

"Federation Corner" column
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Could there be a Principality of MNCPPC that can issue its own stamps?

by Wayne Goldstein

It's been almost two years since the Montgomery County (MC) side of the bi-county Maryland-National Capital Park and Planning Commission (MNCPPC) first began to receive controversial and often unflattering coverage by the media as the stories concerning plan irregularities in Clarksburg first surfaced. Since then, there have been changes in both personnel and practices that continue to this day. The position of the director of park and planning for the agency has been split into a director of parks and a director of planning since the previous director resigned in early 2006. The director of parks position was filled in 2006, but the director of planning position remains unfilled after eighteen months, with the position now occupied by a second acting director who is scheduled to return to her permanent position this fall.

The problems related to Clarksburg concerned who was enforcing site plans and who was authorized to make changes to those plans. The concerns over inappropriate action or lack of action by MNCPPC-MC staff was compounded by similar related concerns with county agencies such as the Department of Permitting Services. While many of those concerns have been addressed, several new ones have arisen that relate partially or totally to how MNCPPC-MC does business. One involves the creation of development districts to pay for infrastructure. Several community-based groups, including one appointed by the previous County Executive, have alleged, through reports that they prepared, that certain Clarksburg developers are trying to improperly shift the cost of infrastructure improvements that were meant to be their responsibility to others, either the County government or the residents of the new developments. Attorneys for the developers have recently delivered their own lengthy "Response Memorandum" disagreeing with the assertions of the other groups about the appropriateness of development districts in Clarksburg. In this developing story, MNCPPC-MC's Planning Board seems to be agreeing with the position of the community about who should pay for the infrastructure.

On another matter, MNCPPC-MC is in disagreement with community members over the nature of professional work done by an unlicensed individual. This story has been developing over the last 18 months, and there has been recent local coverage about it. Several county elected officials, one on the County Council, and the other in the House of Delegates, have recently asked the Attorney General of Maryland (AG) to look into various allegations surrounding the work of this unlicensed individual as well as other matters concerning how MNCPPC-MC interprets and enforces the county's Forest Conservation law. Last week, based on the response of an MNCPPC-MC spokesperson, it was written: "The problem that frustrates some elected officials is that the county appoints the board that runs the commission and pays the commission's salaries but it cannot compel Montgomery County Park and Planning to investigate citizen complaints about the application process. [The spokesperson] told [the newspaper that] state law established the commission in 1927. Montgomery County Park and Planning, within the larger commission, is not considered a county agency, nor does it answer to the state."

While the spokesperson described the relationship of MNCPPC-MC as "collaborative," another member of the House of Delegates said she has written to Park and Planning officials for more than a year seeking answers about the inspection process and calling for reform. However, so far her requests have gone unanswered, she said, and she has no authority to make any demands. "When I make an inquiry, usually it's settled... Frankly I'm shocked that this is still up in the air."

In a news story this week, the Planning Board chair has written to the Attorney General saying that the matters that others want investigated by the state have already been thoroughly investigated by MNCPPC, both the Montgomery County side and the larger agency itself. Others have characterized this as an internal

investigation of the agency by the agency. A local resident is quoted as saying: "I really believe that if they have nothing to hide they would welcome an external investigation by either the Montgomery County Inspector General or the AG."

If MNCPPC was created by state law and can only be changed by state law, yet, cannot be told by the state what it can and cannot do in other ways, is it a state agency? If Montgomery County appoints the Montgomery County Planning Board and approves the MNCPPC-MC budget and funds them and gives them a research and planning work program, is it a county agency? If the answer to both questions is no, this brings me to the issues raised by a colleague. He wrote: "It appears... that MNCPPC is some sort of super agency that answers to nobody -- no body. It is almost a mini-kingdom like Monaco or Liechtenstein, and soon will probably be able to issue its own postage." Monaco is known as the "Principality of Monaco." The second smallest sovereign state in the world, it is a member of the U.N. However, France is responsible for its military defense. Over the centuries the Liechtenstein dynasty, located in Austria, acquired land throughout German-speaking Europe. It eventually was granted additional land to become the Principality of Liechtenstein, later losing the other lands during WWII. It gave up having an army in 1868 because it couldn't afford it and it is also a member of the U.N.

I've heard talk, from time to time, that because MNCPPC is accountable to no one, being neither a state nor a county agency, we should investigate splitting it into two agencies each accountable to its corresponding county. Perhaps we could instead look into the idea of declaring the "Principality of MNCPPC" so that it could issue stamps as beautiful as those issued by Monaco and Liechtenstein and could continue to rule over its thousands of acres of parkland, the likely inspiration for its own future beautiful stamps. Unlike these other principalities, it could then officially use its own park police for "national defense." Monaco is about 500 acres and Liechtenstein is about 41,000 acres. With MNCPPC owning 32,000 acres of parkland in Montgomery County and 24,000 acres in Prince George's County, 56,000 acres is surely large enough to be credible as a principality.