

“Federation Corner” column

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Just say “NO” to this plan

By Paula Bienenfeld

This past week residents, including our Civic Fed members and civic activists were surprised to see a bill appear suddenly before our Montgomery County Delegation, MC24-15, which would create an ‘Independent Transit Authority.’ That bill was ‘late-filed,’ meaning it required that two-thirds of the Montgomery County Delegation vote for it to be introduced.

As usual the bill, to avoid any responsibility, would slice and dice fiscal responsibility so no; no one is really responsible for it. The delegation would just ‘enable’ the Transit Authority. The council would just vote on the budget, but as usual, as with WSSC, MCPS and the Planning Board, they would have ‘no jurisdiction.’ So, no, none of your elected officials would be responsible, Whew, that’s ok, then, fine to re-elect all the incumbents. Again.

Let’s look a little more closely into what the bill would ‘enable.’ First, the bill would set up an Independent Transit Authority. The Transit Authority would be a five-member body appointed by the County Executive.

According to the Delegation website synopsis, the bill would allow the Transit Authority “...to create a special taxing district to finance the cost of county transit functions, impose a certain special tax...” So, the bill would allow the county to create a special taxing district, outside of our Charter and outside of public control.

The synopsis language makes clear that one of the purposes of the bill is to ignore our Charter tax limits, which were voted on by a public referendum. The synopsis states that “...provisions of the Montgomery County Charter do not apply to the Transit Authority except under certain circumstances; providing that a certain tax limitation does not apply to certain revenue raised for certain purposes...”

Transit functions would be moved to the proposed Transit Authority, including the Ride-On Bus system and employees, and likely the Silver Spring Transit Center.

And of course, the Transit Authority would have the power to take property. For the Bus “Rapid” Transit, that could be completed by using the ‘Quick Take,’ rather than ‘Eminent Domain.’

And now let’s try and figure out why this bill was introduced suddenly, so that a ‘late filing’ was required. The bill was submitted by the County Executive on January 22nd, seven weeks after county bills were due. The first thing we see is that proponents are touting a study that was already done. And when was the study complete? Why January, 2014. So, yes, that would be exactly a year ago. And when did the public and you hapless taxpayers see this study? Last Friday. So, less than one week ago. And when did you find out about the public hearing? Again, last Friday, for a hearing scheduled for tomorrow evening, Friday, January 30th at 6pm. So, all you involved citizens, on your mark, get set, go! No time to stumble. Quick! While your councilmembers and Mr. Leggett have known about this study and moved on this Transit Authority for at least one year, you get exactly one week to find out about this issue, read

all the literature, and write your 2-minute testimony. Yep, that's right. The council, Mr. Leggett, and your elected delegation, have had one year to discuss and influence. And you? You get 2 minutes. Except if you're of the Jewish persuasion. Then you get zero minutes, because you will be otherwise occupied on a Friday evening. (We can only conclude no one on the Delegation noticed this detail.)

As for the study, it was prepared by VHB, a transportation group who has been working on the Bus Transit issue for some time now; PFM Group, the county's financial advisor; McKennon, Shelton & Henn LLP, the county's bond counsel; and two outside advisors, Frank Spielberg and Brian McCollum. So clearly before you saw it last week, a lot of work has already gone into this bill.

The Civic Fed and our member organizations strongly oppose this bill, for two over-arching reasons.

First, the secretive anti-democratic manner in which this bill was introduced. Although it had been discussed in the county government for over one year, and the council members were briefed individually, the bill and its implications were never discussed in a full council meeting before the public. The VHB/PFM Group/McKennon, Shelton & Henn report, for which taxpayers paid, and which is dated January 9, 2014, only appeared on the county website last week – one year after it was completed and we assume, circulated internally.

Second, the powers that would be given to the people appointed to the proposed Transit Authority -- the power to raise taxes without limit and with essentially no oversight, and the power to take your property and that of your neighbors with no oversight.

So to our elected officials we say: Withdraw this ill-conceived bill.

A change.org petition that you can sign to oppose the bill has been set up at https://www.change.org/p/shane-robinson-stop-the-mc-24-15-tax-and-spend-power-grab-now?utm_campaign=fb_dialog&utm_medium=email&utm_source=signature_receipt&post_id=1414068630_10203999617816807# = . Please sign it. And come down to the County Council at 6pm tomorrow, Friday, January 30th, to oppose this bill.