

"Federation Corner" column  
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### **The art of passive politics**

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Our elected officials often make a great show of claiming to care about issues that are receiving media attention. Administrators might propose policies or programs to address a problem, while legislators may introduce bills that offer a solution. And they all jostle to share the spotlight and provide quotes to print and broadcast media outlets, in an effort to demonstrate their concern.

But when the spotlight is turned off and media attention wanes, or the public seems divided on the appropriate government response to an issue, the resolve of officials to address the problem sometimes wanes, too. These are the officials who voters elect to act on their behalf, and to make tough and sometimes unpopular decisions that are in the best interest of the public. Yet inaction seems at times to be the preferred course of action of our elected officials.

We have just recently seen this all-talk-and-no-action dynamic at play in response to issues that were receiving great public attention. When a "flash rob" happened at a convenience store in Gaithersburg, and a fight between rival youth gangs took place in broad daylight in Silver Spring, County Executive Isiah Leggett proposed a teen curfew bill. County Council Phil Andrews offered an alternative solution in the form of a bill addressing loitering and lurking. When it became clear that the public was divided on what the best solution was, the decision of the Council was not to make a decision, and both pieces of legislation were tabled.

The media recently focused attention on a proposal by Wal-Mart to build stores in Aspen Hill and south Rockville, and public concern was voiced over the possibility that the big box stores might run smaller local retailers out of business. A bill was introduced in Council to create a process whereby the public could negotiate certain benefits to ease, or compensate for, possible negative impacts. While other communities in other states have instituted community benefits agreements, county officials declared our Council proposal was unconstitutional. And the result is inaction on the issue.

One year ago the Organizational Reform Commission, with members appointed by the County Executive and Council, issued a report containing recommendations for streamlining county government to reduce waste and cut costs. The work by the volunteers on the Commission was praised by elected officials. Since then only seven or so of the twenty-eight recommendations have been introduced in the form of Council legislation, with only two being approved.

In 2007 the Council approved a new transportation test as part of the growth policy that was enacted that year. County Executive Leggett and several Council members complained that the Policy Area Mobility Review (PAMR) test was too complicated. The Civic Federation also objected to PAMR, because it weighs road capacity against transit capacity when deciding if more development should be approved in areas of the county. Yet the county Adequate Public Facilities law states there must be adequate roads AND transit in an area before allowing more development, not adequate roads OR transit.

In 2009 Council members, chief among them Roger Berliner, made attempts to improve PAMR, but a flawed test is a flawed test. The County Executive spent \$110,000 and hired a consultant to separate PAMR into two stand alone tests: one for roads and the other for transit. Community leaders and development industry members and their attorneys alike praised the new tests, the Transportation Policy Area Review (TPAR) as being a much simpler and fairer approach to staging growth. Yet the Council,

under Presidents Nancy Floreen in 2010 and Valerie Ervin in 2011, refused to consider the TPAR proposal. This is another issue that our officials have apparently decided not to decide.

We can only hope that county officials show greater resolve in moving forward with plans to create a bus rapid transit system in the county, with the proviso that they listen carefully to the concerns of property owners regarding the taking of private land to create the system.

This week is the start of the 2012 session of the Maryland General Assembly. Let's keep our fingers crossed that our state legislators do not show the same penchant for passivity in acting on problems that our county officials have.

We desperately need the General Assembly to pass a law restricting the use of eminent domain. In 2005 the Supreme Court, in the case of *Kelo v. the City of New London*, upheld the right of government to take land and transfer it to private developers for the purpose of creating jobs or enhancing revenue. In that instance, an entire community in Connecticut was leveled to make way for a new headquarters for the Pfizer Corporation. And after ninety acres of homes and business were demolished, Pfizer decided not to build there. States are free to enact their own laws preventing the use of eminent domain for the purpose of economic development, however, and we hope our Maryland legislators will make it a priority this session.

We also hope that our state lawmakers will act to grant Montgomery County the authority to enact law(s) related to panhandling in the public right-of-way. There are surely other, safer places for the less fortunate to ask for handouts, and for firefighters to collect money for the Muscular Dystrophy Association during their annual Fill the Boot campaign, than wandering around in lanes of traffic on our public roads.

Finally, we can hope that this session our legislators find a way to replenish the state Transportation Fund, which has been repeatedly raided by the current and former Governors to meet payments that should have come from the general revenue. Previous promises have not been kept to replace the monies "borrowed" from what should be a dedicated source of funds used only for transportation projects. Our state delegates should insist it be done this year.

*The views expressed in this column do not necessarily reflect formal positions adopted by the Federation. To submit an 800-1000 word column for consideration, send as an email attachment to [theelms518@earthlink.net](mailto:theelms518@earthlink.net)*