

"Federation Corner" column
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Time for County Executive Leggett to come clean

by Peggy Dennis
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Two weeks ago, I attended one of County Executive Isiah Leggett's Budget Forums. It began with a power point presentation extolling "Open Montgomery." This, the attendees were told, will bring us a "Responsible and Accountable County Government" and a new era in which citizens will "participate in shaping government decisions." How ironic!

Executive Leggett came into power promising that his government would be open and transparent. Yet when it came to the Brickyard Road School site, his dealings were anything but open and transparent--private meetings with representatives of Montgomery Soccer, Inc. and promises made in secret; members of the Board of Education being prevailed on to vote to give him control of the MCPS land in advance of the BOE meeting; Board of Education meetings on this issue which repeatedly violated the state's Open Meetings Act; papers, memos and emails allegedly "lost" by the county government when requested under the Freedom of Information Act.

Citizens and the County Council were so outraged by the way this issue had been handled that our legislators enacted a new law, Bill 11-12, which gives the Council final say in the sale or lease of county land and property in the future.

On November 13, 2012, the West Montgomery County Citizens Association, Inc. and a number of private plaintiffs, all members of the Brickyard Coalition filed a legal complaint (below) against defendants Montgomery County, County Executive Isiah Leggett, the Board of Education (BOE), and Montgomery Soccer, Inc. (MSI).

The 50-page, nine count lawsuit filed in the Circuit Court of Montgomery County alleges, among other things, that the County Executive unlawfully conspired with the BOE to deliver the Brickyard public school land to a private corporation, MSI, at little or not cost. Additionally, the lawsuit alleges that:

- 1) the Board of Education breached their fiduciary duties as trustees of the Brickyard property;
- 2) the County violated the Maryland Express Powers Act;
- 3) the County violated County Code Sec. 11B-46 regarding leasing of property;
- 4) the County violated County Code Sec. 11B-45 regarding the disposition of property;
- 5) the County defendants violated the County procurement laws;
- 6) the BOE and County violated state laws regarding mandatory referral by failing to seek the approval of the Montgomery County Planning Board before a change of use was authorized for the Brickyard site; and
- 7) the BOE violated the Maryland Open Meetings Act.

On Friday, February 8, Judge Greenberg heard this case in the Circuit Court. And, unlike the closed door meetings being decried in the lawsuit, the public was allowed to attend this legal proceeding.

Another interesting point is that the Brickyard Road School site case was discussed with the county's Inspector General. He was asked whether the Executive Branch's handling of the case couldn't be considered an "abuse of power." His response was "show me a law, rule or regulation that has been broken."

One would think that some law would proscribe public officials from misrepresenting the facts (some would say lying) when writing or speaking in hearings in pursuit of their objectives. But, no. We have a County Ethics Law, but the focus of the law seems to be solely financial: to discourage government officials, and even volunteers serving on board and commissions, from getting involved in shady financial dealings, taking bribes, negotiating contracts in which the person has a conflict of interest, etc.

Nothing in the law requires our government employees to be honest and above board in carrying out their work. So public employees can misrepresent facts and even misrepresent the positions of other agencies with impunity. Am I the only person who finds this situation unethical and morally reprehensible?

In Mr. Leggett's address at the Budget Forum he stated that "You can't afford to make mistakes in a time of budget constraints." But Mr. Leggett's mistake in refusing to return the Brickyard Road School site to the Board of Education for almost two years has been very costly in two ways. First, the Board of Education and MCPS have already spent well over \$200,000 to defend their badly bungled actions. This is money that should better have been spent for our schools and school children. Second, this one issue stands as a glaring example of how not to run a responsible and accountable government.

Isn't it time for Mr. Leggett to do what so many other politicians have done when caught in an embarrassing situation? He needs to 'fess up with a public "mea culpa," apologize to the people, and move to clean up the mess?

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 montgomerycivic@yahoo.com