
Report to the Council of the District of Columbia

Building a Stronger, More Effective Institution

Final Report

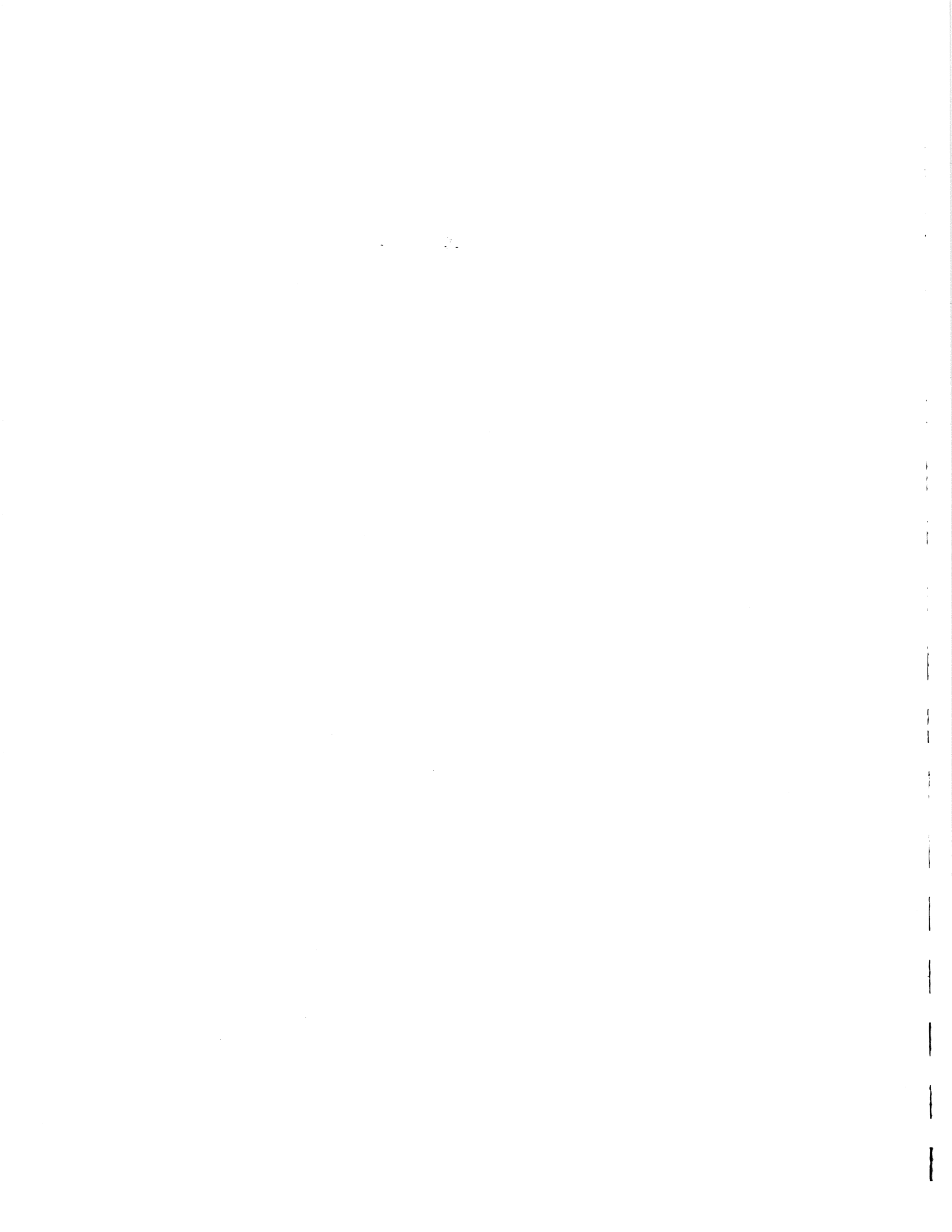
January 1999

Presented by:



NATIONAL CONFERENCE
of STATE LEGISLATURES

The Forum for America's Ideas



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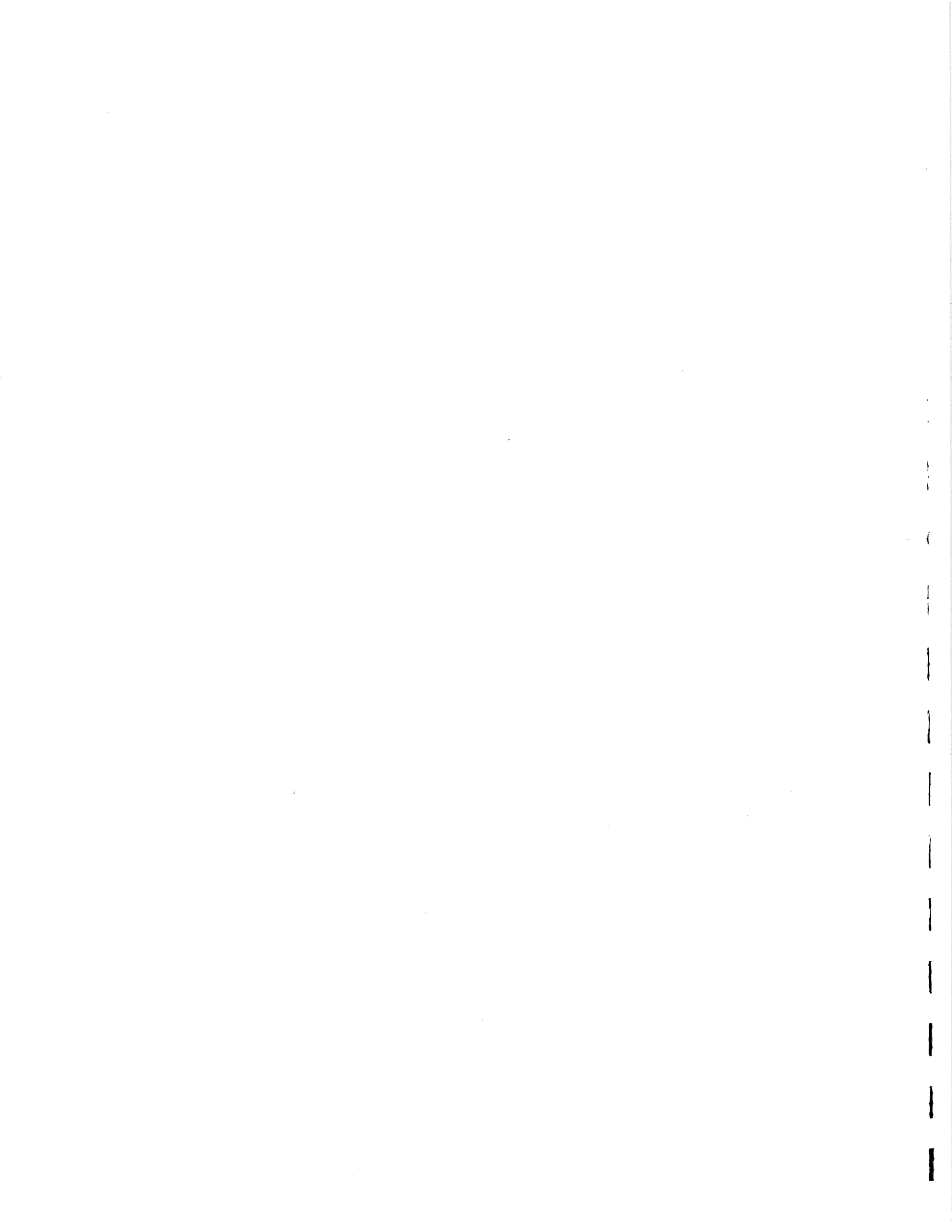


**NATIONAL CONFERENCE
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We wish to express our gratitude to the staff and members of the Council of the District of Columbia for their openness, thoughtfulness and enthusiastic participation in this effort. It is only through their contribution of ideas and experience that we were able to effectively complete this work. We especially thank the Secretary to the Council, Phyllis Jones, and her staff who provided on-site support for our work and who established a working relationship with us based on cooperation and accessibility.

Production of the report progressed smoothly because of the skillful assistance, support and patience of Sally Kittredge. The clean form and professional look of these pages are a result of Sally's guidance, care and attention to quality.

Executive Summary

In early 1998, the National Conference of State Legislatures was invited by the Council of the District of Columbia to conduct a study of Council operations and organization. This report describes the findings of the NCSL study team and presents a wide-ranging set of recommendations for change.

In the contract with the Council, NCSL was asked to focus on the following general and specific goals:

1. To assess the logic, effectiveness and efficiency of procedures, tools and systems used by the Council and its staff to manage the legislative process;
2. To conduct an overview of staffing, committee structure and other organizational aspects of Council operations;
3. To make recommendations regarding Council operations that preserve the integrity of essential legislative activities and services;
4. To assess the analytical and policy formulation capacity of Council committees;
5. To assess oversight mechanisms available to the Council including use of the Office of the D.C. Auditor;
6. To review the Council's role in rulemaking;
7. To assess the Council's budgetary and fiscal oversight capacity;
8. To assess the Council's use of technology in support of its administrative and legislative activities;
9. To review opportunities for citizen participation and involvement in the legislative process.

The National Conference of State Legislatures was created to foster the development of independent, effective and accessible legislatures. These three principles— independence, effectiveness and accessibility—have guided our work and our recommendations in the study of the DC Council.

INDEPENDENCE

In order to operate with maximum independence from the executive, lobbyists and other interests, the legislative branch of government must develop its own resources for research, analysis and information. Most legislatures establish these resources in the form of permanent, professional staff.

RECOMMENDATION 1: The Council should create new central staff support services for members and committees that would provide a range of services including committee support, research, bill drafting, fiscal analysis, public information and constituent relations. This staff reform would require a series of changes in current staffing and staff priorities as recommended below.

RECOMMENDATION 2: The Council should create a new management committee chaired by the Council Chairman and comprised of four other Council members. Among its various duties, the new management

committee would oversee the internal affairs of the Council including oversight of all central staff agencies and the Office of the DC Auditor. The committee would periodically review and suggest revisions in the statutory audit requirements of the DC Auditor.

RECOMMENDATION 3: The Office of the DC Auditor should report directly to the new Committee on Council Management and Public Affairs with the intention that this relationship would reinforce the value of audit work to Council decision making and legislative oversight. The committee would receive audit recommendations and requests from other committees and approve the annual work plan of the office. The auditor would submit all audit reports and findings to the committee including an annual report outlining at a minimum the work progress, accomplishments and goals of the office.

RECOMMENDATION 4: The Council should improve the workplace of the Office of the DC Auditor. At a minimum, these improvements should include: 1) improvements in the general workplace conditions such as lighting, office space and equipment; 2) provisions for security for office workers and their records; and 3) upgrades in available computer technology and training.

RECOMMENDATION 5: The Council should follow through with plans to relocate the Office of the DC Auditor to the Wilson Building when renovations are completed.

RECOMMENDATION 6: The Council should create the position of executive director to the Council. The executive director would report to the Committee on Council Management and Public Affairs which would hire (or fire) the executive director by a vote of the majority of the committee members. The executive director would oversee the daily operations and planning of all central staff operations with the exception of the Office of the DC Auditor and would have hiring authority for division directors and other division employees. The executive director would file an annual report to the Council outlining the activities, accomplishments, goals and planning for all staff services under the direction of this office.

RECOMMENDATION 7: The Office of the General Counsel should be reorganized into a Legal Services Division that emphasizes bill-drafting responsibilities. The Council should adopt rules that require all Council legislation and amendments be prepared or reviewed by legal division lawyers prior to introduction and that require the legal division to attach a plain language analysis to all bills prior to introduction.

RECOMMENDATION 8: The Council should create a Research and Committee Division reporting to the executive director that would be responsible for supporting the substantive, planning and record keeping

needs of committees and their chairs, and the general research and policy analysis requirements of all members. This division would constitute an independent, professional and nonpartisan resource for Council committee support and research.

RECOMMENDATION 9: The Council should create an Office of Public Information and Constituent Relations that reports to the executive director. The office would promote citizen understanding and involvement in Council activities through the provision of services including a Council web site, media relations and development of appropriate publications. The office also would house a constituent relations service responsible to member offices for the effective and expeditious management of citizen complaints and requests related to the performance of District government.

RECOMMENDATION 10: The Council should establish that all Council employees are exempt from the city's civil service system and are employed on an at-will basis. The Council should ensure the establishment of clearly articulated personnel policies, procedures and practices that promote the equitable and fair treatment of all Council job applicants and employees, and that establish minimum qualifications for all positions.

EFFICIENCY

In this section of the report, the NCSL study team offers ideas to the Council designed to improve operational efficiency that also protect (and we hope, enhance) the legislative process. We recommend a reduction in the number of committees and a reorganization of Council committees eliminating the current Committee of the Whole. Recommendations on internal communication include proposals to improve staff interaction and knowledge sharing. We suggest ways to streamline the bill status and tracking system and effectively apply technology to Council operations.

RECOMMENDATION 11: The Council should operate with a maximum of eight standing committees, each comprised of five members. Members should serve on a maximum of three committees each. The Council Chairman would serve on three committees in addition to serving as chair of the Council Management and Public Affairs Committee.

RECOMMENDATION 12: The Council should adhere to the standard schedule for committee meetings and hearings. Official schedule updates or changes should be published at least 48 hours in advance of a committee meeting or hearing. The Council should announce its intention to adhere strictly to published committee schedules to its best ability and should maintain internal records that measure its success in achieving this goal.

RECOMMENDATION 13: The Council should enforce standards for committee reports including proper form and minimum content requirements. The Council should establish a repository for these documents that is easily accessible to members, staff and the public. [Note: Council Rule 443 addresses some of these issues.]

RECOMMENDATION 14: The Council should create a committee staffing manual that outlines the responsibilities, requirements and expectations of committee staff and that ensures that all committees receive effective and equal levels of service. The Council should consider creation of a committee chair manual that outlines the roles and responsibilities of that position.

RECOMMENDATION 15: The Council should issue and routinely update a directory of members and Council employees that contains at a minimum their office phone numbers, room addresses and e-mail addresses. The directory should be distributed to all Council employees and should be available to the public in hard copy and electronically.

RECOMMENDATION 16: The Council should strengthen and encourage internal communication through the development and promotion of the following services:

1. an effective and reliable e-mail service available to all members and staff;
2. a seamless and user friendly telephone system including voicemail and direct long distance access;
3. routine staff meetings designed to promote useful interaction among Council employees;
4. use of e-mail, Intranet or other electronic means for the posting and distribution of internal memos, announcements and other notices about Council business.

RECOMMENDATION 17: The Council should issue the employee manual currently under development as soon as possible. It should contain information about Council personnel policies and benefits, working conditions and expectations, and other related materials. The Council should update the manual regularly to reflect policy changes.

RECOMMENDATION 18: The Council should require that all employees receive an annual appraisal of their work performance including the annual development of performance goals and objectives.

RECOMMENDATION 19: The Council should establish a program and funding for the ongoing training and professional development of its members and staff. The Committee on Council Management and Public Affairs should set training priorities, establish planning responsibilities and recommend an annual budget for these activities.

RECOMMENDATION 20: The Council should invest the time and resources necessary to develop a comprehensive and reliable automated system that provides timely information on bill status and the expiration of emergency and temporary laws.

RECOMMENDATION 21: The Council should establish a computer users group to serve in an advisory capacity to computer center staff regarding the development of computer systems and computer applications at the Council. The users group should be composed of staff representatives from all relevant work areas. User group meetings should be held on a regular schedule and should be announced and open to all staff.

RECOMMENDATION 22: The Council should investigate and implement where appropriate the application of computer technology to its chamber operations. At a minimum, the Council should consider the following opportunities: 1) on-site production and printing of floor amendments; 2) development of a chamber display that shows information about current floor activity; and 3) the addition of an electronic voting system for roll call votes.

RECOMMENDATION 23: The Council should adopt a rule similar in intent to Colorado Senate Rule 22A to prohibit the use of cell phones, pagers and other communication devices during floor sessions within the Council chamber and at other official meetings of the Council or its committees.

ACCESSIBILITY AND ACCOUNTABILITY

In this part of the report, we set out recommendations about Council visibility, public access to Council information, and rules reforms that can help clarify the legislative process and its outcomes.

RECOMMENDATION 24: The Council should establish and maintain an up-to-date and comprehensive web site that provides a broad range of information about the Council and its role in city government.

RECOMMENDATION 25: The Council should publish a series of documents and brochures for the public that describe the legislative institution and that help citizens to participate effectively in city government. This should include the preparation and distribution of relevant handouts for committee meetings, hearings and Council floor sessions.

RECOMMENDATION 26: The Council should develop a new system for the recording and public distribution of Council floor and committee proceedings. Special attention should be given to new technologies that allow web-based access to these records.

Recommendation 27: The Council should establish within its rules a provision requiring that all official meetings of Council committees and of the Council begin on time or as close to the announced start time as is practicable. When meetings are late, notice should be posted at the meeting room to inform the public about the revised starting time.

RECOMMENDATION 28: The Council should develop consensus among the members about the legitimate use of emergency and temporary legislation with the goal toward reducing the use of both. Rule 412(b) should be revisited to determine if the definition of "emergency" is adequate and enforceable.

RECOMMENDATION 29: The Council should revise its Rule 343 regarding pre-filing of amendments and written preparation of oral amendments to require all substantive amendments to be submitted in writing before a vote on that amendment.

RECOMMENDATION 30: The Council should establish new deadlines for calendar preparation so that a *final* agenda is ready for public dissemination at least 24 hours prior to scheduled Council meetings. In addition, the Council should: 1) reevaluate how many copies of the agenda to print so sufficient numbers are available for public use; 2) create a new format for the meeting agenda to make it easier for the public and members to read; and 3) consider color-coding the consent and non-consent agendas, thereby making a clearer distinction between them for the public and members.

Preface

In early 1998, the Council of the District of Columbia contracted with the National Conference of State Legislatures to conduct a study of Council operations and organization. This report presents the findings of the NCSL study team and recommendations for change.

The comments and recommendations found on the following pages challenge some of the traditions of the DC Council. These ideas are offered with respect for the Council and its accomplishments and as options for change that, if implemented, will support the Council's clear desire to develop into a stronger and more independent institution.

The aftermath of the 1998 November elections was flush with the rhetoric of reform and the promise of a new era of responsive government. While most of the early attention has been focused on the new mayor, the Council, through the knowledge and dedication of its members and the strength of its institution, should emerge as the leading voice for new ideas in the District.

Introduction

The Council of the District of Columbia contracted with the National Conference of State Legislatures to perform a study of Council operations and organization. This report presents the findings, conclusions and recommendations of the NCSL study team.

As specified in the contract, NCSL focused on the following goals:

1. To assess the logic, effectiveness and efficiency of procedures, tools and systems used by the Council and its staff to manage the legislative process;
2. To conduct an overview of staffing, committee structure and other organizational aspects of Council operations;
3. To make recommendations regarding Council operations that preserve the integrity of essential legislative activities and services;
4. To assess the analytical and policy formulation capacity of Council committees;
5. To assess oversight mechanisms available to the Council including use of the Office of the D.C. Auditor;
6. To review the Council's role in rulemaking;
7. To assess the Council's budgetary and fiscal oversight capacity;
8. To assess the Council's use of technology in support of its administrative and legislative activities;
9. To review opportunities for citizen participation and involvement in the legislative process.

This report is divided into four main sections. The INTRODUCTION sets out general observations about the Council including important statements regarding the philosophy and values that underlie our recommendations. The section on INDEPENDENCE presents findings and recommendations designed to promote a stronger, more influential Council. It focuses primarily on Council staff organization and services. Part three, EFFICIENCY, addresses issues of streamlining and efficiency with emphasis on issues related to committee structure, internal communication and rules reform. The final section, ACCESSIBILITY, speaks to the matter of public involvement in, and access to, the legislative process. It offers ideas about improving external communication and promoting public awareness of Council activities and accomplishments. The report also includes several appendices. Appendix A describes the methodology used in this study.

UNIQUENESS

The Council of the District of Columbia is a unique institution. It serves within a set of political circumstances and constraints that have no equal. The unusual span of Council roles and responsibilities place it into a hybrid category, neither pure city council nor state legislature, yet very similar to both. Its decisions are subject not only to executive veto but to congressional review, and in recent years to a control board's oversight as well.

Over time, this unique environment has helped shape Council operations in both positive and negative ways. For example, because of the time it takes for bills to pass congressional review, the legitimate Council practice of passing emergency bills has escalated and become problematic. Bills debated and passed by the Council can be reopened for debate at the control board and at Congress, and at each subsequent step, all the actors and political players on an issue have an opportunity to promote their interests. As one Council member told us, "When we pass something there is no certainty that it will actually become law."

Despite its differences and unique circumstances, we find that the Council of the District of Columbia is first and foremost a legislature...an institution of representative democracy not unlike those that grace the halls of state capitol buildings or city council chambers across America. Indeed, it has been NCSL's experience over the past decade in its work with legislatures around the world that similarities, not differences, characterize these institutions.

It is with great confidence, therefore, that we have taken on this work. The Council of the District of Columbia is unique. But as an institution, it is a legislature with more in common with its kind than different.

THE INSTITUTION

Throughout our work on this study, we were repeatedly impressed with the dedication, care and talent of Council members and staff. Here are people who care about their city, about their constituents and about making the city work. Encumbered as they are by the requirements of the control board era and congressional oversight, by the tentativeness of temporary work quarters, by substantial fiscal constraints and by underachieving executive agencies, they demonstrate a daily commitment to the city and to its future.

This study is not intended to address the issues of congressional or control board oversight. However, our recommendations are designed to help the Council create an institution that is ready and able to succeed in an era of reduced oversight of District affairs. In order to make this transition some favored traditions and historic concepts about Council operations must be challenged.

The Congressional Model

The Council, being a "child" of the Congress, not surprisingly looks like Congress. It is highly decentralized in terms of staffing, communications, and member participation. Council members' offices are oriented toward constituent service. Most substantive staff services such as committee staffing and policy research operate at the member level, rather than through a permanent staff organization. Member offices, referred to in some of our interviews as "fiefdoms," are disconnected from one another in the course of daily business.

The adoption of the congressional model is not only a structural issue, but also manifests itself in the behavior of Council members and in the conduct of their business. We were struck, for example, by the "congressional" way that Council

staff sit behind their members during session and occupy member seats when members are absent from hearings. We also were surprised to see the use of a consultant to lead the questioning at a Council investigative hearing. These practices would be highly unusual in most state legislatures.

Not enough work is being done to promote an institutional image of the Council, and scant resources are being devoted to that goal. The Council appears to exist much more as a group of entrepreneurial individuals than as a group with mutual purpose or shared accomplishment. The Council must assert itself on an institutional basis, both internally and to the outside world.

The Council would be better served and would serve its citizenry better by reorganizing its staff resources to create a centralized, independent and permanent resource for Council research, bill drafting, fiscal analysis and other essential legislative services. Staff restructuring is a major emphasis of our recommendations.

Daily Business

Some aspects of Council operations undermine the institution's ability to get work done effectively and efficiently. Internal communication between offices is cumbersome. For example, there is no published directory of individual Council staff telephone numbers. Several staff told us that their individual office telephone numbers were "personal," so they did not want them published.

E-mail—an outstanding technical tool for interoffice communication—is underutilized at the Council. Many office-wide notices and announcements are sent out on paper when e-mail would be a more effective delivery system. Professional staff are unable to place long distance telephone calls without going through a central operator who places the call for them. Technologies exist that would relieve this situation while still preventing abuses of the Council's telephone system.

Various practices related to the operation of Council committees—their number, structure, record keeping and staffing—create problems internally and for citizens. Recommendations about committee staffing and committee structure address these issues.

Image

The only press relations staff person employed at the Council works exclusively for the Chairman. Public and media relations at the Council are largely focused on individual members. Each member's office dedicates some staff time to public relations and media work. However, these uncoordinated efforts lack a unified message that promotes the institution of the Council.

It is time for a shift in philosophy that directs resources and member attention to the institutional image of the Council. The Council must take responsibility for getting out a message that tells citizens the Council story and that provides basic information about Council activities, resources and accomplishments. This can be

done only through a coordinated, strategic effort in which members find personal and political benefit through the elevation of the institution in which they serve.

VALUES

The National Conference of State Legislatures was created to foster the development of independent, efficient and accessible legislatures. These three principles— independence, efficiency and accessibility—have guided our work and our recommendations in the study of the DC Council. Our report and recommendations are structured around them.

Citizens of the District and observers of District politics seem anxious and hopeful about how the new politics of 1999 will play out. There appears to be an historic window of opportunity for the Council. We believe that the Council should make every effort to emerge as the leading branch of government in the District. This will require effective and streamlined procedures, visible meetings and accessible Council information, and most of all, an independent stance that allows Council members to create their own options and to effectively critique the options presented by others.

By improving in the areas of independence, accessibility and operational effectiveness, the Council can enhance the public's opinion of the institution. The NCSL study team believes that these improvements also would raise the level of citizen respect for the integrity, credibility and responsiveness of the Council.

Independence

"I said to [President Washington] that if the equilibrium of the three bodies, Legislative, Executive and Judiciary could be preserved, if the Legislature could be kept independent, I should never fear the result of such a government; but that I could not but be uneasy when I saw that the Executive had swallowed up the Legislative branch."

—Thomas Jefferson

In order to operate with maximum independence from the executive, lobbyists and other interests, the legislative branch of government must develop its own resources for research, analysis and information. Most legislatures establish these resources in the form of permanent, professional staff.

The ability of the DC Council to operate independently and to generate innovative and creative policy solutions of its own is limited by a lack of substantive staff expertise assigned to policy research and analysis. In addition, the long-term effectiveness of committees is hampered by a system of staffing characterized by procedural inconsistency and staff turnover. Further, bill drafting services—a critical staff function that determines the technical (and often substantive) quality of legislation—should be made an internal staff priority at the Council.

In this section of the report, we present a proposal for the creation of a permanent, central staff organization that provides a range of important services to Council members including:

- ◆ Research and policy analysis
- ◆ Committee support
- ◆ Bill drafting and other legal services
- ◆ Fiscal analysis
- ◆ Public information, media relations and constituent services
- ◆ Administrative services

In addition, we recommend the creation of a new Council management committee to direct and oversee these staff operations. Reporting to the management committee would be the new staff position of executive director with overall responsibility for the performance of the staff and the quality of staff service to the Council members.

The DC Auditor would operate independently from the executive director but would report directly to the new management committee. The management committee's jurisdiction would include oversight of the operations, work plan and findings of the DC Auditor.

CURRENT STAFFING AT THE COUNCIL

As stated previously, the DC Council adopted a model of staffing and operations that is based largely on the approach of the U.S. Congress. This highly decentralized pattern of staffing places most substantive staff work and responsibility into the hands of member's personal staff.

According to data provided by Council administrators and by members' offices, the Council employs a total of 136 staff. Ninety-three of these employees work in members' offices as chiefs of staff, committee specialists, constituent service workers and clerical staff. The standard staff allocation to each Council member is four staff. Committee chairs get three to four more staff for committee support. Ten of the 13 Council members chair a committee. The Council Chairman, in addition to these eight staff, gets two staff to help the Chairman fulfill the extra duties of that office.

The central staff at the Council are organized around four offices: 1) The Secretary to the Council; 2) The Office of the General Counsel; 3) The Office of the DC Auditor; and 4) The Council Budget Office. Table 1 illustrates the staffing levels in these offices.

Table 1: Distribution of Central Staff at DC Council

Council Staff Office	Number of Employees
Office of the Secretary	4
Legislative Services Division	5
Support Services Division	6
Accounting Office	1
Personnel Office	2
Information Systems Division	3
Office of the General Counsel	8
Office of the DC Auditor	11
Council Budget Office	3
TOTAL CENTRAL STAFF	43

Office of the Secretary

The secretary to the Council directs the daily administrative business of the Council under the direction of the Council Chairman. This includes preparation and monitoring of the Council's operating budget. The secretary oversees staff divisions that provide accounting, personnel, record keeping, photocopying, computer and other office management services to members and staff. The secretary serves as an important liaison with the public and media regarding the official actions of the Council and its daily activities.

In addition to these duties, the secretary acts in the role of "chief clerk" to the Council when it goes into session. The secretary and staff from her office prepare the session calendar and manage the flow of legislation on the floor. They record all legislative actions of the Council and maintain the official records of its proceedings including maintenance of an automated bill tracking and status system. Staff reporting to the office of the Secretary maintain files of the official acts of the Council and provide copies of these and other documents to the public. They also make audiotapes of session and committee proceedings and prepare committee rooms and the chamber for meetings.

Office of the General Counsel

The Office of the General Counsel provides a variety of legal services to the Council. Under the direction of the general counsel, this office advises members on legal issues, provides bill drafting assistance to member offices, responds to requests for information about District law, and conducts a technical review of many bills introduced to the Council. The general counsel also serves as parliamentarian to the Council and rules on procedural matters during the session.

The Office of the General Counsel is the official keeper of oral amendments made during session and is responsible for their enrollment into legislation. In addition, the office provides code revision services and maintains and publishes supplements to the DC Code. This office has also created and disseminated an excellent bill-drafting manual that reflects significant staff expertise.

Office of the DC Auditor

The Office of the Auditor of the District of Columbia was established in PL 93-198, generally known as the Home Rule Charter Act of 1973. The law provides for the Auditor to be appointed for a six-year term by the Council Chairman with confirmation by the Council.

The office is responsible for a range of oversight functions including the production of financial, performance and compliance audits of city agencies and programs. The office also exercises financial oversight of the city's 37 Advisory Neighborhood Commissions. The annual work plan for the office is governed by statutory requirements, Council member and Council committee requests, requests made by citizens, and by decisions made independently by the auditor.

Council Budget Office

The Budget Office provides fiscal analysis to members and committees with special emphasis on the analysis of the city's operating and capital budgets. The office reviews and approves fiscal impact statements provided by the executive branch. Office staff work with individual committees on budget-related matters and help them to work within budget constraints or targets established by the Council Chairman. The office prepares materials for the Council to use in budget deliberations with the control board.

Personal and Committee Staff

As stated previously, each member is allocated four personal staff positions. These four positions generally correspond to the following roles: 1) executive assistant (in some offices called chief of staff or staff director); 2) legislative assistant; 3) constituent service aide; and 4) secretary. Council members exercise complete control over the selection, assignment and management of these staff.

Committee chairs each receive three to four additional staff positions. Again, the member has discretion over the hiring and assignment of these staff. Typical titles for committee staff are "committee counsel" and "committee clerk." It is common that one or more of the committee staff positions are assigned to constituent service work or other member office responsibilities. Each chair takes a different approach to the actual assignments of their staff. But in each office, staff perform several common functions including office management, press relations, bill drafting, committee management, research, and especially constituent service.

COMPARATIVE STAFFING IN STATE LEGISLATURES AND SELECTED CITY COUNCILS

The Council's decentralized approach to staffing is common to state legislatures in large population states such as New York, California, Pennsylvania and Illinois. Although staffing primarily is decentralized in these states, they also maintain central, nonpartisan staff services such as bill drafting. These states invest heavily in partisan, caucus-based research and committee support staff. These larger states often have relatively high numbers of staff. For example, New York employs about 4000 staff, California about 2600, Pennsylvania 2700 and Illinois about 1000.

In medium and small population states with legislatures that meet less frequently, staffing tends to be smaller and highly centralized. Nonpartisan staff agencies provide bill drafting, research, committee staffing and fiscal analysis to all members of both political parties and to all committees. Chamber staffs are small and mostly part-time. At the other end of the spectrum from California and New York is Wyoming, where about 20 permanent employees handle all of the substantive staff work for the Legislature.

A recent NCSL survey shows that 35 states staff legislative committees from a central agency. Two states use caucus staff and thirteen state legislatures use a committee staffing system similar to that of the DC Council.

Our survey of other city councils shows that they tend to work with relatively smaller and somewhat more central staff organizations compared to the DC Council. Allowance is made in most other cities for personal staff. However, the central staff in most cases handles the substantive work on policy research, committee support and legislative process.

It also appears common that city councils in other cities rely on executive branch offices for services such as bill drafting, computer support or fiscal analysis and various administrative functions such as accounting, personnel or photocopying. This is not a model that one would find in state legislatures and not one that NCSL would endorse because of separation of powers issues. This factor explains, to some degree, the reason that the number of DC Council staff appears relatively large in straight comparison with other cities. The original District government design, based on the federal approach to separation of powers, promotes distinct and separate executive and Council staffing. We also believe that it may have been prudent, and perhaps necessary, for the Council to develop its own administrative resources rather than try to depend on executive branch services.

Table 2 compares DC Council staffing to other city councils.

Table 2: Staff Size in Selected City Councils

City/State	Total Members	Total Staff	Central Staff	Personal Staff
Atlanta	15	40	17	23
Baltimore	19	83	35	48
Denver	13	32	9	23
District of Columbia	13	136	43*	93**
Indianapolis	29	10	10	0
Jacksonville	19	50	35	15
Philadelphia	17	N/A	N/A	136
Seattle	9	60	37	23

*includes 11 positions at Office of the DC Auditor.

**includes 39 positions allocated to members as committee staff.

N/A = not available

NCSL's many years of developing comparative data on state legislative staffs has reinforced an important lesson. It is a very difficult matter. State legislatures organize staff services in any number of arrangements and assign staff responsibilities in unique ways. We believe that city councils are even tougher to compare. We caution users of the data presented in table 2 not to draw rapid conclusions about the reasonableness of any city council's staffing approach. Again, this caution relates primarily to the matter of council/executive branch overlap of staff services. It often is hard to tell from where, and from how many staff, a council may receive essential staff support.

We believe that staff size is not really the issue at the Council. Rather, we think the Council should address matters related to the kinds of services that are provided by staff and how staff are organized to provide those services.

RECOMMENDATIONS FOR COUNCIL STAFF REORGANIZATION

The following recommendations, if adopted, will shift Council staffing toward a more coherently organized, accessible and professional resource for Council members and committees. These recommendations respond, we believe, to the important goal of advancing the policy-making independence and credibility of the Council.

The recommendations propose the creation of a new legislative management committee with oversight of five staff divisions and the operations of the DC Auditor. The five divisions are: 1) Administrative Services; 2) Fiscal; 3) Research and Committee Services; 4) Legal Services; and 5) Public Information and Constituent Relations. We also recommend the creation of a new executive director position responsible for the day-to-day management of the five new divisions. The DC Auditor would report directly to the new management committee.

RECOMMENDATION 1: The Council should create new central staff support services for members and committees that would provide a range of services including committee support, research, bill drafting, fiscal analysis, public information and constituent relations. This staff reform would require a series of changes in current staffing and staff priorities as recommended below.

Appendix B illustrates the organizational chart for a new, more substantively based staffing resource for the DC Council.

The Committee on Council Management and Public Affairs

The Committee on Council Management and Public Affairs (CMPA) would oversee the internal Council operations including personnel policies, facilities management, hiring of the Council executive director (described below) and major contracts for Council-related services. CMPA would establish goals and expectations for the staff divisions, and through the executive director would enforce and oversee the equitable application of personnel rules, promotions and compensation matters.

In addition, the CMPA would assume the important role of integrating the work of the DC Auditor into the policy making process. The DC Auditor would report directly to CMPA. The committee would approve the annual work plan of the Auditor's office, receive and comment on its reports, and assist in the establishment of audit topics, goals and schedules.

The CMPA would receive annual operating and performance reports from the executive director and DC Auditor and the committee would make a recommendation to the full Council regarding the Council's annual operating budget. The CMPA would be chaired by the Council Chairman or the chairman's designee. The committee would be composed of five additional members appointed by the Council Chairman.

An important role for the CMPA would be the development of public information and citizen education strategies to be implemented by a Council public information officer (PIO). These strategies would be designed to promote public understanding of and access to Council activities and to foster a stronger institutional image of the Council among District citizens. The new PIO role is discussed in more detail later in this section of the report.

RECOMMENDATION 2: The DC Council should create a new management committee chaired by the Council Chairman and comprised of four other Council members. Among its various duties, the new management committee would oversee the internal affairs of the Council including oversight of all central staff agencies and the Office of the DC Auditor. The committee would periodically review and suggest revisions in the statutory audit requirements of the DC Auditor.

Office of the DC Auditor

Under the proposed staff reorganization, the Office of the DC Auditor and its internal structure would remain unchanged. Our recommendations related to the DC Auditor deal more with improving its connection to the Council and making it a more relevant resource for oversight and information. We believe that these changes can be made without compromising the independence of the auditor.

We spoke with all of the Council committee chairs about their use of DC Auditor reports and services. The committee chairs indicated that the work of the DC Auditor is rarely incorporated into the policy making process, although many of them also identified the auditor as an important resource. As one chair put it, "[The DC Auditor] doesn't play a role in our committee oversight unless we have a specific request." Another chair commented, "They do good work, but they aren't integrated into our needs or our timing."

The office of the DC Auditor appears to be a respected and credible source of information about District government performance and related issues. We believe that the Council would benefit by strengthening this office and making changes that would bring the work of the office more in line with the flow of business and issues at the Council. We therefore offer the following recommendations.

RECOMMENDATION 3: The office of the DC Auditor should report directly to the new Committee on Council Management and Public Affairs with the intention that this relationship would reinforce the value of audit work to Council decision making and legislative oversight. The committee would receive audit recommendations and requests from other committees and approve the annual work plan of the office. The auditor would submit all audit reports and findings to the committee including an annual report outlining at a minimum the work progress, accomplishments and goals of the office.

In addition to a new reporting arrangement with the Council, we believe that the Council should make a few necessary investments in the Office of the DC Auditor. The work place conditions of the current office are substandard and offer few, if

any, forms of security for employees or their work papers. The lease for that space is scheduled to expire soon, and the plan is to move the Auditor into the renovated Wilson building with the Council. This would substantially improve the Auditor's ability to operate effectively, and the Council should complete the planned move as soon as possible.

The Office of the DC Auditor also is handicapped by lack of adequate computer technology and training. We believe the Council, in an effort to improve Council-wide application of technology, should focus some resources on upgrades in hardware and software at the auditor's office. Audit staff especially expressed frustration with lack of contemporary applications for spreadsheet software and related financial analysis tools and training.

RECOMMENDATION 4: The Council should improve the workplace of the Office of the DC Auditor. At a minimum, these improvements should include: 1) improvements in the general workplace conditions such as lighting, office space and equipment; 2) provisions for security for office workers and their records; and 3) upgrades in available computer technology and training.

RECOMMENDATION 5: The Council should follow through with plans to relocate the Office of the DC Auditor to the Wilson Building when renovations are completed.

The NCSL study team identified other issues in our discussions with staff at the Office of the DC Auditor, and although those issues fall outside the scope of this report, they should be reviewed by the Council and its new Committee on Council Management and Public Affairs. The issues include: 1) difficulties presented by the short turnaround time often required by city agencies for bond certification conducted by the DC Auditor; 2) the lack of DC Auditor subpoena power; and 3) the often difficult conditions of field work for audit staff including transportation difficulties and the security of personnel and work papers.

Office of the Executive Director

Most legislatures delegate the day-to-day management and oversight of staff to a staff director who is responsible for maintaining the performance of these employees. In creating a new, more substantive central staff for the Council, the need will arise for such a director. The executive director would be assisted by an administrative aide who would handle the executive director's scheduling, clerical and other office management work.

The Committee on Council Management and Public Affairs (CMPA) would approve a formal job description for the position and hire the executive director by a majority vote of its members. The executive director would report directly to the CMPA and could only be dismissed by a majority vote of the Committee. There would be no set term of employment for the executive director such as the two-year appointment process currently used for the secretary. The executive director would serve at the pleasure of the Committee. Many of the duties of the office would parallel those now performed by the secretary to the Council. For example, the

executive director would become the primary spokesperson for the Council on internal operational matters and would take lead responsibility on issues related to office space development and facilities planning. The executive director would not, however, manage the administration of session activity as the secretary currently does.

The most important role of the executive director would be to insure the effectiveness and responsiveness of the five central staff divisions. This responsibility would include the hiring of division directors, development of goals and clearly articulated missions for each division, oversight of division activities and performance, and promotion of a workplace ethic that honors intra- and inter-division teamwork, customer service, quality and open communication.

RECOMMENDATION 6: The Council should create the position of executive director to the Council. The executive director would report to the Committee on Council Management and Public Affairs which would hire (or fire) the executive director by a vote of the majority of the committee members. The executive director would oversee the daily operations and planning of all central staff operations with the exception of the Office of the DC Auditor and would have hiring authority for division directors and other division employees. The executive director would file an annual report to the Council outlining the activities, accomplishments, goals and planning for all staff services under the direction of this office.

Administrative Division

The Administrative Division of the new staff structure would encompass most of the current central staff functions operating under the Office of the Secretary. These would include accounting, personnel, purchasing, Council record keeping, archiving, and computer support.

The director of the Administrative Division would assume some of the responsibilities of the current secretary including oversight of most administrative functions at the Council. The Administrative Division director would serve in a "chief clerk" role by overseeing the management of session activities including preparation of session calendars, supervision of documents during session, and maintenance of the official record of session activities.

Fiscal Division

The Fiscal Division would essentially resemble the Budget Office that now exists at the Council. However, its focus would be trained more on the activities and requirements of a new Council Committee on Budget and Taxation (see table 6 in this report).

The Fiscal Division would analyze the District budget bills and related legislation, comment on fiscal notes, assist all committees and members on fiscal matters and work closely with executive branch fiscal staff on budget issues. The division also would develop expertise and provide assistance on tax and revenue issues.

At the time of our interviews, the Budget Office at the Council consisted of three staff, with the prospect that staff would be increased soon. We believe that the size of the office should be increased. However, we caution the Council not to expand the responsibilities of the fiscal office outside its budget-related mission. For example, many members suggested that the budget office be expanded to house more research capacity or that this office take on responsibility for contract review. We believe that these types of activities are better suited for divisions that will be described below. We encourage the Council to maintain a fiscal division that is able to focus on important revenue and expenditure issues without the distraction of other responsibilities.

Legal Services Division

To be independent, the Council must have a knowledgeable and assertive group of legislative lawyers. They must be able to spot the nuances within bill drafts presented by special interests or the mayor's office and analyze how the drafts may be at odds with Council interests.

The Legal Services Division would represent an important, and we believe crucial, transformation of the current Council Office of the General Counsel. The most important aspect of this transformation would be the development of a much-needed internal resource for bill drafting.

Currently, the bills that are introduced originate from many sources and are often introduced without being revised or reviewed by the General Counsel's office. Those sources include private attorneys, the mayor's office, law professors or special interest groups. These sources could be "players" with a point of view who have an incentive to draft to favor one side over another, possibly in a way that is well-hidden or hard to find. This practice creates problems for the Council in terms of its independence, the quality and consistency of its work, and its accountability to the public.

The Legal Services Division would draft or review all legislation presented to the Council. No bill or resolution could be introduced without legal services review. The NCSL study team was impressed with the expertise and capabilities of the attorneys presently working in the General Counsel's office. Those legal experts are well equipped to handle the new bill drafting orientation of the Legal Services Division.

Division bill drafters also would prepare a plain language analysis of all legislation so that members and the public would have a quick reference to the meaning and intent of each bill. Currently, members and their staff typically call the bill sponsor to find out what a bill does or means because there is no summary. The plain language analysis would provide an efficient and objective way for members, staff and the public to understand the essential purpose of a bill.

By focusing all drafting within legal services, the Council will develop consistency in drafting style and improve the quality of legislation. This would create a more uniform set of laws that would be easier to read and follow for attorneys, judges and

citizens. All fifty-state legislatures maintain internal bill drafting capacity, and the large majority of them require bills to be reviewed for form by the bill-drafting agency before introduction.

Bill drafting operations such as the ones described above have designed strategies to effectively handle the high volume of bill drafting requests that are submitted in a relatively short time frame. In some states, bills are drafted based on a first-come, first-served basis. Other states allow legislators a certain number of high priority requests.

We believe that it is essential to the long-term success and independence of the Council that it develop a legal division charged with the responsibility to prepare, analyze and describe draft legislation for the Council. Eventually, the division should become the primary source for bill drafting for the Council.

RECOMMENDATION 7: The Office of the General Counsel should be reorganized into a Legal Services Division that emphasizes bill-drafting responsibilities. The Council should adopt rules that require all Council legislation and amendments be prepared or reviewed by legal division lawyers prior to introduction and that require the legal division to attach a plain language analysis to all bills prior to introduction.

Research and Committee Division

The current Council staffing approach makes no provision for an independent, professional and permanent research function. This is one of the most serious deficiencies at the Council and one that must be addressed if the Council wishes to seize the opportunity to emerge as a leading force within District government.

Currently, any policy research that is done at the Council is performed by members' staff. While many of these employees are extremely talented analysts, they cannot satisfy several key goals related to the research needs of a legislature. First, they tend to serve only their member and their expertise and services are not available to others. Second, they are, by the nature of their attachment to an elected official, temporary. They tend not to contribute any institutional memory to the Council regarding the history of issues, how they were handled, or the location of important sources of information. Finally, they are distracted by other responsibilities of their office including constituent service, office management and public relations.

Committee staffing at the Council suffers similar shortcomings. Each committee chair hires his or her own committee staff who bring varied training and background to the job.

Another drawback of the decentralized committee staffing approach is that when a committee chair changes, the files for the committee often must be reconstructed. Official committee reports may be available through the Office of the Secretary, but background information on the issues within the jurisdiction of the committee often must be compiled from scratch.

Staff positions allocated for the purposes of committee staffing are routinely reassigned by members to other duties, most notably constituent service. This practice further diminishes the ability of the Council to establish high quality committee work.

The NCSL study team recommends that the Council amend the practice of allocating four committee staff positions to member offices and that all or a portion of these resources be redirected toward the development and enhancement of central services including committee and research staff. We believe sufficient staff resources could be freed up by this change to also support creation of a new public information and constituent service office as described later in this report.

There are several options available to the Council for moving toward a more centralized and permanent source for research and committee support. Essentially, these options differ in the number of staff positions that are transferred from member-based committee staff positions to the central research and committee staff agency.

OPTION 1: Transfer all member-based committee resources to the central office.

This option is the most dramatic and would allow for the creation of a full-functioned research and committee staff office. All 39 of the current member-based committee staff positions would be transferred to central staff offices, with the bulk of these positions at the research and committee staff division.

The director of a new Research and Committee Services Division would assign to each committee a committee staff director and a committee analyst. These staff would assist the chair and committee members in development of the committee agenda, preparation of necessary committee documents, issue research and other routine committee duties. These staff would stay with their committee assignment, even in the event of a change in the chair of the committee. However, the division director might occasionally reassign staff to new committees. This division would establish a pool of clerical and administrative employees responsible for the preparation of committee rooms, photocopying, note taking and other support services.

In addition, the division director would assign a research analyst to support the general research needs of a group of committees. The research analyst would work with the committees' staff on committee projects, but would also be available to all members for research and policy assistance. Bill drafters at the Legal Division might be organized around specialty areas in a fashion similar to the research analysts. A bill-drafting specialist might support the legal needs of a particular committee, but would also be available to any member needing such expertise.

OPTION 2: Transfer three member-based committee staff positions per committee chair to the central office. This option releases sufficient resources to create a significant new source for research and committee support, but also allows members to hire and manage a key personal committee staff position.

In this option, the committee chair would hire the committee staff director who would be the lead staff person for the committee. The director of the Research and Committee Services Division would assign each committee a committee analyst dedicated to supporting the work of that committee. The committee analyst assigned to a committee would not change in the event of a change in the committee's chair, although as in OPTION 1, the division director might determine a need to occasionally rearrange committee assignments.

Under OPTION 2, the Research and Committee Services Division would provide additional clerical and research support as provided in OPTION 1.

OPTION 3: Transfer two member-based committee staff positions per committee chair to the central office. This option would allow for the creation of a basic policy research office at the Council that could support routine committee work and the general research needs of Council members. As in the two options presented above, sufficient resources would be available to also create a new public information office, a small, central constituent relations function, and to expand the operations of the Office of the General Counsel and the Budget Office.

OPTION 3 assumes that committee chairs would maintain two positions for committee work and that the central research staff would provide them with general analytical support but with little specific support for committee activities. For example, the research office might develop background information on a committee issue, but it would not have the resources to prepare committee reports or manage similar duties for the committee. Individual committee chairs might use the two positions allocated to them to hire a committee staff director and a committee analyst or clerk. The central research office would offer limited clerical and administrative support to the committees.

OPTION 1 proposes the most difficult institutional change, but also offers the most significant improvement in committee service. OPTION 1 allows for maximum retention of institutional memory on committee matters and issues and promotes the highest level of consistency in the management of committee records and related information. It allows staff to develop depth of knowledge on committee issues that is accessible to all committee members and other Council members. Finally, due to the consistency with which all committee staff approach their responsibilities, OPTION 1 would foster easier transitions for committee chairs and other members when they move to new committees.

OPTION 2 offers many of the benefits of OPTION 1 while preserving the chair's prerogative to hire the committee's lead staff person. This option does not, however, deliver the high levels of institutional memory, shared staff expertise and consistency of committee management of OPTION 1. OPTION 2 also introduces some potential for conflict between the member-hired committee staff director who may not be an expert on committee issues and the central committee analyst who would possess more detailed knowledge of the committee's past work, and its practices and issues.

The main improvement offered by OPTION 3 is the creation of a much needed research center to support the work of the committees, their staff and other Council members. Few of the other institutional benefits related to institutional memory, shared committee staff expertise or consistent committee management are realized under this option.

The removal of committee staff positions from members' offices and their reorganization into a central agency is a politically challenging notion. We know from our experience with state legislatures that these institutions more naturally decentralize staff organization over time rather than centralize it. Our recommendation to the Council goes against this natural inclination and the political reasons behind it. However, this change is central to moving the Council toward being a more independent and effective policy making body.

RECOMMENDATION 8: The Council should create a Research and Committee Division reporting to the executive director that would be responsible for supporting the substantive, planning and record keeping needs of committees and their chairs, and the general research and policy analysis requirements of all members. This division would constitute an independent, professional and nonpartisan resource for Council committee support and research.

Public Information and Constituent Service

In order to realize the goals of institutional credibility, recognition and community involvement promoted in this study, the Council must take some matters into its own hands. This is especially true in the areas of public information, media relations and constituent service.

The Council currently has no strategy, no independent resource for and, in fact, no apparent intention to promote an institutional message about how the Council works, why it is important, what it has accomplished, or what its vision is for the future of the District. Indeed, the Council rarely speaks with one voice.

Obviously, the Council will not reinvent its persona overnight and transform into a symphonic blend of common perspective and unified purpose. This is not in the nature of legislatures. However, we strongly encourage the Council members to begin to identify areas where the expression of shared goals and values can contribute to public understanding and respect for Council decisions and activities. Even if the elegant unity of the symphony is an unrealistic goal, we think that the 13 Council voices should at least occasionally be joined to create interpretations and statements about what is happening at the District's most important branch of government.

More than 40 state legislatures now have an office of public information to handle media relations and promote public awareness and understanding of the work of the legislature. The Council should create a new Office of Public Information and Constituent Relations responsible for the development of programs and services including:

- ◆ A comprehensive Council web site featuring Council news; Council session schedules and calendars; committee rosters, schedules and agendas; member and staff rosters with e-mail connections; Council rules; job openings; access to bill status, research and audit reports; and descriptions of the legislative process.
- ◆ Press clipping service for all members (available internally and potentially on-line through an Intranet web site).
- ◆ Nonpartisan, non-electoral speechwriting consultation for all members.
- ◆ Radio production services for members.
- ◆ Media training and coaching for members and staff.
- ◆ Nonpartisan, non-electoral press release service and newsletter writing for member offices.
- ◆ Informational brochures and other printed materials that describe the Council and its role and activities.
- ◆ Educational materials for use in schools and by members for instruction about the legislative process, District government and the role of the Council.
- ◆ A central service for the disposition and analysis of constituent requests for assistance (described further below).

The director of the Office of Public Information and Media Relations would report to the executive director and the office would make its services available equally to all members and their staff. The director of this division might hold the title of Public Information Officer. We envision a staff of about five—two assigned to public information and three assigned to constituent relations. However, staff in this division would be cross-trained to perform most key roles of the division.

The high level of constituent service workloads in member offices surprised us. Members' staff field hundreds, even thousands, of these requests during a Council period. However, there is no Council-wide standard for how these requests should be handled or managed. Each office has developed its own approach for responding to constituent needs and for tracking requests.

Most offices keep an informal manual or list of useful agency contacts and other resources for help in resolving citizen complaints, but the office do not share these lists. Some offices have created databases that record important details related to constituent requests, but these are used more for basic record keeping and the creation of mailing lists than for any analytical reason.

Complaints and requests of constituents are not analyzed to identify recurring District problems that might provoke increased oversight of specific agencies or needed legislation. For example, we talked to several constituent service workers in different member offices and learned very quickly that tree removal is a widespread problem in the District and a recurring source of citizen irritation. It seemed evident, however, that this information had never been tabulated or evaluated in any way that could assist the Council in acting to relieve the situation. In fact, it appears that constituent work in the members' offices is generally regarded as a welcomed encumbrance. It serves to solidify Council member connections with voters, and helps members demonstrate their ability to deliver real results to citizens. We do not question these goals or outcomes and we recognize the

important role that Council members play in the resolution of citizen problems. However, the constituent service function appears to be consuming a disproportionate amount of staff resources, and more could be done to connect citizen complaints to broader Council actions.

We therefore recommend that the Council create a central service for constituent complaints designed to handle most of the common problems about city services that trouble District citizens. Member offices would refer complaints to this office where they would be handled expeditiously and with full credit for their resolution attributed back to the referring member's office. Services similar to this operate successfully in several states including Arkansas, which has an exemplary model for coordinating constituent requests.

The central constituent service office would maintain a database of constituent requests and conduct periodic analysis of these data including geographic and chronological frequency. The office would present routine (perhaps monthly or quarterly) reports to ward member offices summarizing work done for constituents in their districts.

The office also would produce an annual report for the Committee on Council Management and Public Affairs containing a summary of constituent service work and recommendations for Council action. The CMPA might direct the DC Auditor to conduct certain investigations based on contents of this report. In addition, because the member offices would continue to manage a portion of citizen complaints, the central constituent service office would develop a constituent service manual for them that would provide key contacts and other advice on how to quickly resolve citizen problems.

RECOMMENDATION 9: The Council should create an Office of Public Information and Constituent Relations that reports to the executive director. The office would promote citizen understanding and involvement in Council activities through the provision of services including a Council web site, media relations and development of appropriate publications. The office also would house a constituent relations service responsible to member offices for the effective and expeditious management of citizen complaints and requests related to the performance of District government.

Impact of Recommendations on Total Staff Employed

The staff reform recommendations detailed above could be implemented with little or no impact on the total number of Council employees. Table 3 illustrates an estimate of the size of the new central staff if it were adopted using OPTION 1 (see page 18) for the transfer of staff positions from members' offices to the central staff.

Table 3: Estimated Distribution of Central Staff Based on Recommendations

Council Staff Office	Number of Employees
Office of the Executive Director	2
Administrative Division	19
Fiscal Division	4
Legal Services Division	10
Research and Committee Division	22
Public Information and Constituent Relations Division	5
Office of the DC Auditor	11
TOTAL CENTRAL STAFF	73

Under the assumption of the complete adoption and implementation of our staff recommendations, we estimate that the central staff would grow from the current number of 43 to about 73.

These estimates are based on some assumptions. First, the total staff dedicated to administrative division activities could decline due to the shift of some responsibilities to the executive director and improved use of technology as recommended in this report. We assume the addition of one position to the fiscal office and two positions to the current Office of the General Counsel in order to assist its transformation into a bill drafting resource. If OPTION 1 was adopted for the transfer of member-based committee staff, the Research and Committee Division would be comprised of 14 committee staff serving the non-fiscal committees (two per committee—see our committee structure recommendations in this report), four researchers, three support staff and a division director. As stated earlier, the public information and constituent relations office would have five positions.

By implementing the staff recommendations including OPTION 1 for the transfer of staff, members no longer would require the allocation of committee staff. This would free up about 39 staff positions. Under this scenario, each member would retain their base allocation of four staff and the Council Chairman would retain an extra two positions. Total member staff therefore would drop from 93 to 54. Under these recommendations and based on our assumptions, total staffing at the Council would be reduced by nine full time positions. Adoption of OPTION 2 or OPTION 3 for the transfer of member-based committee staff would yield smaller reductions, depending upon the assumptions built into those scenarios. However, each option could be accomplished with little impact on total Council employment.

CONDITIONS OF STAFF EMPLOYMENT AT THE COUNCIL

A portion of the central staff at the Council currently works within the city's classified or "protected" service. With the adoption of a new central staff arrangement, we believe this practice should be discontinued and that all Council employees should be employed on an at-will basis.

All but a few hundred of the 36,000 state legislative employees in the country work on an at-will basis. We believe that this is an appropriate condition of employment that does not threaten effective and productive workers, but that allows legislatures to develop personnel policies and hiring practices that are responsive to their unique needs and circumstances.

The Council will similarly benefit by taking control of its own personnel system and practices. The new executive director will be free to exercise a more streamlined and customized approach to hiring and other personnel matters. This will be crucial to the rapid development of a highly professional and responsive staff.

As has been the case in state legislatures, the development of effective grievance procedures, pay and classification plans, job descriptions and other internal personnel rules working in concert with the application of important employment and discrimination laws, will adequately protect Council employees from unfair treatment.

RECOMMENDATION 10: The Council should establish that all Council employees are exempt from the city's civil service system and are employed on an at-will basis. The Council should ensure the establishment of clearly articulated personnel policies, procedures and practices that promote the equitable and fair treatment of all Council job applicants and employees, and that establish minimum qualifications for all positions.

The NCSL study team did not examine in depth the classification and compensation policies of the Council. NCSL has conducted extensive pay studies for many state legislatures, so we understand the complexity of the subject. It is something that should be examined carefully by experts in the field of compensation. The Council should seriously consider contracting with a compensation consultant to study the staff compensation package and compare the current salaries to comparable salaries in the DC job market. An extensive compensation study could be used to set competitive salary ranges that can help attract and retain the best employees.

Efficiency

The past decade has witnessed elaborate and successful efforts at all levels of government to streamline operations, clarify purpose and reduce spending.

Legislatures are a special breed within government because their structure and processes often are deliberately designed for inefficiency. That is, legislative processes and procedures that slow the pace of decision making or that guarantee opportunity for public participation are considered good for careful policy making but they also introduce additional time and cost to legislative operations.

In this section of the report, we offer ideas to the Council designed to improve operational efficiency that also protect and balance the need for deliberation in the legislative process. We recommend a reduction in number, and limited reorganization, of Council committees including the elimination of the current Committee of the Whole. Our recommendations on internal communication include ideas about improving staff interaction and knowledge sharing. We also introduce ideas about streamlining the bill status and tracking system and other applications of technology at the Council.

COUNCIL COMMITTEES

Committees do the homework of a legislature. Legislative committees add tremendous value because they analyze, scrutinize and modify the raw legislative material that eventually becomes law.

Committees also provide one of the primary pathways by which citizens gain access to and are able to influence legislative debate and decision making. This is especially true at the DC Council. As one Council member put it, "Council committee hearings are the only way in town for people to participate."

The Council can improve its committee work and provide better public access to committee proceedings by adopting the following changes:

- ◆ Implement the changes regarding committee staff described in the previous section of this report;
- ◆ Reduce the number of Council standing committees from ten to eight;
- ◆ Reduce the number of committee assignments to a maximum three per member;
- ◆ Establish and enforce a rule that all committee meetings start on time or as close to the announced start time as is practicable;
- ◆ Create a committee staffing manual that outlines the responsibilities, requirements and expectations of committee staff;
- ◆ Develop and enforce rules regarding the public announcement of committee meeting schedules and related changes or cancellations.

Current Committee Structure and Related Issues

The Chairman of the DC Council establishes the number of committees for each Council period and recommends the appointment of chairs and members to the committees. The full Council approves committee chairs and assignments.

The committee structure for the Council period 1997-1998 consisted of nine substantive standing committees and The Committee of the Whole (COW). Table 4 presents a summary of the committees and their membership size.

Table 4: Committee membership for Council Period 12 (1997-1998)

Committee Name	Number of Members*
Committee of the Whole	13
Consumer and Regulatory Affairs	6
Economic Development	6
Education, Libraries and Recreation	7
Finance and Revenue	6
Government Operations	6
Human Services	6
Judiciary	6
Local, Regional and Federal Affairs	6
Public Works and Environment	6

*The Council Chairman is a voting member of all standing committees, which is reflected in these statistics.

In addition to their service on the Committee of the Whole, Council members during the last legislative session served on an average of four standing committees. Two members served on five committees and four members served on three committees. All but three Council members chaired a committee. By rule, the Council Chairman serves as a voting member of all standing committees.

The titles and jurisdiction of the committees generally resemble those found in other legislative bodies, with the exception of the Council's Committee of the Whole. Appendix C lists the committee titles from several city councils and state senates.

The ratio of membership size to number of standing committees varies from city to city. Table 5 illustrates this variation:

Table 5: Council Membership and Committee Size in Selected Cities.

City	Council Membership	Number of Standing Committees
Atlanta	15	7
Baltimore	19	12
Boston	13	21
Cleveland	21	11
Denver	13	7
District of Columbia	13	10
Houston	14	23
Indianapolis	29	12
Jacksonville	19	6
Minneapolis	13	10
Philadelphia	17	9
Pittsburgh	9	9
San Francisco	11	6
Seattle	9	9

Of the cities for which we have data, San Francisco and Jacksonville have the smallest number of standing committees with six each. San Francisco divides its committees into the following titles and jurisdictions: Budget; Economic Vitality and Social Policy; Health, Public Safety and Environment; Housing and Land Use; Government Efficiency and Labor; and Rules. Jacksonville has a slightly different breakdown: Finance; Land Use and Zoning; Public Health and Safety; Public Services, Transportation and Utilities; Recreation and Community Development; and Rules. Appendix B lists the titles of committees in several other cities and state legislatures.

Proposal for a New Council Committee Structure

The current Council structure for committees seems fairly sound and reasonable. Most committees have substantial reason to exist. However, we believe that some streamlining of committee jurisdictions combined with a reduction in the number of committees served on per member would be beneficial to the legislative process, to members and to the public. These benefits would include:

- ◆ Fewer committee meetings for members to attend.
- ◆ Easier to establish a coordinated meeting schedule.
- ◆ Reduced number of staff required to staff committees.
- ◆ Easier public participation in committee activities.

The Council also should consider elimination of the Committee of the Whole. As it currently operates, COW serves as part rules and administration committee and part budget committee. We are not convinced that these activities require the attention of the whole body—that the Council essentially goes into session to determine outcomes in these areas. Rather, we propose that the various duties of COW be divided and placed within new jurisdictions, most notably a new Committee on Council Management and Public Relations and a new Committee on Budget and Taxation.

Traditionally in legislatures, Committee of the Whole occurs as part of floor proceedings, either as a regular item on the daily order of business or a special order for designated purposes. It usually is not incorporated into the standing committee system.

The Council's current use of Committee of the Whole works against two of the basic benefits of a committee system. First, COW consumes valuable time of the entire body for matters that could be considered by a committee. It also violates the premise that smaller groups better accomplish in-depth study of bills.

Standing committees at the Council seem to suffer from several problems. They tend to start meetings late or have frequent schedule changes. One member complained, "Committee scheduling is not certain. Times are not adhered to and schedules are changed at the last moment. How do I do my job?" Another member said, "The committee meeting schedule often is changed. We need more discipline."

A related problem is one of obtaining a quorum. Several staff told us that their committees frequently are not able to achieve this decision-making necessity.

The goal of conducting effective and accessible committee hearings sometimes is not achieved at the Council. This problem tends to occur when meetings start late and when testimony and questions are not reasonably managed. A Council member commented, "City agencies often go first and time elapses. It can be frustrating for those from the public who have to wait to be heard." Because Council committees have the power to regulate their own meeting agendas, including the order and duration of testimony, committees must guarantee time for public participation.

Many of the problems related to committee deliberations and hearings cannot be solved through restructuring or rulemaking. These problems, such as hearings starting late and frequent schedule changes, are matters of internal discipline and competing demands for the Council members limited time.

The following recommendations for committee restructuring are important to the future effectiveness and efficiency of Council operations. They have little value, however, if not adopted with a concurrent commitment to the improvement of basic committee operational practices and scheduling.

Table 6 outlines a proposed structure and jurisdictions for committees at the DC Council. The proposed structure envisions eight standing committees with jurisdictions similar to those currently operating at the Council. The most noticeable change is the elimination of the Committee of the Whole. In addition, no member except the Council Chairman would serve on more than three committees.

Table 6: Proposed Committee Structure for the DC Council

Committee Name	Number of Members	Jurisdictions
Budget and Taxation	5	Appropriations, taxes, bonds
Council Management and Public Affairs	5	Council operations, audits of executive branch agencies, confirmations of executive branch appointments, ethics
Economic and Environmental Affairs	5	Economic development, environmental impact, recreation, tourism
Education	5	K-12 education, colleges and universities, libraries
Government Operations	5	Elections, ANCs, and relations with District, state and federal governments
Health & Human Services	5	Health, welfare, social services, housing
Public Safety and Justice	5	Courts, penal system, police & fire departments, criminal & civil law
Transportation and Utilities	5	Roads, bridges, traffic regulation, regional public transportation, public utilities

The committee titles and jurisdictions presented in Table 6 are for the consideration of the Council as one way to redistribute committee work among eight committees. Due to the difficulty in determining past committee workload, we encourage the Council to modify this jurisdictional scheme as necessary using its unique knowledge of the issues and how they occupy committee resources. Our concern would be that the Council endorse and adhere to two key reorganization criteria: 1) limit the Council to a maximum of eight committees, and 2) limit members to a maximum of three committee memberships each. The Council Chairman would serve on four committees.

RECOMMENDATION 11: The Council should operate with a maximum of eight standing committees, each comprised of five members. Members should serve on a maximum of three committees each. The Council Chairman would serve on three committees in addition to serving as chair of the Council Management and Public Affairs Committee.

RECOMMENDATION 12: The Council should adhere to the standard schedule for committee meetings and hearings. Official schedule updates or changes should be published at least 48 hours in advance of a committee meeting or hearing. The Council should announce its intention to adhere strictly to published committee schedules to its best ability and should maintain internal records that measure its success in achieving this goal.

RECOMMENDATION 13: The Council should enforce standards for committee reports including proper form and minimum content requirements. The Council should establish a repository for these documents that is easily accessible to members, staff and the public. [Note: Council Rule 443 addresses some of these issues.]

RECOMMENDATION 14: The Council should create a committee staffing manual that outlines the responsibilities, requirements and expectations of committee staff and that ensures that all committees receive effective and equal levels of service. The Council also should consider creation of a committee chair manual that outlines the roles and responsibilities of that position.

INTERNAL COMMUNICATION

There is a perception both within the Council and in public opinion that the Council operates more in the mode of 13 separate offices than as one body. It was directly voiced by several Council members in interviews. In addition, the member-centered staffing model reinforces that tendency. Staff are hired and managed by the individual members, so that is where their loyalty is directed as opposed to being directed toward the institution of the Council. The NCSL study team believes that the Council would be stronger if it could shift from the strong member office orientation toward a more collaborative environment.

One of the keys to improved collaboration is the opening up of internal communication paths, primarily among member offices and between them and the central staff offices.

Improvements in internal communication not only will foster a more collaborative workplace, but also could greatly enhance the efficiency of Council operations through the elimination of duplicative activities and the sharing of important information and experiences.

Change in this area will require a renewed emphasis on openness and information sharing. The NCSL study team was surprised that the Council has no official directory of employees with their telephone numbers, titles and room locations. This type of directory is a basic internal communication tool for staff and members. It also is a useful resource for the public. Instead of finding this type of directory, we discovered that many staff feel that this type of information is private. We emphatically disagree.

Professional staff at the Council must request long distance connections from a central telephone operator. Theoretically, this practice could help to control long distance telephone expenses. However, there are telephone systems that allow for budgetary control and oversight of long distance access while allowing users more flexibility to make long distance calls. At NCSL, for example, each program area (about six to ten employees) has a five-digit budget code number that staff members dial at the end of a long distance telephone number. This code directs the charges to the program's account. Programs are responsible for remaining within their budgeted amounts.

E-mail is a tool that is under utilized at the Council. Many staff told us that they have had trouble getting into the system. The Council should adopt a policy to use e-mail for routine notices, personnel memos, scheduling and daily communication. Hard copy versions should only serve as a back up or when specially requested by a member who is averse to e-mail communication. Practically all interviewees complained that the Council wastes too much paper. Paper copies are necessary for some instruments like bills, but a strong effort should be made to do more electronic communication.

Intranet web sites also can support internal communication as well as serve as a link to outside Internet resources. The Council could establish an Intranet web site for posting all official personnel, planning and administration announcements, and news. This could include committee agendas, community news, a press clippings file and an electronic staff directory with e-mail links.

The Council staff also have little information about personnel policy and related matters. Most legislatures, indeed most organizations, have an employee manual that details key personnel policies, conditions of employment and performance expectations. Senior Council staff are currently developing a personnel manual, and the issuance of this manual should be a high priority. NCSL has many examples of legislative personnel guides that are available for the Council staff to review when considering what policies to outline in a Council manual.

The NCSL study team found that staff from the Council member's offices rarely meet formally to discuss Council-wide issues, activities or problems. No amount of technology can replace face-to-face talk. We encourage the Council and key staff directors to seek opportunities for these exchanges.

Communication about staff performance also should become commonplace at the Council. Few staff receive regular performance appraisals or engage in talk with their supervisors about personal goals and objectives. All employees at all levels desire this type of feedback when it is provided in a constructive and goal-oriented fashion. We believe that the Council should institute an annual, straightforward, easily implemented performance appraisal system for all staff.

RECOMMENDATION 15: The Council should issue and routinely update a directory of members and Council employees that contains at a minimum their office phone numbers, room addresses and e-mail addresses. The directory should

be distributed to all Council employees and should be available to the public in hard copy and electronically.

RECOMMENDATION 16: The Council should strengthen and encourage internal communication through the development and promotion of the following services:

1. an effective and reliable e-mail service available to all members and staff;
2. a seamless and user friendly telephone system including voicemail and direct long distance access;
3. routine staff meetings designed to promote useful interaction among Council employees;
4. use of e-mail, Intranet or other electronic means for the posting and distribution of internal memos, announcements and other notices about Council business.

RECOMMENDATION 17: The Council should issue the employee manual currently under development as soon as possible. It should contain information about Council personnel policies and benefits, working conditions and expectations, and other related materials. The Council should update the manual regularly to reflect policy changes.

RECOMMENDATION 18: The Council should require that all employees receive an annual appraisal of their work performance including the annual development of performance goals and objectives.

PROFESSIONAL DEVELOPMENT

Legislatures depend on knowledgeable and skilled members and professional staff to remain effective and efficient. Today's legislatures therefore are investing more heavily than ever in member and staff training and professional development programs. Legislators and employees attend skills and issues workshops, meet with colleagues from other legislatures to share information and sometimes teach their specialties to others.

The Council has been operating under severe financial restrictions for a number of years, which has limited their ability to provide extensive in-house professional development or participate in external professional development opportunities. Travel to meetings or to other councils is rare. Some on-site training for staff does take place, but it does not fully meet the needs of the Council and rarely covers policy or current events. Staff and members should travel to meet with colleagues from other cities to learn about other approaches to solving the District's problems.

The Council also should seek out local resources—so plentiful in the District—that can offer training opportunities for professional staff. Similar local resources might be identified that could train members in media relations skills, public speaking or consensus building—typical skills that legislators are always looking to improve.

The Council should embark on a new course of learning and information sharing. When kept in balance and pursued openly and with clear purpose, the public typically acknowledges the necessity and benefits of these types of public expenditures.

RECOMMENDATION 19: The Council should establish a program and funding for the ongoing training and professional development of its members and staff. The Committee on Council Management and Public Affairs should set training priorities, establish planning responsibilities and recommend an annual budget for these activities.

TECHNOLOGY

The Council maintains an electronic bill tracking and status system, but it appears that the system does not satisfy the needs of many users or the public. Bill tracking in the District of Columbia is especially complex because of congressional review and the current practice of using emergency bills to get legislation passed expeditiously. Some staff maintain their own manual tracking system on emergency legislation.

The Council is presently in the process of designing and implementing an updated bill tracking system. As part of that process, the Council should convene all interested staff and members to determine a course of action for the creation of a single, reliable and credible automated bill tracking and status system that accurately provides timely information on pending bills and resolutions. The system should report expiration dates for emergency and temporary laws. The effort expended on this project would create long-term efficiencies that would significantly reduce the workload of several Council staff, and would provide an important resource for public inquiries.

RECOMMENDATION 20: The Council should invest the time and resources necessary to develop a comprehensive and reliable automated system that provides timely information on bill status and the expiration of emergency and temporary laws.

The Council has done a good job trying to keep pace with technology and to provide employees with useful computer tools and applications. More can be done.

In order to continue to move forward in directions that most benefit staff and key legislative processes, we believe that a stronger link should be developed between the Council's computer center staff and its main clients—the Council staff. In many state legislatures and other organizations, the computer center staff have established a "computer users group."

A computer users group is composed of representative clients from all aspects of the organization's operations. At the Council, such a group might include staff from members' offices, from each of the central staff divisions and from the Auditor's

office. The group would meet periodically as an advisory body to the computer center on matters related to equipment needs, software requirements and training and long-term planning. Its first project could be related to the development of an improved bill status system as described above in Recommendation 20.

RECOMMENDATION 21: The Council should establish a computer users group to serve in an advisory capacity to computer center staff regarding the development of computer systems and computer applications at the Council. The users group should be composed of staff representatives from all relevant work areas. User group meetings should be held on a regular schedule and should be announced and open to all staff.

One of the most noticeable technological trends in state legislatures is the growing presence of computers, electronic voting boards and related equipment in legislative chambers. The temporary chambers of the DC Council were lacking technology that could facilitate more efficient floor sessions. This may be remedied when the Council returns to its chambers in the Wilson Building, which is under renovation.

Small legislative bodies like the Council tend to be collegial in their manner and informal in their decision-making traditions. Technologies like voting boards often do not fit this atmosphere. However, we believe that some technological additions could improve the efficiency of the Council's session activities.

Oral amendments are a problem for the Council and for those in the chamber gallery who try to follow the legislative debate. The Council should add computer terminals and printers near the dais where staff from the legal division could quickly produce written versions of amendments. These amendments could be printed on-site and quickly distributed to members.

In some state legislatures, floor amendments are projected on a screen for members and public to see and read. Such a system, linked through the computer to a small projector, could provide a valuable new tool for floor debate and for public understanding of Council proceedings.

Many state legislatures also provide members with lap top computers that can display the session calendar, bill text under consideration, text of amendments, and provide e-mail, word processing and links to other important decision making information. This technology can relieve the need to produce large and unwieldy bill books and spare members the inconvenience of managing large amounts of paper at the dais. The Council should explore the use of portable computers for members.

The NCSL study team recommends that the Council add one simple item to the chamber that would greatly enhance public understanding of floor debate—an electronic message board or other display that shows the number and title of the bill currently under consideration. This small display could show the status of the debate such as what reading the bill is at and what motion is currently under consideration on the floor. The board also could show the result of roll call votes.

One easy and low cost way to provide this display would be through a computer projection system.

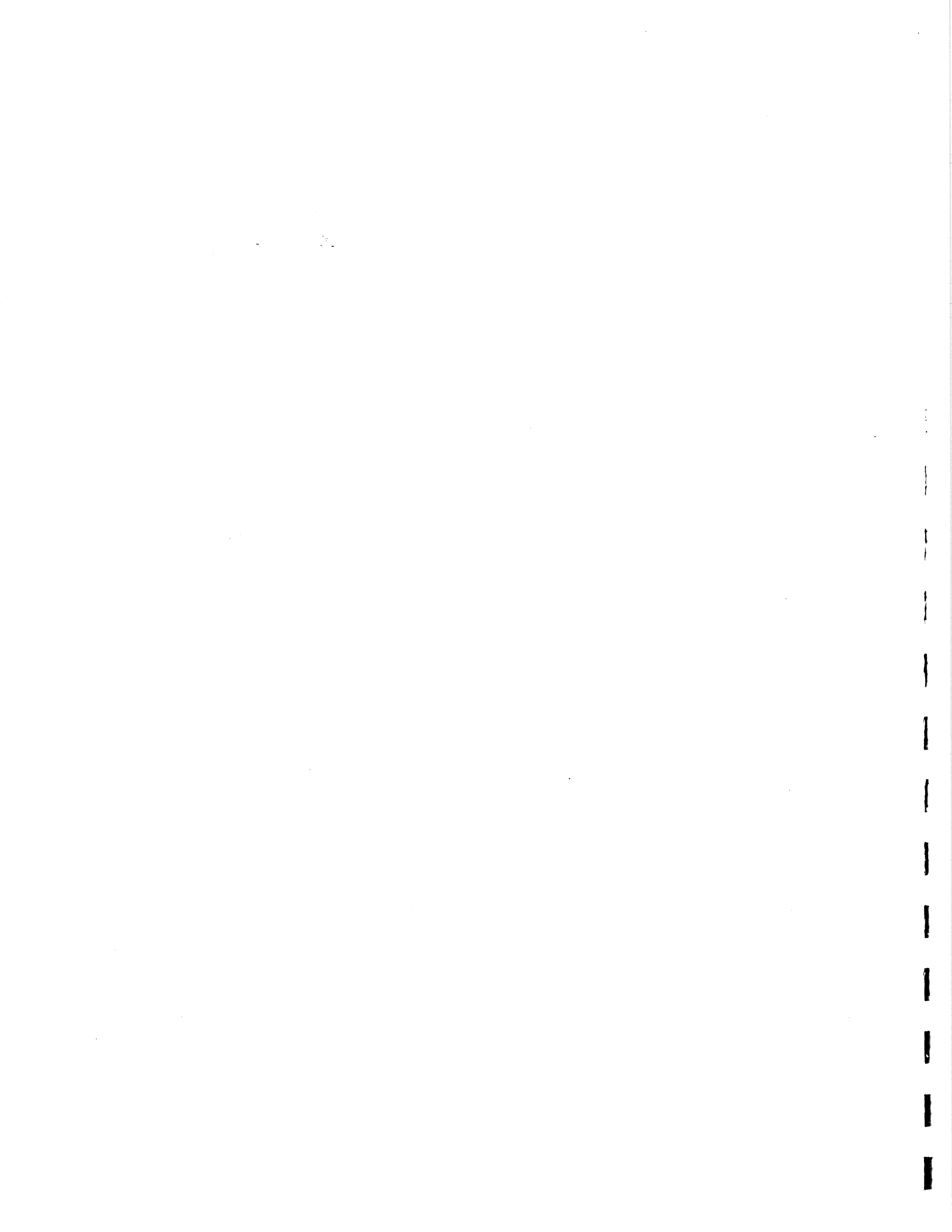
Most state legislative chambers use an electronic voting system to record roll call votes. The Council should consider adding a system where the clerk calls the roll and records votes electronically. The result is computed and displayed automatically. The result also can be recorded automatically into the daily record or journal.

RECOMMENDATION 22: The Council should investigate and implement where appropriate the application of computer technology to its chamber operations. At a minimum, the Council should consider the following opportunities: 1) on-site production and printing of floor amendments; 2) development of a chamber display that shows information about current floor activity; and 3) the addition of an electronic voting system for roll call votes.

Finally, we would like to offer one idea about technology unrelated to internal computer applications. While attending sessions of the DC Council, the NCSL study team observed the common use by other visitors of cell phones and pagers within the Council chambers. This activity is disrespectful to the Council and to other visitors to its proceedings. The Council should adopt rules and post signs that prohibit the use of these devices within the Council chambers. Here is a portion of a related rule adopted in Colorado:

Colorado Senate Rule 22A....Audible electronic devices and audible telephone devices used for transmitting and receiving communications shall be rendered inoperable in the hearings of Senate committees, in Senate party caucuses, or in any other official meetings of Senate members held in the Capitol or the Legislative Services Building.

RECOMMENDATION 23: The Council should adopt a rule similar in intent to Colorado Senate Rule 22A to prohibit the use of cell phones, pagers and other communication devices during floor sessions within the Council chamber and at other official meetings of the Council or its committees.



Accessibility and Accountability

As we have recommended in previous sections of this report, the DC Council should take steps to enhance its independence and to streamline its internal operations. The effect of these changes can be enhanced if they are achieved in concurrence with improvements in the way the public participates in Council activities.

In this part of the report, we set out recommendations about Council visibility, public access to Council information, and rules reforms that can help clarify the legislative process and its outcomes.

PUBLIC INFORMATION

The Council should do more to inform the public about its activities and about the Council as an institution. As we have recommended earlier in this report, a new Office of Public Information and Constituent Relations could spearhead efforts in this area. In particular, we encourage the Council to establish and maintain an effective Internet web site.

The DC Council Web Site

About two years ago, the Council began the design of a new web site with the assistance of a local vendor. The site was well organized, featured a terrific clickable map of city wards, and contained useful information about Council organization, members, committee structure and staff offices. Unfortunately, the concept was never fully developed, and at the time of this writing, the basic site no longer is accessible except through the vendor's home page.

All 50 state legislatures now maintain a website. These websites have been heavily used by the public to follow activities in their legislatures. The NCSL study team recommends that the DC Council invest the necessary resources to make their website a top priority. The Council should pick up where it left off with the original website plan and develop a web presence with the following features:

- ◆ Council organization chart and description of the legislative process;
- ◆ Access to Council session schedules and calendars;
- ◆ Access to Council rules, bill status, non-confidential research memoranda and audit reports;
- ◆ Committee rosters, committee schedules and agendas;
- ◆ A meeting notice site that provides updates on committee schedules;
- ◆ Member and staff rosters with e-mail connections;
- ◆ Job openings;
- ◆ A link to the central constituent services office;
- ◆ Ward profiles;
- ◆ Links to other important sites (such as ANC web pages and executive agencies);

- ◆ Access to transcripts or tapes of Council floor session and committee meetings.

Students are prevalent users of web technology and the Council web site could be an important vehicle for teaching young people about city government and the role of the legislative branch. We encourage the Council to consider development of a section of their web site dedicated to students that is designed to be visually interesting and that offers teachers various tools for developing classroom projects or curricula related to city government.

RECOMMENDATION 24: The Council should establish and maintain an up-to-date and comprehensive web site that provides a broad range of information about the Council and its role in city government.

Printed Public Information Materials

Before there was the Internet, most state legislatures made available a wide range of informational materials about the institution, its history, processes and people. Because many citizens do not have access to computers, these printed materials remain useful and necessary.

The DC Council offers few documents to help the public understand the institution. We previously recommended the creation of a Council directory that would be an important part of correcting this situation. Other publications, documents and signage also would be helpful for citizens. These might include:

- ◆ A general guide to the Council that describes its operations and offices;
- ◆ Handouts at committee meetings and floor sessions that include the agenda, bill summaries and other helpful details about the meeting;
- ◆ Student guides or workbooks for use in classrooms;
- ◆ A guide for effectively using the new central constituent services office;
- ◆ Signs at the entry of the chamber that outline rules of decorum for visitors.

These materials should be available in convenient locations throughout the Council office and through member offices. Members could use these materials at meetings and appearances outside the Council.

RECOMMENDATION 25: The Council should publish a series of documents and brochures for the public that describe the legislative institution and that help citizens to participate effectively in city government. This should include the preparation and distribution of relevant handouts for committee meetings, hearings and Council floor sessions.

Council Tapes and Transcripts

Currently, the Council makes audiotapes of Council floor sessions and committee hearings. These tapes constitute the official record of Council actions and are referred to often by the General Counsel's office, by staff in the Secretary's office and by the public.

Access to these tapes is cumbersome. Persons wishing to hear the tapes must physically go to the Council Secretary's office and listen to the tapes there during normal business hours. Staff must retrieve the tapes from archives and instruct users on how to use the tape machines. There are only two machines available to listen to tapes, so a person must return another time if both are being used or if they are not functioning. This is true even of Council staff. Members of the public who desire a copy of the tapes must supply a blank cassette for Council staff for recording.

We think the Council should investigate a more accessible system for the recording and public distribution of official Council activities. Digital recording technology, combined with Internet access, might offer an interesting and effective solution to this problem.

RealAudio and RealVideo are two examples of web-based applications that are being used to provide access to state legislative meetings. TVW is a non-profit, state-level public affairs network for Washington State, comparable to C-SPAN. TVW provides live audio of the Washington Legislature's proceedings including all floor sessions and committee meetings. It also provides archived tapes of these activities. The Council should explore how technology like RealAudio might be employed to simplify and enhance access to legislative records.

RECOMMENDATION 26: The Council should develop a new system for the recording and public distribution of Council floor and committee proceedings. Special attention should be given to new technologies that allow web-based access to these records.

INTERNAL DISCIPLINE

There is a thing called "legislative time" that is followed in many legislative bodies. When events are running according to legislative time, it means that things are running late. Meetings do not start on time, members do not show up promptly for hearings and everyone outside the legislature who wishes to participate must sit and wait or just give up and go home.

Unfortunately, many legislatures take legislative time for granted. In fact, it has become something of an insider's joke, and perhaps excuse, when things start running late in legislatures. The lapse toward the use of "legislative time" at the Council has become excessive. Many Council members and staff interviewed by the NCSL study team expressed serious concerns and frustration about the late starts of committee meetings and floor sessions. This practice not only affects the overall efficiency of the institution, but perhaps more importantly it discourages a citizenry that wishes to participate positively in city government affairs. The Council leadership and members should discuss this issue and establish a vision for future Council operations that includes a strong commitment to on-time meetings and effective and consistent time-management at hearings and other Council deliberations.

RECOMMENDATION 27: The Council should establish within its rules a provision requiring that all official meetings of Council committees and of the Council begin on-time or as close to the announced start time as is practicable. When meetings are late, notice should be posted at the meeting room to inform the public about the revised starting time.

Internal discipline also should be applied to stem the expanding use of emergency legislation. Most members and staff we spoke to agreed that the emergency designation for bills is overused or abused.

This growing practice creates several problems. It forces issues to the floor without necessary committee consideration or study. The proliferation of emergency laws creates a parallel proliferation of temporary bills that also circumvent the committee process. All of this makes for a tracking nightmare for staff, Council members and the public who want to know what laws are in effect and when emergencies will expire.

Citizens' skepticism about the legislative process also is reinforced when the Council advances bills that have received little internal scrutiny or public input.

RECOMMENDATION 28: The Council should develop consensus among the members about the legitimate use of emergency and temporary legislation with the goal toward reducing the use of both. Rule 412(b) should be revisited to determine if the definition of "emergency" is adequate and enforceable.

ORAL AMENDMENTS

Floor debate and consideration of legislation at the Council frequently involves the use of oral amendments. The flurry of oral amendments severely limits the ability of observers to understand the direction and intent of amending language and the course of Council debate. We speculate that many Council members also have trouble ascertaining the exact meaning and effect of many oral amendments.

It is in the public interest and in the interest of producing quality legislation that the Council requires all oral amendments to "be reduced to writing...." Council rule (343) that says that members should "endeavor to file amendments...in writing ... at least 24 hours preceding the legislative session at which they are to be moved." The Council should strengthen this rule to require that substantive amendments be submitted in writing before a vote. The question of "substantive" could be ruled on by the chair.

RECOMMENDATION 29: The Council should revise its Rule 343 regarding pre-filing of amendments and written preparation of oral amendments to require all substantive amendments to be submitted in writing before a vote on that amendment.

CALENDARING

The calendar is a legislature's daily work order—the agenda of business for floor sessions. Many legislatures use a series of calendars as devices for organizing chamber business. The DC Council is no exception, dividing its work into two major categories—consent and non-consent. Under both the consent and non-consent agendas, items are grouped still further:

- A. Reading and vote on proposed ceremonial resolutions
- B. Final reading and final vote on proposed bills
- C. First reading on proposed bills
- D. Reading and vote on proposed resolutions
- E. Reading and vote on matters on an emergency basis
- F. Reading and vote on temporary legislation
- G. Final reading and vote on temporary legislation

Looking at this organization system on paper, one would think that the Council floor process is straightforward and easy to understand and that the public should have no trouble in following the debate. However, this is not always the case. For example, Council session calendars are not made available in a timely fashion, being placed out only minutes before the session starts or even after the meeting is underway. Also, on the days that the NCSL study team attended sessions, the supply of calendar copies ran out quickly and many visitors observed the Council deliberations without the benefit of an agenda. In addition, the format and layout of the calendar make it difficult to follow. Finally, the practice of making numerous changes to the calendar at the beginning of session contributes to the public's difficulty in tracking the Council's proceedings.

The NCSL study team recognizes that the Council might need to make some last minute changes to the calendar. However, those changes should be made in way that helps observers to update their copies of the calendar more easily. For example, an electronic message board located in the chamber could illustrate these changes as they are made.

RECOMMENDATION 30: The Council should establish new deadlines for calendar preparation so that a final agenda is ready for public dissemination at least 24 hours prior to scheduled Council meetings. In addition, the Council should: 1) reevaluate how many copies of the agenda to print so sufficient numbers are available for public use; 2) create a new format for the meeting agenda to make it easier for the public and members to read; and 3) consider color-coding the consent and non-consent agendas, thereby making a clearer distinction between them for the public and members.



Appendix A—Study Methodology

The Council of the District of Columbia contracted with the National Conference of State Legislatures to perform a study of Council processes and procedures. As specified in the contract, NCSL focused on the following general and specific goals:

1. To assess the logic, effectiveness and efficiency of procedures, tools and systems used by the Council and its staff to manage the legislative process;
2. To conduct an overview of staffing, committee structure and other organizational aspects of Council operations;
3. To make recommendations regarding Council operations that preserve the integrity of essential legislative activities and services;
4. To assess the analytical and policy formulation capacity of Council committees;
5. To assess oversight mechanisms available to the Council including use of the Office of the D.C. Auditor;
6. To review the Council's role in rulemaking;
7. To assess the Council's budgetary and fiscal oversight capacity;
8. To assess the Council's use of technology in support of its administrative and legislative activities;
9. To review opportunities for citizen participation and involvement in the legislative process.

NCSL has conducted legislative reviews in many states. Based on its experiences, NCSL has developed a general methodology that has proven to be very successful. We followed the methodology for this study.

NCSL selected a study team with experience performing legislative reviews, background in relevant issue areas, and knowledge of the District of Columbia Council. The original NCSL study team consisted of four consultants from our Denver office. We added a specialist in bill drafting operations to assist in this area of the project. The team completed four site visits to the Council totaling approximately 52 "person days" of on-site work.

The study team completed interviews and meetings with over 85 people including 12 Council members, 49 Council staff and 6 D.C. Auditor staff. We also had discussions about study issues with control board staff person Russell Smith; Chief Management Officer Camille Barnett; Inspector General E. Barrett Prettyman and members of his staff; Chris Becker, deputy director of the National League of Cities; and M. Peter Sirh, staff director to U.S. Representative Thomas M. Davis. In addition, the study team has attended two Council sessions and several Council committee meetings and hearings.

In the course of our work, we collected numerous reports, Council documents and other data about Council operations.

The study team carefully selected eight cities to serve as a comparison group for city council operations. The cities chosen were Atlanta, Georgia; Baltimore, Maryland; Denver, Colorado; Detroit, Michigan; Indianapolis, Indiana; Jacksonville, Florida;

Philadelphia, Pennsylvania and Seattle, Washington. Various criteria were used to select the comparison cities such as the use of a mayor-council form of government, consolidated city-county operations and population. The study team developed a survey covering city council staffing and operations, and the questionnaire was sent to a contact in each city. Seven of the cities responded to the survey; we were unable to gather information from Detroit.

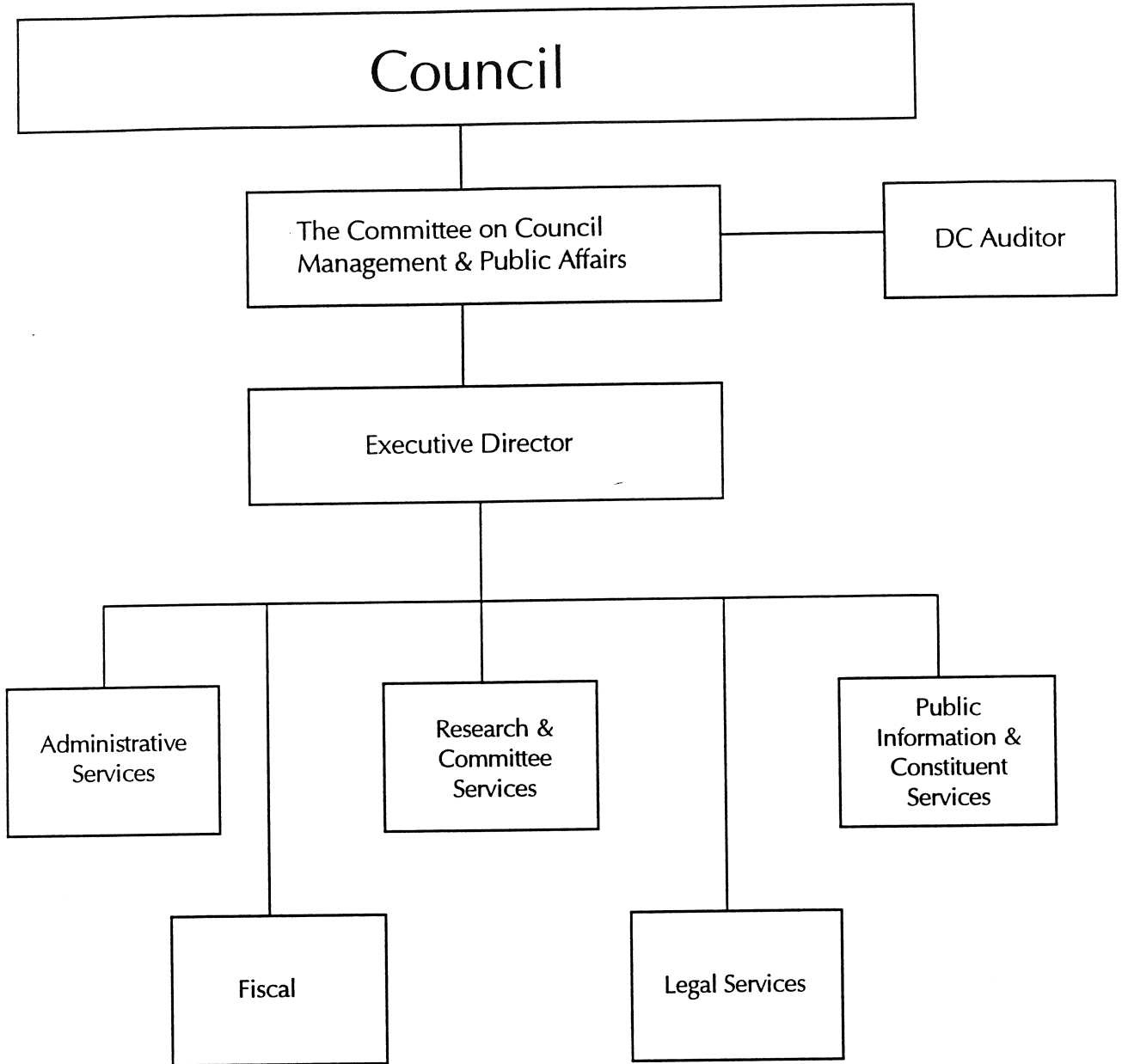
The Seattle City Council recently underwent a management study of its staffing and operations. Judith Pippen, the Seattle city clerk, obtained authorization to provide the NCSL study team with a copy of the report. This report included valuable comparative information on additional city councils.

We also identified 10 state Senates as a legislative comparison base. When making these selections, the study team again took into account a number of criteria, including the number of Senators, state population, geographic location, session length and staffing structure.

The NCSL study team held at least eight internal meetings throughout the review. During the meetings, the team discussed findings from on-site work, identified important issues, developed an outline for the report, and generated recommendations.

The study team maintained communication with Phyllis Jones, Secretary to the Council Secretary, during the course of the project. In July, we submitted an interim report to Council Chairman Linda Cropp and Ms. Jones.

Appendix B—Staff Organizational Chart for Proposed Central Staff Structure





Appendix C—Comparative Committee Structures

Committees of Selected City Councils

Atlanta, Georgia

1. Committee on Council
2. Community Development/Human Resources
3. Finance/Executive
4. Public Safety
5. Transportation/City Utilities
6. Zoning
7. Transportation

Baltimore, Maryland

1. Budget & Appropriations
2. Taxation & Finance
3. Judiciary
4. Urban & Intergovernmental Affairs
5. Economic Development
6. Health & Environment
7. Land Use
8. Housing
9. Education & Human Resources
10. Executive Appointments
11. Policy & Planning
12. Legislative Investigations

Denver, Colorado

1. Business Issues
2. Denver International Airport
3. Finance
4. General Government
5. Human Services
6. Intergovernmental Relations
7. Land Use
8. Public Amenities
9. Public Safety
10. Public Works

District of Columbia

1. Committee of the Whole
2. Consumer & Regulatory Affairs
3. Economic Development
4. Education, Libraries & Recreation
5. Finance & Revenue
6. Government Operations
7. Human Services
8. Judiciary
9. Local, Regional & Federal Affairs
10. Public Works & the Environment

Indianapolis, Indiana

1. Committee on Committees
2. Administration and Finance
3. Capital Asset Management
4. Community Affairs
5. Economic Development
6. Municipal Corporations
7. Parks and Recreation
8. Public Safety and Criminal Justice
9. Public Works
10. Rules and Public Policy
11. Regulatory Research and Review

Jacksonville, Florida

1. Finance
2. Land Use & Zoning
3. Public Health & Safety
4. Public Services, Transportation & Utilities
5. Recreation & Community Development
6. Rules

Seattle, Washington

1. Business, Economic & Community Development
2. Finance & Budget
3. Housing, Human Services & Civil Rights
4. Neighborhoods, Growth Planning & Civic Engagement
5. Culture, Arts & Parks
6. Public Safety, Health & Technology
7. Transportation
8. Government, Education & Labor
9. Utilities & Environmental Management

Committees of Selected State Senates

Alaska Senate

1. Community & Regional Affairs
2. Finance
3. Health, Education & Social Services
4. Judiciary
5. Labor & Commerce
6. Resources
7. Rules
8. State Affairs
9. Transportation

Delaware Senate

1. Administrative Services
2. Adult & Juvenile Corrections
3. Agriculture
4. Banking
5. Bond Bill
6. Children, Youth & Families
7. Combat Drug Abuse
8. Community/County Affairs
9. Education
10. Energy & Transit
11. Ethics
12. Executive
13. Finance
14. Health & Social Services
15. Highways & Transportation
16. Insurance & Elections
17. Judiciary
18. Labor & Industrial Relations
19. Natural Resources & Environmental Control
20. Permanent Rules
21. Public Safety
22. Revenue & Taxation
23. Small Business
24. Sunset

Hawaii Senate

1. Commerce, Consumer Protection & Information Technology
2. Economic Development
3. Education
4. Government Operations & Housing
5. Health & Environment
6. Human Resources
7. Judiciary
8. Transportation & Intergovernmental Affairs
9. Water, Land & Hawaiian Affairs
10. Ways & Means

Maryland Senate

1. Budget & Taxation
2. Economic & Environmental Affairs
3. Executive Nominations
4. Finance
5. Judicial Proceedings
6. Rules

Michigan Senate

1. Appropriations
2. Economic Development, International Trade & Regulatory Affairs
3. Education
4. Families, Mental Health & Human Services
5. Farming, Agribusiness & Food Systems
6. Finance
7. Financial Services
8. Gaming & Casino Oversight
9. Government Operations
10. Health Policy & Senior Citizens
11. Human Resources, Labor & Veterans Affairs
12. Hunting, Fishing & Forestry
13. Judiciary
14. Local, Urban & State Affairs
15. Natural Resources & Environmental Affairs
16. Technology & Energy
17. Transportation & Tourism

New Hampshire Senate

1. Banks
2. Capital Budget
3. Economic Development
4. Education
5. Environment
6. Executive Departments & Administration
7. Finance
8. Fish & Game
9. Insurance
10. Internal Affairs
11. Interstate Cooperation
12. Judiciary
13. Public Affairs
14. Public Institutions, Health & Human Services
15. Rules
16. Transportation
17. Ways & Means

Ohio Senate

1. Agriculture
2. Economic Development, Technology & Aerospace
3. Education
4. Energy, Natural Resources & Environment
5. Finance & Financial Institutions
6. Health
7. Highways & Transportation
8. Human Services & Aging
9. Insurance, Commerce & Labor
10. Judiciary
11. Reference
12. Rules
13. State & Local Government & Veterans' Affairs
14. Ways & Means

Rhode Island Senate

1. Corporations
2. Finance
3. Health, Education & Welfare
4. Judiciary
5. Labor
6. Special Legislation

Vermont Senate

1. Agriculture
2. Appropriations
3. Education
4. Finance
5. General Affairs & Housing
6. Government Operations
7. Health & Welfare
8. Institutions
9. Judiciary
10. Natural Resources & Energy
11. Rules
12. Transportation

Virginia Senate

1. Agriculture, Conservation & Natural Resources
2. Commerce & Labor
3. Courts of Justice
4. Education & Health
5. Finance
6. General Laws
7. Local Government
8. Privileges & Elections
9. Rehabilitation & Social Services
10. Rules

West Virginia Senate

1. Agriculture
2. Banking & Insurance
3. Confirmations
4. Education
5. Energy, Industry & Mining
6. Finance
7. Government Organization
8. Health & Human Resources
9. Interstate Cooperation
10. Judiciary
11. Labor
12. Military
13. Natural Resources
14. Pensions
15. Rules
16. Small Business
17. Transportation

Wyoming Senate

1. Agriculture, Public Lands & Water Resources
2. Appropriations
3. Corporations, Elections & Political Subdivisions
4. Education
5. Judiciary
6. Labor, Health & Social Services
7. Minerals, Business & Economic Development
8. Revenue
9. Rules & Procedure
10. Transportation & Highways
11. Travel, Recreation, Wildlife & Cultural Resources