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Sunset Review: Better Late than Never?

Compare and contrast the events that occurred around this past New Year's Eve for the region's most high profile governments. Pittsburgh City Council and the City administration were in a virtual whirlwind of activity as they tried and tried again to beat a midnight deadline to avoid a state pension takeover. Further up Grant Street the County administration produced the most recent sunset review of departments, some seven years after the last one was released and well past its deadline. The City's pension drama garnered much media attention while the sunset review failed to generate so much as a press release announcing its publication.

Sunset review is an integral part of the home rule government in Allegheny County. It is mentioned in the preamble and in three other sections of the Charter. The purpose of sunset review is to periodically evaluate all departments and functions and submit them to an up or down vote so that their existence is not assumed to continue perpetually.

The Manager's office is responsible for conducting the review "at least once every four years" according to the administrative code. That's why it was surprising to find that after the 2003 review, one did not appear in 2007. When 2008 and 2009 came and went without a review it was even more troubling. We wrote two *Briefs* last year (*Volume 10, Numbers 16 and 44*) expressing the problems with the missing review and now it has been posted on the Manager's website with the date December 30, 2010.

Why did it take so long for a review? A spokesperson for the Executive was quoted in a September news article as saying "because of all the changes, [the review] was delayed so we could have a more meaningful review". The changes she was referring to came about from a 2005 referendum on the row offices. Three additional departments—Court Records, Medical Examiner, and Real Estate—joined the County organizational chart. The 2003 review covered 16 departments, and the 2010 review covered 19 departments. A new EMS division was added in the Emergency Services Department as well.

Overall, that's not enough of an appreciable increase to warrant a three year delay and neither the Charter nor the code mention new departments as a permissible reason to delay a review. A simple line explaining the changes and noting that not enough time has passed for an evaluation would have sufficed and allowed the rest of the review to proceed. Looked at another way, if a future review advocated abolishing the County police—a significant change—and Council followed through, should the sunset review be delayed because of one less department even though the other 18 continue to operate?

Since all 19 departments are currently recommended for “continuance” rather than “abolishment” or “reorganization” the status quo is largely maintained. It is not as if the County was or is wrestling with any major changes to the status quo by recommending consolidation of two or more departments or eliminating any at this time.

Separate from the issue of the time delay, it is difficult to determine if the justification for each department is warranted because there are no operational performance metrics presented for taxpayers or Council members to examine and analyze. This is true of the 2003 review as well. Is the Department of Parks offering better programming? Is the Department of Public Works paving roads more efficiently? In both 2003 and 2010 the reviews state that eliminating the Parks Department would “limit the recreational opportunities of the citizens” and both stated eliminating Public Works would “negatively impact” or have an “adverse impact” on the public. But there is no method to determine if performance is improving or the department is justifying its existence. A visit to the separate Controller's audits reveals two pages of operating indicators. Those indicators show, for instance, that daily park pavilion revenue is down while the cost of snow and ice agreements for County roads in particular municipalities is up since the time of the first sunset review.

According to the administrative code, Council has until October 15th at the latest (based on a review being submitted by the Manager on or before June 30th) to act based on the recommendations contained in the report. Even if Council acts sooner, the timeline for the next review is skewed. When does work on the next one begin, and when is it released? If it is four years from the 2010 report (meaning a review is done by December 30, 2014) that will be the County's third sunset review even though an adherence to the Charter language and from the time line established by the first review the County would be doing its fourth by 2015.

How can taxpayers be assured this fundamental duty will be carried out on time in the future? This recent episode of extreme tardiness need not be repeated, and it does the County taxpayers a disservice. Some Council members proposed legislation that would tie confirmation of appointees to the sunset review. If the review was not on time, the appointees would be voted down. Clearly there has to be some type of sanction tied to non-performance of a Charter-mandated duty. Bluntly stated, sunset review must be

made a priority to be carried out as envisioned in the County's "constitution". Otherwise, the citizens, voters and taxpayers have one more reason to distrust their government.

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