



Improving Business Services *in Montgomery County*



County Executive's Economic Advisory Group
REGULATORY REFORM SUBCOMMITTEE REPORT

June 2017

“A Responsive and Accountable County Government” and *“A Strong and Vibrant Economy”* are two of the top priorities that define the core **mission of Montgomery County government.**

Isiah Leggett
Montgomery County Executive



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I. Introduction

The County Executive’s Economic Advisory Group is made of business executives and leaders who work with Montgomery County government leadership on long-term strategic issues including infrastructure and business climate to improve the County’s economic competitiveness. The Regulatory Reform Subcommittee (“the Subcommittee”) is specifically tasked with helping the County government improve its business services as part of an ongoing effort to improve the experience of doing business in the County.

From July through September 2016, the Subcommittee sought input from the Montgomery County business community through an in-depth Montgomery County Business Survey in partnership with local business groups. The survey findings pointed to the needs for continued improvements in business regulation, business services, and business communication on the part of the County government and have led to a series of immediate actions and plans for improvements at both system level and department level.

This report summarizes the key findings of the 2016 Montgomery County Business Survey, recommendations and improvements underway.



II. Background

“*A Responsive and Accountable County Government*” and “*A Strong and Vibrant Economy*” are two of the top priorities that define the core *mission of Montgomery County government*.

Over the past decade, a series of system-wide measures have been put in place to ensure a **responsive and accountable government**, further enhancing Montgomery County’s reputation as a national model in good governance. Examples include:

- Streamlined development approval process across departments and agencies that led to significant savings of time and resources for both businesses/residents and County government;
- Created the Development Ombudsman position in the Office of the County Executive to coordinate the development approval process with multiple approving parties;
- Created the Small Business Navigator position to help usher small businesses through the regulatory process and make it easier to do business in the County;
- Turning the former Department of Economic Development into a public-private partnership to be more responsive to changing community needs and market dynamics;
- Established MC311 call center and web portal as one single point of contact for all service requests and County resources;
- Established the Office of CountyStat to use data to measure, track and report County government performances;
- Instituted OpenMontgomery to make County government information more publicly accessible and available.

A strong and vibrant economy is the foundation for a thriving community, and it takes concerted efforts of all sectors. In fact, Strategy 1.1 of the *Comprehensive Economic Strategy* calls for improving business climate as a top strategic priority. Understanding the government’s critical role in facilitating economic growth, Montgomery County has been making significant and consistent investments in transportation (including new public transit systems and bike share), fiber and WiFi connectivity, workforce housing, placemaking, innovation partnerships, entrepreneurship and talent pipeline. While examples are too many to list (see *Economic Priorities* page for details), collectively, these efforts over the years have made our County one of the top communities in the country for residents and employers.

After turning the County’s former Department of Economic Development into a public-private partnership, the Office of the County Executive, in partnership with the County Executive’s Economic Advisory Group, led the charge to make the County government more responsive to businesses and employers as an enabler of economic growth and vitality. This is not just to serve the business community, but more importantly, to create quality jobs for our residents, who, in a 2015 resident survey by a third party, expressed the desire to see the County government doing more to stimulate economic opportunities.

III. Business Survey

To have an in-depth understanding of the range of issues affecting businesses' experience of opening and operating in Montgomery County, the Regulatory Reform Committee conducted an extensive survey with help of business groups and the Office of CountyStat.

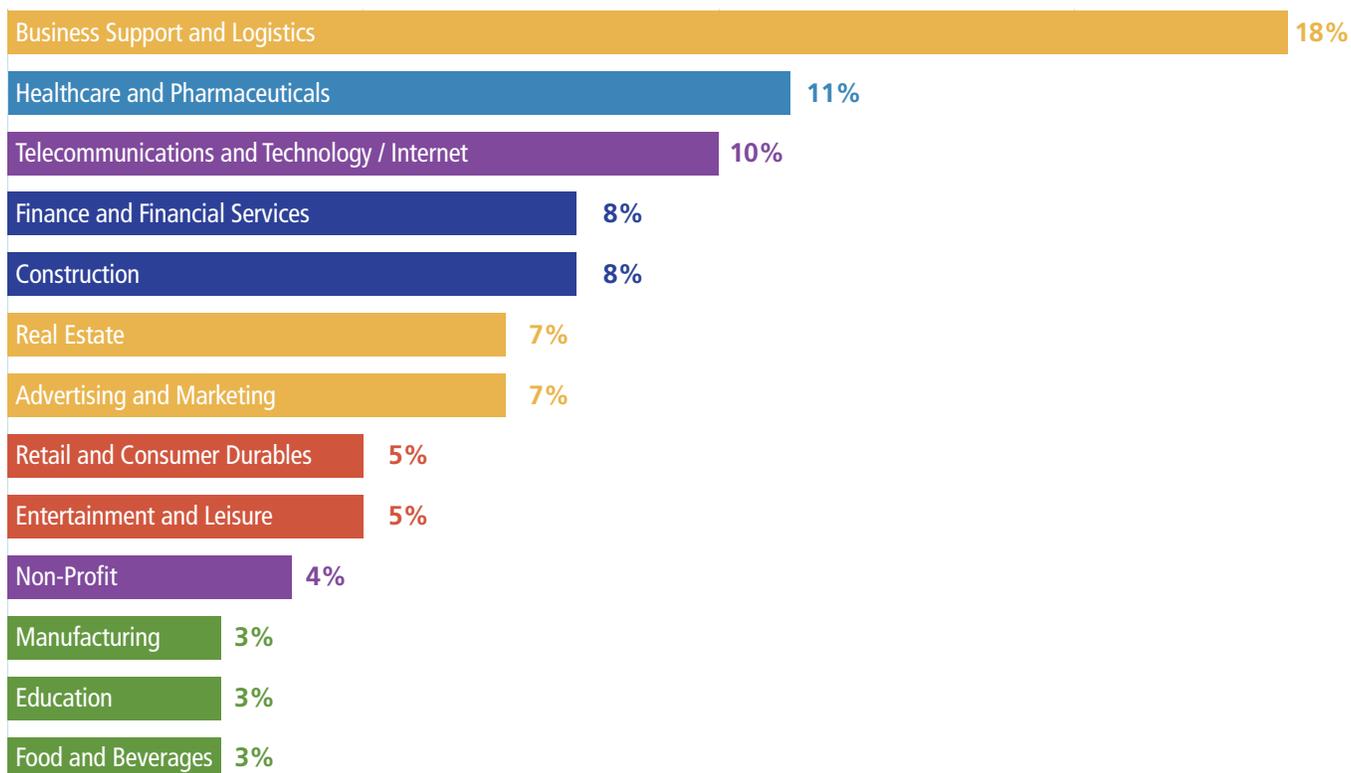
The 20-question survey, conducted from July 25, 2016 to September 1, 2016, reached thousands of County businesses. A total of 765 responses provided constructive feedback on a wide range of subjects including accessibility of government/regulatory information, interaction with County departments and offices, and the County's overall regulatory environment.

Please see Appendix I for the survey questions.

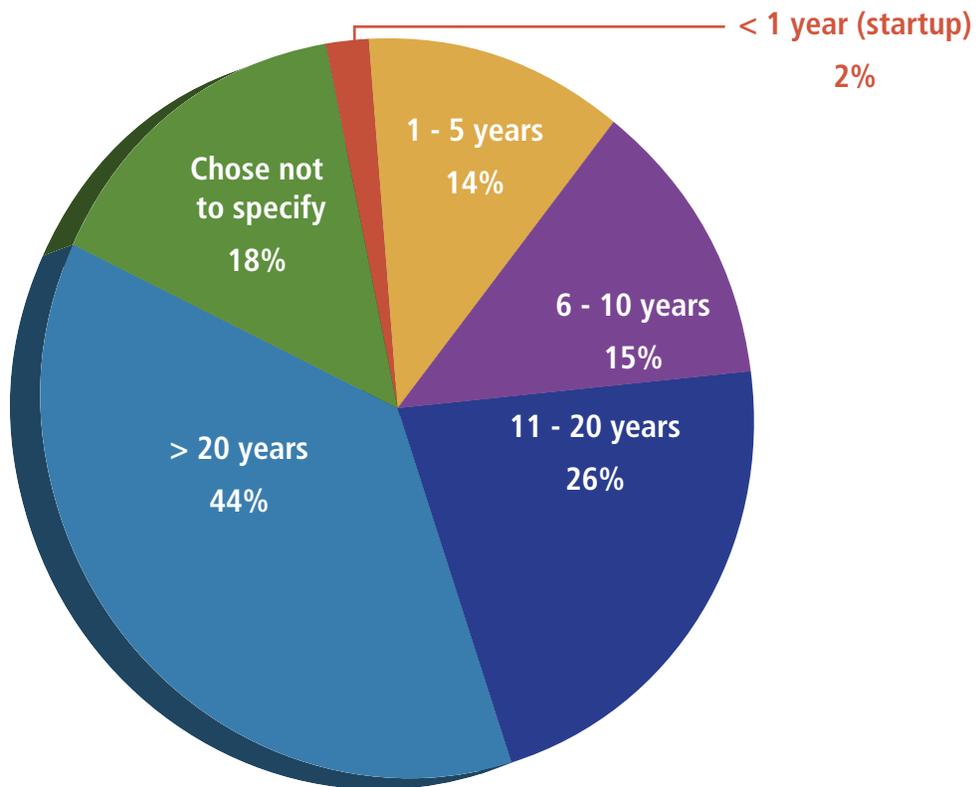
Survey Participants

Among the 765 businesses that participated in the survey, a majority are in professional, financial, business or healthcare services or knowledge-based industries. About 70% have been in business for at least 10 years. And the vast majority, 83%, are small businesses with fewer than 50 employees.

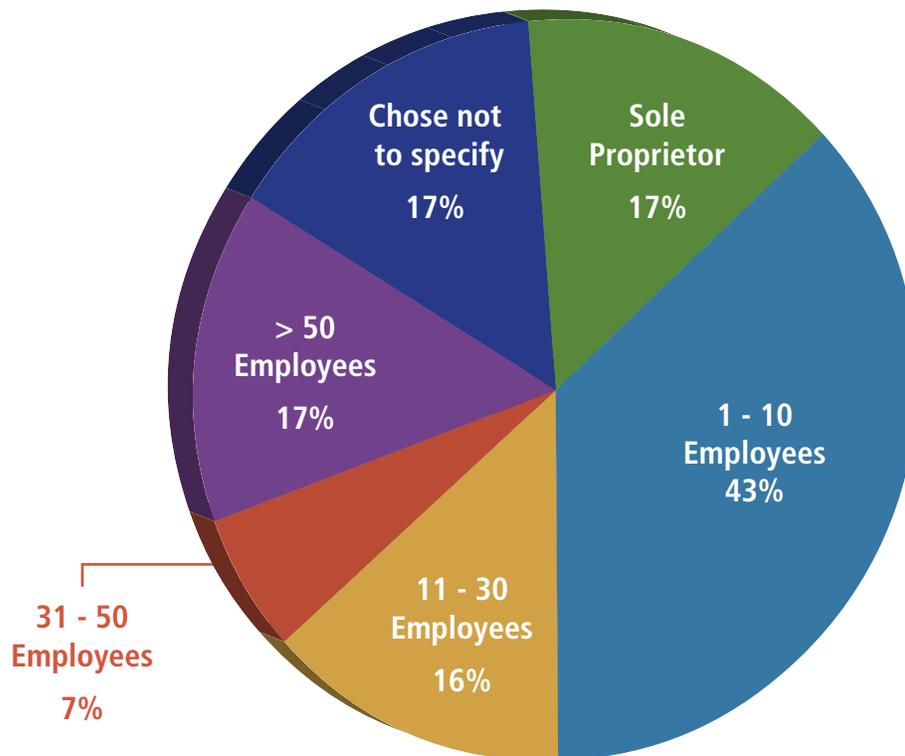
See graphs below.



AGE OF Participant Businesses



NUMBER OF EMPLOYEES IN Participant Businesses



IV. Survey Findings

Executive Overview

There was a general perception that the County has done too much, too fast in regulating business practices, which has imposed a heavy burden on the business community. Overall, participants were interested in how the County could better accommodate them given the volume of new regulations.

The most common areas of feedback included: 1) improve delivery and culture of customer service by being more responsive and solutions-oriented and less antagonistic; 2) provide better guidance/information and more online services, including digitizing certain forms; 3) streamline business interactions by making procedures less complex and by improving coordination among departments; 4) improve the County's overall regulatory environment by engaging businesses more frequently when making regulations, encourage County officials to act like partners instead of adversaries, and address excessive and overly complex permitting requirements.

Participants made suggestions to multiple County departments, with the Department of Permitting Services receiving the most feedback related to customer service, cost of services provided, and the time required to obtain permits. The specific permit mentioned most often was the sign permit. Other suggestions included reducing complexity of forms, improving process of notifying businesses when due for renewal, reducing unpredictability of turnaround time, and addressing confusion about roles of county government versus state or municipal government.

Summary of Responses by Survey Question

(Please see Appendix II for detailed charts/analysis of responses)

Why Choose Montgomery County for a Business Location?

The most important factor in choosing to do business in Montgomery County is a sense of connection with the community. Interestingly, community ranked highest among participants in the leisure and finance industries, and lowest among those in non-profits. Access to customer base and quality of life are other important factors.

Ease of Opening a Business in Montgomery County

The majority of participants rated the experience as “easy” or “average.” Younger businesses reported an “easy” experience more frequently. This could be due to improvements made by the State and the County, or could be that the types of businesses being opened don't require as much licensing and/or regulatory oversight (i.e. professional services, consulting, etc.).

In general, larger businesses reported a more difficult experience than smaller businesses. This could be due to the fact that larger companies have been in business longer and processes were more complex when they opened. Or, if a larger business moves to the County, there are likely to be more interactions related to building out a location.

Suggestions were provided on how to improve the process of opening a business in Montgomery County. Suggestions include:

- Better coordination
 - ✓ Take care of everything in one location
 - ✓ Better coordination across departments
 - ✓ Create dedicated call line
- Improved support
 - ✓ Provide more information on business opportunities
 - ✓ Help with recruitment of employees
 - ✓ Easier access to funds and affordable space needed
 - ✓ Access to meeting spaces needed
- Provide training and coaching services
 - ✓ Creation of a one-stop webpage
- Design “quick-start” website/ “how to” book
 - ✓ With information of all pertinent regulatory requirements in one place
 - ✓ With toolkits, Cheat sheets, Checklists
 - ✓ And secondary information provided (Networking groups, Minority-owned business certification, Zoning Rules)
 - ✓ More responsive services
- Faster permits
- Faster building approvals

Business Interactions with County Government/ Overall Business Friendliness

The majority of participants ranked their overall experience with County government as “average to excellent.” Similarly, the majority ranked business friendliness as “average to excellent.” Interestingly, larger businesses ranked their overall experiences lower than smaller businesses and sole proprietors.

Suggestions were provided on how to improve County interactions and overall business friendliness. Suggestions include:

- Improve culture of customer service and government responsiveness
- Adopt a more supportive, pro-business attitude and listen better to concerns of businesses
- Provide more online services
- Improve coordination and streamline process

Areas For Improvement?

The survey presented several areas where the County could explore opportunities for improvement, and asked participants about their level of interest. In general, the proposed ideas received a positive response, with some variation depending on the size and age of the company and the industry. Please see Appendix III for detailed suggestions related to these potential initiatives.

Participants were most interested in the County's review of business fees. Interest was especially high among real estate and retail businesses and lowest among non-profits and financial businesses. Sole proprietors showed low interest as well, probably because this group of businesses is less likely to pay fees (i.e. consulting).

When asked if the County should change the way it makes direct purchases of less than \$10,000, half of participants were interested in making a change. Interest in change decreased with the age and size of business (larger/more established businesses are likely to already have an established customer base with less of an interest in developing new markets). Alternatively, startups and smaller businesses view a change as a good way to build "past performance" and "gain a foot in the door" to compete for larger contracts in the future.

Participants were also asked which forms should be digitized and submitted online. In general, there was overwhelming support for automating forms, although there was also recognition that some businesses are not as technically advanced as others, so the ability to print and complete forms manually should be maintained.

Participants were asked to identify regulations that conflict with state or federal regulations. Examples include:

- Health-Related Regulations: health inspections, handicapped accessibility, Obamacare.
- Workforce Policy Regulations: minimum wage, sick leave, paid time off, family leave, overtime laws, and employment regulations.
- Others: food rules/regulations, rain tax, energy tax, solicitation process, building codes, impact fees, procurement process, natural resources, energy, Airbnb, Uber, towing laws, bag tax, fire codes, sustainability, Clean Water Act, Pace Program, SBA 8(a), small business registration.

V. Recommendations and Improvements Underway

After reviewing survey results and meeting with County Departments, the Regulatory Reform Subcommittee is recommending certain areas of improvement the County should focus on to establish a more customer-oriented and business friendly regulatory environment. Below is a recap of the Subcommittee's key recommendations for consideration by the County Executive's Economic Advisory Group.

Recommendations in Response to General Feedback

ISSUE: customer service

RECOMMENDATION: utilize survey results to establish department-specific goals; conduct regular customer service surveys to ensure continued improvement (in process).

ISSUE: forms automation

RECOMMENDATION: inventory current automated forms and create strategy for automation of additional forms – i.e. permit, registration, licensing forms, etc. (in process).

ISSUE: communication and accessibility of information

RECOMMENDATION: consider a “one-stop shop” website where individuals can access all regulatory information in one place (in process); create dedicated call-line; develop a comprehensive communication strategy to improve dissemination of information to business community.

Recommendations in Response to Department – Specific Feedback

Department of Permitting Services

ISSUE: conflicting direction from one inspector to the next

RECOMMENDATION: identify options/methods for resolving these conflicts that are not overly burdensome on businesses.

ISSUE: confusion regarding the costs associated with construction and development

RECOMMENDATION: review how information about fees/taxes is currently being communicated and seek ways to ensure clearer communication.

Department of Environmental Protection

ISSUE: conflicting regulations at the federal, state and local levels

RECOMMENDATION: identify specific examples of conflicting regulations and explore how to resolve such conflicts by opening a dialog with stakeholder groups through business forums (in process).

Health and Human Services

ISSUE: food businesses expressed concern with the complex nature of their regulatory environment

RECOMMENDATION: collaborate with the Montgomery County Food Council & Food Economy Work Group to identify opportunities to streamline regulations/improve communication of the regulatory process (in process).

Procurement

ISSUE: businesses want to expand opportunities to small purchases made directly by departments

RECOMMENDATION: analyze small purchases (under \$10,000) to determine if they are being made from vendors outside the county when local business are available (in process); also, consider raising the cap on direct purchases to \$25,000.

Finance

ISSUE: overly burdensome business personal property tax

RECOMMENDATION: explore opportunities to exempt small businesses from this tax.

Office of Emergency Management and Homeland Security

ISSUE: the Hazardous Materials Permit process is overly complex and not user-friendly

RECOMMENDATION:
evaluate the current process
and identify potential
improvements
(in process).

Improvements Underway

Since the survey, staff from the Office of the County Executive brought the feedback to the attention of the department leaders and other appropriate parties. Several system-wide improvements are underway including the digitization of forms, an integrated online business portal and a culture of customer solutions through a cross-departmental Business Service Advisory Group.

To improve county government services for businesses, the Office of the County Executive is also in the process of establishing a new Office of Business Solutions to better help businesses navigate through the regulatory processes and proactively communicate business information and resources.



Appendix I

Montgomery County Business Survey

In an ongoing effort to improve the experience of doing business in and/or with Montgomery County, County Executive Ike Leggett is inviting the business community to identify opportunities for streamlining and simplifying rules and regulations for businesses, and for improving the County government’s services to businesses. Your anonymous and confidential feedback will help us identify areas where change will have a positive impact. Thank you for participating.

1. Why is your business/organization located in Montgomery County? (Please rate each factor)

	Not a factor	Small factor	Important factor	Very important factor
Quality of life	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Access to customer base	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Access to Federal government	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Access to talent and qualified employment base	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Access to services and related industries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Community (I live here)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Montgomery County Public Schools	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Proximity to Washington DC	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other (please specify)

OPENING A BUSINESS

2. How easy was the process of opening a business in Montgomery County?

	1 (very difficult)	2	3	4	5	6	7 (very easy)	N/A or don't recall
Rating	<input type="radio"/>							

3. What would have made it easier for you to start your business in Montgomery County?

INTERACTIONS WITH COUNTY GOVERNMENT

4. Which parts of County Government, if any, do you regularly interact with as part of running your business?

- None - I do not regularly interact with County government
- Consumer Protection (OCP) (such as for business licensing)
- Economic Development (DED)
- Environmental Protection (DEP)
- Finance (FIN) (such as for business taxes)
- General Services (DGS)
- Health and Human Services (DHHS) (such as for food and facilities licensing)
- Human Rights Commission (HRC) (such as for employment laws)
- Liquor Control (DLC)
- Permitting Services (DPS)
- Procurement (PRO)
- Police (MCPD)
- Recreation (REC)
- Regional Service Centers (RSC)
- Other (please specify)

5. Please rate your experience of interacting with Montgomery County Government

	1 (very poor)	2	3	4	5	6	7 (excellent)	N/A
Rating	<input type="radio"/>							

6. How can we improve your experience and interactions with County government?

REGULATORY ENVIRONMENT

7. In your experience, how business friendly are Montgomery County's policies and procedures as they relate to your experience as a business (or your clients' experiences)?

	1 (very unfriendly)	2	3	4	5	6	7 (very friendly)	N/A (not regulated by County)
Rating	<input type="radio"/>							

8. Please share your thoughts on regulations that could be streamlined or simplified. For instance, have you experienced any duplication of efforts or inefficiencies that the County government could address?

AREAS FOR IMPROVEMENT

Montgomery County is considering the following improvements that we would like your input on...

9. **Automation of forms.** What paper forms do you fill out that should be put online for completion and submission? (skip if none)

10. **Review of fees paid by businesses** to Montgomery County with an eye towards fairness and clarity. Would this initiative be of value to your business?

- Definitely
- Probably
- No

(Optional) What fees do you consider to be unfair or excessive that should be eliminated or reduced?

11. **Changes to how County government makes direct purchases of less than \$10,000.** Would small contracts with Montgomery County be of interest to your business?

- Definitely
- Probably
- No

Comments (optional):

12. **Examining regulations that conflict with state or federal regulations.** Can you provide any examples of where you have experienced this situation? (Skip if no).

13. Is there anything else related to opening or operating a business in Montgomery County that you would like to express?

TELL US ABOUT YOUR BUSINESS

14. Which of the following best describes the principal industry of your organization? (please select an option from the list or choose "Other" and provide a description)

15. How long has your business operated in Montgomery County?

- Startup (less than 1 year)
- 1-5 years
- 6-10 years
- 11-20 years
- More than 20 years

16. How many employees work for your organization?

- Sole proprietor
- 1-10
- 11-30
- 31-50
- More than 50

17. (OPTIONAL) Would you be willing to provide additional information and/or participate in business focus groups to help the County improve services to the business community? If so, please provide contact information:

Name

Email

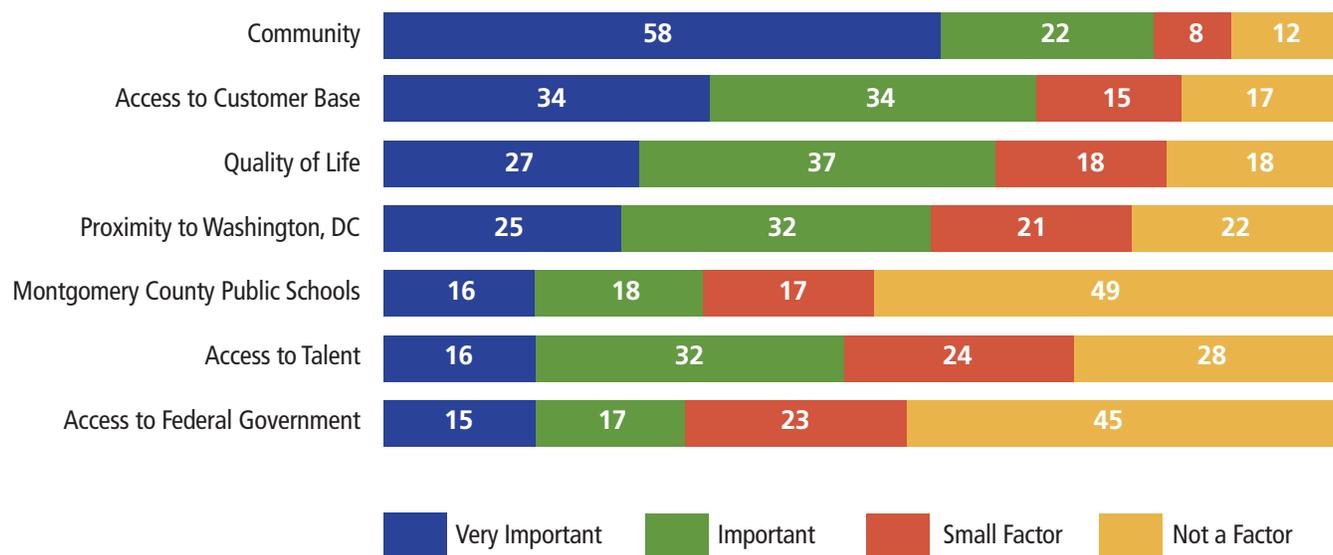
Phone

Thank you for doing business in Montgomery County!

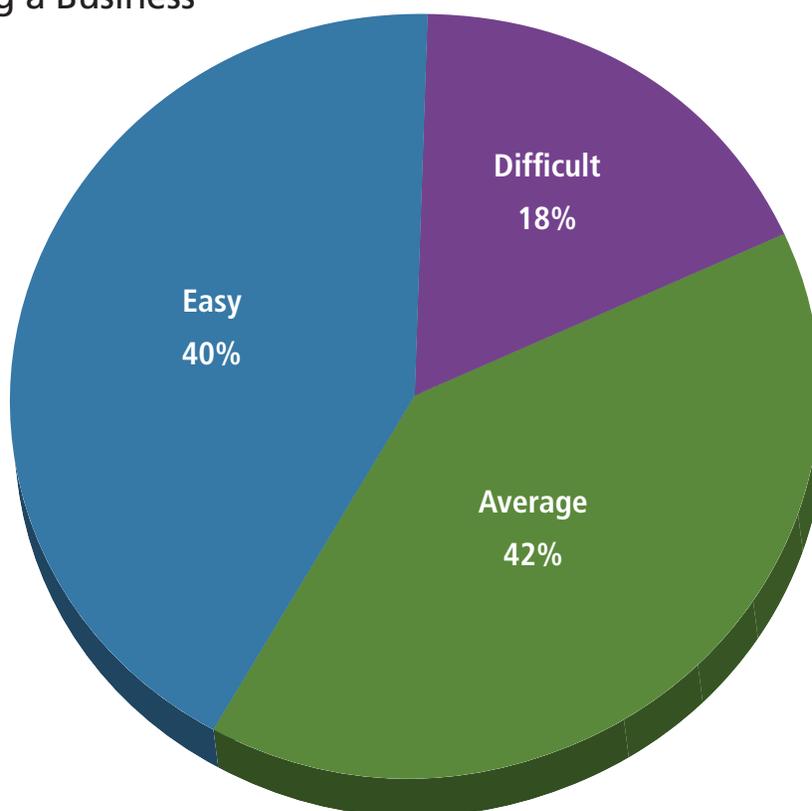
Appendix II

Analysis of Survey Responses By Question:

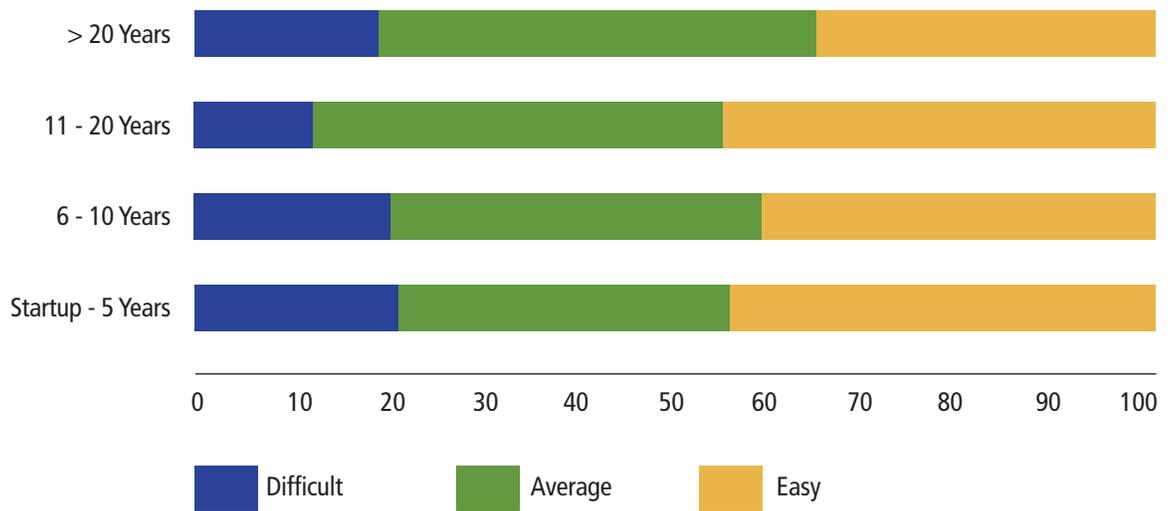
Why Montgomery County?



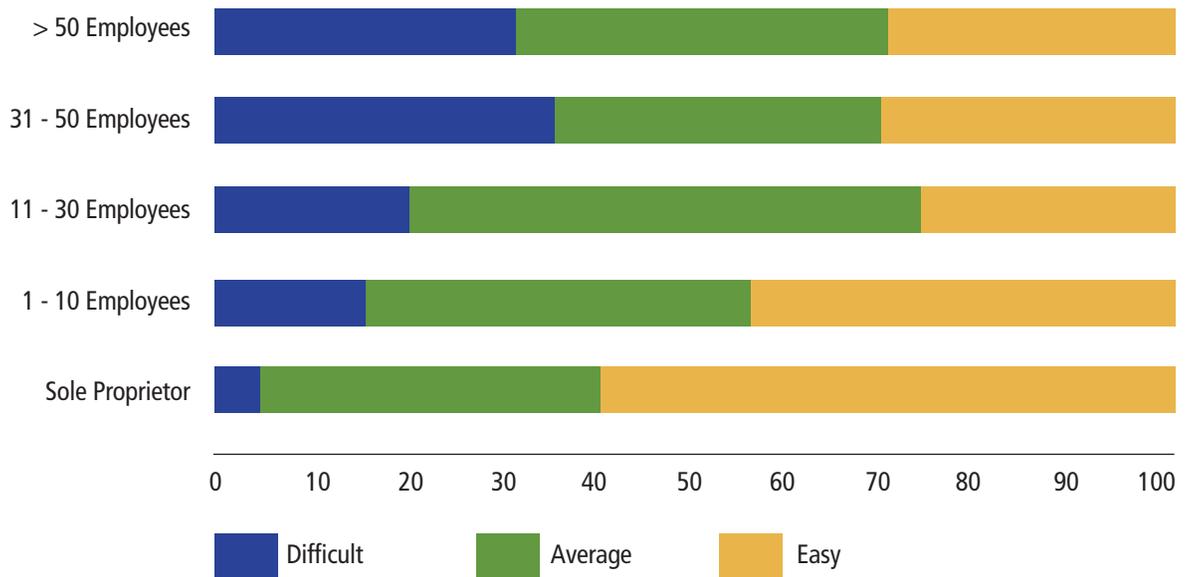
Ease of Opening a Business



Ease of Opening a Business BY AGE OF BUSINESS



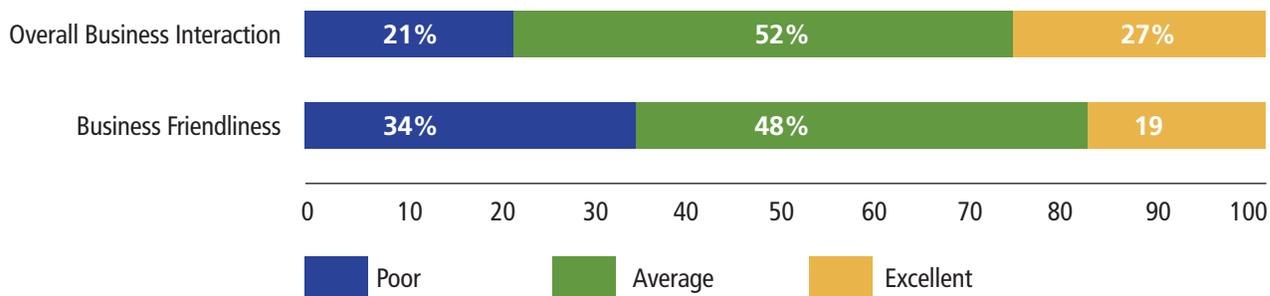
Ease of Opening a Business BY BUSINESS SIZE



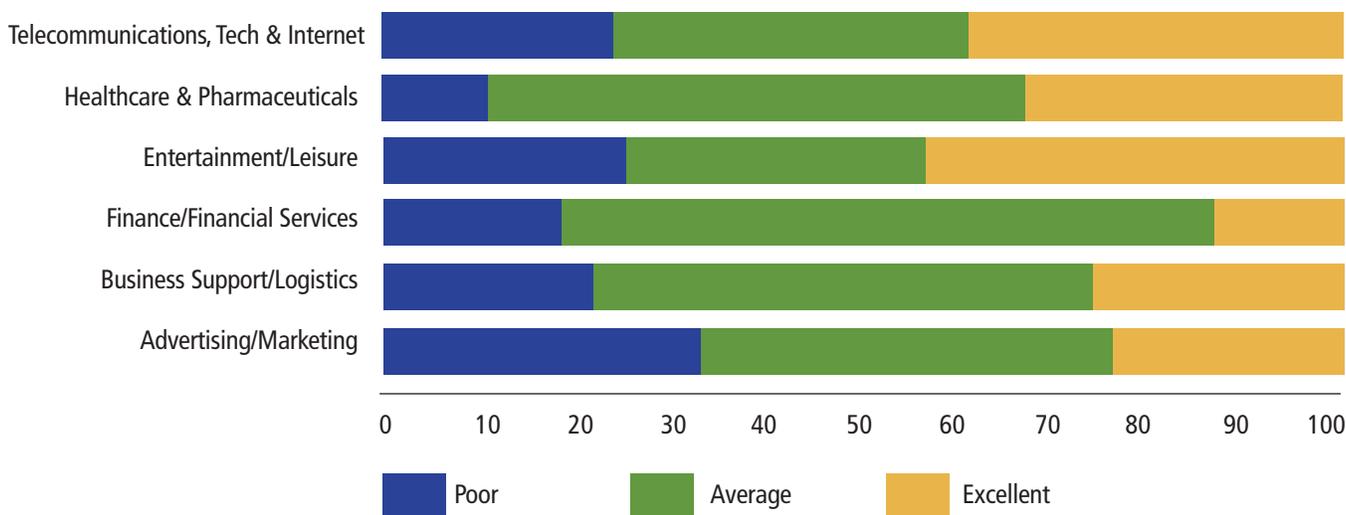
Business Interactions and Overall Experience with County Government

Note: 47% of respondents reported no interaction with County government

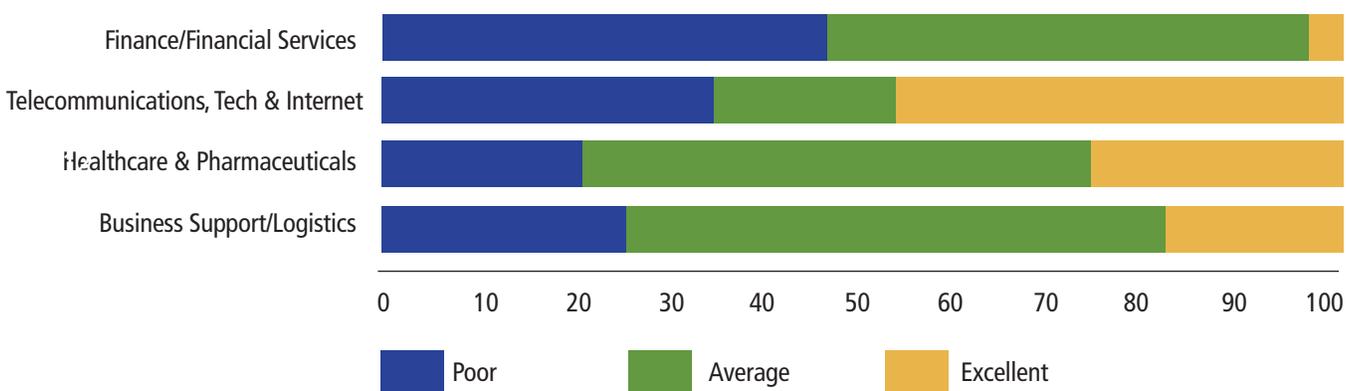
GOVERNMENT INTERACTION AND BUSINESS FRIENDLINESS



GOVERNMENT INTERACTION Rating by Business Sector



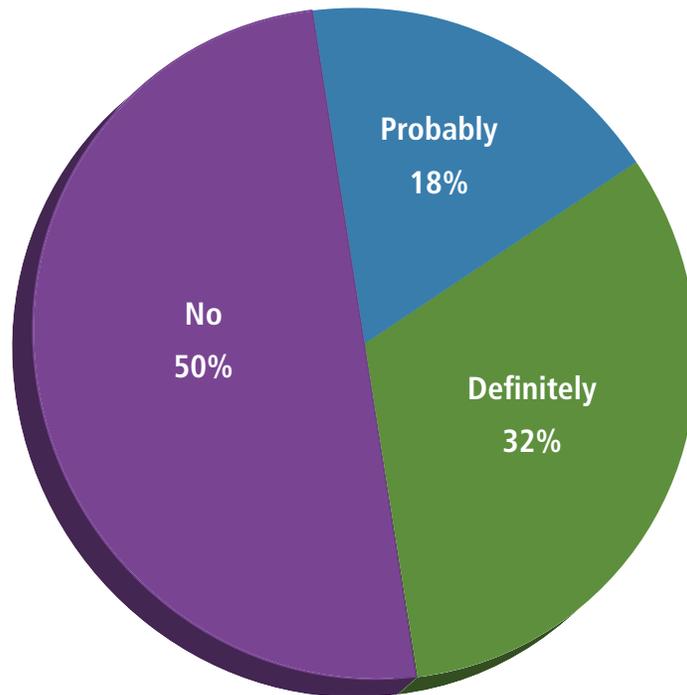
BUSINESS FRIENDLINESS Rating by Business Sector



Areas for Improvement

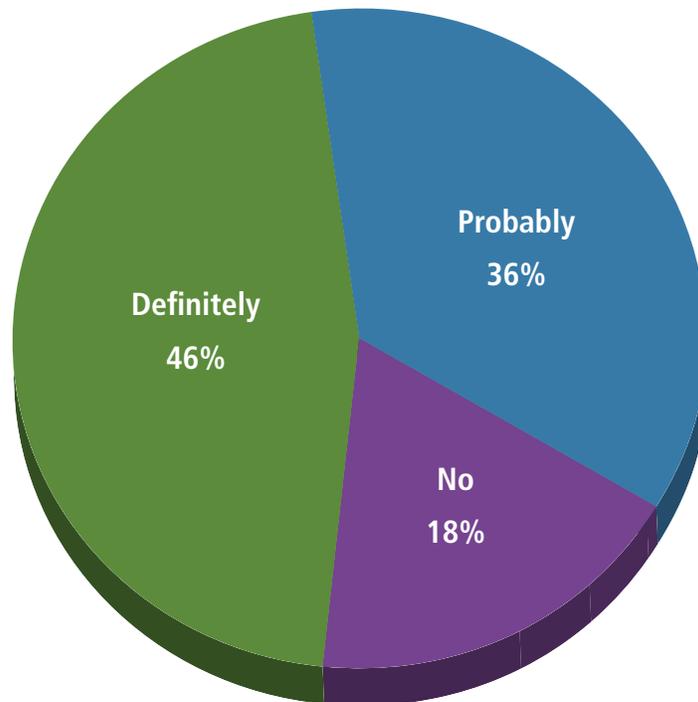
Changes to Direct Government Purchases under \$10,000

Should the County Change the Way It Makes Direct Purchases of Less than \$10,000?



Review of Fees

Should the County Review Business Fees?



Appendix III

Detailed Feedback on Proposed County Initiatives

Suggestions Provided ON FEES TO REVIEW

Category	Feedback/Suggestions <i>* indicates most frequently referenced</i>
Environmental	stormwater, sediment control*, sprinkler
Filing Fees	personal property tax, planning department, tax return
Utility Fees	WSSC, utility consumption related, energy surcharge
Licensing Fees	rental property licensing*, LLC license*, business license, annual vendor's license, public swimming pool license, special events, food handler license
Permit Fees	building permit*, fire permit*, fire marshal*, construction and development*, parking permit, renovation permit, inspections
Regulations	minimum wage*, sick leave*, paid leave for part-time employees, insurance requirements for bonding, high cost of bond, insurance rates
Taxes	personal property tax*, property tax*, business property tax*, bag tax*, energy tax*, rain tax*, impact fee*, water quality protection charge, sales tax, telecommunications tax, utility tax, parking lot district tax, corporate tax, residential tax, privilege tax, tax assessment
Other	hazardous material*, annual car registration, usage, lead paint review, small technology, police alarm, heating torch

Suggestions Provided ON FORMS TO BE DIGITIZED

Category	Feedback/Suggestions <i>* indicates most frequently referenced</i>
Business Registration/ License Forms	business licenses*, DBA application/renewal, veteran owned business registration, vendor's license annual renewal
Permits	automotive repair shop permit, food service permit, sign permit, building permit*, license and permit renewal, zoning application, electrical permit, telecommunications permit
Taxes/Fees	fire protection, homeowners tax credit, property tax*, police tax, fire tax, personal property tax returns, ESC and low voltage permits
Procurement	RFP, solicitation submission, bid proposals
Other	pool passes, Montgomery County revolving loan, chemical storage, retail license and rental housing registration, eviction papers, Hauler's/ Collection report, licensing of property, Montgomery County job board, VLT vendor certification form, 510D (state)

Suggestions Provided ON REGULATIONS

Category	Feedback/Suggestions <i>* indicates most frequently referenced</i>
Policy Making	<ul style="list-style-type: none"> • Fast pace and volume of new legislation creates too much uncertainty • Different minimum wages and sick leave regulations vs. state/region hurts competitiveness • Some regulations only serve symbolic purposes while hurting business • There is lack of transparency
Tax	<ul style="list-style-type: none"> • R&D tax status process too burdensome • More timely mailing of property tax assessment needed • There is confusion around Homeowners Tax Credit Program
Business Services	<ul style="list-style-type: none"> • Clearer grievance process needed (and ability to file online) • Single point of contact needed • More responsiveness to letters (including CEX) • Look to D.C. on streamlining services
DLC	<ul style="list-style-type: none"> • Privatize, so we can deal directly with distributors/vendors
Parking Regulations	<ul style="list-style-type: none"> • There is overly aggressive enforcement
Zoning	<ul style="list-style-type: none"> • Service sector denied access to quality locations • Building codes are too often re-written • Master plans are too specific; planning not grounded in reality
Haz Mat	<ul style="list-style-type: none"> • Rollout of Haz Mat material upgrade certification was problematic • Too expensive (i.e. \$400 just to store automobile motor oil)
Procurement	<ul style="list-style-type: none"> • Projects through LSBRP too small • MFD program too strict • Move to online processing • Online submission of LSBRP forms • Streamline process when applying to multiple permits simultaneously • Simplify MFD process, see VA's SWAM • RFP template needs to be revised • Lack of customer-oriented culture • Used to be more friendly
Permits	<ul style="list-style-type: none"> • Staff should be more empowered to act • Inconsistent and unpredictable in terms of how rules are applied/interpreted • Inconsistent and unpredictable in terms of time and money involved • Clearer communication of what the rules are • Make it easier to make structural changes • "Climate of Fear" (particularly with restaurants) • 311 does not work for complicated issues • Fire inspections are overly burdensome • Streamline inspections process • Process takes too long

Permits (cont'd.)	<ul style="list-style-type: none"> • Fire inspection fee is too onerous • Sprinkler fee is unwarranted • Notify businesses when due for renewal • Confusion about who does what: Rockville vs. County • Simplify storm water management and sediment control permits • Too many silos; combine multiple permit stations into one • Lack of parking near DPS
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OTHER IMPROVEMENTS

Participants were asked to provide feedback on anything else relating to the County's regulatory environment, business climate, or in general.

Category	Feedback/Suggestions
Cost of Living	<ul style="list-style-type: none"> • High cost compared to neighboring jurisdictions • High rents
Permitting/ County Bureaucracy	<ul style="list-style-type: none"> • "Painful" or too confusing permitting process • Too much paperwork required to open a business • Confusing Haz Mat forms • Need one-stop shop for businesses • Need better response times from County bureaucracy • Build a culture of "yes" • Excessive reporting and compliance • Need accountability in the culture of County Government • Better online experience for navigating County Government • County should conduct more research prior to setting new regulations
Poor Business Climate	<ul style="list-style-type: none"> • Climate of hindering rather than helping small businesses • There is perception that Virginia is better for business • Difficult to make profit due to business climate • Lack of support and praise from local officials • Takes businesses for granted • Business climate of State needs to improve as a whole
Taxes	<ul style="list-style-type: none"> • Remove bag tax • "Excessive" fees • Need for County to bargain more affordable union contracts • Taxes increase too frequently • Remove speed cameras
Transportation	<ul style="list-style-type: none"> • Improve road quality • Improve parking options • Bad traffic congestion • Invest in new rail and lanes in tech corridor

Category	Feedback/Suggestions
Schools	<ul style="list-style-type: none"> Quality of school system is going down
Support for Local Businesses	<ul style="list-style-type: none"> Regarding government procurement, we need to better understand how to compete for County contracts Tax incentives for local businesses of all sizes (too many for bigger businesses compared to small) Need for county sponsored networking opportunities and meet-ups More local officials should be engaged with businesses More support for “food entrepreneurs” needed More help finding right demographics for small businesses needed Improved County sponsored help and training needed Determine if businesses would benefit from S corp status More help understanding business requirements needed Need for more small business classes Promote local businesses among each other
New Regulations Minimum Wage & Sick Leave	<ul style="list-style-type: none"> Difficult to hire high school students if minimum wage is higher Do not support the paid sick leave bill Need more guidance on new sick leave law
Other	<ul style="list-style-type: none"> Poor experiences with Housing Opportunities Commission Hard to do business in Takoma Park Hard to do business in Rockville Efficiency/effectiveness of recycling program Update Forest Conservation Law Support smart growth Outlaw panhandling PEPCO energy tax Offer free gigabit WiFi County-wide
Most positive	<ul style="list-style-type: none"> High quality of life Great Non-Profits Incubator programs are amazing Support from MWBC is terrific High quality of staff and recruiting pool Very professional staff in Montgomery County, including MCPD “I love living here and working here!”





Regulatory Reform Subcommittee Report

Improving Business Services *in Montgomery County*

Prepared by
County Executive's Economic Advisory Group

June 2017