

Resolution No.:	20-251
Introduced:	July 18, 2023
Adopted:	July 25, 2023

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

SUBJECT: Fiscal Year 2024 Work Program of the Office of Legislative Oversight

Background

1. Chapter 29A, Montgomery County Code, establishes the Office of Legislative Oversight to serve as the principal means through which the Council exercises its legislative oversight functions. This includes providing the Council with information and recommendations concerning the operations of public and private agencies, programs, and functions for which funds are appropriated or approved by the Council.
2. The law establishing the Office of Legislative Oversight specifically authorizes the Office to conduct special program or budget analyses at the request of the Council.
3. 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. On July 18, 2023, the Council introduced this resolution that outlines projects to be included on the Office of Legislative Oversight's FY24 Work Program.

Action

The County Council for Montgomery County, Maryland, approves the attached Fiscal Year 2024 Work Program for the Office of Legislative Oversight.

This is a correct copy of Council action.



Sara R. Tenenbaum
Clerk of the Council

FY24 OLO Work Program

Project #1	Accessory Dwelling Units
Project #2	Air Quality in Montgomery County
Project #3	A Comparison of the Costs and Benefits Associated with Artificial Turf vs. Natural Grass Playing Fields
Project #4	Availability of Inpatient Behavioral Health Services for Youth in Montgomery County
Project #5	Report on the County Cable Fund
Project #6	Examination of Planning, Design and Supervision Processes, Costs and Timing in the County CIP
Project #7	Comprehensive Budget Reviews
Project #8	Demographic Trends of Outmigration in Montgomery County
Project #9	Geographic Distribution of Residents and Businesses Accessing County Government Programs and Funding
Project #10	Health Care Options for Transgender Individuals in Montgomery County
Project #11	A Review of the Implementation of the 2021 Housing Justice Act
Project #12	Review of Housing Code Enforcement in Montgomery County
Project #13	Racial Disparities in Pregnancy-Related Maternal and Infant Health Outcomes
Project #14	Review of the Composition of County Government Boards, Committees and Commissions
Project #15	School Construction Costs
Project #16	School System Funding in Maryland and Alternative Funding Mechanisms
Project #17	A Review of the Operations of the Wheaton Urban District and the Wheaton Arts & Entertainment District
Project #18	Implementation of Bill 27-20 on the Use of Force Law and No-Knock Warrants
Project #19	Availability of After School Programs in MCPS
Project #20	Responses to 9-1-1 Calls for Mental Health Teams in Montgomery County

FY24 OLO Work Program Projects Ongoing

- Project #21 Staff Support for the Council's Audit Function
- Project #22 Management of the Council's Independent Audit Contracts
- Project #23 Climate Assessments
- Project #24 Economic Impact Statements
- Project #25 Minimum Wage Impact: Tracking Financial Indicator
- Project #26 Employee Compensation in the FY25 Operating Budget
- Project #27 Racial Equity and Social Justice Impact Statements for Zoning Text Amendments
- Project #28 Racial Equity and Social Justice Policy Handbook, Part 2
- Project #29 Racial Equity and Social Justice Impact Statements for Bills
- Project #30 Revenue Estimating Group
- Project #31 Bethesda Urban Partnership

Project #1

Accessory Dwelling Units

Principal Agencies: Montgomery County Government

The availability of affordable housing is an ongoing challenge for residents of Montgomery County and nationwide. One way some local jurisdictions have attempted to deal with the issue is to encourage the building of Accessory Dwelling Units (ADUs). According to the American Planning Association,

“An accessory dwelling unit (ADU) is a smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home. ADUs go by many different names throughout the U.S., including accessory apartments, secondary suites, and granny flats. ADUs can be converted portions of existing homes (i.e., internal ADUs), additions to new or existing homes (i.e., attached ADUs), or new stand-alone accessory structures or converted portions of existing stand-alone accessory structures.”

These units have the potential to increase the size and affordability of a jurisdiction’s housing supply. The County Council is interested in understanding how other jurisdictions have encouraged the creation of these units and what strategies may be appropriate in Montgomery County. OLO will provide a report that examines this issue and includes information on barriers homeowners face in building these units, financial incentives that encourage building, and examples, if possible, where public/private partnerships have had success in spurring this type of development.

Project #2

Air Quality in Montgomery County

Principal Agencies: Montgomery County Government

The County Council is interested in better understanding the quality of air in Montgomery County and whether or not the quality is consistent throughout the County. In particular, the Council would like to know if there are “hot spots” in the County where the air quality is significantly lower than other parts of the County.

OLO will examine available data and report, in as specific detail as possible, about Montgomery County’s air quality. If possible OLO will provide location specific data and statistical analysis that looks for “hot spots” of poor air quality.

Project #3

A Comparison of the Costs and Benefits Associated with Artificial Turf vs. Natural Grass Playing Fields

Principal Agencies: Montgomery County Government
 Montgomery County Public Schools
 Montgomery County Department of Parks

Artificial turf is a synthetic fiber system used in place of natural grass surfaces on playing fields. The Synthetic Turf Council estimated in 2022 that there are approximately 16,000 artificial turf sports/playing fields in North America. Various entities, including some school systems, parks departments, local governments, and professional sports teams use artificial turf on their playing fields. Both Montgomery County Public Schools (MCPS), Montgomery Parks, and the Montgomery County Department of Recreation (REC) use artificial turf fields in some venues.

Since artificial turf's first use at a major sports venue in the U.S. in 1965 (the Houston Astrodome), there has been much debate over and research on the use of artificial turf compared to natural grass on playing fields. Points of consideration include:

- Lifecycle costs (e.g., installation, annual maintenance, replacement);
- Field maintenance requirements;
- Playability (how much a field can be used, intensity of play, use in various weather conditions); and
- Environmental and public health impacts (e.g., origin of materials used, heat-related differences, injury rate comparisons, stormwater management/runoff, chemical exposure and release in environment).

In September 2011, a staff work group with representatives from MCPS, Montgomery Parks, DEP, DHHS, and the County Council issued a report entitled *A Review of Benefits and Issues Associated with Natural Grass and Artificial Turf Rectangular Stadium Fields* that provided information on the issues above. In 2015, the Council adopted [Resolution 18-58](#), which supported the use of plant-derived materials, instead of crumb rubber, for artificial turf infill.

Relevant factors regarding costs, materials, maintenance requirements, playability, and environmental and health impacts of artificial turf vs. natural grass playing fields have changed since the Council last reviewed the topic in 2011 and 2015. The materials typically used to build artificial turf fields today differ from those used a decade ago and there is additional scientific research on the use of artificial turf and natural grass.

The County Council is interested in an OLO report with up-to-date information on the above considerations with respect to artificial turf vs. natural grass playing fields. This OLO report will also summarize information on the Council's past discussions and actions on this topic, will describe MCPS', Montgomery Parks', and REC's current policies and practices on use of artificial turf in the County, and will describe the use of artificial turf vs. natural grass in other relevant jurisdictions.

Project #4

Availability of Inpatient Behavioral Health Services for Youth in Montgomery County

Principal Agencies: Department of Health and Human Services

Behavioral health care refers to the prevention, diagnosis, and treatment of mental health and substance use disorders, life stressors and crises, and stress-related physical symptoms. The United States is experiencing a significant shortage of available and accessible behavioral healthcare services.

These shortages result in extensive reports of emergency department boarding – holding admitted patients in emergency departments until an inpatient bed is available. This shortage extends to available services for youth. The County Council is interested in better understanding the landscape for behavioral healthcare services for youth in the County.

This OLO report will:

- Summarize data on the availability of inpatient behavioral healthcare services for children and adolescents in the County, including the types of public and private facilities available and the availability of services to treat co-occurring disorders; and
- To the extent the data show a shortage of available services, examine the history, context of and current conversation about the shortages in Montgomery County.

Project #5

Report on the County Cable Fund

Principal Agencies: Montgomery County Government

The County's Cable Television Communication Fund (the "Cable Fund") is a special revenue fund used for the receipt and use of resources which by law and policy must be kept distinct from General Fund revenues. The Cable Fund receives revenue from franchise agreements, grants, communication tower fees, and other sources. Cable Fund resources support various County telecommunications initiatives including, broadband and digital equity programs, Public, Educational, and Government (PEG) programming, and operation of the County's FiberNet communications network.

While reviewing the FY24 operating budget, the Council's Government Operations and Fiscal Policy Committee discussed structural budget concerns arising from the multi-year decline in Cable Fund revenues. This OLO report will assist the Council to address the structural soundness of the Cable Fund for the FY25 operating budget and beyond. The OLO report will describe the legal framework that governs Cable Fund revenue generation and expenditures, the history of the Cable Fund including revenues and expenditure data, national trends in cable and streaming subscriptions, and the experiences of other jurisdictions. The report will frame policy and budgetary options available to the Council including opportunities to:

- Evaluate and prioritize competing uses for limited Cable Fund resources;
- Identify alternative funding sources and review for duplication for programs currently supported by the Cable Fund; and
- Apply lessons learned from other jurisdictions regarding telecommunication revenue generating and funding for network services and infrastructure.

OLO will complete the report by December 2023 to serve as a resource for the development and review of the FY25 operating budget.

Project #6

Examination of Planning, Design and Supervision Processes, Costs and Timing in the County CIP

Principal agencies: Montgomery County Government

Montgomery County's Capital Improvements Program (CIP) includes all capital projects and programs for all agencies for which the County sets tax rates or approves budgets or programs. The CIP includes an extremely wide variety of projects, such as:

- Building new and improving existing roads;
- Building mass transit, bicycle, and pedestrian infrastructure;
- Building government buildings and facilities;
- Purchasing vehicles;
- Securing storage for County Government digital data; and
- Building stormwater management infrastructure.

Each project in the CIP has a project description form (PDF) that includes an expenditure schedule broken down by the following cost elements:

- Planning, Design and Supervision;
- Land;
- Site Improvements and Utilities;
- Construction; and
- Other.

The CIP also includes numerous facility planning projects that evaluate the County's need for future capital work across a category of projects. Examples of facility planning projects include projects related to stormwater management; and pedestrian facilities and bikeways. Facility planning work typically includes planning and preliminary design work and development of a program of requirements before a project becomes a stand-alone project in the CIP.

The County Council is interested in better understanding the processes, costs and, timing associated with Planning, Design and Supervision in County Government CIP projects, including facility planning projects. The Council would also like to understand how these elements differ based on the type of CIP project (e.g., transportation vs. technology vs. buildings). Examples of questions that this report will examine include:

- How much of the County CIP is spent on Planning, Design and Supervision?
- How long does the Planning, Design and Supervision process take?
- What processes or activities make up Planning, Design and Supervision? Are these processes performed by County Government employees? Outside contractors? Both?

- Have there been CIP projects in the past 10 years that have incurred Planning, Design and Supervision expenditures *and* the project subsequently was canceled or put on hold indefinitely? If so, how much was spent on such projects? What were the reasons for halting the projects?

The Council is also interested in learning about innovative processes that other jurisdictions are using for Planning, Design and Supervision that differ from Montgomery County's processes.

Project #7

Comprehensive Budget Reviews

Principal Agencies: Montgomery County Government

Following FY24 budget discussions and action, Councilmembers expressed a strong desire for a more comprehensive review of department and agency operating budgets. In response to this, OLO, in partnership with Council Central Staff, will undertake a limited number of more detailed base budget reviews each year prior to March to assist Council decision-making during review of the operating budget. A base budget review would provide the Council with:

- A detailed breakdown of the major operating budget cost components for the organization;
- A presentation of personnel and operating costs allocated by program or function;
- A description of multi-year spending trends and the major factors that drive spending changes;
- A discussion of the use of performance measures and their relationship to funding decisions; and
- A description of the legislative mandates and governance structures that influence how the organization allocates resources.

The specific departments and/or programs/functions to be examined will be decided with input from Councilmembers. While it is not possible to do a deep analysis of all budgets every year, OLO and Council Central Staff hope this becomes an annual collaboration with the goal of rotating through different budgets over time.

Project #8

Demographic Trends of Outmigration in Montgomery County

Principal Agencies: Montgomery County Planning Department

The Montgomery County Planning Department reports national U.S. Census Bureau data on the migration of people into and out of Montgomery County from other parts of the United States. Since 1990, approximately 5,400 more residents have moved out of the County annually compared to people from other parts of the United States moving in (outmigration).¹ Between 2003 and 2007 over 10,000 more people left Montgomery County each year compared to people moving into Montgomery County. The Planning Department notes that more people leave the County in good economies, with many job and housing opportunities available in other parts of the region or the United States.

The Council is interested in understanding the demographics of residents moving out of Montgomery County. This report will use the latest available data to describe the demographic characteristics of people who moved out of the County and identify, to the extent possible, where these residents have gone.

¹ https://montgomeryplanning.org/wp-content/uploads/2019/01/MP_TrendsReport_final.pdf Note that the migration of people into Montgomery County from abroad and births outpacing deaths have led to a net increase in the County's overall population since 1990.

Project #9

Geographic Distribution of Residents and Businesses Accessing County Government Programs and Funding

Principal Agencies: Montgomery County Government

Montgomery County Government provides a variety of funding and services to County residents and businesses such as trash collection, flu vaccinations, funding for local artists and water quality improvement in the community. While some programs are designed to benefit certain specific areas of the County, most are intended to be County-wide programs. The Council is interested in ensuring all County residents have access to County-wide programs and initiatives and this project will focus on the geographic distribution of those who receive services or funding and where they are located in the County.

This Office of Legislative Oversight project will compile available data on residents and businesses accessing County Government services and funding. In order to focus the scope of the project, OLO will look at programs from three categories:

- Minority Health Initiatives;
- Economic development programs; and
- Tax credits and exemptions.

When the project begins, OLO will work with Council and Executive Branch staff to identify economic development programs and tax credits/exemptions that OLO will examine. Combined with other available data, OLO will attempt to analyze whether programs and funding are utilized proportionately given the distribution of residents and businesses in the County.

Project #10

Health Care Options for Transgender Individuals in Montgomery County

Principal Agencies: Montgomery County Government

Transgender individuals have a gender identity that is different from the gender they were thought to be at birth. Transgender individuals can face challenges accessing health care in the United States – including ill-informed health care providers, hostility from providers, and discrimination in the provision of care. These challenges contribute to large disparities in health outcomes for transgender individuals compared to cisgender individuals.

In 2023, Maryland enacted a law that requires Maryland’s medical assistance program (Medicaid) to provide nondiscriminatory coverage of gender affirming care to enrollees beginning in 2024. Maryland Governor Wes Moore signed an executive order directing state entities to protect access to safe and medically necessary health care for transgender residents in Maryland.

The County Council is interested in understanding the types and supply of health care readily available in Montgomery County to transgender individuals. This report will examine health care access related to:

- General health care;
- Gender-affirming care; and
- Mental health care.

Project #11

A Review of the Implementation of the 2021 Housing Justice Act

Principal Agencies: Montgomery County Office of Human Rights

In April 2021, the County Council enacted Bill 49-20, Human Rights and Civil Liberties – Discrimination in Rental Housing – Fair Criminal History and Credit Screenings (the Housing Justice Act) – to further combat housing discrimination. The law went into effect in July 2021. The law is intended to “[a]ssist in the successful reintegration into the community of people with criminal records by removing improper barriers to housing,” “especially for homeless individuals who might have histories of certain low-level misdemeanors.” With some limited exceptions, before a conditional offer of rental is made, the Housing Justice Act:

- Require housing providers to provide information in rental applications on the processes used to inquire into the criminal and credit histories of housing applicants; and
- Prohibits housing providers from asking questions on a rental application about details of an applicant’s arrest or conviction records;

After a conditional offer of rental is made, the law:

- Prohibits any questions or inquiry about certain criminal arrests and convictions;
- Prohibits consideration of certain arrests and convictions in making rental housing decisions; and
- Prohibits housing providers from raising a stated rent in certain situations.

The Montgomery County Office of Human Rights enforces this law. The County Council would like information about the law’s implementation and use since its enactment, including:

- The number and substance of inquiries the Office of Human Rights has had about the law from renters and from housing providers;
- The number of complaints filed alleging violations of the law; and
- The disposition of inquiries and complaints brought to the Office of Human Rights.

To the extent available, the Council is also interested in data that measures the impact of the law on renters and rental outcomes.

Project #12

Review of Housing Code Enforcement in Montgomery County

Principal Agencies: Department of Housing and Community Affairs

Chapter 26 of the Montgomery County Code outlines County law on housing and building maintenance standards. Enforcement responsibility is assigned to the Department of Housing and Community Affairs (DHCA). The law requires building owners to maintain their structures in good repair, ensure that utility infrastructure and other equipment is installed correctly and functions safely, and comply with a variety of other requirements related to maintenance and repair.

The Council is interested in information on the processes and procedures that DHCA uses to enforce the housing code and the outcomes from DHCA's enforcement. Among other things, this OLO report will:

- Describe the requirements outlined related to building maintenance and repair in the County Code and in the Code of Montgomery County Regulations;
- Describe DHCA's processes for routinely inspecting residential properties;
- Describe ways that residents and/or others can report potential housing code violations to DHCA;
- Describe DHCA's processes and procedures for documenting, identifying, investigating, and overseeing remediation of housing code violations; and
- Summarize data collected by DHCA related to processes and housing code violations and remediation.

Project #13

Racial Disparities in Pregnancy-Related Maternal and Infant Health Outcomes

Primary agency: Department of Health and Human Services

Women of different races in the United States have markedly different experiences and outcomes in maternal and infant health. Black women and American Indian and Alaska Native women have much higher rates of pregnancy-related death compared to White women. Data from 2017-2019 show that White women in the U.S. experience 14.1 pregnancy-related deaths per 100,000 live births. Non-Hispanic Black women experience 39.9 deaths per 100,000 live births. And Non-Hispanic women who are Native Hawaiian or Other Pacific Islander experience 62.8 deaths per 100,000 live births.

In 2019, the County Department of Health and Human Services reported that Black women in Montgomery County have had higher pregnancy-related death rates than White women for the past eight decades. Compared to White women in the County, Black women have higher rates of preterm births, higher rates of low birthweight babies, and higher rates of severe maternal morbidity.² Data compiled by Maternal Mortality Review Committees in 36 U.S. states found that over 80 percent of pregnancy-related deaths reviewed were preventable.

Data on maternal morbidity show similar racial disparities. Several studies have found that differences in sociodemographic factors such as maternal age, income, and receipt of prenatal care, do not fully explain the higher pregnancy-related morbidity and mortality rates among Black women.

The County Council would like information on other jurisdictions or communities in the United States that are having success in reducing the racial disparities in maternal and infant health outcomes. This Office of Legislative Oversight report will:

- Describe current research and information on the primary causes of racial disparities in maternal and infant health outcomes;
- Present data on maternal and infant health outcomes in Montgomery County;
- From publicly available literature and research, identify communities or jurisdictions that have made improvements in racial disparities in maternal and infant health outcomes and summarize the factors in those communities or jurisdictions identified as having led to the improvements; and
- If able to identify factors that have led to improvements in racial disparities in maternal and infant health outcomes, assess whether those factors are also found in Montgomery County.

² "Severe Maternal Morbidity (SMM) is defined as the 'unexpected outcomes of labor and delivery that result in significant short- or long-term consequences to a woman's health.'" *Maternal and Infant Health in Montgomery County, Maryland 2008-2017*, Department of Health and Human Services (2019).

Project #14

Review of the Composition of County Government Boards, Committees, and Commissions

Principal Agencies: Montgomery County Government

A Montgomery County Government board, committee, or commission provides diverse residents and stakeholders in the community an opportunity to work together to make unified recommendations on a variety of County issues. The composition of membership on these bodies is important. The Council is interested in how the selection of members to County boards, committees, and commissions is completed.

Particularly, the Council would like information on the demographic and geographic makeup of members (e.g., race/ethnicity, gender, geography) and an analysis of whether these County bodies are reflective of the County's demographics. This project will use an independent contractor to complete a study reviewing how members of County boards, committees, and commissions are selected and to undertake an analysis of the composition of these bodies.

Project #15

School Construction Costs

Principal Agencies: MCPS

In November 2016, OLO published report 2017-04, New School Construction Costs. The report compared how different factors impact school construction costs in Maryland and Virginia, examining:

- Procurement policies and practices;
- Site costs and stormwater management regulations;
- High performance building mandates;
- School design practices; and
- Market conditions.

The County Council is interested in understanding the current state of costs of new school construction in Montgomery County. This report will provide an update on the issues examined in report 2017-04. In particular, this report will:

- Revisit the comparisons of factors impacting school construction costs made in OLO report 2017-04;
- Discuss macro changes that have occurred since 2016 impacting school construction costs;
- Examine actions that have been taken to control the costs of school construction based on recommendations made in the report; and
- Describe initiatives in other jurisdictions to reduce the costs of new school construction and provide further recommendations or related discussion questions.

Project #16

School System Funding in Maryland and Alternative Funding Mechanisms

Principal Agencies: Montgomery County Public Schools
 Maryland County Public School Systems

The three primary sources of public school funding are federal, state, and local funding. On average in the United States, data show that approximately 44 percent of school funding comes from local resources, 48 percent from state resources, and eight percent from federal resources. How funding looks varies from state to state and school district to school district. MCPS data shows for the fiscal year that ended June 30, 2022, 57 percent of revenues were from Montgomery County, 32 percent from the State of Maryland, 10 percent from the federal government, and one percent from other sources.

The Council is interested in receiving more information on the funding of public school systems in Maryland. This report will:

- Break down the federal, state, and local funding for all Maryland public school systems; and
- Summarize information on alternative sources of school funding in other school systems nationwide, including school system endowments.

Project #17

A Review of the Operations of the Wheaton Urban District and the Wheaton Arts & Entertainment District

Principal Agencies: Montgomery County Government

The County's Urban Districts are special taxing districts established in the County Code to support the County's unincorporated downtowns by maintaining streetscapes, providing public amenities (e.g., plantings, seating, shelters, art), promoting commercial and residential interests, and programming cultural and community activities. The County's Arts & Entertainment (A&E) Districts are areas designated by the Maryland State Arts Council to help develop and promote community involvement, tourism, and revitalization through tax incentives.

Wheaton is both an Urban District as defined in the County Code and is designated as an Arts & Entertainment District by the state. The County Council is interested in better understanding the current operations of the Urban and the A&E Districts. Among other things, this OLO report will:

- Describe the purposes, structures, and designations of Wheaton as an Urban District and as an A&E District;
- Describe the operational activities undertaken to provide services in the Urban and A&E Districts;
- Provide detailed data, to the extent possible, on the history of County funding for the Districts and on District expenditures, including staffing and operations. For the A&E District, provide data, to the extent possible, on A&E-related tax incentives received in the District;
- Examine whether and/or how other County Government departments (e.g., Department of Transportation, Community Engagement Cluster) provide funding in the Wheaton Urban District and the A&E District that may be duplicative or that may fund activities/services that typically would be funded through the Districts; and
- Examine the pros and cons of alternative models for providing Urban District services, including a model similar to the Bethesda Urban Partnership.

Project #18

Implementation of Bill 27-20 on the Use of Force Law and No-Knock Warrants

Principal Agencies: Montgomery County Police Department

The Council enacted Expedited Bill 27-20 in 2020 on the use of force and on the use of no-knock search warrants by police officers in Montgomery County. Effective August 10, 2020, the law was adopted in response to the murder of George Floyd in Minneapolis in 2020 and in response to extensive data on racial disparities in police use of force throughout the nation with the goal of limiting and banning certain practices that can contribute to unnecessary deaths and serious bodily injury.

The law directs the Police Chief to issue department policies on use of force by Montgomery County Police Department (MCPD) officers use of no-knock search warrants and outlined minimum standards that must be included in the policies. The law also requires an annual public report from the Police Chief on the use of no-knock search warrants in the County.

The Council is interested in information on the implementation of the law – Montgomery County Code Sec. 35-22 – including:

- A discussion of the MCPD policies issued in compliance with the bill;
- Information about how MCPD trains officers based on the new policies and data on how many MCPD officers have undergone training;
- Data from the Police Chief’s annual reports issued since the law’s implementation; and
- Historic data on the use of force and use of no-knock warrants in the County, including available data since the law was adopted.

To the extent possible, the report will also examine whether new or different best practices related to use of force and no-knock warrants in policing have been identified since the law’s adoption.

Project #19

Availability of After School Programs in MCPS

Principal agencies: Montgomery County Public Schools

Research suggests that extracurricular activities can impact a wide range of positive youth outcomes, including:

- School engagement that includes program attendance and year-to-year retention;
- Positive skills and beliefs that include critical thinking, growth mindset, persistence, self-regulation, collaboration, and communication; and
- Positive educational outcomes that include high school day attendance, on-time grade promotion, and progress toward mastery of academic skills and content.

A range of extracurricular activities for students take place in school buildings following completion of the school day, including school-sponsored clubs, sports teams, and after-school activities provided by private organizations. The Council is interested in better understanding whether after school activities are available for students in every MCPS school and the costs to students, if any, required for participation.

This OLO report will seek to identify the types of extracurricular activities that are available to students at MCPS elementary, middle, and high schools and identify, if possible, whether students at all schools have access to extracurricular activities at no charge. OLO will also, if possible, examine whether the availability of extracurricular activities has changed between 2019 and 2023, pre- and post-COVID.

Project #20

Responses to 9-1-1 Calls for Mental Health Teams in Montgomery County

Principal Agencies: Montgomery County Government

The national discussion on governments responding to 9-1-1 calls regarding individuals experiencing mental health issues has increased significantly since 2020. Montgomery, for example, has increased funding for civilian Mobile Crisis Outreach Teams (MCOT) and for programs to connect individuals in crisis with appropriate care and resources. Representatives from the Department of Health and Human Services and from Montgomery County Police Department have provided data and information to Council Committees associated with these changes and increased funding.

The County Council is interested in receiving an OLO report with up-to-date information on this topic. Among other things, this report will:

- Describe the coordination among County departments on responding to 9-1-1 calls reporting people with mental health crises;
- Describe the makeup of the civilian MCOT teams that respond to mental health calls, including a discussion of demand for MCOT teams and current and projected future staffing levels;
- Describe the official procedures, protocols, and responses used by County departments to respond to mental health calls and how these have changed in recent years; and
- Provide, to the extent possible, the most recent data on County responses to calls regarding individuals experiencing mental health issues and outcomes from those calls.

FY24 OLO Work Program Ongoing Projects

Project #21

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 FY24, the Committee is scheduled to receive regular updates from the Office of the Inspector General and the Office of Internal Audit, select a vendor for the next audit contract, submit an end-of-year report to the Council, receive a report from the County's external auditor on the results from the audit of the FY23 financial statements, 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 #22

Management of the Council's Independent Audit Contracts

Principal Agency: Montgomery County Government

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 Montgomery County Union Employees Deferred Compensation Plan.

Since 1991, the Council has assigned the Office of Legislative Oversight (OLO) 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 Audit Committee. The Audit Committee consists of the members of the Government Operations and Fiscal Policy Committee (GO), with the Council President and Vice President serving as *ex officio* voting members.

The FY24 Independent Financial Audit NDA funds the independent audits of the FY23 financial statements issued by the County Government, the employee retirement plans, the consolidated retiree benefits trust, and the Montgomery County Union Employees Deferred Compensation Plan. FY24 is the fourth and final year of the Council's contract with SB & Company to provide audit services.

Project #23

Climate Assessments

Principal Agency: Montgomery County Government

Since January 1, 2023, the Office of Legislative Oversight is required to prepare a climate assessment for each new bill introduced by the Council. Per the requirements of Bill 3-22, the climate assessments evaluate the “potential positive or negative effects, if any, of the bill upon climate change,” which includes greenhouse gas emissions and community resilience.

Each assessment includes the following sections:

- Summary of the bill’s impact on the County’s contribution to addressing climate change, including impacts on greenhouse gas emissions and community resilience;
- Description of the bill;
- The sources of information, assumptions, and methodologies used;
- Quantitative or qualitative evaluations of the identified effects upon greenhouse gas emissions and community resilience; and
- Works cited.

Further, for bills that are anticipated to have a negative impact on the County’s contribution to addressing climate change, OLO is required to identify amendments or other recommendations that would reduce or eliminate any anticipated negative effects of a bill.

In FY24, OLO will continue producing a climate assessment for each new bill introduced by the Council.

Project #24

Economic Impact Statements

Principal Agency: All County-funded agencies

Since 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 attributable to a change in the law.”

Each statement includes the following sections:

- Summary of the bill’s impact on private organizations and residents in the County and its overall impact on the County economy;
- Description of the bill;
- Discussion on the sources of information, assumptions and methodologies used to arrive at the estimates and 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;
- Questions related to the economic impacts of the bill for Councilmembers to consider; and
- Works cited.

In FY24, OLO will continue producing an economic impact statement for each new bill introduced by the Council.

Project #25

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 last updated in January, 2023.

The OLO report due in January 2024 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 #26

Employee Compensation in the FY25 Operating Budget

Principle Agencies: Montgomery County Government

During Spring of 2024, OLO staff will team with Central Council staff to prepare analyses for Committee and Council work sessions on employee compensation matters in the FY25 operating budget. This project is similar to OLO's operating budget-related assignment in recent years.

Project #27

Racial Equity and Social Justice Impact Statements for Zoning Text Amendments

Principal Agency: Montgomery County Planning Board

In 2020, the County Council passed amendments to the Racial Equity and Social Justice Act requiring the Director of the Office of Legislative Oversight to complete Racial Equity and Social Justice Impact Statements (RESJIS) for all proposed zoning text amendments. Further, Bill 44-20 requires the completion of these RESJIS within 21 days of ZTA introduction and the development of an equity tool to conduct the RESJ ZTA impact assessments. OLO assumed these responsibilities on August 1, 2021.

Since September of 2021, OLO has been producing RESJIS on ZTA's that assess their anticipated impact on racial and social inequities impacting residents of color and low-income communities in Montgomery County. When warranted, the RESJ ZTA impact statements describe the intersection between the ZTA proposed and race, data on racial and social inequities, and proposed amendments for advancing racial equity and social justice.

Project #28

Racial Equity and Social Justice Policy Handbook, Part 2

Principal Agency: Montgomery County Government

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 second part of the RESJ Policy Handbook project would identify best practices for narrowing racial and ethnic inequities in three policy areas: (a) PreK-12 Education and Child Well-Being; (b) Health; and (c) Public Safety. Each handbook chapter will also describe the intersection between the policy area and race, and local data on disparities in the policy area by race, ethnicity, and income.

Project #29

Racial Equity and Social Justice Impact Statements for Bills

Principal Agencies: Montgomery County Government

In 2019, the County Council passed the Racial Equity and Social Justice Act requiring the Director of the Office of Legislative Oversight to complete Racial Equity and Social Justice Impact Statements (RESJIS) for all proposed legislation within 21 days of introduction. The RESJ Act also required OLO to develop a tool to apply a racial equity and social justice lens in the development and review of proposed legislation. OLO assumed these responsibilities on August 1, 2020. OLO will continue to produce RESJISs that assess the impact of proposed legislation on racial and social inequities impacting Black, Indigenous, and Other People of Color (BIPOC) and low-income communities in Montgomery County. When warranted, RESJISs will describe the intersection between the proposed policy and race, data on racial and social inequities, and proposed amendments for advancing racial equity and social justice.

Project #30

Revenue Estimating Group

Principal Agency: Montgomery County Government

Bill 6-21, Finance - Revenue Estimating Group – Established, enacted by the County Council on March 16, 2021, amended the County Code to establish the Revenue Estimating Group. The duties of the Group include: regularly reviewing and analyzing revenue attainment; developing revenue forecasts; developing a methodology to forecast revenue; and providing quarterly reports on revenue projections to the County Executive and the County Council. As stipulated in Bill 6-21, membership in the Revenue Estimating Group must include one or more representatives from the Office of Legislative Oversight. OLO staff will participate in the work of the Revenue Estimating Group as required by the County Code.

Project #31

Bethesda Urban Partnership

Principal Agency: Bethesda Urban Partnership, Inc.

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 December 2018, the County Council approved Resolution 19-08, which reauthorized the Bethesda Urban Partnership, Inc. (the Partnership) as the corporation for the Bethesda Urban District for its sixth five-year term. The current term began on February 1, 2019 and ends on January 31, 2024.

OLO's evaluation of the Bethesda Urban Partnership will be submitted to the Council in fall 2023. The report will include:

- Background information on urban districts in general and other designated districts in downtown Bethesda;
- An overview of the Partnership's governing structure and brief history of the organization since its creation in 1993;
- Descriptions of the Partnership's staffing, the services it provides and the Partnership's finances;
- A review of the progress that the Partnership made based on their new 2019-2024 strategic plan; and
- Feedback from County Government and Community Representatives who interact with the Partnership or benefit from its services.