

OLO FY21 Work Program

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Project #1

Racial Equity and Social Justice Policy Handbook

Principal Agency: Montgomery County Government

The County's Racial Equity and Social Justice (RESJ) Act requires the development of racial equity and social justice tools and strategies for County departments and offices to use to address disparities based on race and/or social justice issues. The Act also requires the Office of Legislative Oversight to develop Racial Equity and Social Justice Impact Assessments that predict the impact of proposed legislation on racial and ethnic disparities and recommend policy alternatives, if warranted, to mitigate the negative impacts of proposed legislation on racial and ethnic disparities.

A RESJ Policy Handbook describing research-informed policies and practices for reducing racial and ethnic disparities could inform OLO's racial equity impact assessments and the County's overall efforts to establish and implement racially equitable policies and practices. Relying on research and subject matter experts, this project will identify best practices for narrowing racial and ethnic inequities and disparities. Policy areas considered for inclusion in the RESJ Policy Handbook include policing, housing, health, youth development, transportation, economic development, procurement, human resources, workforce development, employment, education, arts and culture, and the environment.

Project #2

Racial Equity and Social Justice Impact Assessments

Principal Agency: Montgomery County Government

In 2019, the County Council passed the Racial Equity and Social Justice (RESJ) Act requiring the Director of the Office of Legislative Oversight to draft Racial Equity and Social Justice Impact Statements for all proposed legislation within 21 days of bill introduction and to develop an equity tool to conduct the impact assessments. OLO staff will assume these responsibilities effective August 1, 2020. Processes to be completed include referencing data on disparities by race and ethnicity in racial equity and social justice analysis, convening a diverse panel of staff and community stakeholders to conduct analyses, and publishing impact assessments for legislative bills before public hearings.

Project #3

COVID-19 Economic Recovery – Series of Short Papers

Principal Agencies: Montgomery County Government, Montgomery County Economic Development Corporation

OLO will prepare a series of short papers addressing the County's post-COVID-19 economic recovery. The intent of these papers is to provide the Council information about changes in business climate, consumer behavior, and societal practices resulting from the COVID-19 pandemic. The papers will describe how the pandemic has impacted and/or realigned different sectors of the economy, changes that may make the County and the County's economy more resilient when faced with future pandemics, and options to capitalize on shifting financial and market conditions.

The Council would like these short OLO reports to focus on topics related to the Council's Economic Development Platform. These papers will inform the Council as it works with business, industry, and non-profit partners to develop a plan for sustained growth in a post-pandemic economy.

Project #4

Paycheck Protection Program Recipients

Principal Agencies: Montgomery County Government, Montgomery County Economic Development Corporation

The federal CARES Act established the Paycheck Protection Program (PPP) to help businesses retain employees and cover operating expenses due to economic disruptions caused by the COVID-19 pandemic. Businesses could apply for loans up to \$10 million - 60% of the loan amount must be used to fund payroll expenses. Borrowers have up to 24 weeks to use loan funding and may qualify for full loan forgiveness if the business meets specified requirements.

Many businesses in Montgomery County applied to this program and Councilmembers are interested in understanding which businesses were successful in their applications. This study will examine Montgomery County applicants and explore similarities and differences between those that received funding through the PPP and those that did not. While the federal government collected and published some data that pertains to program applicants, OLO anticipates it will need to contact and survey a representative sample of Montgomery County applicants in order to successfully answer Councilmember questions.

Project #5

County Government Position Vacancies

Principal Agency: Montgomery County Government

OLO will study data on the vacant positions in the County Government. As data availability allows, OLO will collect information on the number of position vacancies by department, job classification, and pay grade. This report will also examine the amount of time different positions remain vacant and the factors that contribute to positions remaining unfilled for extended periods of time.

Project #6

MCPS School Administration Selection, Assignment, and Assessment

Principal Agency: MCPS

School administrators are responsible for providing leadership to improve the learning environment and overall academic progress of students. Effective principals and assistant principals create an effective school climate for learning; assess instructional quality; and create, maintain, and strengthen community relationships. The role of the principal is a critical component of student achievement and the criteria and assessment methods used to select principals is an important issue in the student achievement discussion.

This report will review Montgomery County Public Schools' selection, assignment, and assessment procedures and policies for school administrators in County schools. This report will further compare these processes and policies to other comparable school districts.

Project #7

Update on School Discipline Policies and Practices

Principal Agency: Montgomery County Public Schools

As a marker of student performance and school climates MCPS has tracked suspension data by student race, ethnicity, and service group for many years. Historically, Black students, students with disabilities, Latinx students and low-income students have experienced higher suspension and expulsion rates than their peers despite decreases in MCPS' suspension rates overall. Student subgroups at highest risk for suspensions and expulsions also experienced higher arrest rates by local law enforcement including MCPD school resource officers. To minimize the use of suspensions and arrests and to address disparities in the use of discipline, MCPS has implemented a number of practices over the years that include revising its Student Code of Conduct and implementing Positive Behavior Supports and Restorative Practices among its impacted campuses.

Updating prior OLO reports describing the School to Prison Pipeline and opportunity gaps within MCPS, this FY21 OLO report will describe recent school discipline data by race, ethnicity and service group and current MCPS policies and practices impacting school discipline trends.

Project #8

Study on Option to Reassign Traffic Safety Enforcement from MCPD to MCDOT

Principal Agencies: MCPD and MCDOT

The Montgomery County Police Department (MCPD) is currently structured like many other police departments across the country. In the current environment in the United States, many jurisdictions are questioning the appropriateness of police departments such as MCPD providing services such as school safety, regulatory compliance for commercial vehicles, and enforcement of certain non-criminal traffic laws. Several jurisdictions provide examples of how certain aspects of MCPD's work could potentially be performed in a more holistic manner, automated, and/or reassigned to other Executive Branch agencies.

Recently, some jurisdictions have moved the enforcement of certain traffic and pedestrian safety laws away from police departments and into transportation departments, to be implemented by non-sworn government staff. Some jurisdictions are putting greater reliance on traffic safety cameras and automated enforcement measures with the intent to increase transparency and reduce the potential for biased enforcement of laws and regulations against communities of color. The District of Columbia, for example, recently moved oversight of its traffic camera program from its police department to its transportation department to bring the program more in line with its Vision Zero safety goals. Such options warrant further study to understand their full implications.

The Council believes that Montgomery County should strive to put in place objective and transparent organizational structures that help curb any tendency toward over-policing, bias in carrying out enforcement functions, and criminalization of civil infractions. To better understand options intended to achieve these goals, the Council has asked OLO to study and report on the feasibility and implications of reassigning the routine enforcement of traffic and pedestrian safety laws from the MCPD to the Montgomery County Department of Transportation.

This OLO report will describe how enforcement of traffic laws is currently structured at MCPD. This OLO report will also include research on the implementation of similar changes in other jurisdictions, including assessing the potential for such changes to promote fairness, and reduce bias in enforcement, improve community safety, improve organizational efficiency, improve safety across all transportation modes, and better enable the County to meet its Vision Zero goals.

Project #9

Public Safety Responses to Mental Health Situations in Montgomery County

Principal Agency: Montgomery County Government

Montgomery County's 911 Emergency Communications Center (ECC) fields 911 calls and dispatches Montgomery County Police and Montgomery County Fire and Rescue Services (MCFRS) personnel to emergency incidents. The mission of the ECC is to obtain the necessary information to dispatch the proper response quickly, provide appropriate pre-arrival instructions to the caller, ensure response personnel have adequate situational awareness of the dispatched event, and to manage all response communications and technologies. Montgomery County's 311 Call Center fields non-emergency calls from residents.

Nationally, police typically respond to 911 calls that involve people in a mental health crisis. Many mental health professionals argue that mental health crises are not appropriate criminal justice matters. Data show that nationally in 2016, one quarter of fatal police shootings involved people with behavioral health or substance abuse issues. Individuals with untreated mental illness are 16 times more likely to be killed in an encounter with law enforcement compared to others.

Generally, many police departments nationally do not have the resources or training to adequately respond to people in mental health crisis or help them access services to help address and/or resolve their mental health issues.

This OLO report will respond to the Council's interest in better understanding the County's capacity to respond to calls to 911 and 311 that involve mental health crises/situation. In particular, this report will look at:

- How the County dispatches public safety personnel in response to 911 calls that involve mental health crises/situations;
- The training that County personnel receive to help them respond to 911 mental health calls;
- How the County responds to 311 calls that involve mental health crises/situations/requests for resources;
- Annual data on calls to 911 and 311 that involve mental health situations; and
- Research on and examples of best practices in other jurisdictions for responding to calls to 911 and 311 that involve mental health situations.

Project #10

Labor Agreements with County Police Officers

Principal Agency: Montgomery County Police Department

OLO will prepare a report to familiarize the County Council with the terms and requirements of labor agreements with County police officers. The report will summarize the key provisions of County and State law that govern the collective bargaining agreement with the police officers. This review will describe how Article IV (Employer-Employee Relations), Article V (Police Labor Relations), and Article VII (Collective Bargaining) of Chapter 33 of the County Code as well as other State and County laws shape the results of the collective bargaining process.

In addition, the report will summarize the major requirements placed on both the employer (the County Government) and employees (police officers) stipulated in the most recent collective bargaining agreement with the Fraternal Order of Police Lodge 35. The report will outline sections of the agreement that relate to pay and benefits, working conditions, employee leave, health and safety, management and employee rights, discipline, use of vehicles, and other key provisions that affect policing in Montgomery County.

As a supplement to this analysis OLO will also examine in detail MCPD's current hiring standards, academy training and starting pay structures compared to alternatives in other jurisdictions in the United States and around the world. This analysis may be released as separate paper.

Project #11

Mental Health Services for First Responders

Principal Agency: County Government, Sheriff's Office

First responders face challenging and dangerous situations and are the first to reach out to disaster survivors and provide emotional and physical support to them. These duties, although essential, are strenuous to first responders and over time, put them at an increased risk of trauma. The U.S. Substance Abuse and Mental Health Services Administration (SAMHSA) estimates that 30% of first responders develop behavioral health conditions, including depression and post-traumatic stress disorder, compared to 20% of the general U.S. population.¹

The County Council is interested in better understanding mental health services available to County first responders (i.e., MCPD, MCFRS, and the Sheriff's Office). Specifically, OLO will provide an inventory of mental health services currently offered and examine if gaps in services exist. OLO will also research and describe best practices for mental health services for first responders, including services offered by other jurisdictions. If applicable, OLO will offer recommendations about how other practices might be adapted in Montgomery County to address identified gaps.

¹ SAMHSA Disaster Technical Assistance Center Supplemental Research Bulletin First Responders: Behavioral Health Concerns, Emergency Response, and Trauma May 2018, <https://www.samhsa.gov/sites/default/files/dtac/supplementalresearchbulletin-firstresponders-may2018.pdf>

Project #12

Barriers to Appointments at Doctor or Other Service Provider Offices

Principal Agency: Montgomery County Government

For those without their own private transportation, getting to and from appointments at doctor's offices and other health and social service providers can be difficult. This is particularly true when offices are not near or easily accessible by public transportation. Councilmembers are interested in programs or solutions that may alleviate some of this burden. This OLO report will examine solutions implemented or proposed in other jurisdiction, including the concept of a circular bus, a pool for uber fares, and contracting with a taxi company that cannot compete with uber. OLO will focus on the applicability of these solutions to the particular needs of the County.

Project #13

Telehealth

Principal Agency: Montgomery County Government

According to the Department of Health and Human Services' Health Resources and Services Administration, telehealth is defined as:

[T]he use of electronic information and telecommunications technologies to support long-distance clinical health care, patient and professional health-related education, public health and health administration. Technologies include videoconferencing, the internet, store-and-forward imaging, streaming media, and terrestrial and wireless communications.

“Telehealth” refers to a broader scope of remote healthcare services than “telemedicine.” Telemedicine refers specifically to remote clinical services. Telehealth can include remote non-clinical services, such as provider training, administrative meetings, and continuing medical education, in addition to remote clinical services.

Given the growing importance of telehealth, the Montgomery County Council is interested in understanding how the residents of Montgomery County will be impacted by the expanding use of telehealth nationwide. In particular, this report will focus on:

- How options for telehealth are expanding and what does the future of this technology look like?
- Are there racial, ethnic, and/or socioeconomic disparities related to telehealth access?
- How can jurisdictions help ensure that telehealth services are available to their most vulnerable residents?

Project #14

Reporting on Resident Service Requests Across the Enterprise

Principal Agency: Montgomery County Government

In 2010, Montgomery County established a central gateway and information hub (the MC311 system) for residents to find information, request County services, and track the status of service requests. Each resident contact with the system generates a service request (SR), mainly in one of two ways:

- **Customer Service Center calls.** At the MC311 Customer Service Center (the “Call Center”), customer service representatives (CSRs) answer calls and social media messages from residents on weekdays from 7:00 a.m. to 7:00 p.m. and generate service requests that are forwarded to departments.
- **Web Portal requests.** On the MC311 self-help Web Portal, available 24/7 on the County’s website (www.montgomerycountymd.gov/mc311/), residents can find County information and can file electronic service requests for some (but not all) County services. Electronic services requests are forwarded to departments.

In recent years, and especially during the COVID-19 pandemic, Councilmembers have expressed interest in reassessing the County government’s current approach to resident communications and service requests. Specific concerns from Councilmembers have included:

- A lack of clarity on how service requests are fulfilled or followed-up-on from start to finish;
- A lack of accountability in who ensures that services requests will be fulfilled or followed-up, from start to finish, from a customer perspective;
- A need for additional channels of communication with residents using the style and platform residents prefer (i.e., not primarily phone calls); and
- A desire to automate the simplest SRs to free up staff to better manage and follow up on complex SRs.

In FY21, MC311 will undergo system innovations. In anticipation of these innovations, the Council would like OLO to update its ongoing series of MC311 reports to increase flexibility in how SR data is analyzed and presented to Council. OLO will create a new template for these periodic reports tailored to the operational concerns of Councilmember offices. Initially, data will be drawn from the current CRM, but data sources may expand as the County reimagines the system.

In general, reports will have the following elements:

1. A summary of resident service requests aggregated by: topic; department, type (e.g., a request for information vs. a request for service fulfillment); and language.
2. A temporal comparison of SR data for each period relative to:
 - a. The preceding period; and
 - b. The same period one year prior to highlight seasonal trends (like leaf collection or potholes) in a more relevant temporal context.
3. A discussion of trends emerging from the above summaries and comparisons. Topics will vary by report, depending on the story emerging from the data and informed by OLO analyst research and conversations with Council staff, Executive Branch staff, and community stakeholders.

Reports will be brief (2-4 pages), with an agile format displaying patterns and trends while also allowing flexibility to reflect innovations in how residents communicate with the County.

Project #15

Staff Support for the Council's Audit Function

Principal Agencies: All County-funded agencies

Council Resolution 16-826, adopted January 27, 2009, calls upon the Council's Government Operations and Fiscal Policy (GO) 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 GO Committee meets as the Council's Audit Committee, with the Council President and Vice President serving as ex-officio voting members. The resolution requires the GO Committee to meet as the Council's Audit Committee at least four times a year.

Council Resolution 16-826 assigns the Office of Legislative Oversight the responsibility to coordinate staff support for the GO Committee when it meets as the Audit Committee. During FY21, the Committee is scheduled to receive regular updates from the Office of the Inspector General and the Office of Internal Audit, receive a report from the County's external auditor on the results from the audit of the FY20 financial statements, submit an end-of-year report to the Council, and address other issues as needed.

As directed by the Council resolution, OLO will ensure that the Committee receives "assistance from the Council staff, the Office of the Inspector General, Executive Branch and other County agency staff, and contractors with appropriate expertise" in carrying out its "oversight of financial reporting and risk assessment."

Project #16

Management of the Council's Independent Audit Contract

Principal Agency: Montgomery County Government

Section 315 of the County Charter requires the County 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, the consolidated retiree benefits trust, and the Montgomery County Union Employees Deferred Compensation Plan.

Since 1991, the Council has assigned the Office of Legislative Oversight the responsibility to act as the Council's contract administrator for this contract and to provide support to the Council during the period of audit engagement. OLO carries out these responsibilities with oversight and guidance from the Council's Audit Committee. The Audit Committee consists of the members of the Government Operations and Fiscal Policy Committee, with the Council President and Vice President serving as *ex officio* voting members.

Most of the audit work in the contract is funded through the FY21 Independent Financial Audit Non-Departmental Account, managed by the Office of Legislative Oversight. The remaining work is funded by other County departments and by the State. FY21 is the first year of the Council's contract with SB & Company to provide audit services.

Project #17

Assist with Review of the FY22 Operating Budget

Principal Agencies: All County-funded agencies

During the spring of 2021, OLO staff will team with Central Council staff to prepare analyses for Committee and Council worksessions on the FY22 operating budget. This project is similar to OLO's operating budget-related assignment in recent years. For this portion of the FY21 Work Program, the OLO Director will work collaboratively with the Council Executive Director to identify specific budget areas for OLO staff assistance. Priority consideration will be given to topics that OLO has studied before.

Additionally, OLO will assist the County Council on budget-related analysis throughout the year. OLO will be on call to provide support and analysis for a limited number of tasks that may include fiscal impact statements, collective bargaining provisions that result from labor negotiations, non-competitive awards, or unanticipated items that arrive in agencies' budget proposals.

Project #18

Minimum Wage Impact: Tracking Financial Indicators

Principal Agency: OLO

On November 7, 2017, the County Council passed Bill 28-17 (Sec. 27-20A) "Human Rights and Civil Liberties -- County Minimum Wage" which required that the minimum wage in Montgomery County for all employers reach \$15.00 by the year 2024. Additionally, the bill required that the minimum wage increase with inflation unless the County Director of Finance determines that certain economic conditions have not been met.

To ensure that businesses in Montgomery County and the County economy as a whole are not adversely impacted by the County's minimum wage increases, Bill 28-17 also required that the Office of Legislative Oversight "provide to the Council, by January 31 of each year, a report containing data related to the implementation of the County minimum wage and the local economy." The Council did not specify the variables to be included in this annual report.

OLO Report 2019-1 (released January 15, 2019) identified and reported on 17 high-level economic indicators and compared the County with the performance of nine surrounding jurisdictions to serve as a benchmark for future years. The report offered guidance about how to interpret the meaning of changes in these indicators as related to the County's minimum wage law and described the relationship between the variables and other factors affecting the County's economy. This project was updated in January, 2020.

The OLO report due in January 2021 will review and update these economic indicators. This report will also update the discussion of the County's minimum wage with respect to Maryland House Bill 166/Senate Bill 280 (enacted March 28, 2019, and effective June 1, 2019) which increased the State minimum wage. The State Act phases in an increase in the State minimum wage to \$15.00 per hour by January 1, 2025, with a longer phase-in for employers with 14 or fewer employees.

Project #19

Economic Impact Statements

Principal Agency: All County-funded agencies

Starting March 1, 2020, the Office of Legislative Oversight has been required to prepare an economic statement for each new bill introduced by the Council. Per the requirements of Bill 10-19, the economic impact statements evaluate the “costs and/or benefits to private organizations and individuals in the County attribute to a change in the law.” Each statement includes the following sections:

- Summary of the bill’s overall impact on the County economy;
- Description of the bill;
- Discussion on the sources of information, assumptions and methodologies used to arrive at the conclusions made in the analysis;
- Description of the variables that could affect the economic impact of the bill;
- Analysis of the costs and benefits of the bill for businesses and residents, focusing particularly on eight outcomes—workforce, taxation policy, property values, incomes, business operating costs, capital investment from the private sector, economic development, and competitiveness; and
- Works cited.

In FY21, OLO will continue producing an economic impact statement for each new bill introduced by the Council.

Project #20

OLO Carryover Projects

Principal Agencies: All

Beginning in March 2020, the coronavirus fundamentally altered the way in which Montgomery County Government was able to operate. These changes have impacted the Office of Legislative Oversight, its current workload, and several of projects already in progress. While OLO typically releases some reports from the prior year's work program in the Fall following Council recess (and will again in FY21), the completion of some projects assigned during previous fiscal years will be delayed beyond this time period. These projects are listed below. OLO has begun work on the projects but the completion date will depend on circumstances beyond our control:

- **Project #6: Before and Afterschool Childcare Selection Process in Other Jurisdictions** – The primary agreement governing the selection of childcare providers in MCPS schools has expired and the parties are operating under the terms of the expired agreement. Due to the pandemic, whether and how childcare providers will be permitted to operate in MCPS facilities in the coming school and beyond year is unclear. The uncertainty surrounding this issue and the potential for significant changes in the public use of County facilities due to the pandemic merit examining this issue at a later date.
- **Project #9: Non-Competitive Contracts** – Prior the pandemic, OLO received data on non-competitive contracts awarded by the County Government for the prior three fiscal years and identified contracts that require further examination of the justification given for a non-competitive award. The Office of Procurement maintains paper files that include the detailed justifications for non-competitive contract requests as well as the Contract Review Committee's reasons for approving or disapproving requests. With the closure of County offices, OLO does not have access to the files needed to complete the analysis. OLO will return to this project when pre-pandemic work activities and building occupancy resume.
- **Project #16: Property Tax Revenue Projections** – Just prior to the pandemic, OLO staff met with Department of Finance to begin to learn about the department's property tax generation model. Immediately following the onset of the pandemic, Finance redirected its staff to emergency tasks, such as assessing the effect of the virus-induced recession on County revenues and cash flow. OLO will return to this project when Finance staff return to pre-pandemic activities.
- **Project #20: Housing Opportunities Commission Senior Housing** – OLO has begun work on this project. However, a central element of this project is a survey of residents in senior housing facilities. As a result of the pandemic, the survey has been postponed until it is safe for OLO staff to enter facilities and deliver the survey.

Project #21

Assignments as Needed

Principal Agencies: All

The unique situation that Montgomery County finds itself in because of the COVID emergency coupled with the rapid social changes that occurring across the country necessitate that OLO leave significant space to add additional projects as assigned. In addition to reviewing the overall FY21 workplan in November, OLO will projects as deemed necessary by the County Council.