

PHED COMMITTEE #3
April 28, 2014

Worksession

MEMORANDUM

April 24, 2014

TO: Planning, Housing and Economic Development Committee

FROM: *JCA*
Jean C. Arthur, Legislative Analyst

SUBJECT: **Worksession: FY15 Operating Budget
Board of Appeals**

At this meeting the Committee will review the Executive's recommendation for the FY15 Operating Budget for the Board of Appeals. Relevant pages from the FY15 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
Crystal Brockington Sallee, OMB Analyst

OVERVIEW

For FY15, the County Executive is recommending a total of \$566,596, a decrease of \$25,962 or 4.4 percent from the FY14 approved budget of \$592,558. The recommended budget funds three full-time positions and a chargeback of .5 FTE from the Office of the County Attorney.

	FY14 Approved	FY15 CE Recommended	% Change
EXPENDITURES			
• <i>Personnel Costs</i>	\$535,575	\$509,489	-4.9%
• <i>Operating Expenses</i>	\$56,983	\$57,107	0.2%
Total General Fund Expenditures	\$592,558	\$566,596	-4.4%
PERSONNEL			
Full-time	3	3	0
Part-time	0	0	0
FTEs	3.5	3.5	0
REVENUE			
Board of Appeals Fees	\$306,334	\$306,334	0

FY15 Expenditure Issues

The decrease in personnel costs for this office is due to a personnel turnover in the office during FY14. As noted in the chart above, included in this budget is .5 FTE that is a chargeback from the Office of the County Attorney.

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.

Revenue. The Board of Appeals has collected \$147,517 in FY14 as of mid-April.

Performance Measures: The Board utilizes volunteer office assistants to help meet its statutory requirements, including issuing notices of Special Exception hearings within seven days after the filing. In FY13, the Board met most of its statutory requirements for issuing notices or reports. It had difficulties with the requirement to issue notices of hearings for Special Exceptions but that element has improved in FY14 and is projected to be in complete compliance in FY15.

Council Staff Recommendation: Council staff recommends approval of the FY15 budget 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 FY15 Operating Budget for the Board of Appeals is \$566,596, a decrease of \$25,962 or 4.4 percent from the FY14 Approved Budget of \$592,558. Personnel Costs comprise 89.9 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 10.1 percent of the FY15 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 FY14 estimates reflect funding based on the FY14 approved budget. The FY15 and FY16 figures are performance targets based on the FY15 recommended budget and funding for comparable service levels in FY16.

Measure	Actual FY12	Actual FY13	Estimated FY14	Target FY15	Target FY16
Program Measures					
Number of administrative appeals decided	12	11	6	6	6
Number of administrative appeals heard	12	12	12	12	12
Number of administrative appeals filed	9	9	9	9	9
Number of variances decided	16	16	16	16	16
Average days to issue written Special Exceptions ¹	27	15	15	15	15
Average days to issue Notices of Special Exception hearings ²	14	19	10	7	7
Number of work sessions held	30	24	27	27	27
Average days to issue Notices of Variances hearings	7	11	12	7	7
Number of special exceptions decided	30	34	6	6	6
Number of special exceptions heard	50	32	9	9	9
Number of variances filed	20	13	32	32	32
Number of variances heard	20	10	25	25	25
Average days to Variances hearing	83	64	45	45	45
Number of special exceptions filed	44	21	9	9	9
Average days to issue Notices of Administrative Appeals hearings	14	11	5	5	5
Average days to issue written administrative appeals ³	36	45	45	45	45
Average days to issue written variances ⁴	30	18	23	23	23
Average days to Administrative Appeals hearing ⁵	103	74	52	52	52
Average days to Special Exceptions hearing ⁶	130	149	120	120	120
Number of administrative actions taken	300	259	250	250	250
Number of walk-in clients assisted	500	206	200	200	200
Number of telephone inquiries answered	1,500	500	600	600	600

¹ Board of Appeals Rule 9.1 requires issuance of special exception opinions within 30 days of close of record.

² 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.

³ Board of Appeals Rule 9.1 requires issuance of administrative appeal opinions within 45 days of close of record.

⁴ Board of Appeals Rule 9.1 requires issuance of variance opinions within 30 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

- ❖ *The Board utilizes volunteer office help to try to meet statutory deadlines.*
- ❖ *Office paper is recycled for use as scratch pads and notepads.*
- ❖ *Correspondence and information are transmitted electronically.*

PROGRAM CONTACTS

Contact Katherine Freeman of the Board of Appeals at 240.777.6600 or Crystal B. Salley 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 FY13	Budget FY14	Estimated FY14	Recommended FY15	% Chg Bud/Rec
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	378,110	387,405	364,986	382,073	-1.4%
Employee Benefits	126,089	148,170	125,246	127,416	-14.0%
County General Fund Personnel Costs	504,199	535,575	490,232	509,489	-4.9%
Operating Expenses	51,439	56,983	68,250	57,107	0.2%
Capital Outlay	0	0	0	0	—
County General Fund Expenditures	555,638	592,558	558,482	566,596	-4.4%
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	202,687	306,334	306,334	306,334	—
Other Charges/Fees	1,485	0	0	0	—
County General Fund Revenues	204,172	306,334	306,334	306,334	—

FY15 RECOMMENDED CHANGES

	Expenditures	FTEs
COUNTY GENERAL FUND		
FY14 ORIGINAL APPROPRIATION	592,558	3.50
<u>Other Adjustments (with no service impacts)</u>		
Increase Cost: FY15 Compensation Adjustment	14,312	0.00
Increase Cost: Retirement Adjustment	1,226	0.00
Increase Cost: Group Insurance Adjustment	760	0.00
Increase Cost: Board Member Stipends	646	0.00
Increase Cost: Printing and Mail	124	0.00
Decrease Cost: Annualization of FY14 Personnel Costs	-43,030	0.00
FY15 RECOMMENDED:	566,596	3.50

FUTURE FISCAL IMPACTS

Title	CE REC. FY15	FY16	FY17	(5000's) FY18	FY19	FY20
This table is intended to present significant future fiscal impacts of the department's programs.						
COUNTY GENERAL FUND						
Expenditures						
FY15 Recommended	567	567	567	567	567	567
No inflation or compensation change is included in outyear projections.						
Labor Contracts	0	3	3	3	3	3
These figures represent the estimated annualized cost of general wage adjustments, service increments, and associated benefits.						
Subtotal Expenditures	567	570	570	570	570	570