

February Program: Education in Montgomery County | Numerous MCPS specialists who deal with almost every aspect of education in the County will be our guest speakers | [P. 3](#)

Who Should Win in 2022? | Nominations to be sought for this year's awards | [P. 4](#)

2022 MCCF Awards Committee | This group is still forming, so there's time to step up | [P. 4](#)

MCCF/MCTL Joint Letter to Maryland Attorney General Frosh | Requesting investigation into unregistered lobbyists | [P. 5](#)

Synthetic Turf Regulations | Adult steps are needed, baby steps are taken | [P. 7](#)

Bills of Interest in Annapolis | Here are a few of the hundreds of County and State bills | [P. 10](#)

Thrive 2050 | Back to the future! But which future will it be? | [P. 16](#)

Maryland BPW Approves Purple Line P3 Agreement with New Design-Build Team | The light rail line is now to open in the Fall of 2026 instead of next month, reports our transportation maven Jerry Garson | [P. 21](#)

of note

Next MCCF Meeting #930

Monday February 14, 2022, 7:30 p.m. *online via Zoom*. Topic: "The State of Education in Montgomery County."

■ [Join the Zoom Meeting Here](#)
[See further instructions on page 2. No password is required.]

[AGENDA, P. 2](#) • [PROGRAM, P. 3](#)

Meeting Minutes

January 10 Meeting #929 [P. 23](#)

Executive Committee Meeting

[JANUARY 20](#) [P. 28](#)

Membership Application

Join or Renew Now [SEE FORM](#)

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Federation Meeting #930

Monday, February 14, 2022

7:30 p.m.

Online Zoom Meeting

AGENDA

1. Call to Order/Introductions
2. Approval of Agenda
3. Approval of Minutes: January General Meeting [P.23](#)
4. Treasurer's Report
5. Announcements
6. February Program: The State of Education in Montgomery County [P.3](#)
7. Committee Reports
8. Old Business
9. New Business
10. Adjournment

About MCCF Meetings

All monthly MCCF meetings are open to the public. They are held on the second Monday of each month, September through June. Since the beginning of the pandemic, the start time is now at 7:30 p.m.

The February 14 meeting will be held online via Zoom at 7:30 p.m.:

■ To be part of the video conference, download the [Zoom Client for Meetings here](#).

■ Date and Time: Monday, February 14, 2021 (yes, it's Valentine's Day), 7:30 p.m. Eastern Time.

■ To [join the Zoom meeting from your browser, use this link](#).

■ To participate by phone (audio only), call 301.715.8592. The meeting ID is 816 507 31544. No password is required.

We hope you will join us! ■

The **Montgomery County Civic Federation, Inc.**, is a county-wide nonprofit educational and advocacy organization founded in 1925 to serve the public interest. Monthly MCCF meetings are open to the public (agenda and details at left).

The *Civic Federation News* is published monthly except July and August. It is emailed to delegates, associate members, news media, and local, state, and federal officials. **Recipients are encouraged to forward the *Civic Federation News* to all association members, friends, and neighbors.** Permission is granted to reproduce any article, provided that proper credit is given to the "*Civic Federation News* of the Montgomery County (Md.) Civic Federation."

Civic Federation News

civicednews AT montgomerycivic.org

TO SUBMIT AN ARTICLE, [SEE PAGE 29](#)

Our February 14 Program: The State of Education in Montgomery County

Education in Montgomery County is the topic for the February MCCF meeting. Our guests from Montgomery County Public Schools—**Helen Nixon** and **Robyn Rosenbauer** from the Office of Human Resource Development; **Everett Davis**, **Niki Hazel**, and **Diane Morris** from the Office of Teaching and Learning; and **Seth Adams**, Department of Facilities Management—are specialists who deal with almost every aspect of education in the County and who will be able to answer our questions about this critically important public institution.

As we enter 2022, the impact of the Covid-19 pandemic on our schools is a subject on everybody's mind. Our guests will provide an update on the current teaching and

learning environment and the supports in place for students and staff (including mental health and well-being); staffing shortages and mitigation strategies; compliance and other best practices to keep schools clean and safe; and the increases in community violence and strategies to keep students safe.

The Montgomery County Public Schools (MCPS) operates a County-wide system of public schools for students from prekindergarten through high school. For the 2020–2021 school year (FY21), 160,294 students in prekindergarten classes through Grade 12 attended 208 separate public educational facilities. For the 2021–22 school year (FY22), enrollment was estimated to be 164,175 students. The total approved FY22 Operating Budget for

Montgomery County Public Schools was \$2,780.5 million, an increase of \$25.0 million or 0.9% from the FY21 approved budget of \$2,755.5 million. For FY22, the total tax-supported portion of the approved Operating Budget (excluding grants and enterprise funds) was \$2,551.6 million, a decrease of \$10.7 million or 0.4% compared to the FY21 Approved Operating Budget of \$2,562.3 million. In FY22, County revenue provided 68.7% of the public schools' tax supported Operating Budget. In FY22, MCPS and Montgomery College expenditures, \$2.780.5 billion and \$312.6 million respectively represented more than 51.7% of the County's Operating Budget.

With an annual enrollment of over 160,000 students, from more

MORE

February Program, cont.

than 157 countries speaking 150 languages, our school district is the largest in Maryland and the 14th largest in the United States. Before the COVID-19 pandemic, MCPS had an attendance rate of 95% and a graduation rate of nearly 90%. The majority-minority student body is roughly 32% Hispanic/Latino, 27% White, 21% African American, and 14% Asian. In recent years, 33.3% of students received free & reduced-price meals (FARMS), 17.5% of students were enrolled in English for speakers of other languages (ESOL) programs, and 11.7% of students received special education services.

You can access more information about Montgomery County Public Schools on [the MCPS website](#) and by viewing a useful "Schools at a Glance" fact sheet [here](#). ■

Who Should Win in 2022?

All MCCF delegates and members should be thinking about individuals and/or groups you would nominate for this year's awards. Here are the descriptions and the rationale for each award:

■ **The Wayne Goldstein Award**, awarded to an individual or group for outstanding service to the people of Montgomery County;

■ **The Sentinel Award**, sponsored by the *Montgomery Sentinel* newspaper and awarded to an individual or group for a significant contribution to good government at the local level; and

■ **The Star Cup**, sponsored by the Federation and awarded to a Delegate or Committee of the Federation for outstanding public service on behalf of Montgomery County.

Haven't renewed? [See page 1!](#) ■

2022 MCCF Awards Committee Still Forming

The Civic Federation's Annual Awards Celebration will be held in June and there is much preparation to be done in the ensuing months. The work of the Awards Committee—soliciting and accepting nominations for award recipients, evaluating those nominations, and making final recommendations on the awardees—should be carried out during this winter. All of the work can be done by email, online meetings, or phone.

But first we need a complete Awards Committee. This group will be confirmed as soon as possible. Volunteers, please step forward! Contact our President, Alan Bowser, at president@montgomerycivic.org to let him know that you're willing to serve. ■

MCCF/MCTL Joint Letter to Maryland Attorney General Frosh Requests Investigation

January 27, 2022
Attorney General Brian Frosh
200 St. Paul Place
Baltimore, MD 20202

Dear Attorney General Frosh:

The Montgomery County Civic Federation, Inc., and the Montgomery County Taxpayers League, Inc., in response to the November 15, 2021, report from Maryland-National Capital Park and Planning Commission (M-NCPPC) General Counsel Adrian R. Gardener (“Review of M-NCPPC Lobbying Regulations”), requests that you launch a full investigation into the M-NCPPC’s and the Montgomery County Planning Board’s noncompliance with the Maryland Public Ethics Law requiring that lobbyists register with

M-NCPPC and file an annual report with the Commission (Attachment A). The report states that “no lobbying registrations had apparently been filed in recent memory.”

The OGC report recommended an immediate, substantial overhaul of M-NCPPC’s lobbying regulations by the end of 2021, and the Commission’s executive team committed to revise and adopt new clarifying regulations by that time. But the Commission removed this crucial topic from the agenda of its December meeting and to our knowledge has not yet honored that commitment.

Furthermore, on November 21, Delegate Al Carr filed a complaint to the Open Meetings Compliance Board that the Development Review Committee (DRC) of the Montgomery County Planning Board repeat-

edly violated the Open Meetings Act by failing to provide notice on how the public could attend its meetings (Attachment B). The Open Meetings Compliance Board agreed that DRC had not only failed to provide required public notice of its meetings but regularly provided access information for these meetings to project applicants and their teams (Attachment C). On this important issue, it took a public complaint by a member of the Maryland General Assembly to force Planning Board to comply with a specific ethics law. We request an investigation in the failure of the Commission and the Board to adhere to the requirements of the Open Meetings Act.

The Montgomery County Council is now preparing to pass a sweeping

MORE

AG Frosh Letter, cont.

but highly controversial new land use General Plan, Thrive Montgomery 2050, which will govern billions of dollars in land use decisions over the next 30 years. We are deeply concerned that the Planning Board, headed by a member of the Bar, failed to comply with Maryland ethics laws in these (and perhaps other) matters while developing this plan.

We are also concerned that the County Council may not be inclined to conduct the kind of investigation needed under these urgent circumstances. As an example, the most ardent County Council supporter of Thrive Montgomery 2050 last year congratulated a paid (but unregistered) lobbyist for “doing more than taking a seat at the table” but actually “chairing” discussions that led to this new general plan ([\[tube.com/watch?v=T9ibMK69wBQ\]\(https://www.youtube.com/watch?v=T9ibMK69wBQ\)\). The failure of this lobbyist, Jane Lyons, to register with the Montgomery County Ethics Commission was the subject of a recent column by American University professor of government David Lublin about lax enforcement of lobbying requirements by the County \(Attachment D\).](https://www.you-</p></div><div data-bbox=)

For these reasons, we believe a full investigation by your office is urgently needed. Please let us know if we can help provide you further information on this matter of utmost importance to our County and our State.

Thank you for your attention to this important matter.

Sincerely,

Alan Bowser, President
Montgomery County Civic Federation, Inc.

Edward Amatetti, President
Montgomery County Taxpayers

League, Inc.

cc:

Inspector General, M-NCPPC
Montgomery County State
Delegation

Montgomery County Council
Montgomery County Executive
Inspector General, Montgomery
County

Attachments:

- A: “Review of M-NCPPC Lobbying Regulations,” M-NCPPC General Counsel Adrian Gardner: 1 & 2
- B: [Letter of Complaint to Open Meetings Compliance Board](#), Delegate Al Carr
- C: [“Planning Board Violated Open Meetings Act,”](#) David Lublin
- D: [“Coalition for Smarter Growth Lobbyist Didn’t Comply with County Ethics Law,”](#) David Lublin ■

Synthetic Turf Regulations: Adult Steps are Needed, Baby Steps are Taken

By Bailey Condrey

Synthetic turf, you'll remember, faces no regulation across the entire state of Maryland. The Consumer Product Safety Commission has failed parents through its unwillingness to designate synturf as a children's product, even though it knows that synturf contains lead and a host of other toxins, including PFAS that contaminates water supplies.

However, the corporate welfare bread-line feeding a number of highly polluting industries may finally have to provide a scintilla of oversight in the state of Maryland if the "Synthetic Turf and Turf Infill – Chain of Custody" bill passes in the Maryland General Assembly this session.

Introduced in the House as **HB 131**, sponsored by Delegate Mary

Lehman, it was heard before the House Environment and Transportation Committee on January 19. [The hearing can be seen at this link](#) beginning at 4'8" into the recording. The current status of the bill, the text of the bill, videos of committee meetings on the bill, and more [can be found here](#).

The bill was cross-filed in the Senate as SB 0321 sponsored by Senator Cheryl Kagan of Rockville and was heard on February 2 before the Senate Education, Health, and Environmental Affairs Committee.

If the current bills—or the bills with the same amendments—pass both houses, it will go to the Governor. If the Governor signs it, or if both houses override a veto by the Governor, the bill takes effect in 2023 and requires the manufacturer



JUST ONE COMPONENT OF SYNTHETIC TURF NOW BEING DUMPED AROUND THE WORLD

of a synturf field sold in Maryland, after the effective date, to report to the Maryland Department of the

MORE

Synthetic Turf, cont.

Environment (MDE) the sale and location of the field. Once the installation is complete, the installer will report to the producer that the toxic, plastics pitch installation has been completed, and the producer will update the listing at MDE. Synturf fields installed prior to 2023 become the sole responsibility of the owner for reporting purposes. In 2023, Montgomery County Public Schools will be required to submit a list of all of the toxic, plastics fields in use at the county's public schools, but the burden also falls to all private schools, parks, and every owner of a synturf field in the state.

When a synturf field reaches the end of its toxic life and is being dismantled, the magic date of 2023 comes back into play, and ownership determines what entity will report

to MDE the subsequent chain of custody for all parties, companies, individuals, or others that take custody of the component parts of these fields. That report will include all contact points for each party taking custody.

Failure to report will include a warning for first offense, \$500 for a second offense, and \$1,000 for a third offense. All of this information will be publicly available on the MDE website.

This bill would seek to manage and report on the chain of custody from the manufacturer to the supplier to the end user and, finally, through disposal. This information is necessary to understand exactly how much synturf is in use and how it is disposed.

So while this legislation provides some level of transparency and will help create a database for the loca-

tion of all of these fields across the State, it doesn't force the owners to ensure that the toxic components of the fields are not landfilled, incinerated, or dumped. It doesn't prevent MCPS, for instance, from claiming that the defective plastics carpet from Walter Johnson High School (WJHS) was "recycled" in Malaysia. It doesn't prevent Field Turf, an MCPS synturf supplier, from trying to foist the old crumb rubber from WJHS onto an unsuspecting private school in Maine without their knowledge. (They rejected the shipment upon learning this.)

Recent data gathering places the number of synturf fields in Maryland at about 365, a conservative estimate as likely owners don't wish to divulge the information. Why would that be? Think about these numbers:

■ At 80,000 square feet per field,

MORE

Synthetic Turf, cont.

this represents 29,200,000 sf of grass that has been displaced by plastics throughout Maryland where our children breathe.

■ The infill that sits between the plastic grass blades averages about 400,000 pounds per field or 146,000,000 pounds of infill spread across the Maryland landscape, all of it toxic to nature.

■ The greenhouse gas off-gassing plastics carpet comes to about 40,000 pounds per field, or roughly 14,600,000 pounds of plastics State-wide, releasing microplastics pollution to our watersheds with every torrential rain event and greenhouse gases into the atmosphere continuously as the climate crisis worsens. How much of this toxic microplastics pollution do readers think the Chesapeake Bay can absorb and



**MICROPLASTICS
POLLUTION AVAILABLE
FOR HUMAN LUNG AND
WATERSHED INTAKE
SITTING ATOP THE
WJHS FIELD IN 2019.**

remain healthy?

It's taken more than a decade to get the Maryland General Assembly to pass any meaningful legislation to manage synturf in spite of its myriad human and environmental risks. Let's hope the bill passes and

Governor Hogan signs it into law. For those who need an extended refresher on how we have come to this point, the following past articles are provided:

■ When MCPS hired out-of-state contractors to dismantle the WJHS field, these are the questions that Safe Healthy Playing Fields wanted answered: [CFN, February 2020](#), pg. 8.

■ Careful documentation of how absurd our County's embrace of synturf has become and how its lack of regulation allows MCPS to operate with impunity in dealing with it: [CFN, March 2020](#), pg. 5.

■ Testimony before the Maryland General Assembly on greenhouse gas off-gassing from synturf and all plastics: [CFN, March 2019](#), pg. 8.

■ Municipal Separate Storm Sewer System and Clean Water Act viola-

MORE

Synthetic Turf, cont.

tions: [CFN, February 2021](#), pg. 7.

■ Synturf and the Arctic: [CFN, February 2021](#), pg. 15.

■ The group [Safe Healthy Playing Fields](#) has been working on this subject for more than a decade and has introduced many bills at the Maryland General Assembly to address the toxicity and solid waste issues that ST creates. The Chain of Custody bill represents the first glimmer of hope for bringing some degree of accountability to the producers and users of this toxic product.

■ The Collaborative on Health and the Environment has created a compendium of compelling resources on the subject of synturf backstopped by a great deal of scientific data. A presentation on the subject was provided late in January and the slides and resources can be found

at [Environmental Health Impacts of Synthetic Turf and Safer Alternatives](#). Many scientists participated in this seminar, none of them "Lab Coat Rentals" preferred by the synturf industry. The shocking aspect to their data is that it corroborates what activists have been sharing with politicians for more than 10 years. It's another "Don't Look Up" moment. ■

UPDATE YOUR DATA!

Montgomery County civic associations and home owners associations are asked to update their information on the County Planning Department's website. Notify MCCF of any changes, too, at info@montgomerycivic.org. Let's keep in touch!

Local, State Bills of Interest in Annapolis

By Peggy Dennis, Legislation Committee

The Montgomery County Civic Federation takes great interest in legislation before the Montgomery County Council and the Maryland General Assembly. As the 2022 Session of the General Assembly gets underway, the Civic Federation Executive Committee has highlighted the following bills to monitor.

LOCAL BILLS OF INTEREST

HB 0362: Montgomery County – Voting Methods (MC 13-22)
Sponsored by Delegates Palakovich Carr, Carr, Charkoudian, Lopez, Moon, Qi, Solomon, Stewart, and Wilkins

MORE

Bills of Interest, cont.

This bill would authorize the Montgomery County Council to adopt, by law, a ranked choice voting method or an approval voting method for elections for certain local offices; and generally relating to the use of ranked choice voting or approval voting for elections for local offices in Montgomery County.

HB 0231: Montgomery County – Automated Traffic Enforcement – Implementing Agency (MC 18-22)

Sponsored by Delegates Crutchfield, Acevero, Carr, Lopez, Moon, Queen, Shetty, Solomon, Stewart, and Wilkins

For the purpose of authorizing Montgomery County to designate the Mont. County Department of Transportation instead of a local law

enforcement agency as the agency responsible for implementing automated traffic enforcement programs in the county; requiring that an employee of the Mont. County Department of Transportation, instead of a law enforcement officer, sign a certain required statement on a citation issued through the use of automated traffic enforcement systems in Montgomery County, under certain circumstances; altering the process under certain circumstances for the certification of evidence produced through the use of automated traffic enforcement systems; and generally relating to automated traffic enforcement in Montgomery County.

HB 0485: Montgomery County – Deer Hunting – Sundays (MC 25-22)

Sponsored by Delegate Fraser-Hidalgo

The current law was to sunset this year; this bill extends the law indefinitely with no sunset provision. It allows hunters to hunt deer on each Sunday of the deer hunting seasons from 30 minutes before sunrise until 10:30 a.m. Also added is one Sunday each in the bow and firearms seasons when hunters will be permitted to hunt the whole day.

MC 1-22: Montgomery County – Business Regulation – Landlord License (MC 1-22)

Sponsored by Delegate Carr

The bill is intended to benefit Montgomery County renters by promoting competition and ensuring tenant access to multiple wired broadband providers. People who live in single-family homes or townhomes have access to two or even three wired broadband providers:

MORE

Bills of Interest, cont.

Comcast (Xfinity), Verizon (FiOS), and RCN. But apartment dwellers are often limited to a single provider because their landlord has cut an exclusive deal with a provider and receives a share of the revenue. The resulting lack of competition results in poorer service and higher prices.

MC 1-22 would require owners of apartment buildings with five or more units to renew an annual landlord license. The granting/renewing of the license would be contingent upon giving tenants access to all broadband providers. The issue of broadband competition was highlighted in [President Biden's July 9, 2021, Executive Order](#). Read more on this topic [here](#).

MC 1-22 received a unanimous favorable with amendment vote by the Montgomery County House Del-

egation on Friday, January 28

PG/MC 103-22: Bicounty Commissions – Ethics – Certification of Compliance

Sponsored by Delegate Carr

This bill would require each of the three bicounty agencies (WSSC, M-NCPPC, and WSTC) to annually certify that their ethics regulations are “similar” or “substantially similar” to state ethics regulations.

PG/MC 103-22 received a unanimous favorable-with-amendment vote by the Montgomery County House Delegation on January 21. It is now before the Prince George's County House Delegation.

HB 0396: Montgomery County Planning Board – Open Meetings – Video and Audio Streaming and Minutes (PG/MC 101-22)

Sponsored by Delegate Carr

This bill requires the Montgomery Planning Board to stream its meetings and publish written minutes. (A nearly identical bill was passed last year for WSSC.)

HB 0505: Montgomery County – Land Use Documents – Certification (PG/MC 107-22)

Sponsored by Senator Kramer

This bill requires certain land use regulations applicable in Montgomery County to require that an applicant sign a certification for certain documents submitted to the county planning board; and generally relating to the certification of certain land use documents in Montgomery County.

HB 0007: Reckless and Negligent Driving – Death of An-

MORE

Bills of Interest, cont.

other – Must-Appear Violation (Sherry’s and Christopher’s Law)

Sponsored by Delegate Szeliga (cross-filed with SB 0025)

This bill states that a person charged with reckless or negligent driving must appear in court and may not prepay the fine if the reckless or negligent driving contributed to an accident that resulted in the death of another person.

HB 0059: Ethics – Local Governments – Registration of Lobbyists

Sponsored by Delegate Carr

This is a Statewide bill to ensure that lobbying provisions within County and Municipal ethics laws are strong and consistent.

HB 0131: Environment – Synthetic Turf and Turf Infill – Chain of Custody

Sponsored by Delegate Lehman (cross-filed with SB 0321)

This bill would require a producer of synthetic turf and turf infill sold or distributed in the State to establish a system to track the chain of custody of the synthetic turf and turf infill and report the chain of custody to the Department of the Environment; requiring a certain owner of synthetic turf and turf infill to report certain information to the Department; requiring the Department to develop and maintain a website that displays certain chain of custody information; and making a violation of the Act a civil offense. (See story on page 7.)

HB 0010: Maryland Transit Administration – Conversion

to Zero-Emission Buses (Zero-Emission Bus Transition Act Revisions)

Sponsored by Delegate Korman (cross-filed with SB 0061)

This bill revises the Zero-Emission Bus Transition Act to provide safety and workplace training as the MTA fleet transitions to zero-emission buses.

HB 0135: Environment – Single-Use Plastics – Restrictions

Sponsored by Delegate Love

This bill would prohibit, beginning January 1, 2023, a food service business from providing certain single-use food or beverage products to a customer ordering carryout or delivery from or dining inside the food service business unless the customer requests or accepts an offer for the single-use products; requiring a food

MORE

Bills of Interest, cont.

service business to maintain a limited stock of single-use plastic straws for certain customers; and authorizing a food service business to submit a request to a governmental entity for a waiver of up to three months.

SB 0045: Income Tax – Credit for Energy Efficiency Upgrades – Passive Houses

Sponsored by Senator Kramer

This bill would allow a credit against the State income tax for certain costs paid or incurred after July 1, 2022, by an owner of certain residential property for certain energy-efficiency upgrades; requires the owner to obtain a tax credit certificate from the Maryland Energy Administration; and prohibits a taxpayer from claiming the tax credit for a taxable year during which the Governor declares a

state of emergency.

SB 0071: Hate Crimes – Civil Remedy

Sponsored by Senator Kramer

This bill would provide that a person who is the victim of an act that would constitute a violation of certain hate crime laws may bring a civil action against the person or persons who committed the act in a court of competent jurisdiction; authorizes the court to impose an injunction and award certain economic and noneconomic damages; and applies the Act prospectively.

SB 0081: Charter Counties – Enforcement of Local Building Performance Laws (Building Energy Performance Standards Act of 2022)

Sponsored by Senator Feldman

This bill would authorize charter

counties to provide for the enforcement of local building energy-performance laws by imposing civil fines not exceeding \$10 per square foot of gross floor area.

SB 0101: Election Law – Contested Elections

Sponsored by Senator Kagan

This bill would alter certain definitions to allow a campaign finance entity to pay expenses associated with contesting an election and would prohibit a recount under certain circumstances; would alter the circumstances under which a petitioner for a recount is not liable for the costs of the recount; would provide that a person who accepts certain public campaign financing may accept a donation or make a disbursement related to a contested election only if the person establish-

MORE

Bills of Interest, cont.

es a contested election committee and makes certain disclosures; etc.

SB 0110: Electricity – Community Solar Energy Generating Systems – Generating Capacity

Sponsored by Senator Kramer

This bill would increase the maximum generating capacity of a community solar energy generating system from two megawatts to five.

SB 0163: Election Law – Ballots – Processing and Reporting Procedures

Sponsored by Senator Kagan

This bill would alter the procedures for the canvassing of and curing of errors on absentee and provisional ballots; and require that all election results be reported by precinct, including reports of the

early, absentee, and provisional vote.

SB 0268: Pesticide Regulation – Transfer to Department of the Environment

Sponsored by Senator Kagan (cross-filed with HB 0367)

This bill would transfer the regulation of pesticides, plant diseases, and mosquitos in the State from the Department of Agriculture to the Department of the Environment.

SB 0269: Open Meetings Act – Application and Enhanced Requirements (Maryland State Agency Transparency Act of 2022)

Sponsored by Senator Kagan (cross-filed with HB 0375)

This bill would repeal exemptions from the Open Meetings Act for certain independent and regional development units; and establish

enhanced requirements under the Open Meetings Act for specified public bodies.

SB 0387: Public Safety – Untraceable Firearms

Sponsored by Senator Lee (cross-filed with HB 425)

This bill would alter a certain definition of “firearm” to include a certain unfinished frame or receiver; prohibiting a person from purchasing, receiving, selling, offering to sell, or transferring an unfinished frame or receiver, or possessing a firearm on or after January 1, 2023, unless it is required by federal law to be, and has been, imprinted with a certain number in a certain manner; and requiring the Secretary of State Police to suspend or revoke a certain dealer’s license if the dealer is charged with or convicted of a certain crime. ■

Thrive 2050 – Back to the Future! But Which Future Will it Be?

By Karen Cordry

In July 2018, the Planning Department began planning to update the County’s general plan, which moved through a “Visioning” stage and an “Analysis” and culminated in a “Final Report” in February 2020 on the planning for the project now known as “Thrive 2050,” which is meant to guide the County’s thinking and planning for the next three decades. That month is of note because it began the era during which none of us can get through a day without thinking about the word COVID and the impact of the virus on us and the future.

Yet, fascinatingly, as one reads through the current draft of Thrive 2050, the word COVID does not appear once in its text. That omission is even more striking in light of one

prescient sentence in the Final Report’s discussion of Growth Management: “Even a small increase in the number of people working remotely could change the traffic conditions in a significant way.” And, if there is one thing the last two years has made clear, it is that the number of people “working remotely” can change not just in a small way but dramatically. And what those years have further shown is that there is a degree of hubris in assuming one can project out the next 30 years when it turns out we cannot know what may happen in the next three months, much less three years, or three decades.

What might have been disregarded in February 2020 as an impractical thought experiment about “what would the County look like if a large

portion of the population did work remotely” became the new reality within only a few short weeks as COVID caused a massive lockdown. And, while some parts of the economy, including schools and general retail, have come back to something close to normal, large swathes of the work force, particularly the white-collar office workers who make up much of Montgomery County’s population, are still working from home and, often, happily so. It was always assumed that most of those worked would have to rise early, leave home and travel to a distant work location, and then reverse the process to arrive late in the evening. Most never questioned that but, when given the chance to stay home, not make those trips, and save an hour or two

mccf

Thrive 2050, cont.

of travel time and costs a day, many of us will happily choose to continue working remotely indefinitely. And, we have also found that, many of the hearings and meetings we used to have to drive or transit to in Silver Spring or Rockville or Annapolis could be held online with far less strain on all the participants and, as a result, with far more participation. It is unlikely, even when COVID becomes fully manageable, that we will ever go back in many respects.

So, how does all that relate to Thrive? The recent discussion at the Mid-County Citizens Advisory Board (MCCAB) on January 20 (with some 50 attendees, which is undoubtedly more than the pre-COVID in-person numbers) raised many interesting questions. It began with a presentation on the current

draft of Thrive, after its review by the Planning, Housing, and Economic Development (PHED) Committee. That draft asserted there were three “overarching objectives” for the plan—“economic health, racial equity and social justice, and environmental resilience” discussed in six chapters:

1. Compact Growth: Corridor-Focused Development
2. Complete Communities: Mix of Uses and Forms
3. Design, Arts, and Culture: Investing and Building Community
4. Transportation and Communication Networks
5. Housing For All: More of Everything
6. Parks and Recreation for an Increasingly Urban and Diverse Community

Council Senior Legislative Analyst Pamela Dunn opened the discus-

sion with a list of six general goals for the process that largely tracked those Chapters, but also emphasized East County growth corridors to promote racial equity and economic competitiveness while emphasizing the desire to constrain growth into areas along existing corridors to reduce the overall impact on the County’s land environment.

As general statements of goals and principles and visions, it is hard to quarrel with much of what is in Thrive. In an era of climate change, who can dispute that we need to do what we can to reduce our footprint on the land and our impact on the environment. And, as a resident of Wheaton, who does live within a 15-minute walk or so of much of the downtown (living only a block and a half south of the Wheaton mall), I certainly appreciate that all may

MORE

mccf

Thrive 2050, cont.

wish to have that benefit in their community. Certainly, as someone who has been working from my home for the last two years, I am far more able to access those resources on a daily basis and understand a vision that would create such a reality for all County residents. So, it was not at all surprising to me that a number of the MCCAB members were fully on-board with the concepts in Thrive and expressed an urgency to getting it passed and the process of implementation started.

But, for others on the Board and many of us in the audience who spoke, there are still many questions that leave us unable to sign on to the Thrive package as it currently exists. I argued that the plan is both “too detailed” and “not detailed” enough, particularly

with respect to the entwined issues of where growth should be placed and what housing/zoning changes are needed to accommodate that growth. The PHED draft states at page 11 that “urbanism” (which it defines as compact development, diverse building and housing types, and attached transportation networks) is the “organizing principle” for the plan. It then briefly states there should be incentives to create more housing, including multi-family housing of varying scale throughout existing neighborhoods which fosters complete communities and increase access to amenities (pp. 32 and 70). It adds that the county needs to make changes to “land-use, design, and zoning regulations, including the Zoning Ordinance and Subdivision Regulations, to remove regulatory barriers and facilitate development of range

of housing types” (p. 39).

Standing alone, that says very little about what those changes would be—and, apparently, that is by design. At about the time the original Planning Board drafts were emerging, two Zoning Text Amendments surfaced that addressed those rezoning issues. Both concentrated on areas along the major transit corridors and near Metro stations and both would have allowed for multiplex units “by right” in designated areas. There was an immediate and vociferous reaction to the initial drafts and, since then, the Planning Board has repeatedly turned away questions about the relationship between its draft and those proposals by emphasizing that Thrive alone will not impose any of those changes. But, from the perspective of those who

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Thrive 2050, cont.

have repeatedly expressed concerns about those proposals, Thrive could do “too much” by essentially pre-determining that such changes will be the direction the County moves. And, on the other hand, it does far “too little” by not telling us anything about the nitty-gritty of what such changes would entail.

In that regard, the debate has tended to degenerate into accusations on the one hand that those with concerns are “NIMBYs” and, on the other hand, that those supporting the principles are the tools of developers. There may be a grain of truth in both claims but the reality is that these are issues where getting the details right is absolutely critical. It is doubtful that anyone would challenge allowing various sizes, types, and price points

of housing when building out an undeveloped space. But that process can have very different results if one tries to “infill” these projects into an existing, stable, well-maintained, built-out neighborhood. My community of Kensington Heights (which surrounds the Westfield Wheaton Mall on the south and west) is such a neighborhood and would be Ground Zero for any of these proposals, so there is a deep concern as to how they would work in practice.

At an earlier Civic Fed meeting last year, we heard from Alissa Pier, who described what happened in Minneapolis under a broad-gauge “upzoning” program. The results showed many ways to game the system and to produce units that benefitted developers but didn’t necessarily produce family-size units or ones that were affordable

for most of the population. Moreover, by creating the possibility for each home to be replaced with a bigger and more expensive building, it created pricing pressure on those homes, too. The net result was a double whammy: a developer would buy the cheapest (i.e., most affordable) house in the area and replace it with a new multi-unit building, none of whose units were as affordable as what was removed, and the price of the rest of the housing stock would also escalate. (The Planning Board has conceded that both halves of a replacement duplex here would likely cost more than the original single-family house that was being replaced.)

It may be possible to resolve those concerns but doing so will likely take a lot of hands-on planning and involvement by the Coun-

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Thrive 2050, cont.

ty, not just a “pass it and they will build what we want” approach. It may also involve figuring out what spaces will actually be available in the coming years, which brings us back to the views of the other half of the MCCAB Board and much of the audience. Several speakers noted that COVID has made a sea-change in how we live and work and it’s not clear that we will ever go back. Nothing in the Thrive drafts even acknowledges that changed reality, much less tries to deal with it. We do need more housing for all income levels but where should it go? If people aren’t commuting to central locations, we may be able to think differently about where to put out complete communities.

In that regard, while these proposals are presented as a way



to improve diversity in housing, Thrive’s own maps show that the dense areas around the transit corridors (where it plans to put even more new development) are already the most diversified in those respects. (See maps on pp. 61, 62, and 68, which show that those areas have no predominant racial group and generally have more affordably priced houses.) So, does that mean those areas should still take all of the additional development? Or should we be looking more closely at places that may open up after

COVID, such as failing regional malls or underutilized office parks?

Another interesting point raised during the discussion included the fact that the population projections were based on accelerating growth but recent years have actually had a leveling off (p. 56). And, while that might be based on a view that, under Thrive, the County would improve its anemic job growth figures, Thrive, surprisingly spends almost no time talking about job creation and economic growth. The 2020 Final Report had “Diverse Economies” as the third of its eight chapters and devoted several pages to it but the PHED draft only uses the word “economy” 11 times in its 92 pages. That discussion, in turn, seems to assume that simply setting up pleasant communities will draw businesses here.

MORE

Thrive 2050, cont.

One final concern, harking back to the “too little” idea, was that the plan itself did not any implement specific action items. To be sure, as a “vision” document, that might not be the purpose, but many were of the view that it would be more useful if it were more specific.

The bottom line is that even the revised PHED draft has work to be done on it and may need fundamental rethinking to take into account the new “future” we are all living with. If some aspects, such as environmental concerns, are pressing, they can be dealt with now and indeed the Council is busily working on its Climate Action Plan. And, taking a breather for now, on the more controversial aspects may allow them to be rethought and improved after other issues are addressed. ■

Maryland BPW Approves Purple Line P3 Agreement With New Design-Build Team, Now to Open in Fall 2026

By Jerry Garson

On January 26, 2022, the Maryland Board of Public Works approved a Purple Line P3 Agreement modification with a new design-build team. The light rail line is now scheduled to open in Fall 2026 instead of March 2022.

The Maryland Board of Public Works unanimously approved a modification to the Purple Line Public-Private Partnership Agreement (P3 Agreement) with the Maryland Department of Transportation, MDOT Maryland Transit Administration, and Purple Line Transit Partners to select Maryland Transit Solutions (MTS) as the new design-build team to complete the Purple Line light rail project. MTS, comprised of Dragados USA, Inc., and OHL USA, Inc., was



selected by PLTP, in coordination with MDOT MTA, after a competitive Request for Proposals process.

The modified P3 Agreement has a cost of \$9.284 billion, which includes the \$3.4 billion Design-Build cost to begin full-scale construction later this spring, with transit operations starting for Marylanders in Fall 2026 across the entire system from New

MORE

Purple Line, cont.

Carrollton to Bethesda.

The Design-Build cost to complete the Purple Line construction has increased by \$1.4 billion from \$2 billion to \$3.4 billion. Reflecting the post-pandemic market, the total project cost includes rising material costs across the industry, material shortages due to supply chain challenges, a smaller labor force, increases in the insurance market, and other factors. Commercial and financial close are anticipated in the coming weeks.

“Despite the challenges over the last several years, we have never lost sight of the benefits of the Purple Line for the residents and businesses in the National Capital Region,” said MDOT MTA Administrator Holly Arnold. “Today’s action is the critical step needed to move the Purple Line from construction into an active light

	2016 Funding (2016-2052)	2022 Funding (2016-2056)
Design-build Contract	1,971,885	3,435,839
Settlement Payment	-	250,000
Work completed by MDOT MTA since Sept. 2020	-	218,673
Operations and Maintenance	1,744,297	1,977,179
Insurance	272,638	340,642
Capital Renewal	289,144	295,908
Financing	1,312,036	2,765,759
Total P3 Agreement	5,590,000	9,284,000

rail line that creates a truly interconnected regional transit system. We wouldn’t be here today without the true partnership with Purple Line Transit Partners and the support of our county, state and federal partners to get this project built.”

“Since we and MDOT MTA selected Maryland Transit Solutions as

providing the best value to the people of Maryland, we’ve been working closely with MTS to help them hit the ground running,” said Jane Garvey, chairman, PLTP Board of Directors. “We’re very pleased to resume major construction so the Purple Line can begin serving Maryland travelers as soon as possible.” ■

Minutes of January 10, 2022, MCCF General Meeting #929, Virtual Zoom Meeting

By Karen Cordry, Recording Secretary

Due to the COVID-19 outbreak, the General Meeting was held via Zoom as a virtual meeting. A total of 44 persons attended on the Zoom platform.

Call to Order: Alan Bowser, President, called the Meeting to order at 7:33 and led introductions.

Approval of Meeting Agenda:

Moved, seconded, and approved by voice vote.

Approval of December Minutes:

Moved, seconded, and approved by voice vote.

Treasurer's Report (Jerry Garson): Since July 1, we had receipts of

\$976, and a refund of \$87. Website costs were \$184. We received \$35 in the last 30 days. Current bank balance is \$9,421.

ANNOUNCEMENTS

■ None.

JANUARY PROGRAM

The topic was "Legislative Outlook for the 2022 Session," a conversation with Senator Ben Kramer and Delegate Marc Korman on the upcoming term.

Rep. Korman is on Appropriations Committee and chairs the Transportation/Environment subcommittee. Sen. Kramer is on the Finance Committee and has joined us for several years. His "good government" work on transparency and accountability has resulted in new

Inspector General powers for several agencies. Rep. Al Carr also joined us tonight.

Sen. Kramer noted the session starts on Jan. 12; they had hoped to be back in-person for hearings and so forth but the latest surge has moved that back by a month or so with hopes they can resume in mid-February. The Senate, though, will do its own business in person on the Senate floor and there is limited ability to meet with Senators.

They did a lot of work last year make sure unemployment benefits get out. It's been a problem throughout as the agency was quickly overwhelmed and the Governor denied any problem. People can't get through on the phone and there have been problems with getting

MORE

January Minutes, cont.

information inputted on the computers.

Did Cong. Redistricting last fall. Will do State redistricting when they start up. MoCo will be picking up part of another Senator (Kathy Fry Hester) to add to the current 8.

Legalization of cannabis is likely to come up this year. Difference between House and Senate as to how to do it and how fast to implement. He is on small "work group" looking at issues including ensuring economic equity in handing out licenses, taxes, who regulates (state and/or local?); dealing with people with existing records; limits on use while working, and second-hand smoke.

They are introducing a bill to hold fossil fuel industry responsible for pollution and its costs. All of revenues would go back to residents

including rebates to lower income persons to offset impacts of climate change. Funding for renewable sources development and reduction of usage with 50% going to econ. disad. communities to accelerate good developments. Also place fees on high-polluting vehicles to use as rebates on energy-efficient vehicles.

Local bills: One to deal with speeding, motorcycle racing, etc., on ICC by putting in speed cameras. They are working with MCCF on bill to require that M-NCPPC filings be signed under penalty of perjury. Amazingly, Council and Planning Dept. have opposed.

Del. Korman chairs 24 member House Delegation, which is largest in Maryland. House holds pro forma in-person sessions to do essential management work and that's it; they will not be holding full House sessions for several weeks. He noted

there are many downsides to COVID, but the switch to streaming all session has made it much easier for people to attend, get information, and testify. Best turnout probably ever had.

Budget: have a surplus at the moment and are projecting more for next few years. This is due to direct federal money going to governments plus COVID relief going to people that helps them survive and pay taxes, etc. We are working on basis that surplus won't last so we will do specific projects/replenish reserves rather than permanent programs.

Al Carr, Vice-Chair of House delegation, noted interest in a bill he introduced dealing with ethics on bicounty commissions. They are supposed to have financial disclosure, conflict of interest, lobbying, etc., requirements but aren't always

MORE

January Minutes, cont.

doing what they should. Bill (PG-MC 103-22) would require they certify they have complied. Park and Planning has far less strict rules than WSSC, for instance.

QUESTIONS AND DISCUSSION

■ Cary Lamari asked about whether actions were being taken without adequate controls during pandemic; questioned whether ZTAs, for instance, should be reviewed by someone other than the Council and Planning Board.

■ Carol Ann Barth noted that “pain of perjury” bill (PG-MC 107-22) was again getting pushback from developers which suggests it’s on the right track. Sen. Kramer agreed there was no reason big developers can’t stand behind what they file.

■ Jean Cavanaugh raised questions

about modified mufflers noise levels. Sen. Kramer agreed with the concern but noted there were some practical problems with how to set and monitor proper levels, particularly when there is interest in limiting police/driver interactions. Motorcycles aren’t usually inspected, which might be a way to catch the issues. Jean asked whether there could be “noise cameras” along the line of speed cameras that could tag them automatically.

■ Allen Meyers asked about the governor’s push to “refund the police” with additional budget. Rep. Korman noted that a lot of what was being pushed were changes to sentences and/or increased equipment and personnel which may or may not address the actual problems. Governor proposes the budget; legislature can’t increase it or redirect it. Sen. Kramer noted legislature has not

“defunded” law enforcement; it’s been starved. It starts with the Governor’s budget (i.e., he cut budget in Md. Transit Auth. so they cut positions). All agencies have been cut.

■ Elizabeth Joyce supported Del. Carr’s bill since questions exist about things being pushed with concealed developer support; concerns about ZTAs being used to bypass regular Master Planning process. Rep. Korman did raise question about extent to which state should be regulating actions by local officials.

■ Alan Bowser noted support for a statewide bottle deposit bill to reduce plastic trash as well as ongoing pushes to reduce single-use plastics. He also asked about the state approach to affordable housing. Rep. Korman noted there are some state dollars and this might be a good use for the budget surpluses, as

MORE

January Minutes, cont.

well as to fund programs to provide protection for renters. Sen. Kramer noted this might a use for the federal funds.

■ Ira Unger asked about bike lanes being added on state roads (such as University Blvd in Wheaton) without community consultation. Sen. Kramer noted that a pilot project was done there that ended in December and caused a number of issues. They will review the results and try how to do it better. Ira noted that doing it wrong cuts off support you are trying to build and that it needs to be better designed to ensure safety.

■ Carla noted her concern that Thrive as now written could allow tearing down existing diverse affordable homes while building back bigger, more expensive McMortgages

(i.e., expensive multifamily homes) which aren’t necessarily affordable, won’t provide large enough homes for families, will use up most of the lot, and won’t have parking. Basic concern is we are pushing everybody back into rental, not home ownership. The ethics bill will help us get a handle on who’s pushing this.

■ Alan Bowser asked about the Purple Line. Rep. Korman noted that it’s been a long, disruptive process that has harmed businesses along the way who haven’t gotten much, if any, help. The original developer walked away and they spent a year getting someone new who they expect to have presented to the Board of Public Works in January.

■ Kramer thanked us for chance to interact with us and get input. Cary Lamari added that one alternative thought about the upzoning proposals was to use a Community Land

Trust idea to set aside areas to actually produce substantial affordable housing.

COMMITTEE REPORTS

Education

■ Alan Bowser noted that MCPS has had problems with the new outbreak including staffing levels, etc.

■ Council Member Hucker had an emergency town hall yesterday with hundreds attending.

Environment

■ Sheldon Fishman noted **HB 131**, requiring chain of custody for synthetic turf fields, finally had a good chance of passing this year. The bill requires either producer (for new fields) or owner (for old fields) to be responsible for it until it’s disposed of or recycled. MoCo Climate Action Plan group asked us to join letters

MORE

January Minutes, cont.

they are drafting on County's work on those issues. He will write news-letter article on the efforts.

Land Use

Elizabeth Joyce noted there was an extended discussion about whether MCCF should send letter to Council noting issues with respect to process being used for Thrive and failure to follow regulations. It was eventually decided by consensus that the MCCF Exec. Comm. would send a letter to the State AG requesting information and a report about what developer participation (without registration) has been going on, which report should issue before Council acts on Thrive. That letter would then be cc'd to County Council and Planning Board. It was moved and seconded to send that letter and

approved unanimously. (See subsequent letter on page 5.)

Legislation

Peggy Dennis noted local bill MC 25-22 would expand bow and arrow hunting for deer on Sundays in the morning most days. This would expand the right to do so on public land; it's already available on private land. She also noted several other bills that MCCF may weigh in on which she will present to ExCom and we'll discuss next week.

Carole Ann Barth noted need to push the penalty of perjury and Alan Bowers asked her to draft a letter people can send to delegates such as Del. Moon who has opposed.

Public Safety

Noted there has been increasing crime issues in parts of county and not a lot coming out of officials.

There are pay and housing cost issues for many officers to live in the area they work in. Jim Zepp noted that most officers are hired on a "20 and out" schedule, so they often leave at that point, but we do pay higher than D.C. and often recruit from there.

Transportation

Jerry Garson said WMATA/RideOn is going to a Saturday schedule for buses. Omicron rise has cut back on ability to keep drivers on buses. WMATA plans to open Rockville/Shady Grove stations by February.

NEW BUSINESS

Reminder on committee membership, newsletter articles, officers.

Adjournment: The meeting adjourned at 10:05 p.m. ■

Minutes of the January Executive Committee Meeting January 20, 2022, 6 pm

By Karen Cordry, Recording Secretary

Attendance: Alan Bowser, Karen Cordry, Bailey Condrey, Elizabeth Joyce, Jerry Garson, Jacque Bokow, Peggy Dennis.

Approval of the Agenda: Moved, seconded, and approved.

Treasurer's Report: Jerry reported \$35 this month and \$146 of expense. Net income for year of \$976; expenses of \$696; net of \$280. Bank balance of \$9,283.

ANNOUNCEMENTS

Peggy and Jerry will testify in favor of bow hunting bill on Sunday. Jerry for Seven Locks; Peggy is appearing for Civic Fed although there

was no formal vote on that (although we have supported bow hunting in the past).

FEBRUARY PROGRAM

Education/MCPS. Alan B. will reach out to Craig Rice who is Chair of that committee, Superintendent and/or School Board members and others.

UPCOMING PROGRAMS

March 14: Candidate Forum – County Exec candidates (Alan will check with them). If need be, we switch March and April.

April 11: Budget Discussion
Jerry will ask Rich Madaleno and/or head of OMB.

May 9: Environment – Bailey will set up.

MEMBERSHIP

Elizabeth has been coordinating with Harriet Quinn, who is working on entering information into database called "Join It," which allows people to check status, can send out reminders, and take payment through Stripe. It is \$260/year per 100 members and seems like a well-organized, complete system. Liz will get us the most up-to-date information on numbers of associations, members, emails, etc., so we can have a complete list that will help Joshua M. in setting up the listserve. We will likely do a hard reset for July this year.

COMMITTEES

Transportation

County is beginning analysis for

Jan. ExCom Minutes, cont.

BRT between Grosvenor and White Flint mall; also starting to look at NH BRT analysis. They are taking applications for memberships on advisory groups for those routes within the next week or so.

Social Media

▮ Probably good to put up Civic Fed work to show what we have been doing. Should include links to newsletter article, upcoming programs, etc.

▮ Draft letter to state AG on Ethics issues presented by Elizabeth Joyce approved. It will be cc'd to Council, Co. Exec, Planning Board, state legislators, MoCo States' Attorney. Taxpayers' League wants to sign on too.

State and County Legislation

▮ There was a brief discussion on upcoming bills; Peggy will go over the list she compiled, add on other that look important and recirculate for discussion.

NEWSLETTER

▮ January 26th deadline for newsletter articles: one on program, legislation, Frosh letter, maybe one about tonight's MCCAB meeting that discusses thrive.

Adjournment: at 7:00 p.m. ▮

cfn

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Submit contributions for the next issue by the 26th of the current month. Send to CFN at *civicednews AT montgomerycivic.org*.

Send all address corrections to *membership AT montgomerycivic.org*.

VIEW PAST ISSUES ONLINE [HERE](#)

SAVE THE DATE!
County Executive
Candidates Forum
@MCCF General Mtg.
Monday, March 14, 2022
7:30 p.m. Online