Resolution No.:	16-1047
Introduced:	July 14, 2009
Adopted:	July 21, 2009

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: County Council

SUBJECT: Fiscal Year 2010 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 2010. The Council's Management and Fiscal Policy Committee reviewed the proposed Work Program on June 29, 2009. The Council introduced the resolution on July 14, 2009.

Action

The County Council for Montgomery County, Maryland, approves the attached Fiscal Year 2010 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
MANAGEMENT OF THE COUNCIL'S INDEPENDENT AUDIT CONTRACTS

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

The FY10 Independent Financial Audit NDA funds the independent audits of the FY09 financial statements issued by the County Government, the employee retirement plans, and the Local Fire and Rescue Departments. FY10 represents the second year of the Council's four-year audit contracts with Clifton Gunderson LLP and Rager, Lehman & Houck, P.C.

PROJECT #2
STAFF SUPPORT FOR THE COUNCIL'S AUDIT FUNCTION

Principal agencies: All County-funded agencies

Origin of project: Council Resolution 16-826

Council Resolution 16-826, adopted January 27, 2009, calls upon the Council's Management and Fiscal Policy Committee "to continue to strengthen the Council's independent review and oversight of the County's financial reporting, management control, and audit activities." When performing these functions, the MFP Committee is deemed the Council's "audit committee;" with the Council President and Vice President serving as ex-officio voting members. The resolution requires the MFP Committee to meet as the Council's audit committee at least four times a year.

A growing number of public sector organizations are forming audit committees, which can undertake tasks such as reviewing significant financial risks or exposures and steps taken to minimize risks, addressing significant findings on internal and independent audits, and ensuring policies and procedures are in place to facilitate reporting fraud or abuse and questionable accounting or auditing practices.

Council Resolution 16-826 assigns the Office of Legislative Oversight with the responsibility to coordinate staff support for the MFP Committee when it meets as the audit committee. During FY10, as directed by Council resolution, OLO will ensure that the Committee also receives "assistance from the Council staff, the OIG, Executive Branch and other County agency staff, and contractors with appropriate expertise" in carrying out its "oversight of financial reporting and risk assessment."

The MFP Committee held its first two meetings as the audit committee in March and April 2009. In March, the Committee received briefings from the County Chief Administrative Officer and the Inspector General about the functions, operations, and benefits of audit committees; the redesign of the County Government's Internal Audit function; and methods of risk assessment used by auditors. In April, the Committee reviewed the management letters and reports on internal control from the County's external auditors, Clifton Gunderson and Rager, Lehman & Houck, for the fiscal year ended June 30, 2008. The Committee's third meeting is scheduled for July 2009.

PROJECT #3
ASSIST WITH REVIEW OF THE FY11 OPERATING BUDGET

Principal agencies: All County-funded agencies

Origin of project: County Council

Current economic conditions suggest that County income, property, and transfer and recordation tax revenues likely will remain weak during FY10 and FY11. As such, the Council's deliberations over the FY11 budget will pose another substantial challenge.

In the January/February 2010 time frame, the OLO Director will work with the Council President to identify and recommend to the Council one or two FY11 budget topics that are appropriate to assign as subjects for research briefs. For the topic (or topics) selected, OLO's product would be comparable to the *Research Brief on Furloughs and Buyouts* that OLO completed in April 2009.

In addition during FY10, similar to the work assigned by the Council in FY09, the Office of Legislative Oversight will assist Council central staff to prepare analyses for Committee and Council worksessions on the FY11 operating budget. For this portion of the Work Program, the OLO Director will work in concert with the Council Staff Director to identify specific budget areas for OLO to assist with; priority consideration will be given to topics that OLO staff has studied in recent years.

PROJECT #4
FISCAL IMPACT STATEMENTS

Principal agency: County Government

Origin of project: Councilmember Knapp's recommendation

When the Council approves the introduction of a bill, the Executive Branch prepares a "fiscal impact statement" to the Council on the subject legislation. The purpose of the fiscal impact statement is to summarize the marginal increase in cost and/or revenues that the proposed legislation is expected to impose on the County's budget. The typical fiscal impact statement shows the budgetary impact for the current fiscal year and five years into the future. The information provided in these statements is then incorporated into Committee and Council worksessions on the proposed legislation.

The purpose of this OLO project is to examine a sample of past and current fiscal impact statements. It will include two pieces of work described below: (1) review of previously prepared fiscal impact statements; and (2) review of fiscal impact statements transmitted to the Council during FY10.

(1): Review of previously prepared fiscal impact statements

OLO will select a sample of past fiscal impact statements prepared by the Executive Branch for legislation under Council consideration. OLO will review and assess the methodology used to prepare these statements, with attention to factors such as: the reasonableness of the assumptions; the source of data; completeness of information considered; and clarity of presentation. In cases where the legislation was enacted and since implemented, OLO will aim to evaluate how well the projected fiscal impact aligns with the actual one.

Based on this review, OLO will prepare a report that summarizes the characteristic of the statements reviewed, identifies the recurring strengths and limitations (if any) of the information presented, and as appropriate, offers recommendations for improving either the process of preparing or the approach to presenting the results of the fiscal impact analysis.

(2): Review of fiscal impact statements transmitted to the Council during FY10.

In addition to preparing a report based on a review of previously prepared fiscal impact statements, during the course of FY10, OLO will conduct a similar review of fiscal impact statements for a sample of the statements that are transmitted to the Council. OLO's product for these reviews will be a memorandum that travels with the Council's worksession packet on the individual pieces of legislation. During FY10, OLO will select the fiscal impact statements for more detailed review in consultation with the Council's Legislative Attorneys.

PROJECT #5
STRATEGIES FOR REDUCING CHRONIC TRUANCY

Principal agencies: Montgomery County Public Schools
Office of the State's Attorney
District Court
County Government (Police Department, DHHS)

Origin of project: Councilmember Ervin's recommendation

Chronic truancy refers to the high rate of unexcused absences among students. As a proxy for measuring chronic truancy, the Maryland State Department of Education collects data from each local school system on the number and percent of students absent more than 20 days during the regular school year. In 2008, almost 9,800 MCPS students met this criteria; students with more than 20 days of absences represented 5% of elementary students, 8% of middle school students, and 11% of high school students.

Truancy is often the first warning sign of academic trouble and problem behavior. Research studies document the link between chronic truancy and low academic performance, substance abuse, gang activity, and criminal activity. In Maryland, parents and legal guardians can be prosecuted and fined for not ensuring that their children between the ages of 5 and 16 attend school or an approved alternative.

The intent of this OLO project is to describe the prevalence of chronic truancy in Montgomery County Public Schools and to present comparative information about strategies being employed in other jurisdictions to reduce chronic truancy. OLO will conduct the research and analysis for this project in two parts, and provide two separate reports back to the Council as outlined below:

The First Report: Chronic Truancy in Montgomery County will describe chronic truancy within the County and local initiatives currently in place to address it. It will include a description of truancy rates among MCPS students, an explanation of the legal framework for addressing truancy, and a review of the coordination and interagency efforts among MCPS, the Department of Police, Department of Health and Human Services, Office of the State's Attorney, and the District Court to remediate truancy. This first report will describe:

- Data on student absences by school and grade categorized by race and ethnicity;
- The correlation between student attendance and key indicators of student performance;
- Truancy caseloads managed by MCPS' Department of Student Services;
- Referrals submitted to the Interagency Truancy Review Board; and
- The interactions among MCPS staff and other agencies that have a role in dealing with chronic truancy, i.e., the Office of the State's Attorney; Department of Police; Department of Health and Human Services; and the District Court.

The Second Report: Effective Strategies for Reducing Truancy will summarize relevant findings from the research on truancy, and describe initiatives being undertaken in other jurisdictions to prevent and/or reduce truancy. More specifically, this second report will include information on:

- The range of reasons for truancy identified by researchers;
- Programs and practices directed toward students, families, and the community to reduce chronic truancy;
- Legislative strategies and interagency efforts being implemented in other jurisdictions to reduce chronic truancy; and
- Efforts to measure the effectiveness of these programs in reducing truancy rates.

PROJECT #6
THE MONTGOMERY COUNTY COLLABORATION COUNCIL FOR CHILDREN, YOUTH, AND FAMILIES, INC.

Principal agencies: County Government
Montgomery County Public Schools

Origin of project: Councilmember Navarro's recommendation

Background. The Montgomery County Collaboration Council for Children, Youth, and Families, Inc. is a nonprofit organization established under State law. The County Council first designated the Collaboration Council as the County's "Local Management Board (LMB)" in May 2004 for a three-year period; in March 2007, the Council renewed this designation for an additional three years. The current designation of the Collaboration Council as the County's LMB expires in the spring of 2010 unless the Council extends it by adopting another resolution.

As currently structured, the 21 members of the Collaboration Council's Board of Directors are nominated by the County Executive and confirmed by the Council. The Collaboration Council describes its activities as being guided by *The Children's Agenda*, a document (developed in 1998) which identified specific outcomes to be achieved "through collaborative partnerships." In FY06, the Collaboration Council adopted a strategic plan, which selected five strategies as "the most effective to make significant progress in achieving *The Children's Agenda*":

- Increase the availability of home visiting services;
- Increase early childhood emotional and behavioral health resources;
- Increase opportunities for parents to receive education and support in childhood development and effective parenting for positive outcomes;
- Increase access to formal high quality, developmentally appropriate early childhood education for three-year-old children at risk; and
- Increase accessible, affordable, quality child care.

The Collaboration Council's 2008 annual report shows total expenditures of approximately $9.2 million. The largest source of funding (69% of total) was the Governor's Office of Children; another 18% was attributed to "local governments and agencies."

Project Overview. The Montgomery County Collaboration Council plays a significant role in the delivery of important services to the County's children, youth, and families. For the purpose of promoting a clear and accurate understanding of the role of the Collaboration Council among other government entities, OLO will prepare a report that provides:

- An overview of the history and governance structure of the Collaboration Council;
- A review of the funding and staffing trends of the Collaboration Council for the past three years, with particular focus on the allocation of local dollars; and
- A description of how the Collaboration Council aligns its program objectives and coordinates its activities with related efforts of the County Government and Montgomery County Public Schools.

PROJECT #7
SUCCESSION PLANNING IN MCPS AND THE COUNTY GOVERNMENT

Principal agencies: County Government
Montgomery County Public Schools

Origin of project: Carryover project from FY09 OLO Work Program

This project, recommended by Councilmember Knapp, was assigned as part of OLO's FY09 Work Program. It was started this year and will be completed in the first quarter of FY10.

The impetus for this OLO project was the much-written about "exodus of the Baby Boomers" expected to occur over the coming decade. 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 purpose of this project is to inform the Council about the nature of the expected demographic shift in the County Government (MCG) and Montgomery County Public Schools (MCPS) and the succession planning the agencies have put in place to manage these shifts. Specifically, based on a review of agency workforce demographics and practices, 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 #8
WOMEN'S HEALTH PROGRAMS

Principal agency: County Government

Origin of project: Councilmember Trachtenberg's recommendation

In June 2009, Councilmember Trachtenberg announced the convening of the Reproductive Health Work Group. The work group includes representatives from the County Department of Health and Human Services, the Commission on Women, public health professionals, physicians, researchers, nonprofit healthcare providers and others. The work group will look at health services available to all women in the County, including services to vulnerable populations such as low income and immigrant women. The work group's task is to "develop a blueprint for service delivery to meet the health needs of all Montgomery County women."

This OLO project represents a placeholder to complete a piece of research, evaluation, and/or fiscal analysis related to women's health services funded by Montgomery County. The array of services currently funded through the Department of Health and Human Services includes:

- Community health nurse services for pregnant women and children up to age two;
- Reproductive health care consultation services for low income/uninsured teens and women of childbearing age;
- Prenatal services including Hepatitis B prevention;
- Pregnancy testing;
- Teen parent support and teen pregnancy prevention; and
- Breast and cervical cancer screening for low income, uninsured/underinsured residents.

Based upon the findings of the Reproductive Health Work Group, Councilmember Trachtenberg will recommend to the Council a specific scope of work to be undertaken by OLO during FY10. It is expected that the refinement of an OLO assignment would occur before the end of the calendar year.

PROJECT #9
COUNTY HOUSING PROGRAMS:
AN INVENTORY AND ASSESSMENT OF COORDINATION

Principal agencies: County Government (DHCA and DHHS)
Housing Opportunities Commission

Origin of project: Councilmember Elrich's recommendation

The purpose of this OLO project is to provide the Council with a comprehensive inventory of housing programs and services offered by:

- The County Government's Department of Housing and Community Affairs (DHCA);
- The County Government's Department of Health and Human Services (DHHS); and
- The Housing Opportunities Commission (HOC).

The OLO report will provide information on funding and staffing levels for each housing-related program managed or operated by DHCA, DHHS, and HOC. In addition, OLO will describe the level of coordination among the three organizations, and assess the degree to which each organization's housing programs complement or duplicate work performed by one another.

The table below lists some of the housing programs and services managed and/or operated by DHCA, DHHS, and HOC.

DHCA	DHHS	HOC
• The Housing Initiative Fund; • Rental property and group home rehabilitation programs; • Landlord-tenant programs; • Moderately priced and workforce housing programs; • Single family home improvement and weatherization programs; • Foreclosure prevention program; and • Housing code enforcement.	• Homeless and transitional housing services; • Housing stabilization services; • Emergency family shelter services; • Rental assistance program; • Rooming house licensing; and • Home energy assistance programs.	• Public housing units; • Senior independent living communities; • Housing Choice Voucher program; • Rental and mortgage assistance programs; • Supportive and transitional housing programs; • Housing counseling; and • Closing cost assistance program.

Based on the findings of this report, the Council will decide whether any additional research or analysis on County housing programs is warranted.

PROJECT #10
PROS AND CONS OF TRANSPORTATION FACILITY PRIVATIZATION

Principal agency: County Government

Origin of project: Councilmember Floreen's recommendation

In recent years, numerous state and local governments have considered privatizing different types of transportation facilities. Privatization involves the transfer of responsibilities, in whole or in part, from the government to the private sector through means such as contracting out or asset sales. Governments consider privatization of facilities for several reasons, including the:

- Introduction of market-based competition in the delivery of public services;
- Sharing of risk between public and private sector partners;
- Reduction of on-going demand for tax revenues;
- Infusion of revenues from the sale of an asset; and
- Achievement of improved service, increased efficiency, or lower costs.

OLO will prepare a report that identifies the fiscal, policy, and administrative advantages and disadvantages of privatizing state/local transportation facilities.

Multiple state and local governments have executed agreements for the privatization of parking meters, parking garages, toll roads, transit lines, and other transportation related facilities. OLO will present case studies from jurisdictions that privatized transportation facilities and from those that considered but declined to privatize facilities. For each case study, the report will review the factors that shaped the community's decision on whether or not to privatize elements of their transportation system.

The report will document post-privatization experiences of communities that chose to transfer operation of transportation facilities to the private sector. In addition, OLO will describe how communities attempted to coordinate privatization with other public policy objectives. Finally, OLO will review evaluations that assess the degree to which state and local governments succeeded in meeting their privatization goals.

PROJECT #11
MONTGOMERY COUNTY & FAIRFAX COUNTY: A COMPARATIVE REVIEW

Principal agency: County Government

Origin of project: Councilmember Leventhal's recommendation

Montgomery County and Fairfax County are frequently compared to one another as regional peers and competitors. The two jurisdictions are often touted as similarly "best" places to live and work because of characteristics such as: proximity to Washington, D.C.; high median household income; highly regarded school system; and low crime rate. At the same time, there are some commonly cited generalities about ways one of the counties is perceived as outperforming the other on issues such as traffic congestion or the overall business climate.

The purpose of this OLO project is to compile factual information about the similarities and differences between Montgomery County and Fairfax County, and then to examine a few selected comparisons in more detail to identify the reasons for the differences identified. The project will proceed in two parts:

Part I of the study will be to identify and compile factual comparative data for Montgomery County and Fairfax County across a range of issues, to include:

- Structure of government;
- Demographics of residents;
- Education;
- Public safety;
- Housing;
- Transportation; and
- Economic development.

For this first part of the assignment, OLO will research and rely on statistically reliable data, with a preference for information compiled on an annual or biannual basis by a third party, e.g., the Census Bureau or federal Department of Education.

Based upon the comparative data compiled in Part I, OLO will recommend and obtain the project sponsor's approval of three or four selected issue areas to examine in more detail as Part II of the report. The purpose of the closer examination in Part II will be to pursue an explanation for the documented differences between the two counties. OLO will seek to identify explanatory factors that are within the purview of the respective County Government (e.g., differences in local laws and programs); as well as differences that are external or outside immediate County Government control (e.g., differences in State laws or structure of government.)

PROJECT #12
THE SAFE SPEED PROGRAM

Principal agency: County Government

Origin of project: County Council

In January 2006, the Maryland General Assembly enacted legislation authorizing the use of automated speed monitoring systems (or "speed cameras") in Montgomery County. Jurisdictions use cameras to detect the speed of motor vehicles and photograph vehicles exceeding a preset speed threshold. In 2007, the County began implementation of the "Safe Speed" automated speed monitoring program.

The State law authorizing the use of speed cameras in the County mandates that the County Council report back to the General Assembly on the "effectiveness of speed monitoring systems in Montgomery County" by December 31, 2009. In anticipation of this reporting requirement, the Council assigned the Office of Legislative Oversight (OLO) the task of developing a scope and methodology for the evaluation on OLO's *FY08 Work Program* (Council Resolution 16-260).

On September 23, 2008, the Council approved a scope and methodology for OLO's FY10 evaluation of the County's Safe Speed program (OLO Memorandum Report 2008-7, *Planning for the FY10 Evaluation of the County's Safe Speed Program*). In FY10, OLO will complete a report that:

- Provides an overview of the County's Safe Speed program and summary descriptions of the municipal speed camera programs operating in Montgomery County;
- Evaluates the administration of the Safe Speed program, including compliance with the requirements outlined in State law; and
- Measures the effect of speed camera use on vehicle speeds and speed-related collisions.

OLO's plan is to submit a final report to the Council by October 2009. This will provide the Council time to review OLO's work and to approve a document for submission to the General Assembly.

PROJECT #13
THE LOCAL SMALL BUSINESS RESERVE PROGRAM

Principal agency: County Government

Origin of project: County Code Chapter 11B
Article XV, Local Small Business Reserve Program

In 2005, the Council approved legislation creating the Local Small Business Reserve Program (LSBRP). The legislation required County Government departments to award a minimum of ten percent of eligible procurement dollars to local small businesses.

The 2005 enabling legislation contained a provision indicating that the law and any related Executive Regulations would expire on December 31, 2009. The law also required "[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 before the December 31 sunset date.

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

In March 2009, the Council passed Bill 3-09, which extended the sunset date of the program to December 2012; and amended the LSBRP to require agencies to award a minimum of 20 percent of eligible procurement dollars to local small businesses. During review of Bill 3-09, the Council decided that it would still be beneficial for OLO to complete an evaluation of the program's implementation to date.

OLO's evaluation of the LSBRP during FY10 will include a review of:

- The County's record of educating County departments about the LSBRP requirements, outreach to the business community, and success in recruiting/registering businesses;
- Annual trends in the procurement opportunities available and awarded to small businesses, to include analysis of the number and dollar amounts of contracts awarded and types of commodities/services provided through the LSBRP;
- The annual number, value, and types of contracts exempt from the LSBRP;
- Qualitative feedback from County staff and registered businesses on the strengths and weaknesses of the LSBRP; and
- Information on similar types of small business reserve programs operating in other jurisdictions, with a focus on other programs in the Washington D.C. region.

OLO will also report any preliminary findings on the effects of the recent legislative changes made to the LSBRP.

PROJECT #14
FOLLOW-UP ON PREVIOUSLY COMPLETED OLO REPORTS

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

Project #14A is follow-up work related to OLO Report 2008-9, *Hiring Persons with Disabilities: A Review of County Government Practices*. OLO will staff one or more follow-up MFP Committee worksessions on Executive Branch efforts related to issues raised by OLO's 2008 report on hiring persons with disabilities.

Project #14B is follow-up work related to OLO Report 2009-7, *Organization of Recreation Programs across the Department of Parks and Department of Recreation*. OLO staff, working in conjunction with Council staff, will continue to support the PHED Committee's follow-up assignment to develop a restructuring plan; the two departments have been asked by the PHED Committee to report back by October 1, 2009.

Project #14C is follow-up work related to OLO Report 2009-8, *The Department of Economic Development: Review of Budget and Strategies*. OLO, working with Council staff, will continue to support the PHED Committee's follow-up assignments related to OLO's FY09 report. In particular, OLO expects follow-up work related to the Department of Economic Development's Strategic Plan and presentation of data on activity of the Economic Development Fund.

Project #14D is work related to OLO Report 2009-11, *Naturally Occurring Retirement Communities and Neighborhood Villages*. An HHS Committee worksession on the report, which was received and released by the Council on June 16, 2009, is scheduled for July 2009.

Project #14E is follow-up work related to OLO's memorandum report *A Review of Public Transit-Related Crime Data in Montgomery County*. This memorandum report will be completed before the Council adjourns for summer recess; a Committee worksession on the report will be scheduled for the fall.