

GO ITEM #2
October 31, 2011

Worksession

MEMORANDUM

October 27, 2011

TO: Government Operations and Fiscal Policy Committee

FROM: Amanda Mihill, Legislative Attorney *AMihill*

SUBJECT: **Worksession:** Bill 32-11, Boards, Committees, and Commissions – Committee Evaluation and Review Board – Report

Bill 32-11, Boards, Committees, and Commissions – Committee Evaluation and Review Board – Report, sponsored by Councilmembers Navarro and Rice, President Ervin, and Councilmember Riemer, was introduced on October 4, 2011. The Committee discussed Bill 32-11 in an overview session on October 24. A public hearing was held on October 25, 2011 (see testimony on ©9).

Bill 32-11 would establish a deadline for the Committee Evaluation and Review Board (CERB) to issue its report to the Executive and Council; require CERB to consider scenarios to reduce County staff time supporting boards, committees, and commissions; require CERB to review and make recommendations on certain advisory boards, committees, and commissions that request continuation; and generally amend County law regarding the membership, structure, and functions of boards, committees, and commissions.

Fiscal Impact Statement The Office of Management and Budget (OMB) prepared a fiscal and economic impact statement that estimated the cost to prepare the CERB report would be approximately \$13,000, which includes personnel and operating costs. OMB notes, that the estimate represents the value of in-kind staff support. Council staff notes that current law requires CERB to be appointed and report to the Executive and Council. Even with the additional requirements for the CERB report that would be imposed under Bill 32-11, OMB believes that the effort to complete the CERB report will be comparable to the 2004 CERB report.

Prior Committee recommendations At its worksession on October 24, the Committee recommended the following amendments:

- require advisory boards to include direct service provided by volunteers in their list of accomplishments (©5, lines 99-100); and
- require CERB to estimate the number of volunteer hours used for each board, committee, and commission (©2, lines 24-26).

Timeframe for advisory board submissions Bill 32-11 would require certain advisory boards to indicate to CERB whether the advisory board should continue within 60 days (©5, lines 90-95). Executive staff expressed concern with this 60-day timeline. At its worksession on October 24, the Committee discussed the timeline for appointing CERB. Since CERB is unlikely to be appointed this calendar year (Executive staff indicated that the advertisement for vacancies does not close until November 25), the Committee recommended retaining this 60-day timeline.

Staff amendments Council staff recommends the following amendments:

- Based on the Committee discussion that the requirement for CERB to consider staff time reduction scenarios should be ranges and not hard requirements, Council staff has amended Bill 32-11 to reflect this intent (©2, lines 21-23).
- As discussed above, since it is unlikely that CERB will be appointed this calendar year, Council staff made a technical amendment to Bill 32-11 to impose the bill's requirements on the first CERB appointed after the bill is enacted (rather than specifying that the requirements apply to the CERB appointed in 2011) (©2, lines 18-20; ©5, lines 105-107).

<u>This packet contains:</u>	<u>Circle</u>
Bill 32-11	1
Legislative Request Report	7
Fiscal Impact Statement	8
Testimony	10

Bill No. 32-11
Concerning: Boards, Committees, and
Commissions – Committee
Evaluation and Review Board –
Report
Revised: 10/26/2011 Draft No. 4
Introduced: October 4, 2011
Expires: April 4, 2013
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Navarro and Rice, Council President Ervin, and Councilmember Riemer

AN ACT to:

- (1) establish a deadline for the Committee Evaluation and Review Board to issue its report to the Executive and Council;
- (2) require the Board to consider scenarios to reduce County staff time supporting boards, committees, and commissions;
- (3) require the Board to review and make recommendations on certain advisory boards, committees, and commissions that request continuation; and
- (4) generally amend County law regarding the membership, structure, and functions of boards, committees, and commissions.

By amending

Montgomery County Code
Chapter 2, Administration
Section 2-146

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

27 **Sec. 3. Continuation of certain board, committees, and commissions:**

28 (a) *Purpose.* The County has many boards, committees, and commissions
 29 that provide a valuable service to the County with the work they
 30 perform. These boards, committees, and commissions require
 31 significant personnel and operating costs to function. In Fiscal Year
 32 2011, the County spent an approximate \$1.4 million on personnel and
 33 operating costs to support the County's boards, committees, and
 34 commissions. While these boards, committees, and commissions
 35 provide a valuable service, there may be opportunities for consolidation.

36 (b) *Continuation.*

37 (1) In this section, the following words have the meanings indicated:

38 *Advisory board* means the following boards, committees, and
 39 commissions:

40 Advisory Committee on Consumer Protection
 41 Agricultural Advisory Committee
 42 Airpark Liaison Committee
 43 Cable and Communications Advisory Committee
 44 Commission for Women
 45 Commission on Aging
 46 Commission on Child Care
 47 Commission on Children and Youth
 48 Commission on Health
 49 Commission on Juvenile Justice
 50 Commission on People with Disabilities
 51 Commission on Veterans Affairs
 52 Committee for Ethnic Affairs
 53 Committee on Hate/Violence

54 County-wide Recreation Advisory Board
55 Criminal Justice Coordinating Commission
56 Department of Permitting Services Advisory Committee
57 Dickerson Area Facilities Implementation Group
58 Domestic Violence Coordinating Council
59 Down County Recreation Advisory Board
60 East County Citizens Advisory Board
61 East County Recreation Advisory Board
62 Energy and Air Quality Advisory Committee
63 Fire and Emergency Services Commission
64 Forest Conservation Advisory Committee
65 Friendship Heights TMD Advisory Committee
66 Library Board
67 Mental Health Advisory Committee
68 Mid-County Citizens Advisory Board
69 Mid-County Recreation Advisory Board
70 Montgomery Cares Program Advisory Board
71 Noise Control Advisory Board
72 Pedestrian and Traffic Safety Advisory Committee
73 Rustic Roads Advisory Committee
74 Silver Spring Citizens Advisory Board
75 Silver Spring Transportation Management District Advisory
76 Committee
77 Silver Spring Urban District Advisory Committee
78 Solid Waste Advisory Committee
79 Sustainability Working Group
80 Taxicab Services Advisory Committee

81 Technology Investment Fund Loan/Grant Committee
 82 Upcounty Citizens Advisory Board
 83 Upcounty Recreation Advisory Board
 84 Victim Services Advisory Board
 85 Water Quality Advisory Group
 86 Western Montgomery County Citizens Advisory Board
 87 Wheaton Urban District Advisory Committee

88 *Committee Evaluation and Review Board* means the Board
 89 appointed under §2-146.

90 (2) Each advisory board must indicate to the Committee Evaluation
 91 and Review Board, within 60 days after the Committee
 92 Evaluation and Review Board is appointed, if the advisory board
 93 should continue. Each advisory board that so indicates must
 94 provide the Committee Evaluation and Review Board with the
 95 following:

- 96 (A) a description of the work the advisory board does;
 97 (B) justification for why the advisory board should be
 98 continued;
 99 (C) a list of accomplishments from the prior 2 years, including
 100 any direct service provided by volunteers to residents;
 101 (D) a 2-year work program; and
 102 (E) an explanation of the amount of resources, including
 103 County employee staff time, used and a plan to reduce the
 104 use of those resources.

105 (3) In addition to the duties in §2-146, as part of its report, the first
 106 Committee Evaluation and Review Board appointed [[in 2011]]
 107 after [date of enactment] must review each advisory board that

108 requests continuation under subsection (b)(2) and recommend to
109 the Council whether the advisory board should continue.

110 *Approved:*

111

Valerie Ervin, President, County Council

Date

112 *Approved:*

113

Isiah Leggett, County Executive

Date

114 *This is a correct copy of Council action.*

115

Linda M. Lauer, Clerk of the Council

Date

LEGISLATIVE REQUEST REPORT

Bill 32-11, Boards, Committees, and Commissions – Committee Evaluation and Review Board – Report

DESCRIPTION:	Bill 32-11 would establish a deadline for the Committee Evaluation and Review Board (CERB) to issue its report to the Executive and Council; require CERB to consider scenarios to reduce County staff time supporting boards, committees, and commissions; require CERB to review and make recommendations on certain advisory boards, committees, and commissions that request continuation; and generally amend County law regarding the membership, structure, and functions of boards, committees, and commissions.
PROBLEM:	The County has many boards, committees, and commissions that provide a valuable service to the County with the work they perform and the advice they render. However, the boards, committees, and commission require significant personnel and operating costs to function.
GOALS AND OBJECTIVES:	To receive advice about how personnel costs associated with staffing these boards, committees, and commissions can be reduced; and provide CERB with specific criteria with which to review certain advisory boards, committees, and commissions.
COORDINATION:	Executive staff.
FISCAL IMPACT:	To be requested.
ECONOMIC IMPACT:	To be requested.
EVALUATION:	To be requested.
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Amanda Mihill, Legislative Attorney (240) 777-7815
APPLICATION WITHIN MUNICIPALITIES:	Applies only to County boards, committees, and commissions.
PENALTIES:	N/A



OFFICE OF MANAGEMENT AND BUDGET

Isiah Leggett
County Executive

Jennifer A. Hughes
Director

MEMORANDUM

October 25, 2011

TO: Valerie Ervin, President, County Council
FROM: Jennifer A. Hughes, Director
SUBJECT: Council Bill 32-11, Boards, Committees, and Commissions – Committee Evaluation and Review Board Report

The purpose of this memorandum is to transmit a fiscal and economic impact statement to the Council on the subject legislation.

LEGISLATION SUMMARY

Bill 32 -11 would:

- establish a deadline for the Committee Evaluation and Review Board (CERB) to issue its report to the Executive and Council;
- require the Board to consider scenarios to reduce County staff time supporting Boards, Committees, and Commissions;
- require the Board to review and make recommendations on certain advisory Boards, Committees, and Commissions that request continuation; and
- generally amend County law regarding the membership, structure, and functions of Boards, Committees, and Commissions.

FISCAL SUMMARY

The cost to prepare the Committee Evaluation Review Board (CERB) report required by Bill 32-11 would be approximately \$13,210; consisting of \$8,700 of personnel costs and \$4,510 in operating expenses. Please note this estimate represents the collective values of in-kind County staff support and does not represent a significant portion of the workload of any one position. Additionally, the in-kind support staff personnel costs are appropriated in the Offices of the County Executive (OCEX) budget, and volunteer reimbursement operating expenses costs in the Non-Departmental Account - Boards, Committees and Commissions.

Office of the Director

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Valerie Ervin, President, County Council
October 25, 2011
Page 2

Assumptions

- The estimated in-kind County staff support hours¹ are based on the level of effort expended for the 2002-2004 Final Report of the Committee Evaluation and Review Board, plus limited committee volunteer reimbursements for meeting mileage and dependent care. Given the increased scope of this report², OMB considers the effort to complete this task will be comparable to the preparation of the 2002-2004 Final Report submitted July 21, 2004.
- For the July 2004 CERB report, 41 meetings over 27 months were conducted at 3 hours per meeting³. This equates to 123 hours/ per dedicated County staff position; 123 hours * two dedicated County staff = 246 hours for dedicated County staff in-kind support.
- Based on a current average (October, 2011) county government salary, wage, and FICA hourly cost of \$35.36; 246 hours * \$35.36 = \$8,698.56 in personnel costs.
- 11 volunteers will be appointed for preparation of the Bill No. 32-11 CERB report. Volunteers may request travel mileage reimbursement (\$10 per meeting) and/or request reimbursement for dependent care (\$30 per meeting).
- From past and current experience, most volunteers do not request operating expense (OE) reimbursements for travel or dependent care. Presume five of eleven volunteers request travel reimbursement, and two of eleven routinely request dependent care reimbursement, for 41 meetings.
41 meetings * (5) volunteer travel reimbursements = 205; at \$10 meeting = \$2,050
41 meetings * (2) volunteer dependent care reimb = 82 ; at \$30 meeting = \$2,460
Estimated Non-Departmental Account B/C/C (OE) reimbursements = \$4,510

ECONOMIC SUMMARY

The Department of Finance notes:

Whereas the purpose of Bill 32-11 is a comprehensive sunset review of the numerous Boards, Committees, and Commissions and their potential consolidation, there is no impact to the County's economy. This conclusion assumes that the purpose of the legislation is the possibility of consolidating these advisory bodies rather than eliminating them.

The following contributed to and concurred with this analysis: David Platt, Department of Finance; Beth Gochrach, and Sonetta Neufville, Offices of the County Executive; Bryan Hunt and Lori O'Brien, Office of Management and Budget.

JAH:bh

¹ excludes CERB volunteer hours and ad hoc interviews with County employees and persons familiar with B/C/C operations.

² the CERB appointed under Bill No. 32-11 must develop scenarios for reduction of County staff time used to support B/C/C operations of 25%, 50%, and 75%. This was not required in previous CERB or Committee on Committees reports.

³ OCEX – OMB staff estimate of average meeting times during preparation of the July 2004 Final Report.

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Statement of Art Brodsky
Member, Montgomery County Library Board
Montgomery County Council Hearing on Bill 32-11
October 25, 2011

President Ervin and members of the Council,

I'm Art Brodsky, a member of the Montgomery County Library Board. Thank you for the opportunity to discuss briefly the legislation surrounding the evaluation of the county's boards, committees and commissions.

At the outset let me make two preliminary points.

First, the record of last week's hearing on bill 29-11 is filled with testimonials to the good works that citizens boards do. I won't attempt to repeat that here, although I fully support the sentiments expressed.

Second, of the two bills introduced on the topic, the one under consideration today, 32-11 is the more preferable. At a minimum, it allows for boards, committees and commissions to justify their existence before consigning them to the scrap heap.

The larger question is whether either bill is warranted, based on either the purported cost of the boards, committees and commissions, or on the basis of their missions.

Certainly the headlines surrounding the Council analysis were sensational -- "free advice costs \$1.4 million," read one. That \$1.4 million figure appears to be the basis for at least some of the legislation here, yet I can find no justification for it. It may be there, but the methodology is obscure, yet appears to be dependent on estimates of staff time for those board which do not have their own budgets -- and the Library Board is one of those.

How much does the Library Board cost the County? I don't know, and neither do you. I do know that we provide citizen input to the Library Department and connections to local libraries and that we don't cost any money. We don't even print up copies of agendas. We serve a different purpose from the Friends of the Library. The Friends raise money to help supplement the Library budget, and do it well. The Board and our subcommittees in local library branches help the Library Department and agency managers determine the effectiveness of policies, whether the branches meet the needs of the local community and suggest improvements.

From the official county estimates, I do know that the figures for Parker Hamilton's time on line 37 of the Sept. 2 memo are not correct. There are no subcommittees that meet 10 times yearly. I don't know how the bottom line was calculated. In fact, there is no estimate of what the Library Board, or any other non-budget Board costs the County. Is the time estimate based on Director Hamilton's annual salary calculated on a per-hour basis for a 40-hour week?

One of the hallmarks of Montgomery County government is the willingness to engage with county residents. In a couple of weeks, at least one, possibly more, Library Department staff will attend a meeting of the Greater Olney Civic Association to explain what's going on with our library.

Art Brodsky testimony

Oct. 25, 2011

Page 2

If you count Director Hamilton's time attending Library Board meetings, should you also start looking at other times when staff meet with residents after working hours? When I was GOCA president, there was a staff member from the Planning Board at every meeting. Do you want to count that time also?

Whether attending official Boards, Committees and Commissions, or attending unofficial civic events, County government staff perform a valuable service. Some Boards are advisory, as is the Library Board. Some are adjudicatory. Some have budgets. Some don't. But all help to connect County government to the residents of Montgomery County.

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TESTIMONY ON BILL 32-11
October 25, 2011

50 years ago there were 165,000 people in Montgomery County. Now the population of each of the five Council Districts far exceeds that number.

That is why the past proliferation of Boards, Committees and Commissions made some amount of sense. Each citizen advisory board gives the County Executive and the County Council a clearer idea of how issues affect the populace.

They are conduits through which information and opinions flow smoothly both ways for elected officials and for an ever growing population. The cost of these bodies is not as much as the cost of paid commissions and the citizens who serve are well qualified in terms of competence and experience.

Boards, Committees, and Commissions are a vital part of representative government in Montgomery County.

We all believe that the body on which we sit is important and we are all correct. At the same time there are too many of us at the table (75 or so, down from 88 in 2003). Some bodies serve overlapping needs, areas, populations or purposes.

I spent the weekend slogging through the Committee Evaluation Review Board (CERB) report from 2004. There are a couple of pages attached from the Executive Summary.

Among CERB's recommendations in 2004 were:

- to have a line item in department budgets for the staff costs of boards
- to make sure that all boards communicate effectively with stakeholders
- to combine some boards when their areas of concern overlap
- to have sunset provisions for advisory boards so that they can be dissolved if their mandate is no longer viable or appropriate

Right now you, as Councilmembers, have an opportunity to decide what you want to have happen with Boards, Committees and Commissions in this county.

It is a quiet time.

We don't know how bad the revenue stream will be for the upcoming year so we can look forward hopefully to the "not-so-bad".

(12)

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In six months, when the CERB interim report is due, we will be in the middle of budget season. There's not so much good news for either the CIP or for the Operating Budgets. MCGEO is already heating up the rank and file on healthcare payments and other employee issues.

Right after that we start to consider the fall elections.

By the time CERB issues its final report next year we may have a new County Executive with new priorities and the officers and committee members of the Council will certainly be shuffled around.

If you can choose a path now, even if you must refine it later, some of the chronic problems with citizen advisory boards could be solved.

Or five years from now we could be looking at a new incarnation of CERB trying to determine how to deal with the cost, purpose and proliferation of boards again.

Thank you.

reapply to the same B/C/C, to encourage wider participation and diversity on each B/C/C.

5. **Training** – The CoC, and now the CERB ten years later, found a need for better training for staff, chairs and B/C/C members on a variety of issues from ethics to best practices to running effective meetings. The County has recently implemented a formalized training program for B/C/C chairs, members and staff liaisons. The CERB applauds these efforts and recommends the program have permanent funding and that program attendance be required to continue to serve on a B/C/C.
6. **Staffing** – The level and type of support provided by Staff Liaisons varies widely among B/C/C. Quality staffing is a consistent factor among effective Boards. The CERB recommends that the County consolidate B/C/C staffing at the Department level, where possible. This should facilitate communication between B/C/C and lead to other efficiencies.
7. **Budgeting** – There is no consistent policy within the County departments and agencies for budgeting the true cost of staff support. A 2002 study found that B/C/C averaged 77+ hours of staff time per month using the equivalent of 37 full-time staff positions. The County is spending almost \$2.1 million on supporting the B/C/C structure. Although the CERB feels this money is well spent, the costs should not be hidden within Departmental budgets. The CERB recommends that each County department and agency include a separate line item in their annual Operating Budget for B/C/C support. This open disclosure of the actual costs of B/C/C support should lead departments to consolidate staff support and provide the County Executive and County Council with the true cost when new B/C/C are considered.
8. **Removal** - The CERB recommended in June 2003 that the Montgomery County Code be changed to accommodate a uniform removal policy for all B/C/C. The new policy would authorize the removal of members by the appointing authority for certain specific circumstances and would establish a process for removal of a member at the request of a majority of a committee's members. An appeals process was also recommended.
9. **Effectiveness** – Overall, the CERB found that most B/C/C are very effective in meeting their defined missions. Effectiveness results from the combination of general issues affecting all B/C/C and very specific issues for each committee. The CERB is making general recommendations for all B/C/C and specific recommendations for each committee to improve each committee's effectiveness.
10. **Communications** – The CERB found a wide discrepancy among the B/C/C with regard to communicating with the public, the media, elected officials, other B/C/C, and each B/C/C's own members. Most B/C/C and County staff are not taking advantage of new technologies and sharing information and best practices. The CERB is recommending that the Department of Technology Services create a B/C/C

Master Plan to utilize new technologies, including an electronic Annual Report template for all B/C/C.

11. **Sunset Provision** - The County does not have an effective means to assess periodically the purpose and mission of B/C/C. The CERB convenes every 10 years and can only view a snapshot of a B/C/C. There is no automatic mechanism to prevent a B/C/C from continuing with a mission that is no longer relevant. As new issues emerge, new B/C/C are created and the B/C/C system could eventually expand beyond the County's ability to support it. The CERB recommends establishing sunset provisions for those B/C/C that are not mandated by State or Federal government. The CERB is also recommending specific criteria to evaluate the renewal of a B/C/C and/or the establishment of a new B/C/C.

In addition to the above-described findings regarding the entire B/C/C system, the CERB's two-year study found numerous issues affecting individual B/C/C performance. The CERB is making the following specific recommendations for the full attention and action of the County Executive and the County Council:

- **Alcoholic Beverages Advisory Board** - Needs to shift advisory focus and reporting lines to the Department of Liquor Control.
- **Alcohol & Other Drug Abuse Advisory Council** - Merge with Mental Health Advisory Committee into Behavioral Health Committee to align with the Department of Health and Human Services' current organizational structure.
- **Advisory Committee on Consumer Affairs** - Discontinue as formal B/C/C; volunteers will continue to support Division mission.
- **Area Recreation Boards** - All 5 area Boards should be dissolved and area recreation issues handled by the existing County-wide Recreation Board and by the Regional Service Centers' Citizens Advisory Boards.
- **Agricultural Preservation Advisory Board** - Merging all Agricultural Boards into one will provide a stronger voice and better coordination on Agricultural issues.
- **Rustic Roads Advisory Committee** - Can serve as a sub-committee of the merged Agricultural Boards.
- **Agricultural Advisory Board** - Merge with Agricultural Preservation Advisory Board and Rustic Roads Advisory Committee.
- **Cable Communications Advisory Committee** - Revise its name and mission to bring it up-to-date; revised mission should include advising the Department of Technology Services as well as the County Executive and Council on broader technology issues, not just cable.
- **Committee for Ethnic Affairs** - Study merger with Committee on Hate Violence and the Partnership Board for Victims of Hate/Violence - 3 B/C/C may not be needed.