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Testimony Against Bill 18-23, Urging Restoring Funding for the Office of the People’s Counsel

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TO PRINT, USE [PRINT VERSION](#)

of note

Next MCCF Meeting #943

May 8, 2023, 7:30 p.m. *online via Zoom*. Topic: “It Never Rains, But Man, It Pours: All Things Stormwater.”

[| Join the Zoom Meeting Here](#)

[See further instructions on page 2. No password is required.]

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Federation Meeting #943

Monday, May 8, 2023

7:30 p.m.

Online Zoom Meeting

AGENDA

1. Call to Order/Introductions
2. Approval of Agenda
3. Approval of Minutes: April General Meeting **P.18**
4. Treasurer's Report
5. Announcements
6. May Program: It Never Rains, But Man, It Pours—All Things Stormwater **P.2**
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 May meeting will be held online via Zoom (see page 3 for program) at 7:30 p.m.:

■ To be part of the video conference, first **visit the Zoom website** to download the program for your phone or computer.

■ Date and Time: Monday, May 8, 2023, 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 **825 1744 9307**. No password is required.

We hope you will join us! ■

mccf

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 28

May Program: It Never Rains, But Man, It Pours—All Things Stormwater

By Peggy Dennis

April is almost over and we are in a drought. This is not always the case and, when the rain comes after a long dry spell, it sometimes comes too hard and too long. The baked earth cannot absorb the drenching, and much of the rain water is washed away, exacerbating soil erosion and leaving the thirsty plants hankering for more.

Our program for Monday, May 8, will be, “It Never Rains, But Man, It Pours: All Things Stormwater.”

Our first speaker will be Pamela Rowe of the County’s Department of Environmental Protection. We have asked her to first cover some broad watershed management and stormwater concepts. Then, as Program Manager for Private Residential Environmental Site Design (ESD)

Stormwater Best Management Practices (BMPs), Inspection and Maintenance, she will cover more specifics about the importance of stormwater management practices and their maintenance and resources for homeowners. She manages the



PAMELA ROWE

work of inspecting and maintaining stormwater practices “at home” on residential properties such as single-family homes and townhouses. This work consists largely of technical assistance to help homeowners understand what they have, and how to maintain it.

Rowe has broad experience in land use planning and watershed planning in Montgomery County with prior positions as an Environmental Planner with M-NCPPC; as a watershed planner with DEP; working on watershed restoration plans for the Rock Creek, Little Falls and Paint Branch watersheds; and, most recently, working to ensure that stormwater management practices are maintained and functional. Rowe has a keen interest in

May Program, cont.

the nexus between watershed health, climate change, and nature-based solutions to climate change.

Our second presenter will be Ann English, Manager of the County's RainScapes Program for the Montgomery County Department of Environmental Protection. She will cover the RainScapes approach to managing stormwater and provide information on the types of RainScapes and the available incentives offered through the program.

Under English's direction, the RainScapes program has developed its incentive program into a model that others have copied. The RainScapes program is based on three elements: clear technical guidance, diligent data management, and excellent customer service. The program has right-sized its rebate



ANN ENGLISH

structure, streamlined its application process, and grown to greatly expand the amount of land converted to manage stormwater using RainScapes practices. Incentives are provided for Rain Gardens, Conservation Landscapes, Permeable Pave-

ments, Water Harvesting, Pavement Removal and Green Roofs.

A key component of RainScapes practices is the improvement of local site hydrology with a focus on native plants and improving infiltration capacity through planting and working with in situ soils to achieve maximum runoff reduction goals. An ongoing effort is being made to evaluate practices as they relate to climate change, carbon storage, and how to reduce the carbon footprint of the recommended projects.

English is both a designer and teacher who has worked in the private, nonprofit, and governmental sectors. She is passionate about plants and how to design and evaluate plant performance in the environments in which they are planted. Her degrees are in American History, Regional Planning, and Landscape Architecture. ■

MCCF President Alan Bowser's Testimony Against Bill 18-23, Land Use Resource Office

Testimony of Alan Bowser on April 18, 2023 (by video)

I am speaking in opposition to the bill to create a Community Zoning and Land Use Resource Office. The County Council should support refunding the Office of the People's Counsel as recommended by the County Executive for the second year in a row.

Councilmembers, there is a crisis of trust and confidence in Montgomery County.

Notwithstanding the very commendable job that the County did in response to the Covid 19 pandemic, it's worth noting some of the events of the last few years that have sullied the reputation of our government in the eyes of residents.

The last few years have seen—

- The ouster of the Chair of the Montgomery County Planning Board

for violation of County rules and policies and the dismissal of the Director of the Planning Department.

- The forced resignation of all members of the Planning Board.

- The failure of the Planning Board to hold a public hearing on the 2nd Thrive Montgomery 2050 draft sent to the Council last Spring after it was rewritten by the Planning Board Chair.

- The failure of the Planning Board to include—or even consider—the substantive comments of the County's Department of Environmental Projection in the draft planning document.

- The inexplicable failure to forward hundreds of resident emails to Council staff for analysis during the Council's revision of the draft planning document. (One of your staffers reported that he was forwarded hundreds of emails from residents

only a few weeks before the Council approved Thrive Montgomery 2050. We've not heard an explanation of that.)

- The seeming overreliance and preferential treatment by the then PHED committee on policy input from outside development organizations like the Coalition for Smarter Growth and Greater Greater Washington.

- And the failure of the Council as a whole to even publicly discuss the County Executive's recommendation for refunding the Office of the People's Counsel in the FY23 Recommended Budget. (It was included as a "negative recommendation" on the consent agenda).

So why, at this moment of broad distrust, skepticism, anxiety, and deep concern about the Council's

AB OPC Testimony, cont.

engagement with the broader community would any of you want to exacerbate this concerning situation by proposing and considering to remove the Office of the People's Counsel from the County Code and to take away an extremely valuable resource for the people of Montgomery County?

Especially at a time when a full pipeline of impactful land use and planning measures will soon be proposed by the Planning Board and come before the County Council.

This is the time when the community—residents from every part of the County—will need and would benefit from the OPC's technical assistance and advocacy to fully understand and to respond to policy changes that will affect their lives and the lives of their neighbors for generations.

In its April 17, 2023, *Report to the County Council*, the Council's Office of Legislative Oversight states clearly that establishing the Friedson/Luedtke Bill 18-23 Structure of County Government-Community Zoning and Land Use Resource Office would widen racial and social inequities in land use in the County and disproportionately benefit white business owners.

This was a bad bill in 2016. It's a terrible bill in 2023.

My recommendation to you is to refund the Office of the People's Counsel as recommended by the County Executive. It's not a lot of money and the value to our neighbors—your constituents—will be invaluable.

We, in the civic community, were very heartened when the at-large members of the County Council stated their support for a People's

Counsel in a public forum in June of 2022. Councilmember Alborno, Councilmember Glass, Councilmember Jawando, and now-Councilmember Sayles all said that they would support this Office. A link to the video of that portion of the public forum sponsored by the Montgomery County Civic Federation is online now on Twitter and YouTube. [See the two-minute video here.](#)

If you believe in Racial Equity—and you've said that you do—you should support the Office of the People's Counsel which will provide valuable support to the many underserved communities throughout the County that don't have the financial resources to hire lawyers and planners to explain and respond to what is happening at the County level.

The people of Montgomery County need an Office of the People's Counsel. ■



MCCF ZVP Elizabeth Joyce Testimony Against Bill 18-23, Land Use Resource Office

Testimony of Elizabeth Joyce, MCCF's Second Vice President, on April 18, 2023

I am Elizabeth Joyce, a Vice President of the Montgomery County Civic Federation, Inc., which represents hundreds of County households and civic associations.

The Civic Federation supports fully funding the Office of the People's Counsel (OPC) and opposes removing its current statute from the County code. OPC's purpose is to protect the public interest, to promote full and fair administrative proceedings, and to help produce sound land use decisions. It also helps level the playing field between developers and ordinary residents, who don't stand a chance against wealthy financial

interests with expert attorneys on retainer. Approving this legislation would signal the Council's opposition to these ideals and would break the promise to fully fund OPC that many of you made to us in recorded interviews during your campaigns last fall. (These interviews are available on our [Save the People's Counsel website](#).)

This bill's supporters argue that the 2008 Office of Legislative Oversight (OLO) report made a few recommendations for improving OPC that have not yet been approved. We would respectfully ask why not? The Council's failure to enact these minor changes is not a good reason for removing OPC from the statute. Neither is OPC's modest \$250K budget, which represents a **tiny .0004%** of the

County's \$6+ billion FY23 budget. **In contrast**, the Planning Department's FY23 budget was \$25.4M, with a recent request for another \$1.7M for FY24. By the way, the Council should table this request until the M-NCPPC publishes a complete report on the events that led to the resignations of the entire Board that runs this agency. To save funds, the Council could more vigorously exercise its oversight of this costly and arguably over-staffed department.

Now that Thrive Montgomery 2050 is law, massive rezoning will soon take place. Ordinary residents lack the time and resources to learn and assert their rights. An OPC attorney could not only help residents but also prevent the

EJ OPC Testimony, cont.

County from violating its Racial Equity and Social Justice Act that governs all new ZTAs. It could also help prevent costly lawsuits, such as the notorious 1990s **Farm Road** case filed by African American landowners, some of whom permanently lost access to homes their families had owned for a century—and that ended with the resignation of the Planning Board chair and the restructuring of the agency. (In other words, we've been here before, and OPC could help prevent such expensive inequities.)

The OLO report cited impressive OPC achievements and praise from residents and land use attorneys alike. An OPC offering only technical assistance is a poor substitute for this valuable agency.

And why would the Council deny our residents a valued resource that Maryland as well as Baltimore, Harford, and Prince Georges Counties residents still enjoy?

We strongly oppose this step backward for Montgomery County and its residents. Please reject Bill 18-23 and fully fund the Office of the People's Counsel. ■

Councilmember Andrew Friedson's Bill 18-23 Could Widen Racial and Social Inequities in Montgomery County

By Alan Bowser, President

In its April 19, 2023, Racial Equity and Social Justice (RESJ) Impact Statement on District 1 Councilmember Andrew Friedson's Bill 18-23 to eliminate the Office of the People's Council by substituting a weak "Community Zoning and Land Use Resource Office," the Montgomery County Council's Office of Legislative Oversight concluded, "When comparing two potentially funded offices to one another—the Office of the People's Counsel to the proposed Office of Community Zoning and

Land Use—the Office of Legislative Oversight (OLO) anticipates that Bill 18-23 could sustain or marginally **widen racial and social inequities in the County as its benefits would disproportionately accrue to land developers that are disproportionately White.**"

According to OLO, "The People's Counsel is designed to act as an independent lawyer that advocates for the public's interest in local zoning matters such as rezonings, conditional uses, site plans, and subdivi-

Friedson Bill 18-23, cont.

sion plans. The intent of Bill 18-23 is to replace the People’s Counsel with a Community Zoning and Land Use Resource Officer who provides information and resources on the land use process to members of the public without directly participating as an advocate for the public’s interest.” [RESJ Impact Statement, Bill 18-23, Office of Legislative Oversight 2, April 19, 2023]

“More specifically, Bill 18-23 no longer requires an attorney to staff the new Office and prohibits the Office from participating in administrative proceedings with the County Council, Board of Appeals, Planning Board, Hearing Examiner, and the Maryland courts. As such, **Bill 18-23 removes the obligation for land developers to consider and respond to concerns raised**

by the People’s Counsel as part of the land use development process and precludes the new Office from serving as an advocate for the public interest.

“OLO considered the differences between two currently unfunded offices—the Office of the People’s Counsel to the proposed Office of Community Zoning and Land Use. The purposes of the People’s Counsel, as currently codified in local law, include:

- Protecting the public interest and promoting a full and fair presentation of relevant issues in administrative proceedings to help inform land use decisions;

- Providing technical assistance to citizens to encourage their effective participation; and

- Increasing public understanding of and confidence in the County land use process.

“Historically, when the People’s Counsel has advocated positions on behalf of the public, developers have usually responded to the concerns they have raised during the land use review process. Transforming the People’s Counsel into a non-attorney position that does not advocate for the public’s interests under Bill 18-23 would reduce the regulatory burden of land developers to address the public’s interest. Thus, **the primary beneficiaries of this reduced regulatory burden would be land developers. Given the demographics of property owners and construction firm owners serving Montgomery County, OLO anticipates that the beneficiaries of Bill 18-23 will be disproportionately White.**”

The [OLO Impact Statement](#) can be read here. ■

Mont. County Residents Overwhelmingly Favor Funding Office of the People's Counsel

By Robert Dyer in his *April 19, 2023, Blog*

Ten of the eleven residents who testified before the Montgomery County Council yesterday urged councilmembers to restore funding for the Office of the People's Counsel in the FY-2024 operating budget. All ten also spoke in strong opposition to the bill that was the subject of the public hearing, a legislative move to permanently eliminate the office, which the Council has failed to fund since 2010. Bill 18-23, introduced by Councilmember Andrew Friedson (D - District 1), would kill the position of People's Counsel, an attorney who could advise residents and civic associations on land-use and zoning issues, and represent their interests in administrative hearings. Friedson's bill would replace the People's

Counsel with a toothless resident advisor, who would not have to be a licensed attorney, and who would not be allowed to participate in administrative hearings, would be unable to call or cross-examine witnesses, and would be forbidden to introduce evidence or point out violations of zoning law in those hearings.

Resident Sue Present said Friedson's developer-friendly bill "keeps the fat cats fat, and throws neighbors and neighborhoods under the bus." Friedson has received extensive campaign contributions from development interests, and developers have hosted fundraisers for him.

The only resident to testify in favor of Friedson's bill to eliminate the People's Counsel was Jane Lyons-Raeder of Silver Spring, who has previously been employed as a

lobbyist by the developer-funded Coalition for Smarter Growth. Lyons-Raeder said the quiet part out loud, expressing concern that a restored People's Counsel "could quickly turn into a free lawyer for people who oppose development in their neighborhood." She argued that Friedson's proposed advisor position would be preferable, as it would not "allow for free legal representation" for residents.

But the small way in which the Office of the People's Counsel takes a tiny step toward leveling the playing field with development interests who can afford high-priced lawyers is precisely what the 90% of residents who testified in favor of restoring the position yesterday see as its central appeal. Resident Max

Dyer Blog on OPC, cont.

Bronstein pointed out that in a land-use dispute he was engaged in from 2007 to 2012, the developer had two lawyers, and a team of five land-use specialists. Montgomery County government has over 100 attorneys who represent it, he added. “Should not the 1 million people of the county have 1 lawyer representing them?” Bronstein asked the Council.

Bronstein said the Office of the People’s Counsel was “a great aid” in his case up until 2010, when the Council defunded the office. He pointed to the Office of Legislative Oversight report on the OPC, which recorded that the People’s Counsel participated in an average of 44 land use cases per year, and provided information on zoning and land use to residents an average of 347 times per year before being defunded.

Nowhere in the OLO report was it recommended the Office of the People’s Counsel be closed, Bronstein noted. He said the People’s Counsel will be particularly needed in the coming years, as the Council attempts to implement the controversial Thrive 2050 plan, which will allow attached housing and small apartment buildings to be constructed in existing single-family home neighborhoods.

Rick Meyer of the MoCo Coalition for Control of Cell Towers concurred that expert advice is needed for zoning text amendments, and not just for residents, but for the Council itself. A Council ZTA to allow 5G antennas to be placed in locations that were off-limits to such equipment at the time was later found to be in violation of the County’s own laws. If even the five-year head of a Council commit-



tee couldn’t understand the zoning laws, Meyer suggested, it indicates the need for just such a knowledgeable land-use attorney as the People’s Counsel. In fact, one of the People’s Counsel’s duties and powers is the ability to point out when a developer or the County itself is in violation of the law during administrative proceedings.

Elizabeth Joyce [[see page 7](#)] and Alan Bowser [[see page 5](#)] of the

Dyer Blog on OPC, cont.

Montgomery County Civic Federation both recalled that several of the sitting councilmembers had promised their organization that they would restore funding for the Office of the People's Counsel during candidate interviews the federation held last June. Joyce said money is not the issue, because the funds Montgomery County Executive Marc Elrich has earmarked for the office in his proposed FY-2024 budget amount to only .0004% of the total budget.

Given the recent scandals that ended with the resignation of the entire Planning Board, Bowser questioned why Friedson would suggest eliminating a tool of equity and transparency like the Office of the People's Counsel. "Why in this moment of broad distrust, why would



PEGGY DENNIS
RUBEN MEANA PANEDA

any of you want to exacerbate this situation" by proposing to eliminate the OPC? Bowser asked. Comparing Friedson's OPC-killing bill to a similar one that failed to pass seven years ago, Bowser concluded, "This was a bad bill in 2016; it's a terrible bill in 2023."

Resident Susan Labin pointed out that Friedson had ironically recently complained that a state bill that would have increased the County Executive's authority over

planning and zoning was "a power grab," while Friedson is now attempting to grab power away from residents by killing the Office of the People's Counsel. "It seems like at every turn the real power grab is by the special interests," Labin said.

"I'm speaking from painful experience," Potomac resident Peggy Dennis said at the beginning of her testimony against Friedson's bill, and in favor the Office of the People's Counsel. She spoke of the many hours residents in her community spent fighting a gigantic assisted-living development that was in violation of the area's sector plan and County law, which was proposed by "a well-heeled developer." Had the OPC been in operation at that time, Dennis argued, "all of that time would have been saved... That person could have introduced evi-

Dyer Blog on OPC, cont.

dence in a hearing, called witnesses, pointed out” illegal violations.

Such time investment is beyond the means and availability of most residents, Nicole Williams said. “We shouldn’t have to” spend time trying to interpret zoning and land-use laws while developers have the advantage of expensive attorneys. After 13 years of failing to fund the People’s Counsel, Williams said, it’s “time to stop giving residents the runaround.”

The reality, as Bronstein noted during his testimony, is that there are hardly any land-use attorneys who will represent residents, even when wealthier neighborhoods have the money to pay them. This is absolutely true. For years, Norman Knopf would take such resident and civic association cases. After



NICOLE WILLIAMS

he retired, his partner David Brown continued in that role. But Brown refused to represent the Westbard residents who sued Montgomery County over illegal actions during the approval of the Westbard sector plan. Michele Rosenfeld took the residents’ case. With her victory on Kensington residents’ behalf in the Costco gas station case, and partial victory in downsizing the density of the Westbard Square development,

Rosenfeld is now the preeminent land-use attorney representing residents and civic associations in court and in administrative proceedings.

But that can only help if you can afford to hire an attorney. With the large number of newer residents in the County either being low-to-moderate in income, and many not speaking English as their first language—as Present noted in her testimony—a public resource and representative like the Office of the People’s Counsel becomes more vital every day. And with the Planning Board and County Council increasingly ruling against majority sentiment and ignoring resident and civic association testimony, it can be argued that—if anything—the role and power of the People’s Counsel should be expanded and made more muscular.

[Photos from Robert Dyer.] ■



MCCF Officer Nominations For FY 2023–2024

Due to the MCCF Awards Celebration in June, the election of our officers for the coming year will be made at our regular meeting on Monday, May 8. The Nominations Committee proposes the following slate of officers:

President: *Alan Bowser*

First Vice President:

Peggy Dennis

Second Vice President:

Elizabeth Joyce

Treasurer: *Jerry Garson*

Secretary: *Karen Cordry*

Nominations from the floor may also be made but must be seconded by Delegates from three different Member associations, and must be Delegates from MCCF member associations. ■

SAVE THE DATE

The Montgomery County Civic Federation, Inc.'s
Annual Awards Celebration
Monday, June 12, 2023 | 7:00 p.m.–9:00 p.m.
American Legion Post #41
8110 Fenton Street, Downtown Silver Spring

Wrap Up on the 2023 State Legislative Session

By Peggy Dennis, Legislation Committee Chair

The Civic Federation supported the following bills in Annapolis. Here's how they fared:

■ **MC/PG 104-23** was *withdrawn*. It would have established an M-NCPPC Restructuring Task Force to study problems and possible improvements to the M-NCPPC after the problems of the past several months.

■ **MC/PG 105-23**, Commissioner and Open Meetings Requirements

for the M-NCPPC, *passed*.

■ **HB 299**, Chain of Custody for Synthetic Turf Fields, *failed*.

■ **HB 58**, Open Meetings Act, *passed*.

■ **HB 129**, Courts – Strategic Lawsuits Against Public Participation (SLAPP suits), *failed*.

■ **HB 70**, Safe Access for All (SAFE) Roads Act of 2023, *passed*.

See previous newsletters for fuller descriptions of these bills. And we'll try again next year! ■

MCCF's 2023 Award Nominees Announced; Awards Given at June 12 Celebration

The Executive Committee of the Montgomery County Civic Federation, Inc, is pleased to present the following nominations for the 2023 Civic Federation Awards.

THE STAR CUP—KAREN CORDRY

The Star Cup is given to a Delegate or Committee of the Federation for outstanding service on behalf of Montgomery County.

Karen Cordry is President of the Kensington Heights Civic Association (KHCA) and serves as the Secretary of the Montgomery County Civic Federation. She has dedicated countless hours to making Montgomery County a better place to live, work, and play. She has served as Chair of the Wheaton Redevelopment Advisory Committee and as a

member of the County's Pedestrian, Bicycle, and Traffic Safety Advisory Committee and the Montgomery County Planning Department's Advisory Committee on Missing Middle Housing.

On behalf of KHCA, over an eight-year period, she helped lead the successful opposition to the proposed Costco gas station at the Wheaton Mall, working on everything from gathering and presenting testimony of numerous witnesses, to testifying herself, to cross-examining the debtor's experts (and destroying their testimony) during the longest Special Exception hearing in county history, to writing the briefs that defended the community's victory before the Maryland courts. She has been an invaluable member of the Civic Federation's executive commit-

tee, sharing her expertise on many important issues, especially community development, housing, and pedestrian safety.

THE SENTINEL AWARD—NORTH HILLS OF SLIGO CIVIC ASSOCIATION

The Sentinel Award is given to an individual or group for a significant contribution to good government at the local level.

The North Hills of Sligo Civic Association is a dynamic and inclusive community association located in Silver Spring, Maryland. Under the leadership of its President, Eric Cathcart, North Hills works to build community by providing a forum for sharing information, connecting neighbors, fostering community

2023 Award Winners, cont.

spirit, addressing issues and promoting civic activities in their diverse community. The Association is for the mutual benefit of all living in the neighborhood and dedicated to maintaining the neighborhood as a beneficial, enjoyable, safe, and sustainable place to live.

Among the many activities they support are a regular food truck program, neighborhood electronic recycling and paper shredding events, an “Adopt a Community” partnership with the Montgomery County 3rd District Police District, a community garden project, and a new “Dirt to Doorstep” Farmer’s Market delivery partnership with Seasonal Roots and the Charles Koiner Conservancy.

THE WAYNE GOLDSTEIN AWARD—CHERYL GANNON AND KIMBLYN PERSAUD

The Wayne Goldstein Award is given to an individual or group for outstanding service to the people of Montgomery County.

Cheryl Gannon and Kimblyn Persaud are the 2023 nominees for the Wayne Goldstein Award.

Cheryl Gannon is a 25-year resident of Woodside in Silver Spring, a member of the Woodside Civic Association, and recently completed a three-year tenure as Zoning Chair. As Zoning Chair, she successfully led her community to endorse a progressive resolution on expanding housing opportunities in Woodside that includes significant affordable housing. She has been a county Democratic Precinct Chair and volunteered with numerous campaigns over the years. Professionally, she

is a Senior Fellow at the Women’s Institute for a Secure Retirement and, since 2001, has helped design numerous outreach initiatives to provide financial skills to at-risk women. She is an expert on retirement and health issues, has worked in public policy and legislative affairs, and has extensive experience building coalitions of stakeholders and engaging the grassroots of both national organizations and small community organizations.

Kimblyn Persaud is the founder of the online community resource EPIC of MoCo (Empowering People in Community of MoCo) and is the past president of the Wheaton Regional Park Neighborhood Association. She has lived in Montgomery County for more than 25 years, with 16 of those years in Wheaton. She lives by the motto, “The service

2023 Award Winners, cont.

we render others is the rent we pay for our room on earth.” This belief and focus on community led her to numerous volunteer opportunities and community leadership roles. She served the Wheaton community as co-founder of Save the Wheaton Library and as co-founder of the Wheaton Coalition.

She was a member of The League of Women Voters, the Zoning Advisory Panel as a Community Representative, and the Junior League of Washington, D.C. Kim was a member of the Women’s Democratic Club and Chair of the nonpartisan ballot initiative Nine Districts for MoCo.

The Civic Federation Awards will be presented at the June 12, 2023, meeting of the Montgomery County Civic Federation. See next month’s newsletter for details. ■

MCCF Resolution on the Property Tax Increase for MCPS

Whereas, the Montgomery County Executive has recommended a \$6.8 billion spending plan for the fiscal year beginning July 1, 2024, of which \$3.2 billion would go to Montgomery County Public Schools; and

Whereas, the Montgomery County Board of Education is requesting a FY24 operating budget of \$3,216,039,673 for MCPS, an increase of \$296,012,046, or 10.1 percent, compared to the FY23 operating budget that MCPS says will help (1) increase mathematic and literacy rates; (2) improve recruitment and retention of a diverse and highly qualified staff; (3) promote effective two-way communication with families and the community; and (4) foster safe and inclusive environments; and

Whereas, MCPS’ request would

be an increase of \$272,245,984 over the minimum funding required by the State of Maryland’s Maintenance of Effort Law and, under applicable law, will require ongoing County funding at this higher level in the future; and

Whereas, the Montgomery County Executive has proposed a 10-cent property tax increase to provide the additional new funding for Montgomery County Public Schools which will be a permanent tax increase for Montgomery County property owners; and

Whereas, delegates of the Montgomery County Civic Federation, Inc., believe in strong, safe, and supportive public schools that support students, teachers and staff and that provide innovative solutions to the

Resolution, cont.

unique challenges that students and schools are navigating; and

Whereas, delegates of the Montgomery County Civic Federation, Inc., have expressed concern about the transparency and accountability of MCPS funding priorities, especially as it concerns the serious underinvestment in the public schools in the eastern part of Montgomery County; and

Whereas, MCCF delegates are additionally concerned about the process by which Montgomery County residents were informed about the need and timing of the proposed FY24 residential tax increase;

Therefore, be it resolved that the Montgomery County Civic Federation, Inc., calls on the Montgomery County Council to carefully examine the MCPS budget request, gener-

ally, and the need and proposed use of the additional funding requested, and

Be it further resolved that the MCCF calls on the County Council to work to increase the transparency and accountability of the MCPS budget process and improve communication with the public about the County's educational funding priorities, and

Be it further resolved that MCCF calls upon the Montgomery County Government to seriously address the capital budget needs of MCPS facilities in the eastern areas of the County which are overcrowded, under staffed, and have deteriorated facilities that are adversely impacting the learning and working environment in these underserved schools.

Approved this 8th day of May 2023.

—Karen Cordry, Secretary ■

Minutes of the April MCCF General Meeting #942

By Karen Cordry, Recording Secretary

[Due to the COVID-19 outbreak, the April 10, 2023, General Meeting was held via Zoom as a virtual meeting. A total of 51 persons attended on the Zoom platform.]

Call to Order: Alan Bowser, President, called the Meeting to order at 7:37 p.m. Meeting was recorded.

Approval of Meeting Agenda: moved, seconded, and approved by voice vote.

Approval of March General Meeting Minutes: moved, seconded, and approved by voice vote.

April Mtg. Minutes, cont.

Treasurer's Report: Jerry Garson reported \$1,018 received for the first nine months. Expenses of \$1,835 for a net balance of -\$817. The most recent expenses were for our annual insurance, \$607. Bank balance of \$8,492.

ANNOUNCEMENTS

■ Public hearing on Friedson's bill (18-23) to replace Office of People's Counsel with a different approach. April 18, afternoon session. Civic Fed has supported County Executive proposal to fund existing Office of People's Counsel. Link in the chat for how to sign up; doing so can give an idea to Council of general public support. Sample letter in April newsletter (p. 11) if people want to use that to support the position. Strong letter from

MoCo Countryside Alliance in favor of UPC. Councilmember Berliner proposed back in 2016 with same alternative proposal.

Peggy Dennis noted that it would be worthwhile to sign up to testify for the UPC even if the list was really long since it would be an indication of interest and support. She has done so as an individual and Liz Joyce will speak for the Civic Fed as such.

■ Eric Cathcart said North Hills of Sligo is running an event on Saturday, April 15, supporting paper shredding and electronics recycling, etc., from 10 am to 1 pm. Good chance to clean house responsibly. One Montgomery Green is co-sponsor. Venue: 9500 Brunett Ave., SS, MD 20901.

■ Genevieve McDowell. Friends of Forest Glen Street Fest – 4/29. 3-7.

APRIL PROGRAM

Our speaker was Rich Madaleno, who formerly was a State Senator from MoCo and an expert on State budgets has been serving as Chief Administrative Officer for the County since summer 2020. He began by giving an overview of the County revenues and expense items that go into budget planning.

County revenues come overwhelmingly from income tax and property tax. The State mandates all counties have income tax set between 2.5-3.2% which is basically a flat rate. The State property tax is 11.5 cents per \$100 of value and the County tax is 99 cents and there are several other smaller taxes like recordation taxes on new home loans and transfer taxes on sales. During earlier days, recordation and transfer taxes covered a large

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chunk of the budget but that has gone down recently as the County is largely built out and higher interest rates have reduced real estate sales. Different states tax different things. Virginia, for instance, charges a car tax that, for a two-car family, may be close to or above MoCo's rate. D.C. has a low residential property rate due to high business revenues.

FY Budget Proposals

- Provide for vital services (fire, police, social service, roads, etc.)
- Record funding for MCPS and fully funds MoCo College request
- Climate change and environmental initiative (replace diesel buses with electric, be carbon-free by 2035, etc.); recognized as national and global leader in area.

■ Economic development and workforce training—adding small business staff, going door-to-door in business communities to see how we can help.

■ Office of the People's Counsel. Want to refund County OPC to help individuals and community groups in decisions by Planning Board.

- Support community partners.
- Use racial equity/climate change lenses to look at budget decisions.

Budget Pressures

- Inflation pressures such as for fuel, service contracts.
- Ending of COVID emergency funding. Had been getting federal dollars to help and we are working on how much it will cost us to pick those up. We do matches on the state EITC to help lower-income families; this program is very ef-

fective.

■ Increased demands for services. Fire; medical (MoCo has the oldest population in the region), population growth. Police staffing is a challenge with numbers down by thousands across the entire region. Hiring is very competitive and we are paying a \$20,000 bonus, which has been a big help. We want to stay towards the top to get the best people. We're investing in technology to help fill gaps such as using drone cameras for a first quick look to help direct human responders.

■ Competitive labor market in many other areas. Nurses, for instance, are needed in many capacities and there is lots of competition and recovery from being over-extended during COVID.

■ About 40,000 total employees in County-wide services in often

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very challenging situations. School system is still dealing with COVID effects.

Soliciting Community Input

■ Have held eight community hybrid forums in all areas of County, including one in Spanish and one in Chinese.

Reserves

■ Have been working on pushing up reserve amounts, goal was 10% (had been at 7%, they are now at 14%). They are holding some of that surplus to help meet the expectation there might be at least a mild recession to avoid severe impacts. The projections are FY 2025 are pushing up again and there is a lot of pent-up demand waiting for interest rates to decline. When that

happens, we do expect that will push up recordation tax revenues again. They have requests in to the U.S. for \$200 million in COVID reimbursements which will again help with pushing up reserves when (and if) received).

School Budget

■ One of the biggest areas they are looking at increasing is for the school budget. There have been real issues from COVID impacts and the need to compete on salary for teachers. D.C. is offering \$75,000 for starting salaries and that sets a mark we have to compete against. The school system is asking for \$296 million more to cover teacher salaries, new buildings, special services, etc.

■ When he started being involved, MoCo had less than 100,000 students, of whom about 95% white

and most middle-class. We now have a much larger, more diverse, and more challenging student body but rates have dropped from \$1.50 to \$.99 per \$100. State law allows for a supplemental property tax only for schools and that's what is being proposed. Total dollars have gone up, but the amount per student, especially when inflation-adjusted, is steady or gone down.

■ We have the largest number of students by far in the state. On a per-student basis, our rate is below Baltimore County, Howard County, Baltimore City, and Anne Arundel County; with the proposal we would still be behind Howard and Baltimore Counties.

■ This would be the largest ever school budget at \$3.2 billion and would easily meet the State Maintenance of Effort requirements. Gives

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us more for Early Care and Education Initiative; universal pre-K, etc.

Other Support Programs

■ Targeted outreach to needful populations; funding increases for health initiatives. Experimenting with Guaranteed Income Pilot Program (no-strings money grants).

■ Mental Health services—schools, crisis center,

■ Working Families Income Supplement (match to federal EITC, and state EITC).

Environmental Sustainability; Climate Change

Transportations and Transit

■ Making streets safe for all users (drive, walk, bike).

■ In Virginia, all roads are state roads; in Maryland, most roads are locally maintained and come out of our budget. Virginia local areas do get stuck with a lot of mass transit costs (but state allows them to charge tax for that). Again, the point is each state sets up its tax structure differently.

Affordable Housing

■ County Executive asking officials to review entire inventory for affordable housing options—i.e., on top of parking lots, etc.—since there is so little free space left to build on.

Economic Development

■ U. Md. Institute for Health Computing—working with several different colleges. Hope state will be building life sciences building across from Pike and Rose. Look-

ing at being the “Silicon Valley” of Health Care with tie-ins to NIH and FDA for better health care and boon to local businesses.

■ Funding for Economic Dev. Corp., Econ. Dev. Fund, East County campus.

Public Safety

■ Noting points above. Also working on increasing investment on corrections side for staff and services.

Libraries

■ Working to increase Spanish/Chinese offerings. Hiring additional librarians.

Recreation

■ Keeping our facilities free to increase use and residents’ health.

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Community Partners

■ Office of Grant Mgmt. to help them get funding.

Elections

■ Working on election support, funding Public Elections Fund; try to make it easier and cheaper to vote, not harder.

M-NCPPP

■ Supporting Commission, parks. We are looking to fund the OPC.

QUESTIONS ON PROGRAM

There were questions on all areas of the program:

Crime in Silver Spring and County-wide

They are doing a lot including moving officer there, paying

for OT for weekends, and nights; more technology including using that area as the pilot for the drone technology. Numbers have been coming down recently but this is both a national and regional issues. With police numbers down region-wide, it impacts everyone's ability to control crime; so even if we can be covered, we may get overflow from D.C. if they are still short, etc. Virginia has similar issues in Tyson.

We have been working with businesses that stay open all night to develop security plans and hold them accountable. It was also noted that the drone program does require a specific license to operate and they will be used in limited downtown areas and won't interfere with air traffic.

Property Tax Increase

What will it be used for?

Schools have made a "one-time ask" for \$296 million. There will be a lot of dialogue between the County and the school board about accountability, etc. to make sure "one-time" isn't a regular thing. Three of the 7 school board members are up for election next year so they will have that in mind. It was noted that the energy tax had been in place for about a decade even though it was supposed to be temporary. In response, Madaleno again noted the variety of taxing approaches and that, based on a recent study, MoCo is the lowest total business taxation in the region and tax burdens in MoCo not as high as elsewhere in the state and locally for both households and businesses.

A follow-up question asked, "Why didn't we see it coming? The an-

TOP

MORE

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swer noted several factors including how the transfer and recordation tax revenues had been limited recently. We also are a very high-income county but we are limited in what can be charged there so we forced back to the property tax revenues, especially when the stock market decline cut back on capital gains taxes. The State has also imposed more funding tasks (i.e., for second language kids, disabled) that push up costs.

Budgeting information in general is available at the [County website](#). Gives a great deal of information about all of the budget issues. Not too much discussion this year on Capital Improvement issues since those are usually put into the even-

year budgets. Only relatively minor amendments this year.

Employee Staffing Levels

In response to a question about growing levels of employees, Madaleno noted that, in many cases, the County was filling positions that had been covered by contractual employees in recent years. Use of such persons had actually resulted in more turnover and other issues that added costs in the long run. It lowered “personnel” costs but not overall costs. He noted they have also been hiring for the BRT program, expanded library hours with more staff used and, overall county size has grown and staffing tends to go with that. At that, we still have position they are trying to fill with as much as a 10% vacancy rate.

FREE DISCUSSION

After Madaleno ended his presentation and left, there was free discussion on the issues. Most of the discussion did focus on the property tax and school budget questions including whether increased amounts going to the school system had actually resulted in better results, and the effects that increased taxes would have on homeowners in the area. It was noted that people should pay attention to the School Board elections to make sure candidates were elected who really would take a hard look at these issues and a strong sense that there did need to be attention to both the costs and the spending being proposed. It was also noted that half of the County budget goes to schools and there needed to be a better understanding of the School

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Board's accountability for its control of those funds. The nature of the changing school population could also create impacts far beyond overall country population statistics. Another comment noted that MoCo did not require its retired employees to transfer to Medicare as most jurisdictions do and those and other benefit issues tended to push up out costs.

COMMITTEE REPORTS

Environment

■ The chain of custody bill on artificial turf passed the House 101–30 and had a good Senate committee hearing but never got brought to a vote. We'll be back next year.

Public Safety

■ The efforts Madaleno discussed as to late-night activities were noted but there are daytime issues like carjackings, too. Need cops out visibly patrolling to keep that down.

Legislation

■ Peggy Dennis will do wrap-up for newsletter [see page 14].

■ It was again urged that people sign up to oppose the Friedson legislation and support the OPC [see testimony on page 5 through page 13].

Transportation

■ The Purple Line is now slated for late 2026.

■ There was a reference to the new bike lanes on Old Georgetown Road and whether they were pushing traffic (and maybe accidents) onto other roads so the overall impact and any benefits was not clear.

Civic Federation Generally

■ It was again noted that we needed more people to participate on the committees, volunteer for offices, etc.

■ Peggy Dennis, who is heading the Awards committee for the Annual Banquet noted that we still needed nomination for those awards and we'd like to try to meet in person. Alan Bowser noted that we can probably use American Legion hall in downtown Silver Spring.

Adjournment: Video recording ended and meeting adjourned at 9:53 p.m. ■

Minutes of the April 24 Online MCCF Executive Committee Meeting

By Karen Cordry, Recording Secretary

Attendance: Alan Bowser, Karen Cordry, Liz Joyce, Jerry Garson, Peggy Dennis, Jacquie Bokow.

Meeting began at 7:33 p.m.

MAY MEETING

The topic for the May 8th general meeting is the environment with particular note of stormwater and tree canopy issues. The speakers need to be picked. Peggy Dennis will chair the meeting. It was noted that DOT and DEP have people dealing with stormwater (including backyard grants, etc.). Tree Montgomery works on the trees issues and we can also check with Conservation Montgomery.

JUNE MEETING

The June meeting on June 12 is our normal date for our presentation of awards. Peggy Dennis has served as head of the Awards Committee and solicited input in the last newsletter and to various constituents. The nominations will be presented to the membership at the May Meeting and voted on there. The three awards are The Star Cup (awarded to the Federation delegate or committee performing the most outstanding service on behalf of MoCo), the Wayne Goldstein Award (given to a person or group making an outstanding public service contribution to MoCo), and the Sentinel Award goes to an individual or group (usually outside government) contributing to “good government” at the local level.

Peggy reported on certain nomination suggestions she had received and the group discussed those and other names. See the nominations for these awards on [page 15](#).

The June Meeting will be held at the American Legion Post #41 at 8110 Fenton Street (enter from the street-level parking lot) in downtown Silver Spring. The cost will be \$400. We will have a cash bar and provide food. The charge will be \$20 for attendees to cover costs.

Liz Joyce will take care of purchasing the food. Peggy will work with getting the plaques and the Star Cup back so the necessary plaques and engraving can be done. The event will run from 7:00–9:00 pm. [See the “Save the Date” on [page 14](#).]

We will see if County Executive

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Marc Elrich and U.S. Representative Jamie Raskin can be with us as presenters/speakers.

NOMINATIONS COMMITTEE FOR MCCF OFFICERS

After substantial discussions and, in light of the repeated solicitation of those interested in being nominated for offices, it was agreed that the following slate for the upcoming fiscal year would be presented for voting on at the May Meeting:

President

Alan Bowser

First Vice President

Peggy Dennis

Second Vice President

Elizabeth Joyce

Recording Secretary

Karen Cordry
Treasurer
Jerry Garson.

(See [page 14](#) for details.)

It was agreed that the year coming up will be critical on many issues for the County and that there was a need for a renewed effort to increase neighborhood involvement and membership in MCCF. That is an area that Peggy Dennis will be working on (and has already made contracts with the Regional Service Centers to get updated information on community associations and to work on better communications both ways with them).

There was also discussion about trying to get back to some form of hybrid meeting structure with in-person meetings combined with a virtual option. We will be looking

at options for this over the summer as well as investigating better membership software, which Liz Joyce is investigating.

LEGISLATION

The main issue at this point before the County is the property tax increase proposal. It has been described as a one-time increase but is under the Maintenance of Efforts requirement so it would stay in effect going forward. There were a number of concerns raised about the level of oversight/supervision (or lack thereof) for current spending. Alan will draft a resolution to express our concerns about the size of the proposal and the lack of effective controls on spending. (See the resolution on [page 17](#).)

It was further noted that the Council is presently involved in

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selecting a new permanent chair and members for the Planning Board. Of the Chair nominees, it seemed likely that Pete Fosselman and Hans Riemer were probably in the lead, with the NAACP having endorsed Riemer. Other groups are likely to be opposing him and we have our own concerns with his actions over the years. Liz will be drafting a letter to discuss those concerns and will circulate it.

TREASURERS' REPORT

Unchanged since this month's General Meeting.

NEWSLETTER ARTICLES

Resolution will go in, MCCF testimony on Office of People's Council, update on state legislation, article on June program, article about Thrive's environmental effect.

Adjournment: The meeting adjourned at 9:00 p.m. ■

Montgomery County Civic Federation

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Submit contributions for the next issue by the 26th of the current month. Send to CFN at [civiefednews AT montgomerycivic.org](mailto:civiefednews@montgomerycivic.org).

Send all address corrections to membership AT montgomerycivic.org.

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