

"Federation Corner" column
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Council bills seek greater accountability

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Two pieces of legislation were recently introduced in County Council that would authorize increased Council oversight of some Executive branch activities.

Expedited Bill 11-12 was introduced on March 13. The bill would modify the procedures for disposition of county property and require the County Council to approve disposition of county properties with an appraised value of \$100,000 or more. The legislation is sponsored by Council members George Leventhal, Marc Elrich, Phil Andrews, Hans Riemer, and Nancy Navarro, and Council President Roger Berliner. The Council held a public hearing March 20 at 1:30 p.m. which was continued on the afternoon of March 27, to accommodate additional witnesses who wished to testify.

The bill would establish a process by which the Council would approve disposition of county property valued at \$100,000 or more (and all material terms of the disposition including price or rent to be paid and any associated economic incentives) by Resolution adopted after the Council holds a public hearing with at least fifteen days advance notice. The term "disposition" refers to a sale, a lease or license for a term of three years or longer, or a lease or other document which includes an option to buy.

On March 8, County Attorney Marc Hansen sent an email to Council staff asserting his belief that Expedited Bill 11-12 "inappropriately assigns executive functions to the Council." But according to the March 13 Council staff memo accompanying the introduced bill, in the case of *Prince George's County v. (Marc) Silverman*, the Maryland Court of Special Appeals confirmed that the Council can enact a law that requires Council approval before the county can sell or dispose of any county property.

Assistant Chief Administrative Officer Kathleen Boucher represented County Executive Isiah Leggett at the Council's March 20 hearing, and testified that it is the Executive's position that Bill 11-12 violates the separation of powers in the County Charter. This would seem to be a puzzling position for Mr. Leggett to take, considering that in his 2006 campaign he promised to introduce greater transparency, accountability and citizen inclusion in county government if elected.

On March 20, Bill 14-12 was introduced in Council, sponsored by members Hans Riemer, Valerie Ervin, Marc Elrich, and Council President Roger Berliner. A public hearing is scheduled on the bill for April 10 at 1:30 p.m.

Bill 14-12 would require the Executive to submit an economic development strategic plan to Council for approval on or before July 1 of each even numbered year. The Council may amend the proposed strategic plan and must approve a final strategic plan by Resolution. And the success or progress of the strategic plan must be measurable and address ten specific factors, including such issues as "private sector compensation and benefits", "target geographic areas", "growth in tax base", and "encouragement of entrepreneurs and small business."

This legislation would also amend the Economic Development Fund law to require the Director of the county Department of Economic Development (DED) to "provide Council with all fiscal analyses and other supporting documents for any proposed offer of assistance to a private employer valued at more than \$100,000" at least five working days before the Executive tentatively offers the assistance. Bill 14-

12 would also require Council approval of each offer of assistance from the Economic Development Fund to a private employer valued at more than \$500,000.

The supporting documents to be provided Council by the DED Director for each proposed offer of assistance to a private employer valued in excess of \$100,000 must include:

- 1) the name, industry, location, employee compensation profile, and estimated current and future taxes paid by the prospective recipient;
- 2) the estimated employment and tax revenue gains resulting from the proposed assistance;
- 3) each assumption, variable, and model used to generate estimates of employment and tax revenue gains;
- 4) the number of new residents estimated to move into the county resulting from gains in employment by the proposed recipient;
- 5) the number and cost of new students estimated to enroll in county public schools;
- 6) an analysis of how the proposed assistance supports the overall goals of the economic development strategy; and,
- 7) offers, if any, made by or expected from other competing jurisdictions.

In addition, Bill 14-12 will add new information to be included in the annual Economic Development Fund transmitted to Council by March 15 of each year. The report must "describe the success of each award of financial assistance in satisfying the economic development goals supporting the assistance", "identify any assistance agreement where the recipient did not satisfy the performance criteria in the agreement", and "track the progress of the Fund in satisfying the overall goals of the approved economic development strategic plan."

The position of record of the Civic Federation is in support of great transparency in the actions and processes of government, and a high degree of accountability for decisions made by county officials. The Council is to be applauded for introducing, and hopefully will approve, these two bills designed at increasing transparency and accountability. It would be an even more positive development if Mr. Leggett would voluntarily seek to expand transparency into other Executive Branch activities, without being legislated to do so by the Council.

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