



# Civic Federation News

*Official Publication of the Montgomery County Civic Federation  
Serving the Public Interest Since 1925*

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SESSION 775

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MARCH 2006

## **The Proposed FY 2007 County Operating Budget: Costly to the Taxpayer!**

(Program for the March Meeting)

By Chuck Lapinski, Public Finance and Utilities Chairman

Our March program will focus on the Executive's proposed FY 2007 Operating Budget for the County which will be submitted to the County Council on Wednesday, March 15th, two days after our March meeting. Even though we will not have the proposed budget to work with, there are many problems and issues that we need to understand in preparation for developing and submitting our testimony the first week of April when the Council begins budget hearings.

Invited panelists include members of the County Council, and representatives from the Executive's Staff and the Office of Management and Budget (OMB).

They will address the following topics:

- Council's exercise of its oversight and accountability responsibilities
- Spending Affordability Guidelines; process, prudence and discipline

*Mark Your Calendar Now for the  
Montgomery County  
Civic Federation's  
2006 ANNUAL  
AWARDS BANQUET  
Friday, May 12,  
6:00 to 9:30 p.m.  
New Fortune Restaurant  
in Gaithersburg*

- priorities and constraints
- short-term perspective: avoiding long term implications
- budget optimism vs. realism: still waiting for a prudence miracle!
- Forecast: Is it time to add a Taxpayers Bill of Rights (TABOR) to the County's Charter? The forgotten lessons of "Fairness in Taxation" and "Tax Cap Now".
- Trends and growth in revenue sources
  - Personal income taxes: receipts increasing but at a lower rate?
  - Property assessments and taxes: huge reassessments
  - "Construction Impact Taxes" and fees: promises vs. reality!
  - Other miscellaneous taxes and fees: receipts trending up
  - Operating Budget cost drivers
  - Employee total compensation packages: need for a comprehensive review!
  - Benefits: health costs continue to spiral up in public and private sectors
  - Lack of realistic cost estimating in capital project

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estimates

- How to do cost and schedule risk
- Project cost tracking and traceability
- Productivity improvements
- Process and equipment recapitalization
- Reserve Funds ("Rainy Day") accounts: time to rebuild

Early indications suggest that every source of revenue will continue to increase but at a lower rate for the next year or two. This revenue projection continues a significant turnaround from several years ago. The biggest increases will come from property and income taxes. This follows several years of increasing tax rates and fees.

In some areas, particularly education, expenditures should actually slow down. For about ten years, school enrollment increased about 3,000 students per year. This year enrollment remained essentially flat, a little lower than projected. Could enrollments actually decrease over the next 5 to 10 years? It happened about 20 years ago. If this does happen, we should expect some cost savings from the lower rate of growth of enrollment. So far, this has not happened. The long-awaited Inspector General's (IG) report on Seven Locks Elementary School (SLES) tells of MCPS officials who engaged in misinformation on this unnecessarily costly project. We are also finally getting to the stage of assessing fines related to the Clarksburg and other zoning violations. Have MCPS and Park & Planning done their jobs well? There appear to be some major accountability issues that must be addressed by the Council, including the dereliction of its own fiduciary and accountability responsibilities.

Maintenance of the county's infrastructure has been minimal. The expansion of services required by our high rate of growth has been curtailed. Even if it is an election year, it is time to play catch up on maintaining our infrastructure, rather than undertaking any new initiatives. Wouldn't it be a miracle if Council candidates actually campaigned on the need for fiscal responsibility and accountability?

The objective of our March program is to gain some insight into what this proposed budget may mean to you, the citizen and taxpayer, and how we should guide its prudent use.

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## Nominating and Awards Committees Seek Input

The Nominating Committee is still looking for good people, willing and able, to fill out our slate for the 2006-2007 year. Finding folks to fill the District 17 and 39 slots is particularly difficult because we have so few member organizations from those areas. While we prefer to have delegates represent the districts in which they reside, if we have no delegate from a district, a delegate from another district may step in and volunteer or be nominated. Anyone interested in serving as a District Vice President should contact Peggy Dennis at 301-983-9738 or via email at [hotyakker@comcast.net](mailto:hotyakker@comcast.net).

The Awards Committee is happy to take additional suggestions for award recipients to be honored at our Annual Awards Banquet on Friday, May 12. The criteria are as follows:

1. The Sentinel Award, presented to an individual or group for a significant contribution to good government at the local level.
2. The Gazette Award, presented to an individual or group who performs exemplary volunteer service for the residents of the county.
3. The Star Cup, awarded to a MCCF delegate or committee for outstanding public service on behalf of Montgomery County.

Please give your suggestions to Sandy Vogelgesang at 301-365-2347 or via email at [everest.associates@erols.com](mailto:everest.associates@erols.com)

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## President's Report By Dan Wilhelm

I have read a number of documents in the last week that all have a common thread - different groups covering up their actions and trying to avoid admitting wrongdoing. We are all human, and we all make bad judgments or take inappropriate actions from time to time. The best way to handle these occurrences is to admit our mistakes and take action to ensure that we do not repeat them. Refusing to own up to our mistakes often prolongs the problem rather than resolving it. Let me highlight three such incidents and provide several comments.

Item: The Washington Post ran an article on February 25 about the Planning Board violations hearing on February 23 concerning Ryan Homes and their Maple Ridge (now called Seaton Square) development in White Oak. Rather than admitting that they had violated the building height standard and paying a \$92,250 fine, Ryan Homes agreed to pay \$276,750 and avoided admitting wrongdoing.

Comment: While this higher sum enabled the developer to avoid the legal admission of a violation, the facts were clear at the hearing and in the newspaper article: Ryan Homes built either 50 or 54 units (depending upon how the height was measured) out of the 59 units in violation of the height standards. Ryan Homes, as well as all other builders and developers who have violations, need to admit to those violations and take action to ensure there are no more violations in the future.

Item: At the same hearing a Department of Permitting Services (DPS) staffer stated that DPS interprets the height measurement requirement in the zoning ordinance to mean that the height must be measured from a public street, not a private street. The same ordinance also requires a home to have frontage on a public street before a building permit can be issued. But the staffer did not know how building permits could have been issued at this site since the townhouses don't have any frontage on a public street, just on the private street. (Note: many homes are built in this County that do not front on a public road.)

Comment: Another Washington Post article earlier in the week had noted the many citizen complaints DPS has ignored or handled improperly. This article plus the inconsistency noted above highlights a major problem with DPS: they still refuse to admit they have problems. DPS needs to follow the Planning Department's example, admit to having problems, and then take corrective action.

Item. The County Inspector General (IG) recently issued a report on the Seven Locks Elementary School controversy in which he faulted MCPS officials for engaging in misinformation, misdirection and even deception. In this case, the response made the situation even worse. One member of the BOE questioned whether the IG had the legal authority to investigate MCPS. He got the BOE to support him and had his committee direct the superintendent and staff to not respond to the IG's report. He then went on to question the motivation of the IG,

while admitting to the IG that the decision-making process that MCPS used to choose the Kendale site was faulty.

Comment: County law clearly gives the IG authority to investigate MCPS, which is perfectly reasonable since 50% of the county's budget is spent by the BOE. The County has every right to investigate how its funds are being used. The BOE needs to admit its actions were wrong, correct the problem and make sure it does not occur again.

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### **MCCF Resolution: Inspector General's Report on Seven Locks Elementary School Projects from the Education Committee**

The Executive Committee recommends approval of the following Resolution which will be discussed and voted on at the March meeting:

*Whereas:*

- The Montgomery County Civic Federation welcomes the report by the County Office of the Inspector General on the "Seven Locks Elementary School Projects," released on February 15, 2006.
- The Inspector General's report is important on two counts:
  - The report reflects critical failures in due process and financial transparency by the Montgomery County Public Schools (MCPS); and
  - The report indicates the need for much greater oversight of MCPS by the County Council since school spending constitutes approximately one half of the total County budget.

*Therefore be it resolved that:*

- The County Council must assess the Inspector General's findings and recommendations and take prompt action on them.
- The County Council must reaffirm that the Office of the Inspector General has unquestioned authority to undertake independent investigation of all aspects of Montgomery County Government.

By taking these actions, the County Council will help

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ensure accountability of all aspects of County government to local citizens and their civic associations.

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## Important Meetings & Hearings

- March 2, 4:30 p.m., joint Education/Budget Committee hearing on the Inspector General's report on Seven Locks Elementary School. Location: TBD in Council Office Building.
- March 3, 1:00 p.m. Maryland Senate Committee on Health, Education & Environment hearing in the Mike Miller Senate Building, Annapolis. Subject: SB 569 - Senator Paul Pinsky's bill on public funding of Maryland's state campaigns, a top MCCF priority.
- March 7, 7:30 p.m. Information Forum on Beltway Widening and Transit Plans at the Student Activities Center, Montgomery Blair High School, Silver Spring. (MCCF is a co-sponsor)
- March 7, 7:30 p.m., County Council Third Floor Hearing Room: School Board request for \$3.3 million to enable beginning of construction of Seven Locks "replacement" school on Kendale Road. The Save Seven Locks Coalition urges rejection of that request.
- March 21, 7:30 p.m., County Council Third Floor Hearing Room - Subject: Likely to cover Inspector General's report on the Seven Locks School Projects and expected CIP amendment from Howard Denis proposing the construction of new school on current Seven Locks site. The Save Seven Locks Coalition urges approval of the Denis amendment.
- Friday, March 24, 2006, 7:00 to 8:30 p.m. MCCF Public Safety Committee meeting at Fernando Bren's home. Ike Leggett, candidate for County Executive, will speak on "Public Safety Plans & Priorities as County Executive" (and other issues). Please call Fernando at 301- 299-0899 if you plan to attend.

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## Environmental Committee Report by Caren Madsen, Environmental Committee Chair

The MCCF Environment Committee is focused on two important and related fronts: storm water management and forest and individual tree conservation in Montgomery

County. Bill No. 26-05, recently introduced, addresses storm water runoff between adjacent lots. Wayne Goldstein has been attending weekly multi-stakeholder meetings at DPS designed to fine-tune Bill 26-05 so that it better answers ongoing problems with drainage. At the Feb. 23rd meeting, Wayne reported that there was more focus and substantial agreement from the builders in attendance that they would accept engineering requirements to keep storm water on-site by using methods such as rain barrels, rain gardens or storm chambers. The next meeting is Friday, March 17. DPS will use the time between meetings to gather more technical information for the next discussion. After the DPS-led workgroup addresses the gaps in 26-05, the bill will go back to the Council's Transportation and Environment Committee for review.

MCCF is also represented in a working group which is examining ways to improve the county's Forest Conservation Law (FCL). The group is currently reviewing tree ordinances from other parts of the country to see how the our law compares and to use other ordinances as models. We have also reviewed the original bill proposed in 1991 to note the provisions that were stripped out of the law before the then-Council approved it. One provision that the development community lobbied against heavily in 1991 was the inclusion of a county "Tree Commission" composed of citizens and others in professions related to trees and forest conservation. Many of the communities included in our tree ordinance study (Charlotte, NC; Salem, OR; DeKalb County, GA; Lake County, IL; Redwood City, CA; Saratoga, CA) regard citizen input as an essential component of sound tree laws and have tree commissions. County Councilmen Howie Denis and Steve Silverman have expressed interest in working with constituents to revise the Montgomery County FCL. Both council members were sponsors of the recently passed Bill No. 27-05 which strengthens penalties for FCL violations to the extent of including criminal penalties.

At the Civic Federation's February meeting, MCCF voted to support an 11-point set of recommendations for strengthening the county's storm water permit developed by a coalition led by environmental engineer Diane Cameron. One of the 11 recommendations is to include better forest and stream buffer conservation in a stronger county permit.

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## **Budget Daze or The Confessions of a "BoE Junkie"**

by Mark R. Adelman, Chair, MCCF Education Committee

We spend a LOT of money on public education in Montgomery County! If you add the \$1.837 billion in the Superintendent's projected budget to the more than \$100 million in debt service for MCPS projects (the cost of repaying money borrowed by the County to pay for school construction) that will be almost TWO BILLION DOLLARS in FY 2007. Is it worth it? Yes, if we spend the money wisely and we give every kid the best shot possible at a quality education. The task is daunting and, like all educational matters, it requires hard work and attention to details. That's why the budgeting process is both so extensive (it spreads out over the entire calendar year) and, in the period from December to March when so much citizen input is involved, intensive. We all get a little tired and stressed out, which is perhaps why one Board of Education member referred to those of us who attend so many of their meetings as "BoE Junkies".

What is the definition of a "BoE Junkie"? If you're a member of the BoE, it's someone who spends excessive amounts of time attending BoE meetings and hearings, occasionally testifies at same, and writes articles about such events. If you're one of the "junkies", it's someone who believes that public education is too important to be left solely to those paid to deliver it and/or those elected to oversee the process. I confess to being one of the "junkies", and both my wife and our son will testify to my addictive behavior.

While I admit that the BoE staff puts an enormous amount of time and effort into wrestling with the complexities of our public education system and making it work as best they can, I believe it can be better still. There is plenty of room for improvement. The characterization by a BoE member of anyone as a "BoE junkie" seems to me to be indicative of a failure on the part of those elected officials to understand the big picture and also a sort of arrogance!

There was much to learn in this year's sequence of budget hearings and work sessions. I know that the numerous questions raised by citizens in testimony are often seriously considered. Many questions remain to be answered. We

must not simply sit on the sidelines and criticize. We have a duty to educate ourselves so we can educate our leaders and thus help them do a better job. Many decisions remain to be made by the County Council. And, as the title of this article suggests, much more remains to be said, in testimony and in written format.

So, become a BoE Junkie. Attend a meeting, or hearing. Find out what is wrong (and right) in your local school. Educate yourself. Help educate the Board during the Public Comments segment of the meetings. Everyone is entitled to have some fun, so join in. The MCCF Education Committee needs and would welcome more volunteers just as our public education system needs more constructive input from citizens.

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## **Report of the Public Safety Committee Meeting**

by Dave Stegmaier, Member, Public Safety Committee.

On February 3, 2006, the Public Safety Committee met with Montgomery County Councilman and candidate for County Executive, Steve Silverman. During a good exchange of information and ideas, Mr. Silverman touched on several aspects of public safety, including overall crime statistics, youth gangs, terrorism, and fire and rescue.

Mr. Silverman shared favorable county crime statistics with the committee, especially those concerning violent crime. Asked why Prince Georges County's violent crime statistics are so much worse than our own, he attributed the difference to the significantly greater drug trafficking problem that exists there. Mr. Silverman pointed with pride to the drop in crime in Silver Spring and singled out the reduction in auto thefts under the leadership of Police Commander Mitch Cunningham.

Silverman mentioned that youth gangs are a top priority of Police Chief Manger who, as former Police Chief of Fairfax County, has useful expertise on this issue. Silverman pointed to the establishment of a county youth gang coordinator as an important step in controlling youth gangs.

On the matter of terrorism, the councilman reported that the county had recently begun operating equipment to detect bioterrorism. Mr. Silverman admitted that the local governments in the greater D.C. area do not have an effective plan for evacuating county residents, in case of a massive terrorist attack. He also mentioned his stand against what he characterized as the Federal government's effort to deputize local police as INS officers in order to enforce Federal immigration law and take illegal aliens into custody.

Among Mr. Silverman's several public safety priorities are that more Spanish-speaking 911 operators be hired in Montgomery County, and that affordable housing be established for public safety and rescue officers so that these essential employees can afford to live near where they work."

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## **Minutes of the February 23, 2006 Executive Committee Meeting**

by Richard Zierdt, Recording Secretary

7:57 PM Meeting is called to order by MCCF President Dan Wilhelm, in his home.

Ten are present: Luella Mast, Marvin Weinman, Richard Zierdt, Charles Wolff, Dan Wilhelm, Mark Adelman, Sandy Vogelgesang, Peggy Dennis, George Sauer, and Caren Madsen.

Treasurer's report: Luella Mast distributes her report. Checking account has \$8,457.65 as of February 28, 2006. Report is accepted.

Locations for Executive committee meeting discussed as The Red Brick Court House is no longer available. Luella distributes a paper on alternative meeting places. ExComm will meet at Dan Wilhelm's for now, while alternatives are studied.

Annual Awards Banquet: Peggy Dennis. New Fortune Restaurant (same venue as last year) will charge MCCF \$17 per person. Suggested ticket price is \$25 per person, \$40 per couple, to offset costs of "comped" tickets for awardees and presenters, engraving, etc. Perhaps more for door

shows.

Nominating Committee. Peggy Dennis. Committee's work is proceeding. District vice-presidential nominations continue to be problematic.

Awards Committee. Sandy Vogelgesang asks for suggestions on recipients.

Candidates Forums. Dan Wilhelm: Not much yet. Education committee chair Mark Adelman questions the efficacy of candidate's forums.

Programs. March: County Operating Budget (Charles Lapinski to organize); Office of Inspector General (April); People's Council Marty Klauber (May) and Housing (June).

Public Finance and Utilities. Marvin Weinman. Council budget: Public testimony April 4 and 5.

Education. Mark Adelman. March 7, 2006 hearing: MCCF should recommend no extra funding for the Seven Locks school situation. Discussion ensues on this issue and the OIG report. Sandy distributes a draft resolution for the MCCF ExComm that applauds the County Council's determination to assess the county's Office of Inspector General's report on Seven Locks. Minor changes to be made and ExComm will recommend vote to approve at the March meeting.

Meeting adjourned 9:55 PM.

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## **Minutes of the February 13, 2006 Delegates Meeting**

by Richard Zierdt, Recording Secretary

MCCF President Dan Wilhelm calls the meeting to order. 31 are present at 8:17 PM.

Minutes. Minutes from January 9, 2006 meeting are accepted as published in the Newsletter.

Treasurer's Report. Luella Mast leaves her report on back table. Membership continues to be an issue.

Program: Capital Improvement Program (CIP) Budget. Guest is Dr. Glen Orlin, Montgomery County Council staff member. The CIP is a six-year projection for County projects; a forecast of expenditures. The Capital Budget is the actual spending document. CIP public hearings occur every two years. Bonds are the primary way of funding CIP projects.

The Council tries, and generally succeeds, to limit Bond payments to no more than 10% of the budget. The County Executive creates a CIP budget by January 15, which the Council can change, or could ignore and start with their own budget, but generally works from the executive's plan. School and education costs have gone up by more than 10% annually. The county's debt is currently \$ 1,648,000,000 for 2006.

#### Committee Reports.

Bylaws. Chair Peggy Dennis Proposes three recommendations. (1) Committee recommends that an appointed office of Data Base Manager be added to Article IV: Officials and Organizations, Paragraph 4. Seconded. Passes with one objection. (2) Committee recommends the practice of using standing rules. Seconded. Passes unanimously. (3) Committee recommends that a standing rule exist stating that campaign literature may be distributed outside the meeting. Seconded. Friendly amendment is accepted that campaign literature will not be allowed to be displayed in the room where the MCCF conducts its meeting. Motion passes 19-6-3.

Housing Committee Report. Jim Humphrey. Reports on a Condo Conversion Bill in Annapolis: People with disabilities would be allowed additional consideration if a building goes condo. County Workforce Housing bill is moving forward, Committee recommends opposition to this legislation. A Federation Corner column will be forthcoming.

Planning and Land Use Committee. Jim Humphrey. Site Plan enforcement. Steve Silverman congratulates the Committee on its report on building site violations. Mr. Silverman has asked Derick Belage for a response. February 28 is the date for a Public Hearing on the Damascus Master Plan.

Development Districts. Special Taxing districts are used to fund public amenities, but some facilities were never

provided by the developer. APFO has been so weakened as to be useless in controlling development.

Transportation. Byron Bloch. Wayne Goldstein helped save the Marc stations from losing service. Seven Locks Road will not be widened, but there will be three local intersection improvements.

Diane Cameron, environmental engineer, and Caren Madsen. Eleven-point proposal to improve the County's Storm Water Management program. Distributes handout explaining the proposal (previously printed in the February Newsletter). Three major considerations: (1) Quality of drinking water - the cleaner the water is at intake, the less processing is necessary; (2) Anacostia River cleanup; and (3) Health of County's streams. Moves that the MCCF support these eleven points. Seconded. Diane wants to improve the State's permitting process to the County via the Maryland Department of the Environment. Motion passes unanimously with two abstentions.

Awards Committee. Sandy Vogelgesang, Carol Rose, and Arnold Gordon are finding deserving recipients.

Nominating Committee. This committee's members are Peggy Dennis (chair), Donna Savage, Luella Mast, Charles Wolff, and Dean Ahmad.

Byron Bloch. Speed Humps. Moves that the MCCF recommend that the County permit the installation of the combination red-brick-paver crosswalk and speed hump design for primary and secondary residential streets with speed limits of 25 or 30 MPH. Seconded. Passes with one objection.

Adjournment. 10:03 PM

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## Volunteers Needed

Colesville Meals on Wheels serves the needs of the homebound in the Woodmoor, Four Corners, Burnt Mills, White Oak, Colesville, Calverton and surrounding areas. We deliver meals 5 days a week from 10:30 a.m. to 12:30p.m. We do not deliver when schools are closed due to snow or on major holidays. Your commitment would only be 2 hours a week. For more information call Sarah Day at 301-384-5735.

## Federation Meeting

Monday, March 13  
7:45 1st Floor Auditorium  
County Council Office Building.  
Rockville, MD

### Agenda:

7:45 Call to Order  
7:46 Introduction and Announcements  
7:55 Adoption of Meeting Agenda  
7:56 Approval of Minutes and Treasurer's Report  
8:00 Program  
9:00 Resolution from Education Committee  
9:10 Committee Reports  
9:30 Member Issues  
9:40 Old Business  
9:50 New Business  
10:00 Adjourn

The **Montgomery County Civic Federation** is a county-wide nonprofit educational and advocacy organization. It was founded in 1925 to serve the public interest. Its monthly Federation meetings are open to the public and are held on the second Monday of each month September through June at 7:45 p.m. in the First Floor Auditorium, County Office Building, Rockville, MD.

The **Civic Federation News** is published monthly. It is mailed to Delegates; associate members; news media, and local, state, and federal officials. Permission is granted to reprint any article provided proper credit is given to the "***Civic Federation News of the Montgomery County Civic Federation.***"

Submit contributions for the next issue by: **Midnight, Saturday March 25.** Prepare submission as an MS Word, Word Perfect or text-only document, **attach** it to e-mail, and send it to hotyakker@comcast.net Please send all address corrections to Dan Wilhelm, 904 Cannon Road, Silver Spring, MD 20904, 301-384-2698, or djwilhelm@erols.com.

## NEXT EXECUTIVE COMMITTEE MEETING

Thursday, March 23, 7:45 p.m.

**NOTE: President Dan Wilhelm's home**  
904 Cannon Rd, Silver Spring

## MONTGOMERY COUNTY CIVIC FEDERATION

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