

PHED COMMITTEE #2
April 13, 2015

MEMORANDUM

April 9, 2015

TO: Planning, Housing and Economic Development Committee
FROM: Jean Arthur, ^{JCA}Legislative Analyst
SUBJECT: **FY16 Operating Budget: Board of Appeals**

Those expected to attend this worksession include:
Kathleen Freeman, Executive Director, Board of Appeals
Crystal Brockington Sallee, OMB

Relevant pages from the FY16 Recommended Operating Budget are attached on ©1-3.

Budget Summary:

- The budget for the Board of Appeals has no changes. The recommended budget amount is 4.0 percent higher than FY15 approved amount; the entire increase is due to adjustments in compensation that apply to all departments.

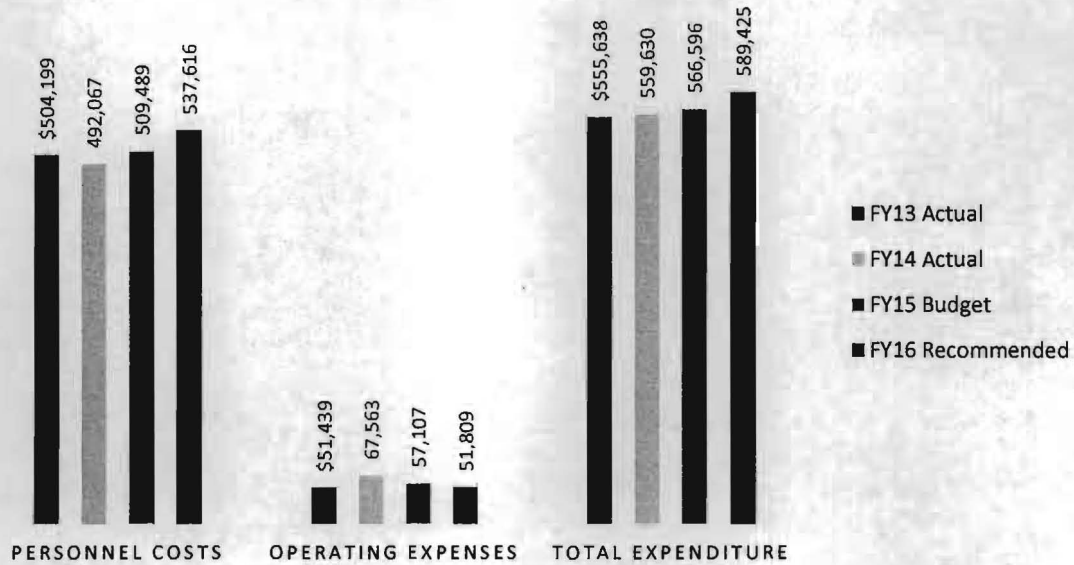
Council Staff Recommendation:

- **Approve as recommended by the County Executive.**

Overview

For FY16, the County Executive recommends a total of \$589,425, an increase of \$22,829 or 4.0 percent from the FY15 approved budget of \$566,596. The recommended budget funds three full-time positions and a chargeback of .5 FTE from the Office of the County Attorney.

BUDGET SUMMARY



	<i>FY14 Actual</i>	<i>FY15 Approved</i>	<i>FY16 Recommended</i>	<i>% Change FY15 - FY16</i>
<i>Expenditures by fund</i>				
General Fund	\$559,630	\$566,596	\$589,425	4.0%
<i>Expenditures by type</i>				
Personnel Cost	\$492,067	\$509,489	\$537,616	5.5%
Operating Expenses	\$67,563	\$57,107	\$51,809	-9.3%
<i>Total Expenditures</i>	\$559,630	\$566,596	\$589,425	4.0%
<i>Positions</i>				
Full-Time	3	3	3	
Part-Time				
<i>FTEs</i>	3.5	3.5	3.5	

FY16 Expenditure Issues

Board member stipends. The budget includes funding for a small increase in the stipend for the five board members. Montgomery County Council resolution 9-527A allows for an annual adjustment of the stipend to reflect 50% of change in the Washington area consumer price index. The total increase for all five members is \$646. The FY15 increase was \$602.

Performance Measures: The Board utilizes volunteer office assistants to help meet its statutory requirements for issuing notices and decisions. In FY14 and FY15 the Board issued notices on administrative appeals in an average of four days; the statutory requirement is seven. It issued reports of decisions in forty days; the requirement is forty-five days.

The Board of Appeals no longer receives applications for special exceptions (now called conditional use). As of October 30, 2014 conditional uses are under the jurisdiction of the Office of Zoning and Administrative Hearings.

FY16 Revenue

Revenue. The Board of Appeals has collected \$109,964 in FY15 as of March 31. These revenues are from filing fees.

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 FY16 Operating Budget for the Board of Appeals is \$589,425, an increase of \$22,829 or 4.0 percent from the FY15 Approved Budget of \$566,596. Personnel Costs comprise 91.2 percent of the budget for three full-time positions, and a total of 3.50 FTEs. Total FTEs may include seasonal or temporary positions and may also reflect workforce charged to or from other departments or funds. Operating Expenses account for the remaining 8.8 percent of the FY16 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 FY15 estimates reflect funding based on the FY15 approved budget. The FY16 and FY17 figures are performance targets based on the FY16 recommended budget and funding for comparable service levels in FY17.

Measure	Actual FY13	Actual FY14	Estimated FY15	Target FY16	Target FY17
Program Measures					
Number of Administrative Appeals (AAs) filed	11	5	5	5	5
Number of Administrative Appeals heard	12	8	8	8	8
Number of Administrative Appeals decided	9	10	10	10	10
Average days to Administrative Appeals hearing notice ¹	11	9	TBD	TBD	TBD
Average days to issue written Administrative Appeals decisions ²	45	26	TBD	TBD	TBD
Average days to Administrative Appeals hearing ³	74	69	70	70	70
Number of Variances filed	13	16	16	16	16
Number of Variances heard	10	19	16	16	16
Number of Variances decided	16	19	16	16	16
Average days to Variance hearing notice	11	14	TBD	TBD	TBD
Average days to issue Variance decisions ⁴	18	25	TBD	TBD	TBD
Average days to Variances hearing	64	52	50	50	50
Number of Special Exceptions filed ⁵	21	4	0	0	0
Number of Special Exceptions heard	32	6	0	0	0
Number of Special Exceptions decided	34	3	0	0	0
Average days to Special Exceptions hearing notice ⁶	19	10	0	0	0
Average days to Special Exceptions written decision ⁷	15	19	0	0	0
Average days to Special Exception hearing	149	112	0	0	0
Number of Worksessions held	24	22	22	22	22
Number of Administrative Actions taken	259	154	150	150	150
Average days to Worksession Resolutions	N/A	27	30	30	30
Number of Walk-in Clients assisted	206	288			
Number of Telephone Inquiries Answered	500	679			

¹ County Code requires mailing of written notices of hearings within 7 days after the filing of any application for administrative appeal, variance or special exception.

² Board of Appeals Rule 9.1 requires issuance of administrative appeal opinions within 45 days of close of record.

³ County Code requires that the hearing on an administrative appeal be held not fewer than 30 days after issuance of written notice of the hearing.

⁴ Board of Appeals Rule 9.1 requires issuance of variance opinions within 30 days of close of record.

⁵ October 30, 2014 changes to Zoning Ordinance remove new special exception (conditional use) applications from BOA jurisdiction.

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

⁷ Board of Appeals Rule 9.1 requires issuance of special exception opinions within 30 days of close of record.

ACCOMPLISHMENTS AND INITIATIVES

❖ Productivity Improvements

- *Website is updated to provide more electronic information. Paper is recycled for scratch pads. Volunteer assistance is used to help meet statutory deadlines.*

PROGRAM CONTACTS

Contact Katherine Freeman of the Board of Appeals at 240.777.6600 or Crystal B. Sallee of the Office of Management and Budget at 240.777.2778 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 FY14	Budget FY15	Estimated FY15	Recommended FY16	% Chg Bud/Rec
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	367,161	382,027	408,347	399,425	4.6%
Employee Benefits	124,906	127,462	138,000	138,191	8.4%
County General Fund Personnel Costs	492,067	509,489	546,347	537,616	5.5%
Operating Expenses	67,563	57,107	41,469	51,809	-9.3%
Capital Outlay	0	0	0	0	—
County General Fund Expenditures	559,630	566,596	587,816	589,425	4.0%
PERSONNEL					
Full-Time	3	3	3	3	—
Part-Time	0	0	0	0	—
FTEs	3.50	3.50	3.50	3.50	—
REVENUES					
Board of Appeals Fees	156,979	306,334	306,334	306,334	—
Other Charges/Fees	-27,161	0	0	0	—
County General Fund Revenues	129,818	306,334	306,334	306,334	—

FY16 RECOMMENDED CHANGES

	Expenditures	FTEs
COUNTY GENERAL FUND		
FY15 ORIGINAL APPROPRIATION	566,596	3.50
<u>Other Adjustments (with no service impacts)</u>		
Increase Cost: FY16 Compensation Adjustment	12,067	0.00
Increase Cost: Annualization of FY15 Personnel Costs	11,164	0.00
Increase Cost: Retirement Adjustment	2,711	0.00
Increase Cost: Group Insurance Adjustment	1,164	0.00
Increase Cost: FY16 Stipend Increase for Board Members	646	0.00
Increase Cost: Annualization of FY15 Stipend Increase for Board Members	375	0.00
Decrease Cost: Printing and Mail	-298	0.00
Decrease Cost: Decrease Operating Funds	-5,000	0.00
FY16 RECOMMENDED:	589,425	3.50

FUTURE FISCAL IMPACTS

Title	CE REC. FY16	FY17	FY18	(5000's) FY19	FY20	FY21
This table is intended to present significant future fiscal impacts of the department's programs.						
COUNTY GENERAL FUND						
Expenditures						
FY16 Recommended	589	589	589	589	589	589
No inflation or compensation change is included in outyear projections.						
Labor Contracts	0	2	2	2	2	2
These figures represent the estimated annualized cost of general wage adjustments, service increments, and associated benefits.						
Subtotal Expenditures	589	591	591	591	591	591