

Agenda Item #17
October 26, 2010

Public Hearing

MEMORANDUM

October 22, 2010

TO: County Council

FROM: *MF* Michael Faden, Senior Legislative Attorney
Amanda Mihill, Legislative Analyst *AMihill*

SUBJECT: **Public Hearing:** Expedited Bill 51-10, Administration – Council Budget Office

Expedited Bill 51-10, Administration – Council Budget Office, sponsored by Councilmember Knapp, Council Vice-President Ervin, and Council President Floreen, is scheduled to be introduced on October 12, 2010. A public hearing is tentatively scheduled for October 26 at 1:30 p.m.

Bill 51-10 would create a Council Budget Office, authorize the appointment of a Director and staff of the Office, and specify the functions and duties of the Office.

This packet contains:	<u>Circle #</u>
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Expedited Bill No. 51-10
Concerning: Administration – Council
Budget Office
Revised: 10-18-10 Draft No. 4
Introduced: October 12, 2010
Expires: April 12, 2012
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Knapp, Council Vice-President Ervin, Council President Floreen, and
Councilmember Navarro

AN EXPEDITED ACT to:

- (1) create a Council Budget Office;
- (2) authorize the appointment of a Director and staff of the Office;
- (3) specify the functions and duties of the Office; and
- (4) generally amend County law related to structure of County Government and administration.

By amending

Montgomery County Code
Chapter 1A, Structure of County Government
Sections 1A-203 and 1A-204

By adding

Chapter 2, Administration
Article IV, Subdivision III, Council Budget Office

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:

1 **Sec. 1. Sections 1A-203 and 1A-204 are amended and Article IX of**
2 **Chapter 2 is added as follows:**

3 **1A-203. Establishing other offices.**

4 * * *

5 (b) *Legislative Branch.* These are the offices of the Legislative Branch:

6 Council Budget Office

7 Office of the County Council [[Charter section 101 et seq.]]

8 Office of the Inspector General

9 Office of Legislative Oversight [[section 29A-5]]

10 Office of the People's Counsel

11 Office of Zoning and Administrative Hearings

12 * * *

13 **1A-204. Supervision of offices and appointment of heads.**

14 * * *

15 (b) *Legislative Branch.*

16 * * *

17 (5) Council Budget Office.

18 (A) A majority of Councilmembers in office may appoint the
19 Director of the Council Budget Office.

20 (B) The Director is not a merit system employee.

21 (C) The term of the Director is 4 years. There is no limit to the
22 number of terms that a Director may serve. If the County
23 Council has not appointed a successor when a Director's
24 term expires, the Director continues to serve until a
25 successor is appointed and takes office. The successor
26 serves for the unexpired part of the term.

27 (D) The County Council may dismiss the Director for good
28 cause before the end of the Director's term. Before doing
29 so, the Council must tell the Director the Council's reasons
30 for the dismissal. If the Director requests a hearing, the
31 Council must hold a hearing and issue a written decision to
32 the Director.

33 (E) The Director must appoint and supervise all employees of
34 the Office.

35 (F) The Office and its employees may operate independently
36 of, but should coordinate its activities with, the Council
37 staff and the Office of Legislative Oversight.

38 **Chapter 2. Administration.**

39 * * *

40 **Article IV. Legislative Branch.**

41 * * *

42 **Division 2. County Council.**

43 * * *

44 **Subdivision III. Council Budget Office.**

45 **2-83. Powers and duties.**

46 (a) Findings. The Council finds a need for increased capacity to monitor
47 the County's fiscal situation, effectively evaluate the fiscal and budget
48 impact of proposed legislation and regulations, and examine structural
49 issues and inefficiencies in County government and County-funded
50 agencies.

51 (b) Functions. In addition to any other power or duty specified by law, the
52 Council Budget Office must:

- 53 (1) assess the fiscal impact of proposed policy changes, including
 54 revisions to laws and regulations;
- 55 (2) review the County budget to assure that Council priorities are
 56 adequately reflected;
- 57 (3) coordinate with Council staff, the Office of Management and
 58 Budget, and the Department of Finance to track the County's
 59 overall fiscal status;
- 60 (4) analyze the cost-effectiveness of County programs and
 61 recommend ways to increase their productivity and efficiency;
- 62 (5) review short- and long-term fiscal implications of grants the
 63 County has applied or may apply for;
- 64 (6) monitor the use of special use funds;
- 65 (7) monitor County-funded agency budgets;
- 66 (8) prepare or review fiscal indicators for the County Public Schools;
 67 and
- 68 (9) monitor the capital budget and track the relationship between the
 69 capital and operating budgets.

70 (c) Access to records and information; retaliation.

- 71 (1) The Office is legally entitled to, and each department or office in
 72 County government and each agency that receives County funds
 73 must promptly give the Office, any document or other
 74 information concerning its operations, budget, or programs that
 75 the Office Director requests. The Office must comply with any
 76 restrictions on public disclosure of the document or information
 77 that are required by federal or state law.
- 78 (2) The Office Director must immediately notify the Chief
 79 Administrative Officer and the President of the Council if any

80 department, office, or agency does not provide any document or
81 information within a reasonable time after the Office requests it.

82 (3) An employee of the County, any instrumentality of the County,
83 or any County-funded agency, must not be retaliated against or
84 penalized, or threatened with retaliation or penalty, for providing
85 information to, cooperating with, or assisting the Office in
86 connection with any activity of the Office under this Section.

87 (d) Contracts authorized. The Director may, subject to appropriation,
88 retain project staff or consultants by contract. The Director may, with
89 the agreement of the head of any other government department or
90 agency, temporarily detail an employee of that department or agency to
91 the Office.

92 **Division 3. Advisory Boards and Committees.**

93 **Subdivision I. Reserved.**

94 **[2-83] 2-84-2-87. Reserved.**

95 **Sec. 2. Expedited Effective Date.** The Council declares that this Act is
96 necessary for the immediate protection of the public interest. This Act takes effect on
97 the date when it becomes law.

98 *Approved:*

99

100

Nancy Floreen, President, County Council

Date

101 *Approved:*

102

Isiah Leggett, County Executive

Date

LEGISLATIVE REQUEST REPORT

Expedited Bill 51-10
Administration – Council Budget Office

DESCRIPTION: Expedited Bill 51-10 would create a Council Budget Office, authorize the appointment of a Director and staff of the Office, and specify the functions and duties of the Office.

PROBLEM: The Council has a need for increased capacity to monitor the County's fiscal situation, effectively evaluate the fiscal and budget impact of proposed legislation and regulations, and examine structural issues and inefficiencies in County government and County-funded agencies.

GOALS AND OBJECTIVES: To create a Council Budget Office to increase the Council's fiscal oversight capabilities.

COORDINATION: County Council

FISCAL IMPACT: To be requested.

ECONOMIC IMPACT: To be requested.

EVALUATION: To be requested.

EXPERIENCE ELSEWHERE: To be researched.

SOURCE OF INFORMATION: Michael Faden, Senior Legislative Attorney (240) 777-7905
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APPLICATION WITHIN MUNICIPALITIES: N/A

PENALTIES: N/A

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