

"Federation Corner" column  
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### **Shhh! It's a secret**

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A piece of legislation which would require "open" government in Montgomery County, Bill 23-12, was introduced in the Council on July 31 of this year. If approved, the bill would mandate that all departments and agencies of county government make public data sets available on the internet within one year of the effective date of the legislation. So, what kind of public data sets would the bill require the county government post to the net?

In the text of the bill, the term "data" is defined as "the final version of digital information: (a) (i) in a structured, statistical, or alphanumeric form that can be digitally transmitted or processed; or (ii) in an unstructured, factual, or content form that can be digitally transmitted or process; and (b) regularly created or maintained by or on behalf of and owned by an agency that records a file, measurement, transaction, or determination related to the mission of an agency." Well, that's as clear as mud, isn't it?

After reading this sterling example of bureaucratese, some nine hundred and ninety-nine thousand of the million residents of the county would likely scratch their heads and mutter in confusion. In defense of the bill's sponsor, the buzz is that the county legislation mirrors the open government standards enacted on the Federal level. So we can probably blame the obtuse language on the Feds.

But the question of what data agencies and departments will make public on the county government website remains. For instance, will the public be able to look up the dollar amount the county government receives when it sells pieces of publicly owned property? County residents should be privy to that information, since it is property owned by the people of the county. But for the life of me, I can't find any such data available in the Department of General Services (DGS) pages of the county web site.

I can understand officials at the DGS not releasing the names of the interested parties negotiating to purchase a piece of publicly owned property, and perhaps the potential purchasers do not want their plans known by their competitors. Both the county government and the interested bidders probably consider this and the proposed details of the deal to be proprietary information which, if publicly known, might queer the deal.

But after the ink is dry on the sales contract, I think the price paid for a former piece of publicly owned property should be made available to the public that previously owned it. For instance, I personally would like to know how much the Montgomery County government received for selling the former County Services Park, ninety acres of land adjacent to the Shady Grove Metro station, to a private development company.

There is actually another piece of legislation, Expedited Bill 11-12, that should provide the public with information regarding the disposition (sale, rental, barter, giveaway, whatever) of county owned property valued at \$100,000 or more. This bill was approved by the County Council on May 1 of this year, but then vetoed by County Executive Isiah Leggett. That seems odd for a guy who campaigned twice on the promise of creating transparency and accountability in county government. But, thank goodness, on May 15 the Council overrode the CE's veto by a vote of six to three. (Councilmembers Nancy Floreen, Craig Rice, and Valerie Ervin were the three who voted to sustain Leggett's veto.)

Now enacted into law, Expedited Bill 11-12 requires the County Executive to notify the Council of the details of any plan to dispose of county owned property with a value of \$100,000 or more, excluding the name of the intended purchasing party. The Council will be required to hold a public hearing on the matter, and then decide whether or not to approve of the transaction. So, in future, not only will members of the public that own the publicly owned property planned for disposition be informed of the transaction before it happens, they will have an opportunity to weigh in on the specifics of the proposed deal.

If the property disposition law had been enacted a year earlier than it was, the details of the County Executive's recent lease of twenty acres of organic crop land in Potomac to Montgomery Soccer Inc. might have been known before the deal was sealed. On hold as a possible school site, the land had been leased by the Board of Education for more than thirty years to Nick Maravel, a farmer who has been honored by the President by being named a member of the national advisory committee on organic farming.

With the property disposition law now in place, county residents should have an opportunity to weigh in on significant real estate deals such as the upcoming sale of the former WSSC site in the East County Science Corridor Master Plan area, the relocation being considered for the County Fairgrounds in Gaithersburg (to make way for redevelopment of the current site), or the purchase of another site for the North County Bus Maintenance Depot (to replace the environmentally sensitive current site next to Clarksburg Jail, which is unsuitable due to the amount of impervious surface needed for a large scale bus parking and maintenance facility).

If you did not know about these planned public property deals, you are not alone. The news has not reached most residents of the county. I guess it is one of the reasons that Main Street USA, a consulting company hired years ago to study redevelopment of downtown Silver Spring, declared that Montgomery County government ranked lowest of all jurisdictions they had studied in responsiveness to residents. You say you haven't seen the Main Street USA study? Shhh! It's a secret.

*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)*