

MEMORANDUM

October 6, 2021

TO: Public Safety (PS) Committee

FROM: Naeem M. Mia, Legislative Analyst

SUBJECT: **Oversight Worksession:** Alcohol and Beverage Services (ABS)

Expected Attendees:

- Kathie Durbin, Director, ABS
- John Utermohle, Chief of Administrative Services, ABS
- Kent Massie, Chief of Retail Operations, ABS
- John Zeltner, Chief of Warehouse, ABS
- Melissa Davis, Chief of Communications, ABS
- Courtney Orsini, Management and Budget Specialist, ABS
- Chris Mullin, Manager, OMB

Summary

Due to the ongoing COVID-19 pandemic, the Council's FY22 budget review process included a consent calendar approval of several department/office budgets with the plan that those departments/offices would be scheduled for a Committee oversight review session in the Fall of 2021.

The purpose of these oversight sessions is to:

- 1) provide the Committees with an opportunity to meet with Department/Office Directors;
- 2) receive updates on key programs or initiatives; and
- 3) and review any relevant spending or performance data.

Director Durbin and department staff are available to discuss recent activities, including the impact of the COVID-19 pandemic on department operations and beverage sales and expenditures. The department's FY22 Approved Operating Budget is on circles 1-8.

Retail Store Sales by Location

The department has provided data on retail sales (by individual store) from FY18 to FY20 (July 1, 2017 through June 30, 2020) (see circle 9). FY21 data is currently not finalized but will be available to the Committee once completed.

Sales figures do not include retail administration expenditures (e.g., expenses related to warehouse operations, administration, delivery, etc.) or unrecovered federal reimbursements for pay differentials (“hazard pay”). In FY20, retail administration expenses totaled \$1.88M while unrecovered reimbursements totaled \$785K.

Discussion Items

- 1) Trends at Overall and Individual Store Revenues and Expenditures
- 2) Impact of Pandemic on sales and operations – long-term changes
- 3) Potential state legislation

This packet contains:

1. FY22 Approved Operating Budget – ABS
2. Retail Store Sales by Location, FY 2018 through FY 2020

Circle Page

©1-8

©9



Alcohol Beverage Services

APPROVED FY22 BUDGET

\$66,348,075

FULL TIME EQUIVALENTS

443.80

 KATHIE DURBIN, DIRECTOR

MISSION STATEMENT

The mission of Alcohol Beverage Services (ABS) is to provide licensing, wholesale and retail sales of beverage alcohol products, enforcement, and effective education and training programs, while promoting moderation and responsible behavior in all phases of distribution and consumption. The Department diligently promotes, enforces, and obeys all laws and regulations governing beverage alcohol while generating revenue for the benefit of Montgomery County's General Fund. The Department strives to provide its customers with the added benefits inherent in the oversight provided by the Montgomery County Government.

BUDGET OVERVIEW

The total approved FY22 Operating Budget for the Alcohol Beverage Services is \$66,348,075, an increase of \$2,791,721 or 4.39 percent from the FY21 Approved Budget of \$63,556,354. Personnel Costs comprise 57.98 percent of the budget for 332 full-time position(s) and 130 part-time position(s), and a total of 443.80 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 42.02 percent of the FY22 budget.

In FY22, Alcohol Beverage Services will transfer \$31.8 million to the General Fund and make \$10.8 million in debt service payments on Liquor Control Revenue Bonds for a total contribution of \$42.6 million. The above projections and proposed expenditures form the basis for working capital decisions concerning the ABS Enterprise Fund.

The following information is provided to facilitate County Council and public input for final County Executive decisions on the determination of adequate working capital within, and use of resources in, the Liquor Enterprise Fund and net proceeds to be deposited to the General Fund. Consistent with Article 2B, Section 15-207, the County Executive must make resource allocation decisions for the Fund.

COUNTY PRIORITY OUTCOMES

While this program area supports all seven of the County Executive's Priority Outcomes, the following are emphasized:



A Greener County



Effective, Sustainable Government

INITIATIVES

- ★ Enhance store operations by renovating select stores, piloting new store concepts, and implementing a retail training program.
- ★ Implement technology such as Proof of Delivery and Electronic Eyes in our warehouse to improve delivery accuracy and efficiency.
- ★ Issue temporary permits to allow the sale of carryout drinks for restaurants during the COVID-19 emergency; 460 businesses have been approved through February 2021.
- ★ Create a COVID-19-specific Safety Alliance to partner with other County agencies to visit and provide resources to businesses.

INNOVATIONS AND PRODUCTIVITY IMPROVEMENTS

- ✦ Expanded marketing and outreach efforts to promote many of the existing features of ABS.
- ✦ ABS opened its first "spirits only" store to provide convenient spirits access to residents in an underserved area of the County.
- ✦ Implemented an online alcohol licensing program.

PROGRAM CONTACTS

Contact Courtney Orsini of the Alcohol Beverage Services at 240.777.1921 or Estela Boronat de Gomes of the Office of Management and Budget at 240.777.2785 for more information regarding this department's operating budget.

PROGRAM PERFORMANCE MEASURES

Performance measures for this department are included below (where applicable), with multi-program measures displayed at the front of this section and program-specific measures shown with the relevant program. The FY21 estimates reflect funding based on the FY21 Approved Budget. The FY22 and FY23 figures are performance targets based on the FY22 Approved Budget and funding for comparable service levels in FY23.

PROGRAM DESCRIPTIONS

✦ Administration

The Administration Program provides comprehensive leadership for the department including strategic planning, policy development and implementation, accountability, maintenance of partnerships with non-governmental service providers, and human resource management. This program also provides all accounting, financial, procurement and information technology services for the department. Finance and accounting staff perform special analyses, reporting, and preparation and monitoring of the department's budget, as well as oversight of procurement, and contract management. Information and technology staff provide

the design, operation, maintenance, and protection of all information technology initiatives for the department.

Program Performance Measures	Actual FY19	Actual FY20	Estimated FY21	Target FY22	Target FY23
Total sales overall	\$293,663,852	\$304,492,379	\$300,981,505	\$310,010,950	\$313,111,060
Transfer to General Fund	\$22,975,809	\$26,474,980	\$27,926,172	\$27,926,172	\$27,926,172
Gross Profit	\$88,573,116	\$95,300,046	\$94,809,174	99,717,347	99,717,347
Average Licensee Satisfaction Score from Annual Survey (scale of 1-5) ¹	3.2	3.7	3.7	3.7	3.8

¹ The Annual Licensee Customer Satisfaction Survey (FY18-FY20) has had a response rate of 8-11%. The Department has committed to increasing the response rate through active outreach to Licensees in FY21-FY22.

FY22 Approved Changes	Expenditures	FTEs
FY21 Approved	13,782,082	25.20
Increase Cost: Debt Service	1,583,350	0.00
Increase Cost: IT Systems and Point of Sale (POS)	572,329	0.00
Re-align: Reallocation of FTEs from Administration to Retail	(210,692)	(2.00)
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	779,237	0.00
FY22 Approved	16,506,306	23.20

Delivery Operations

This program includes the distribution of distilled spirits, wine, and beer to licensed establishments and County retail stores.

Program Performance Measures	Actual FY19	Actual FY20	Estimated FY21	Target FY22	Target FY23
Number of unique licensees affected by a delivery discrepancy (monthly average) - licensees only	502	418	415	410	400
Number of unique licensees affected by a delivery discrepancy of stock Items (monthly average) - licensees only	408	381	375	350	300
Number of unique licensees affected by a delivery discrepancy of special order Items (monthly average) - licensees only	294	179	170	160	150
Percent of items shipped on time and intact - licensees only	97.9%	97.8%	98.0%	98.0%	98.0%

FY22 Approved Changes	Expenditures	FTEs
FY21 Approved	7,028,028	83.00
Re-align: Reallocation of FTEs from Delivery Operations to Warehouse Operations	(439,518)	(6.00)
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	13,626	0.00
FY22 Approved	6,602,136	77.00

Licensure, Regulation and Education

This program includes issuance of beverage alcohol licenses; inspecting and investigating licensed facilities to ensure compliance with all applicable laws, rules, regulations; and serving as support staff and providing expert testimony at hearings for issuance, fining, suspension, or revocation of licenses. This program also encompasses community partnerships by defining issues and strategies, and monitoring efforts with various agencies, departments, civic organizations, businesses, and individuals to provide and coordinate innovative programs and measures to ensure safe and vibrant communities relative to the service and consumption of beverage alcohol.

Program Performance Measures	Actual FY19	Actual FY20	Estimated FY21	Target FY22	Target FY23
Number of annual alcohol compliance checks to minors (under 21) ¹	400	88	300	350	400
Number of licensed business inspections ²	3,884	333	3,500	4,000	4,000
Number of valid licensed businesses registered with ABS	1,046	1,028	1,010	1,020	1,030
Percent of licensees that fail compliance checks (Number of establishments that fail / Number of total compliance checks)	30.0%	26.0%	28.0%	28.0%	27.0%
Rating of licensed businesses satisfied with ALERT training (scale of 1-5)	4.8	4.8	4.8	4.8	4.8
Rating of licensees satisfied with Licensing Application Process (scale of 1-5)	4.8	4.8	4.9	4.9	4.9

¹ Decreases in FY20 are due to the limited in-person dining and on-premise alcohol sales caused by the COVID-19 virus.

² Decreases in FY20 are due to the limited in-person dining and on-premise alcohol sales caused by the COVID-19 virus.

FY22 Approved Changes	Expenditures	FTEs
FY21 Approved	1,892,629	10.39
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	(11,390)	0.00
FY22 Approved	1,881,239	10.39

Marketing

This program leads the marketing efforts for the department, including design and branding, advertising, internal and external communications, events, and promotions.

FY22 Approved Changes	Expenditures	FTEs
FY21 Approved	901,656	4.00
Re-align: Reallocation of FTEs from Marketing to Retail	(217,129)	(2.00)
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	16,332	0.00
FY22 Approved	700,859	2.00

Retail Sales Operations

This program oversees sales of distilled spirits, wine, and beer to retail customers and licensees through the operation of retail stores that are located throughout Montgomery County.

Program Performance Measures	Actual FY19	Actual FY20	Estimated FY21	Target FY22	Target FY23
Total retail stores sales	\$140,865,450	\$139,790,523	\$136,702,858	\$139,436,915	\$142,225,653
Same Store Sales Year over Year	\$149,039,371	\$139,790,523	\$136,702,858	\$139,436,915	\$142,225,653
Average Licensee Satisfaction Score from Annual Survey - Retail Operations (scale of 1-5) ¹	3.7	3.7	3.7	3.7	3.8

¹ The Annual Licensee Customer Satisfaction Survey (FY18-FY20) has had a response rate of 8-11%. The Department has committed to increasing the response rate through active outreach to Licensees in FY21-FY22.

FY22 Approved Changes	Expenditures	FTEs
FY21 Approved	30,408,999	224.68
Re-align: Reallocation of FTEs from Marketing to Retail	217,129	2.00
Re-align: Reallocation of FTEs from Administration to Retail	210,692	2.00

FY22 Approved Changes	Expenditures	FTEs
Increase Cost: Retail Store Leases	25,133	0.00
Technical Adj: Conversion of Retail Clerk Positions	0	1.30
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	(238,213)	0.00
FY22 Approved	30,623,740	229.98

Warehouse Operations

This program involves management of the County's beverage alcohol warehouse and includes the purchase, receipt, and storage of over 35,000 different stock and special order items.

Program Performance Measures	Actual FY19	Actual FY20	Estimated FY21	Target FY22	Target FY23
Percent of shipped items returned	0.8%	0.6%	0.4%	0.4%	0.4%
Percent of items shipped on time and intact - stock products - licensees only	98.5%	97.9%	98.5%	99.0%	99.0%
Percent of items shipped on time and intact - special order products - licensees only	90.8%	95.9%	96.0%	97.0%	97.0%
Average licensee satisfaction score from annual survey - Wholesale Operations (scale of 1-5) ¹	3.6	3.8	3.8	3.8	3.9

¹ The Annual Licensee Customer Satisfaction Survey (FY18-FY20) has had a response rate of 8-11%. The Department has committed to increasing the response rate through active outreach to Licensees in FY21-FY22.

FY22 Approved Changes	Expenditures	FTEs
FY21 Approved	9,542,960	95.23
Re-align: Reallocation of FTEs from Delivery Operations to Warehouse Operations	439,518	6.00
Enhance: New ABS Delivery Truck	150,000	0.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	(98,683)	0.00
FY22 Approved	10,033,795	101.23

BUDGET SUMMARY

	Actual FY20	Budget FY21	Estimate FY21	Approved FY22	%Chg Bud/App
LIQUOR CONTROL					
EXPENDITURES					
Salaries and Wages	28,654,999	26,745,635	27,374,554	28,543,742	6.7 %
Employee Benefits	9,731,086	9,882,979	8,947,570	9,926,722	0.4 %
Liquor Control Personnel Costs	38,386,085	36,628,614	36,322,124	38,470,464	5.0 %
Operating Expenses	19,104,164	16,754,290	16,534,641	16,795,811	0.3 %
Capital Outlay	157,634	925,800	925,800	250,800	-72.9 %
Debt Service Other	7,703,323	9,247,650	9,247,650	10,831,000	17.1 %
Liquor Control Expenditures	65,351,206	63,556,354	63,030,215	66,348,075	4.4 %
PERSONNEL					
Full-Time	302	312	312	332	6.4 %
Part-Time	138	144	144	130	-9.7 %

BUDGET SUMMARY

	Actual FY20	Budget FY21	Estimate FY21	Approved FY22	%Chg Bud/App
FTEs	427.70	442.50	442.50	443.80	0.3 %
REVENUES					
Bag Tax	7,179	0	0	0	—
Investment Income	133,707	91,900	91,900	91,900	—
Liquor Licenses	166,012	1,724,222	357,158	1,206,955	-30.0 %
Liquor Sales	95,052,306	96,812,959	94,809,174	99,717,348	3.0 %
Miscellaneous Revenues	114,033	0	0	0	—
Other Charges/Fees	12,121	23,887	703	23,887	—
Other Fines/Forfeitures	150,188	316,916	56,328	63,383	-80.0 %
Other Licenses/Permits	51,400	168,000	85,202	117,600	-30.0 %
Liquor Control Revenues	95,686,946	99,137,884	95,400,465	101,221,073	2.1 %

GRANT FUND - MCG

EXPENDITURES

Salaries and Wages	(82)	0	0	0	—
Employee Benefits	(6)	0	0	0	—
Grant Fund - MCG Personnel Costs	(88)	0	0	0	—
Grant Fund - MCG Expenditures	(88)	0	0	0	—

PERSONNEL

Full-Time	0	0	0	0	—
Part-Time	0	0	0	0	—
FTEs	0.00	0.00	0.00	0.00	—
Grant Fund - MCG Revenues	0	0	0	0	—

DEPARTMENT TOTALS

Total Expenditures	65,351,118	63,556,354	63,030,215	66,348,075	4.4 %
Total Full-Time Positions	302	312	312	332	6.4 %
Total Part-Time Positions	138	144	144	130	-9.7 %
Total FTEs	427.70	442.50	442.50	443.80	0.3 %
Total Revenues	95,686,946	99,137,884	95,400,465	101,221,073	2.1 %

FY22 APPROVED CHANGES

	Expenditures	FTEs
LIQUOR CONTROL		
	FY21 ORIGINAL APPROPRIATION	63,556,354 442.50
<u>Changes (with service impacts)</u>		
Enhance: New ABS Delivery Truck [Warehouse Operations]	150,000	0.00
<u>Other Adjustments (with no service impacts)</u>		

FY22 APPROVED CHANGES

	Expenditures	FTEs
Increase Cost: Debt Service [Administration]	1,583,350	0.00
Increase Cost: FY21 Compensation Adjustment	1,093,708	0.00
Increase Cost: FY22 Compensation Adjustment	613,423	0.00
Increase Cost: IT Systems and Point of Sale (POS) [Administration]	572,329	0.00
Re-align: Reallocation of FTEs from Delivery Operations to Warehouse Operations [Warehouse Operations]	439,518	6.00
Re-align: Reallocation of FTEs from Marketing to Retail [Retail Sales Operations]	217,129	2.00
Increase Cost: Annualization of FY21 Lapsed Positions	214,560	0.00
Re-align: Reallocation of FTEs from Administration to Retail [Retail Sales Operations]	210,692	2.00
Increase Cost: Motor Pool Adjustment	60,246	0.00
Increase Cost: Retail Store Leases [Retail Sales Operations]	25,133	0.00
Increase Cost: Print and Mail Adjustment	6,253	0.00
Technical Adj: Conversion of Retail Clerk Positions [Retail Sales Operations]	0	1.30
Decrease Cost: OPEB Adjustment	(70,920)	0.00
Decrease Cost: Retirement Adjustment	(79,841)	0.00
Re-align: Reallocation of FTEs from Administration to Retail [Administration]	(210,692)	(2.00)
Re-align: Reallocation of FTEs from Marketing to Retail [Marketing]	(217,129)	(2.00)
Re-align: Reallocation of FTEs from Delivery Operations to Warehouse Operations [Delivery Operations]	(439,518)	(6.00)
Decrease Cost: Elimination of One-Time Items Approved in FY21	(1,376,520)	0.00
FY22 APPROVED	66,348,075	443.80

PROGRAM SUMMARY

Program Name	FY21 APPR Expenditures	FY21 APPR FTEs	FY22 APPR Expenditures	FY22 APPR FTEs
Administration	13,782,082	25.20	16,506,306	23.20
Delivery Operations	7,028,028	83.00	6,602,136	77.00
Licensure, Regulation and Education	1,892,629	10.39	1,881,239	10.39
Marketing	901,656	4.00	700,859	2.00
Retail Sales Operations	30,408,999	224.68	30,623,740	229.98
Warehouse Operations	9,542,960	95.23	10,033,795	101.23
Total	63,556,354	442.50	66,348,075	443.80

FUNDING PARAMETER ITEMS

CC APPROVED (\$000S)

Title	FY22	FY23	FY24	FY25	FY26	FY27
LIQUOR CONTROL						
EXPENDITURES						
FY22 Approved	66,348	66,348	66,348	66,348	66,348	66,348

FUNDING PARAMETER ITEMS

CC APPROVED (\$000S)

Title	FY22	FY23	FY24	FY25	FY26	FY27
No inflation or compensation change is included in outyear projections.						
Elimination of One-Time Items Approved in FY22	0	(150)	(150)	(150)	(150)	(150)
Items recommended for one-time funding in FY22, including one delivery truck, will be eliminated from the base in the outyears.						
Debt Service	0	(374)	(585)	(645)	(1,020)	(1,020)
Debt service estimates include Liquor Control Revenue Bonds, Master Lease Agreements for Forklifts, Delivery Trucks, and ERP system.						
Retiree Health Insurance Pre-funding	0	(1)	(2)	(3)	(4)	(4)
Labor Contracts	0	884	884	884	884	884
These figures represent the estimated annualized cost of general wage adjustments, service increments, and other negotiated items.						
Subtotal Expenditures	66,348	66,706	66,494	66,433	66,057	66,057

ABS Retail Store	FY18 Sales	FY19 Sales	FY20 Sales	% of Total Retail Sales (FY20)	FY20 Net Income (Loss)
Montrose- Rockville	\$ 7,784,792	\$ 8,716,170	\$ 9,825,227	7.0%	\$ 711,589
Westwood-Bethesda	\$ 7,889,314	\$ 8,030,867	\$ 9,017,079	6.5%	\$ 714,551
Muddy Branch- Gaithersburg	\$ 6,120,537	\$ 6,414,020	\$ 6,981,193	5.0%	\$ 240,182
Darnestown- Gaithersburg	\$ 6,349,576	\$ 6,477,373	\$ 7,398,917	5.3%	\$ 202,898
Potomac	\$ 6,411,067	\$ 6,126,100	\$ 7,253,981	5.2%	\$ 279,723
Kensington	\$ 6,556,998	\$ 6,564,045	\$ 7,212,186	5.2%	\$ 591,509
Seneca Meadows- Germantown	\$ 4,354,337	\$ 6,451,199	\$ 7,159,633	5.1%	\$ 162,185
Hampden Lane- Bethesda	\$ 5,626,221	\$ 5,864,410	\$ 6,256,824	4.5%	\$ 167,416
Downtown Rockville	\$ 3,527,585	\$ 4,942,053	\$ 5,723,634	4.1%	\$ 67,641
Silver Spring	\$ 5,514,583	\$ 5,260,810	\$ 5,299,785	3.8%	\$ 37,342
Goshen Crossing- Gaithersburg	\$ 5,165,637	\$ 5,376,430	\$ 6,127,309	4.4%	\$ 326,301
Kingsview- Germantown	\$ 4,999,720	\$ 5,224,788	\$ 5,930,106	4.3%	\$ 147,069
Olney	\$ 5,094,971	\$ 5,003,833	\$ 5,507,351	3.9%	\$ 235,655
Aspen Hill- Silver Spring	\$ 3,629,439	\$ 3,956,794	\$ 5,036,290	3.6%	\$ (174,671)
Walnut Hill- Gaithersburg	\$ 4,251,573	\$ 4,454,102	\$ 4,901,872	3.5%	\$ 185
Wheaton	\$ 4,208,686	\$ 4,225,185	\$ 4,584,345	3.3%	\$ (112,806)
White Oak- Silver Spring	\$ 4,262,228	\$ 4,392,159	\$ 4,629,319	3.3%	\$ (88,981)
Clarksburg	\$ 3,155,700	\$ 3,647,363	\$ 4,256,706	3.1%	\$ (220,037)
Leisure World- Silver Spring	\$ 4,008,827	\$ 3,991,085	\$ 4,383,857	3.1%	\$ (132,047)
Fallsgrove- Shady Grove	\$ 3,989,545	\$ 4,091,101	\$ 4,327,948	3.1%	\$ (136,924)
Burtonsville	\$ 3,535,321	\$ 3,613,738	\$ 3,941,401	2.8%	\$ (306,289)
Cabin John- Potomac	\$ 4,640,748	\$ 4,846,907	\$ 3,796,610	2.7%	\$ (159,504)
Cloverly- Silver Spring	\$ 3,429,016	\$ 3,347,581	\$ 3,701,711	2.7%	\$ (278,837)
King Farm- Rockville	\$ 2,810,912	\$ 3,062,020	\$ 3,236,929	2.3%	\$ (132,379)
Flower Avenue- Silver Spring	\$ 2,590,573	\$ 2,546,323	\$ 2,858,245	2.0%	\$ (251,893)
Poolesville	\$ -	\$ -	\$ 117,090	0.1%	\$ (94,451)
	\$ 119,907,906	\$ 126,626,456	\$ 139,465,548	100.0%	\$ 1,795,427