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RE: Oppose Bill 41-16 Abolishment of The Office of People’s Counsel and Replacement with Community Zoning and Land Use Officer

My name is Harriet Quinn testifying on behalf of the Montgomery County Civic Federation (MCCF) as Co- Chair of the MCCF Planning and Land Use Committee. The MCCF supports orderly growth and sustainable development supported by adequate public facilities. The Association Members of the MCCF represent over 150,000 households from civic and homeowners associations across the County.

Thank you for the opportunity to provide testimony on this Bill that would permanently abolish the Office of People’s Counsel (OPC) from the County Code and replace the OPC with a Community Zoning and Land Use Officer that would not have the ability to appear in zoning proceedings.

During the MCCF October 10th meeting, the MCCF passed an emergency resolution to oppose this Bill. It was an emergency resolution because this Bill was introduced on October 4th, with hearing originally scheduled for October 21st without any prior consultation with the communities for whom the OPC was intended to be utilized. Residents learned about the Bill from seeing it on your agenda. Members were very disappointed that they were not notified about a Bill of such significance to them.

Just as MCCF was very involved with the establishment of the Maryland National Capital Park and Planning Commission in 1927, and the long battle to gain a home-rule Charter form of government for Montgomery County in the 1940s, the MCCF was also instrumental in the establishment of the Office of People’s Counsel in the County Code in 1990 to “represent the public interest in the County’s land use regulatory process. The Office assists residents and citizens’ associations in presenting their issues in land use hearings.”

Other Maryland Counties also have long had, since the 1970’s, an Office of People’s Counsel to represent the public interest in zoning matters, including Prince George’s County, Baltimore County which has 2 attorneys and Harford County which also has an Advisory Board that makes recommendations to the Office of People’s Counsel.

Harford County

Bill No. 76-103 established the **People's Counsel Citizens Advisory Board (PCCAB)**, a group of seven citizens appointed by the County Council, "broadly representative of all segments of the County's population." The Board has the authority to "provide guidance and make recommendations to the People's Counsel regarding any matter referred to them by the People's Counsel, County Council, or as requested by any citizen or group of citizens of Harford County." <http://md-harfordcounty.civicplus.com/156/Peoples-Counsel-Citizens-Advisory-Board>

Currently the Montgomery County web site states: Office of the People's Counsel (OPC)
Due to the County's serious fiscal constraints, the Office of the People's Counsel was not funded in FY 2011, effective July 1, 2010. For assistance with zoning, special exception, or variance procedures, please call 240.777.7900 to speak with a Council staff member.

The County Council decided to defund the 1.8 positions and \$246,000 for the OPC in 2010 due to fiscal constraints. But in the past 5 years, Council provided funding for an Office of Development Ombudsman and 2 Area Development Coordinator positions (White Flint and White Oak) within the County Executive's Office for a total compensation of \$577,382. The Council has also approved funding for outside special counsel at \$400-500/ hour for an unlimited term, to implement a General Development Agreement in White Oak that has not yet been discussed in public. This is in addition to all the staff attorneys that work on zoning issues in the County Attorney's Office.

<http://www.montgomerycountymd.gov/cat/staff/landstaff.html>

Some of these positions were established by expedited Bills. Most of this funding is coming from MCDOT's CIP budget which is supposed to be used for capital transportation improvements.

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&clip_id=11676&meta_id=112594

https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/bill/2014/Packets/20150113_8.pdf

It's astonishing to residents that the agency that claims they are \$30-40 million short of funds every year to repair neighborhood roads, is providing the money to fund these positions that assist developers but not residents.

For example, when my own civic association extended 3 separate invitations to the White Oak Development Coordinator to discuss the White Oak plans and transportation study, he declined stating our neighborhood which is immediately adjacent to the area, was out of his boundary and that he did not know enough about transportation to be able to discuss it.

The most recent budget report of the County Executive's Office states with regard to the new Development Ombudsman:

*The Ombudsman regularly acts as a liaison to the development community for the County. The Ombudsman has addressed delays to development by helping to educate and fast track where necessary and appropriate. This has assisted and **facilitated development projects** throughout the County. Where appropriate, **he has made recommendations to Council on proposed zoning text amendments and worked with regulatory agencies on matters related to the subdivision staging policy.***

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http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&clip_id=11676&meta_id=112594

So who is at the table to represent the public and neighborhood concerns with regard to proposed ZTAs, Bills like this one, and the Subdivision Staging Policy changes, some of which are being made on the fly and never brought up during the year-long public process?

Unless residents monitor your agenda closely, most residents are not even aware of them while industry representatives, who already have paid representatives and legal representation, now also have publicly funded ombudsman positions within the County Executive's Office. Most recently you've had to delay action on 2 ZTAs that did not come up and were not vetted through the Planning Board process and were apparently written by industry representatives.

In 2008 the OPC reported in their Annual Report that they entered 60 zoning cases, participated in 49 public hearings, conducted 4 mediation sessions, attended 22 community association meetings, 17 meetings with attorneys, 26 agency meetings, 41 community liaison meetings established by the Board of Appeals, and over 4,000 instances of technical assistance to residents.

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2009/090402/20090402_PHED05.pdf

MCCF believes that the disconnect between the planning process and the general public has been exacerbated since the time this important Office was defunded. A Community Resource Officer does not replace the value of having the mission of the OPC office fulfilled which is that it *“serves to protect the public interest in land use hearings by promoting a full and fair presentation of relevant issues to achieve balanced administrative records. Second, the Office provides technical assistance to residents and citizen associations so they can effectively participate in the County's land use control processes.”*

MCCF respectfully requests that funding for the OPC be reestablished and that the successful model of Harford County of a People's Counsel Citizens' Advisory Board also be established.

Thank you very much for your attention and we look forward to working with you.