs</i>	\$492,360	\$521,354	5.9%
• <i>Operating Expenses</i>	\$56,730	\$56,510	-0.4%
Total General Fund Expenditures	\$549,090	\$577,864	5.2%
PERSONNEL			
Full-time	3	3	0
Part-time			
FTEs	3	3	0
REVENUE			
Board of Appeals Fees	\$223,310	\$306,334	37.2%

FY13 Expenditure Issues

The Board of Appeals is a small office with three positions. The increase in personnel costs for this office is due to county government-wide adjustments in compensation.

Revenue

The Board receives revenue from filing fees for applications for special exceptions. Fees vary by the type of special exception being sought. In the FY12 budget, the office is projected to collect \$223,310 in revenue. As of mid April, the office had collected about \$203,000, with approximately two months left in the fiscal year. The Executive has projected that the Board of Appeals will collect \$306, 334 in FY13. Council staff believes that number may be a bit optimistic.

Performance Measures

The table on ©1 shows some performance measures for the Board of Appeals. Several targets are being met or nearly met. The measure on the average days to issue notices of special exception hearings is not met. Footnote 1 states that the “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”, but the Board has not met that target nor is it projected to do so.

The budget submission states that the performance targets are based on the FY13 recommended budget. Council staff suggests a discussion of what resources would be necessary to help the Board meet its legally mandated requirements.

Council Staff Recommendation

Council staff recommends approval of the FY13 budget as submitted by the 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 FY13 Operating Budget for the Board of Appeals is \$577,864, an increase of \$28,774 or 5.2 percent from the FY12 Approved Budget of \$549,090. Personnel Costs comprise 90.2 percent of the budget for three full-time positions for 3.50 FTEs. Operating Expenses account for the remaining 9.8 percent of the FY13 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 FY12 estimates reflect funding based on the FY12 approved budget. The FY13 and FY14 figures are performance targets based on the FY13 recommended budget and funding for comparable service levels in FY14.

Measure	Actual FY10	Actual FY11	Estimated FY12	Target FY13	Target FY14
Program Measures					
Number of administrative appeals filed	12	9	9	9	9
Number of variances filed	15	8	20	20	20
Number of variances heard	12	8	20	20	20
Average days to issue Notices of Variances hearings	13	7	7	7	7
Number of administrative appeals decided	10	6	12	12	12
Number of administrative appeals heard	10	9	12	12	12
Number of special exceptions decided	15	24	30	30	30
Number of variances decided	12	8	16	16	16
Number of work sessions held	30	24	30	30	30
Number of special exceptions heard	15	35	50	50	50
Number of special exceptions filed	24	42	44	44	44
Average days to issue Notices of Special Exception hearings ¹	14	28	14	14	14
Average days to issue Notices of Administrative Appeals hearings	14	18	14	14	14
Average days to issue written variances ²	30	31	30	30	30
Average days to Variances hearing	74	49	83	83	83
Average days to issue written Special Exceptions ³	35	27	27	27	27
Average days to issue written administrative appeals ⁴	50	36	36	36	36
Number of administrative actions taken	250	228	300	300	300
Average days to Administrative Appeals hearing ⁵	144	103	103	103	103
Number of walk-in clients assisted	350	500	500	500	500
Average days to Special Exceptions hearing ⁶	130	101	130	130	130
Number of telephone inquiries answered	1,570	1367	1,500	1500	1500

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*

- *Used office paper is recycled for use as scratch pads and note pads.*
- *The Board continues to avail itself of volunteer office help to try to meet statutory deadlines.*

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 FY11	Budget FY12	Estimated FY12	Recommended FY13	% Chg Bud/Rec
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	387,969	389,710	386,493	397,959	2.1%
Employee Benefits	105,179	102,650	105,841	123,395	20.2%
County General Fund Personnel Costs	493,148	492,360	492,334	521,354	5.9%
Operating Expenses	54,549	56,730	59,512	56,510	-0.4%
Capital Outlay	0	0	0	0	—
County General Fund Expenditures	547,697	549,090	551,846	577,864	5.2%
PERSONNEL					
Full-Time	3	3	3	3	—
Part-Time	0	0	0	0	—
FTEs	3.60	3.50	3.50	3.50	—
REVENUES					
Board of Appeals Fees	375,715	223,310	306,334	306,334	37.2%
Other Charges/Fees	-6,170	0	0	0	—
County General Fund Revenues	369,545	223,310	306,334	306,334	37.2%

FY13 RECOMMENDED CHANGES

	Expenditures	FTEs
COUNTY GENERAL FUND		
FY12 ORIGINAL APPROPRIATION	549,090	3.50
Other Adjustments (with no service impacts)		
Increase Cost: Retirement Adjustment	17,240	0.00
Increase Cost: Lump Sum Wage Adjustment	6,646	0.00
Increase Cost: Group Insurance Adjustment	3,033	0.00
Increase Cost: Longevity Adjustment	2,075	0.00
Shift: Help Desk - Desk Side Support to the Desktop Computer Modernization NDA	-60	0.00
Decrease Cost: Printing and Mail Adjustment	-160	0.00
FY13 RECOMMENDED:	577,864	3.50

FUTURE FISCAL IMPACTS

Title	CE REC.					
	FY13	FY14	FY15	(\$000's)		
	FY16	FY17	FY18			
This table is intended to present significant future fiscal impacts of the department's programs.						
COUNTY GENERAL FUND						
Expenditures						
FY13 Recommended	578	578	578	578	578	578
No inflation or compensation change is included in outyear projections.						
Elimination of One-Time Lump Sum Wage Adjustment	0	-7	-7	-7	-7	-7
This represents the elimination of the one-time lump sum wage increases paid in FY13.						
Subtotal Expenditures	578	571	571	571	571	571