Resolution No.:	16-673
Introduced:	July 22, 2008
Adopted:	July 29, 2008

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: County Council

SUBJECT: Fiscal Year 2009 Work Program of the Office of Legislative Oversight

Background

1. Chapter 29A, Montgomery County Code, establishes the Office of Legislative Oversight (OLO) with the responsibility to serve as the principal means through which the County Council exercises its legislative oversight functions. This includes the responsibility to provide the Council with information and recommendations concerning the performance and operations of public and private agencies, programs, and functions for which funds are appropriated or approved by the Council.

2. Section 29A-6 provides that the Director, Office of Legislative Oversight, shall prepare an annual Work Program, which shall be submitted to the Council for approval.

3. The Director, Office of Legislative Oversight, submitted a proposed Work Program for Fiscal Year 2009. The Council's Management and Fiscal Policy Committee reviewed the proposed Work Program on July 21, 2008. The Council introduced the resolution on July 22, 2008.

Action

The County Council for Montgomery County, Maryland, approves the attached Fiscal Year 2009 Work Program for the Office of Legislative Oversight:

This is a correct copy of Council action.

Linda M. Lauer

Linda M. Lauer, Clerk of the Council

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PROJECT #1
AUDIT CONTRACT MANAGEMENT

Principal agency: County Government

Origin of project: Council Resolution 12-154

Section 315 of the County Charter requires the Council to contract with a certified public accountant to perform an annual independent audit of the County Government's financial statements. The Council also contracts for the annual audit of the financial statements of the employee retirement plans and the independent Local Fire and Rescue Departments.

Since 1991, the Council (by resolution) has assigned the Office of Legislative Oversight with the responsibility to provide support to the Council during the period of audit engagement and to act as the Council's contract administrator. This OLO carries out these responsibilities with oversight and guidance from the Council's Management and Fiscal Policy Committee.

The FY09 Independent Financial Audit NDA funds the independent audits of the FY08 financial statements issued by the County Government, the employee retirement plans, and the Local Fire and Rescue Departments. In April 2008, the County Council approved the first year of new contracts with Clifton Gunderson LLP and Rager, Lehman & Houck, P.C. The Council has the option of renewing these contracts for three additional one-year periods.

PROJECT #2
DHHS CONTRACT EXECUTION AND MONITORING PRACTICES

Principal agency: County Government

Origin of project: FY08 OLO Work Program

This study is a follow-up assignment identified during the Council's review of OLO's report on internal service functions of the County Government. The purpose of this project is to enhance the Council's understanding of how the Department of Health and Human Services (DHHS) contracts are executed and monitored, and to identify possible improvements to contract processing and oversight practices.

The scope of OLO's follow-up assignment is to examine DHHS' procedures and practices for executing new contracts and monitoring existing contracts. Based on a review of a sample of contracts in the Children, Youth and Families (CYF) service area executed and monitored in FY08, OLO will:

- Classify and summarize the number and value of new contract actions by contract type, e.g. competitive, grantee or grant designated;
- Provide a set of process maps that shows the sequence of activities to execute a new contract;
- Assess the processing times for each phase of the contracting process; and
- Identify factors that contribute to variations in contract execution practices or processing times.

OLO's final report to the Council will include: a summary of how DHHS monitors contract performance; a description of DHHS' contract monitoring strategies, such as monitoring plans, site visits, and written monitoring reports; and findings on DHHS' practices to incorporate performance measures and collect performance outcome data.

PROJECT #3
URBAN CENTER TRANSPORTATION MANAGEMENT SYSTEMS

Principal agency: County Government

Origin of project: Councilmember Floreen's recommendation

Reducing vehicle miles traveled yields tangible transportation and environmental benefits to communities, particularly high density urban centers. Transportation management programs in urban centers are designed to provide convenient and affordable alternatives to single-occupant vehicles in order to reduce traffic congestion, decrease energy consumption, and improve air quality.

The County has a collection of transportation management programs to improve mobility in urban centers. The responsibility for these programs currently falls to multiple County and County-supported organizations. No single governance body directly oversees the revenue generation, resource allocation, infrastructure planning, and operational decisions of County transportation management efforts.

A number of jurisdictions around the country have implemented programs to integrate the multiple facets of urban center transportation management. These communities have developed more comprehensive policy, fiscal, and management plans to raise and allocate revenues to promote mobility in urban centers. In addition, the communities set up governance structures to set priorities regarding pedestrian movement, bicycle mobility, ride sharing, parking facilities and fees, circulator bus service and fees, and transit incentives.

OLO will study urban transportation management strategies in other jurisdictions in order to identify promising practices to be considered for use in Montgomery County. Specifically, OLO's report will:

- Describe transportation management practices in the County's urban centers, including programs, governance structure and financing;
- Provide case studies from other jurisdictions on alternative urban transportation management approaches, with an emphasis on examples that integrate the most broad mix of programs and revenue sources; and
- Identify transportation management practices, governing structures, and financing techniques employed in other jurisdictions that should be considered for use in Montgomery County.

PROJECT #4
THE ORGANIZATION AND COORDINATION OF RECREATION PROGRAMS

Principal agency: County Government

Origin of project: Councilmember Elrich's recommendation

In the eyes of most Montgomery County residents, local government functions are provided by "the County" without distinction as to which agency manages which programs. While residents generally do not focus on which agency or department is in charge of delivering a particular service, residents have a right to expect the County to provide services efficiently.

The County Council appropriates funds for both the Parks Department and Recreation Department, and as such, is responsible for reviewing service delivery across both entities. The purpose of this OLO project is to provide the Council with the basis for holding an informed discussion about whether changes should be made in how recreation services for County residents are organized and managed. Specifically, OLO will prepare a report that:

- Identifies and catalogs the array of recreation programs offered by the Parks Departments and Recreation Department;
- Determines which of the recreation programs are unique to each department, and which are similar to programs offered by the other department; and
- Assesses how the Parks Department and Recreation Department currently work together (in both formal and informal ways) to coordinate the delivery of recreation services to County residents.

Based on findings that emerge from conducting the tasks listed above, OLO will develop options for restructuring the delivery of recreation services in Montgomery County.

PROJECT #5
PUBLIC TRANSIT AND PUBLIC SAFETY

Principal agencies: County Government
Washington Metro Area Transit Authority (WMATA)

Origin of project: Councilmember Praisner's recommendation

The County has long encouraged residents to use public transit by concentrating development in areas accessible to bus and subway routes. Especially with the recent spike in fuel prices, more County residents will likely be turning to Metrobus, Metrorail, and Ride-On as alternatives to the private automobile.

This project assignment is for OLO to examine the County Government's and WMATA's policies and practices for ensuring the personal safety of bus and rail operators as well as residents waiting at a Metro station or bus stop, riding a bus or subway, or using a transit station garage or lot. Specifically, OLO will review:

- Data on the incidence and location of crimes occurring in the Metrorail system, on Metrobuses, on Ride-On buses, at bus stops, and in public transit parking facilities;
- The County Government's and WMATA's efforts to prevent transit-related crime in the County; and
- How the Montgomery County Police Department and WMATA Police coordinate their response to and investigation of incidents of crime that occur on or around the County's buses and subways.

As part of this study, OLO will also conduct a literature search for promising practices related to preventing and responding to transit-related crime in other jurisdictions.

PROJECT #6
LEGISLATIVE HISTORY OF THE COLLECTIVE BARGAINING LAW

Principal agency: County Government

Origin of project: Councilmember Trachtenberg's recommendation

The Montgomery County Charter and the Montgomery County Code (Chapter 33) establish the legal framework for the collective bargaining process for police officers, career firefighters, and other County Government employees. The Charter and the Code define the basic standards and requirements of the County's collecting bargaining process, including those relating to:

- The certification of employee organizations;
- Matters that are subject to collective bargaining;
- Impasse resolution and binding arbitration requirements;
- The duration of labor agreements;
- The roles of the County Executive and the County Council; and
- The reopener process.

The purpose of this OLO project is to compile the legislative history of the County's law that outlines the current collective bargaining process for police officers, career firefighters, and other County Government employees. Specifically, OLO's report to the Council will summarize the provisions of the original collective bargaining law and all amendments considered since the law was initially enacted. Based on the legislative record (including public hearing testimony and Council worksessions), OLO will also document the various arguments presented for and against the original law as well as each of the amendments considered since the law's inception.

PROJECT #7
ECONOMIC DEVELOPMENT STRATEGIES

Principal agency: County Government

Origin of project: Councilmember Leventhal's recommendation

The purpose of this OLO project is to enhance the Council's oversight of the County's economic development expenditures and assist the Council to establish future funding priorities for the County's economic development function. The project has three components, summarized below:

The Status of the County's Strategic Plan for Economic Development. The County's Strategic Plan for Economic Development was adopted in 2004. At a PHED Committee meeting in June 2008, the Department of Economic Development (DED) informed the Committee that this Strategic Plan was being updated. OLO will provide the Council with an update on the substance and timing of the Plan update, and inform the Council as to what is guiding DED's decisions in the meantime.

Research on Model Economic Development Strategies. OLO will conduct research on what are considered economic development "best practices" employed by local governments across the country. OLO will confer with relevant national organizations and other experts to identify "successful" economic development strategies and initiatives undertaken by county, city, and municipal governments. OLO's report back to the Council will include case studies that describe specific local government economic development programs and the types of metrics used to measure the efficacy of these programs, e.g., job creation, business retention.

Identification of Potential Strategies for County Consideration. From the information compiled about the County's Strategic Plan for Economic Development and the comparative research on model economic development strategies, OLO will identify potential economic development strategies used by other local governments that may be suitable for Montgomery County.

PROJECT #8
NATURALLY OCCURRING RETIREMENT COMMUNITIES

Principal agency: County Government

Origin of project: Councilmember Berliner's recommendation

The purpose of this OLO study is to provide the basis for an informed Council discussion about the County's current and future role to support residents in naturally occurring retirement communities (NORCs). A NORC is a community not originally designed primarily for seniors that has evolved to include a relatively large concentration of senior residents. The Federal Older Americans Act defines a NORC as a building, housing complex or neighborhood (other than institutional or assisted living residences) where either:

- At least 40 percent of heads of households are age 60 or above; or
- A critical mass of seniors live "to achieve efficiencies in the provision of health and social services to older individuals living in the community."

Many seniors prefer to remain in the familiar environment of their own home which allows them to maintain established social networks. In many cases, aging in place offers economic advantages over more costly senior housing alternatives.

OLO will prepare a report that provides the Council with more information about naturally occurring retirement communities and the role of local government in providing services tailored to residents who live there. Specifically, the report to the Council will include:

- A compilation of available data on the number, size, and location of NORCs in the County.
- A literature review of how selected local governments across the country are providing services to residents living in NORCs including those relating to health and social services, transportation, personal safety, recreation, and library services.
- An inventory of any existing County programs and services designed to serve residents of NORCs in Montgomery County.
- A review of any County Government plans and strategies to support NORC residents.

PROJECT #9
COSTS AND RESULTS OF MCPS' HIGH SCHOOL CONSORTIA

Principal agency: Montgomery County Public Schools

Origin of project: Councilmember Ervin's recommendation

The purpose of this OLO project is to compile information on the costs and measurable results of the two high school consortia, established by Montgomery County Public Schools (MCPS) during the past decade. The Northeast Consortium, consisting of three high schools (Paint Branch, Springbrook, and Blake) began in 1998; the Downcounty Consortium, consisting of five high schools (Blair, Einstein, Kennedy, Northwood, and Wheaton) began in 2002.

Each consortium school offers students classes in language arts, mathematics, science, and social science as needed to fulfill graduation requirements. In addition, each consortium school offers coursework in specialized subjects. In-coming ninth grade students residing in each consortia area can apply to attend any of the high schools within their consortium's boundaries.

The Board of Education identified specific goals and objectives associated with the establishment of each of the high school consortiums. For example, the stated goals and objectives for the Downcounty Consortium include the following:

- Increase the rate of student retention from 9th to 12th grade;
- Decrease the percent of students losing credit and/or failing one or more courses;
- Increase the percent of freshmen who pass the High School Assessments; and
- Increase SAT scores for each population subgroup.

The scope of OLO's project will include the following tasks:

- Identifying the costs of operating the consortia that are above those associated with the traditional approach of assigning students to their "home" high schools;
- Analyzing available MCPS data that measure the annual progress made toward accomplishing quantifiable consortium goals as a whole and for each high school individually; and
- Reporting data on the trends in the racial/ethnic composition of the participating high schools since the establishment of each consortium.

PROJECT #10
MCPS WORKFORCE READINESS PROGRAMS

Principal agency: Montgomery County Public Schools

Origin of project: Council Vice President Andrews' recommendation

Data collected last year indicate that approximately one in five Montgomery County Public School (MCPS) high school seniors intend to seek employment after high school as an alternative to, or simultaneous with, college entry. This OLO project assignment involves preparing a report on MCPS resources geared for these students.

MCPS' Career and Technology Education (CTE) and Career Foundation Pathways Programs provide classroom learning and on-the-job training opportunities to MCPS high school students in a wide range of career fields including: arts, health science, business management, construction, hospitality, information technology, and agriculture. According to MCPS, more than 14,000 students were enrolled this year in at least one CTE or Foundations course.

OLO's report to the Council will provide the following:

- A detailed description of MCPS' classes and related training opportunities that are geared for students who plan to enter the workforce directly from high school;
- A review of MCPS' efforts to inform students who plan to enter the workforce directly from high school about CTE and Foundation Course opportunities;
- A profile (to the extent data are available from MCPS) of the students who enroll in CTE and Foundation Course classes, including for example, enrollment information by cluster and information about what these students actually do after graduating from high school;
- Feedback from a sample of students, recent graduates, teachers, principals, and guidance counselors on workforce training opportunities provided by MCPS; and
- A summary of what the published literature contains about structuring "successful" workforce training programs.

The intent of this OLO project is to ensure the Council's focus on MCPS' budget includes a review of resources allocated to all segments of the public school population, including students who choose to enter the workforce directly after graduating from high school.

PROJECT #11
SUCCESSION PLANNING IN MCPS AND THE COUNTY GOVERNMENT

Principal agencies: County Government
Montgomery County Public Schools

Origin of project: Council President Knapp's recommendation

The term "succession planning" refers to the process whereby an organization deliberately works to attract, train, and retain individuals to replace key employees as they retire or otherwise transition out of the organization. In particular, succession planning seeks to identify and develop employees with the knowledge base and skills required to move into leadership positions.

The impetus for this OLO project is the much-written about "exodus of the Baby Boomers" expected to occur over the coming decade. The assignment calls upon OLO to study workforce demographics and succession planning in the County Government (MCG) and Montgomery County Public Schools (MCPS) to inform the Council about the nature of the expected demographic shift in the agencies. Specifically, OLO's report back to the Council will include:

- A review and analysis of agency workforce data to quantify the projected number and job types of employees eligible to retire from MCG and MCPS over the coming decade;
- A review of current MCG and MCPS efforts to monitor changes in workforce composition brought on by these expected retirements; and
- A review and assessment of current MCG and MCPS plans to attract, identify, train, and retain employees with the knowledge base and skills needed to move into leadership positions.

To provide context and comparative perspective for discussion, the report also will include a review of the literature for:

- Challenges and opportunities that arise from workforce turnover; and
- Information on succession planning strategies and techniques being used in other public sector jurisdictions across the country.

PROJECT #12
BETHESDA URBAN PARTNERSHIP

Principal agency: Bethesda Urban Partnership, Inc.

Origin of project: County Code Section 68A and Resolution No. 15-461

Chapter 68A of the County Code authorizes the County to establish urban district corporations to provide services within the County's urban districts. By law, an urban district corporation exists for five years after its articles of incorporation are accepted for recording by the State Department of Assessments and Taxation. The urban district corporation can be extended for an unlimited number of additional five-year terms by a resolution adopted by the County Council and approved by the County Executive. Before the County renews the corporation's term, the law requires the Office of Legislative Oversight to conduct a performance evaluation.

In January 2004, the County Council approved Resolution No. 15-461, which reauthorized the Bethesda Urban Partnership, Inc. (the Partnership) as the corporation for the Bethesda Urban District for its third five-year term. The current term began on February 1, 2004 and ends on January 31, 2009.

OLO's evaluation of the Bethesda Urban Partnership will be submitted to the Council in September 2008; this will provide the Council with ample time for review before the current term of the Partnership expires. OLO's report will include:

- A description of the Partnership's current services, organizational structure, and staffing as well as major changes to the Partnership's operations since 2004;
- A summary of the Partnership's finances, including budgets, revenue sources, and contracts for the past five years;
- An evaluation of the Partnership's performance in relation to its purpose as outlined in the County Code;
- Feedback from representatives of governmental and non-governmental entities who regularly interact with the Partnership;
- A review of the Partnership's strategic planning process and future plans; and
- Identification of issues for the Council to consider before reauthorizing the Partnership for an additional term.

PROJECT #13
THE LOCAL SMALL BUSINESS RESERVE PROGRAM

In 2005, the Council approved legislation creating the Local Small Business Reserve Program (LSBRP). This program requires County agencies to award a minimum of ten percent of their available procurement dollars to local small businesses.

The Department of Economic Development launched the LSBRP in January 2006. The County Executive transferred responsibility for the program to the Office of Procurement in January 2008. The newly-created Department of General Services assumed responsibility for the program on July 1, 2008.

The legislation creating the LSBRP contains a provision indicating that the law and any related Executive Regulations expire on December 31, 2009. The legislation also requires "[t]he Office of Legislative Oversight [to] begin a review of the program one year after its implementation begins and [to] report to the Council about the effectiveness of the Program . . . ."

In August 2006, OLO submitted a memorandum report to the Council that summarized information about the history and implementation of the LSBRP, and outlined the scope of an OLO evaluation to be completed by September 2009. To meet this deadline, OLO will need to begin work on this study before the end of the current fiscal year.

PROJECT #14
THE SAFE SPEED PROGRAM

In January 2006, the Maryland General Assemble enacted a law authorizing the use of vehicle "speed monitoring systems" by Montgomery County. The law mandates that the County Council report back to the General Assembly on the effectiveness of the speed monitoring systems on or before December 31, 2009.

During FY08, at the Council's request, OLO prepared a scope and methodology for conducting the State-mandated evaluation of program effectiveness (OLO Report 2008-7, *Planning for the FY10 Evaluation of the County's Safe Speed Program.*) This report is being reviewed by the Council's Public Safety Committee in July.

During FY09, OLO will begin work to collect and analyze information from the speed camera program including data on:

- Vehicle speeds and speed-related collisions;
- The number of citations issued, paid, appealed, and overturned;
- Program expenditures and revenues; and
- The allocation of revenues collected by County government.

OLO's plan is to submit a final report to the Council by September 2009. This will provide the Council with the time to review OLO's work before finalizing a report back to the General Assembly.

PROJECT #15
FOLLOW-UP TO COMPLETED REPORTS

This project consists of staff time allocated to follow-up activities identified during the Council's review of previously completed OLO projects.

Project #15A is follow-up work related to OLO Report 2007-5, *Key Fiscal Indicators for MCPS.* In 2007, the Council adopted 12 key fiscal indicators for its annual review of the MCPS budget. During FY09, OLO will identify which of the 12 indicators merit updates and provide requested information for the Council's FY10 review of the MCPS budget.

Project #15B is work related to OLO Report 2007-7, *Linking MCPS Workforce Data to Council Decision-Making.* In FY09, OLO will follow up on MFP Committee recommendations for MCPS to revise its Personnel Management Review.

Project #15C is follow-up work related to OLO Report, 2007-9, *A Study of Moderately Price Dwelling Unit Program Implementation.* OLO will work with Council staff to prepare analysis related to proposed legislation to modify the MPDU program.

Project #15D is work related to OLO Report 2008-2, *Defining and Describing MCPS' Progress in Closing the Achievement Gap.* During FY09, OLO will follow up on Education Committee requests for information on students continuously enrolled in MCPS and on the performance of African American students by nation of origin.

Project #15E is follow-up work related to OLO Report 2008-4, *A Study of County Road Project Cost and Schedule Estimates.* In FY09, OLO will staff a T&E Committee worksession on steps taken by the County Government in response to the OLO report.

Project #15F is work related to OLO Report 2008-8, *Understanding Class Size Trends in MCPS.* During FY09, OLO will follow up on Education Committee requests for additional information on: (a) the impact of support staff on elementary class sizes; (b) the impact of special education inclusion on general education classes; (c) communication with parents on class size trends; and (d) efforts to reduce the number of oversized classes.

Project #15G is work related to OLO Report 2008-10, *Review of the Office of the People's Counsel.* During FY09, OLO will follow up with Council staff on recommendations made by the PHED Committee.

Project #15H is follow-up work related to OLO Report 2008-11, *Recycling in Montgomery County Public Schools.* In FY09, OLO will staff a joint Education/T&E Committee worksession on steps taken by MCPS to increase recycling in public schools.

Project #15I is follow-up work as directed by Council action based on review of OLO Report 2008-9, *County Government Practices for Hiring Persons with Disabilities.*