



Civic Federation News

Official Publication of the Montgomery County Civic Federation
Serving the Public Interest Since 1925

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SESSION 762

WWW.MONTGOMERYCIVIC.ORG

DECEMBER 2004

REMINDER ANNUAL RECEPTION FOR ELECTED OFFICIALS Rescheduled from Sunday, December 5 to FRIDAY, MAY 6, 2005

December Program: Art Wallenstein on Corrections and the Jail

by Wayne M. Goldstein, First Vice President

When King County, Washington, which includes Seattle, learned in August, 1999 that Art Wallenstein, head of their corrections department, was resigning to take a similar job in Montgomery County, their county executive stated: "Seldom does a director come along with the thorough professionalism, respect and credibility needed to manage as efficiently and effectively as Art does... I think Art is the best adult corrections administrator in the United States... Art is as close to irreplaceable as you're going to find anywhere."

From the age of 10, Art had wanted to have a career in the foreign service. However, after a volunteer stint at

Pennsylvania's Eastern State Penitentiary during graduate school, he decided to pursue a career in corrections instead. Since then, he has served as assistant warden at Stateville Prison in Joliet, Illinois and as head of the corrections departments in Bucks County, Pennsylvania and King County, Washington.

Art has won a number of local and national awards, and in November he became the first correctional administrator to receive the National Commission on Correctional Health Care's "Bernard P. Harrison Award of Merit". This award is reserved for a person (or group of people) who has demonstrated an outstanding commitment to improving health care in correctional facilities.

In an interview he gave after receiving this award, he said he was "seeking to help in the creation of a community-based mental health system to diminish the egregious use of incarceration for chronically mentally ill, non-violent offenders. That is the major issue that is driving me more than anything."

When he left King County, a county councilman there said: "He's the wise old man of the criminal justice system in King County... Everybody goes to him for counsel, not only on criminal justice matters, but a huge range of public policy and personal issues."

Art Wallenstein will tell us about these and other issues of importance to him as a dedicated corrections official and a thoughtful public servant. If you want to see the best in this field at work, be sure to attend our December program.

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President's Message

By Dan Wilhelm

Question C. I want to thank everyone who worked so hard and supported our effort on Ballot Question C. This initiative received 39% of the vote, which we regard as a respectable showing. We need to keep in mind that it is hard to get changes enacted, especially the first time. By comparison, legislative bills at the state and federal levels often fail the first time or even many times before they are eventually passed. Time and repetition are needed before a majority of the legislators come to understand that the bill has sufficient merit. MCCF was faced not with just educating tens or hundreds of legislators but with convincing over 500,000 registered voters that voting for Question C would improve local politics and civic life by allowing candidates to run with less dependence on special interest campaign contributions.

Increase Membership and Communication. In order to become more effective in getting our message out in elections or in testimony before county/state officials, MCCF needs to increase its membership and increase its dialog with member organizations. We have started to do this, but we need the help of our current members to pass the word about MCCF and encourage them to join.

Rude Conduct. Just before writing this, I sent a letter to Councilmember Praisner about rude behavior on the part of councilmembers. She is bothered by the behavior described in the letter and plans on saying something to her colleagues.

Unfortunately, the passions of the recent election seem to have exacerbated rude, inconsiderate behavior at our own meetings. Negative, disrespectful behavior causes bad feelings, prolongs dialogue and, in some cases, causes delegates to stop participating in the Federation. We must realize that we do not all share the same views. Even when we agree upon the facts we may draw different conclusions based on our individual priorities or experiences. We can disagree on ideas, but we should not attack people personally. Rather, we should treat everyone with respect and as a friend. Each of us should voice our opinion and then let others do likewise without interrupting, complaining to your neighbor, making disruptive noises or other physical motions. We should

also not be using procedure or Robert's Rules of Order to disrupt or derail a meeting. I ask everyone to review their behavior and in the future to exchange differing points of view in a respectful and courteous manner.

Politicizing the New "Montgomery Rx" Cards

By Cary Lamari, Immediate Past President

Thanks to the work of Marilyn Praisner and Tom Perez, District 4 and District 5 council members, this month many citizens will be receiving the new "Montgomery Rx" drug discount card. This new program, supported by many citizens as well as officials, will help make necessary medications more affordable. The program charges no enrollment fee and residents may receive cards regardless of age. With the new prescription discount card residents may visit any of 130 participating pharmacies and receive discounts on needed medications.

The "Montgomery Rx" card will have one attribute of questionable value, however. It will carry the message that it has been brought to you by two elected officials—County Executive Douglas Duncan and County Council President Steve Silverman. In my opinion, this amounts to campaign publicity, unwittingly and unfairly paid for by the public. I wonder if our property tax bills will similarly advise us that the increases in our assessments are "brought to you by County Executive Douglas Duncan and Council President Steve Silverman."

In our system of government, all elected officials review public policy proposals and programs, and a majority either approves or rejects them. I commend all our elected officials for initiating this discount drug program and hope that actions such as this will be seen as good government practices and emulated in other jurisdictions. The program and cards, however, are provided to the public by the county government as a whole, and paid for by our taxes. No elected official(s) should take credit for the action of the entire body nor in such a self-promoting manner.

I will ask the Civic Federation to send a letter congratulating all elected officials for creating what I hope will become a nationally emulated program and asking

that the cards not be used to provide publicity to any specific elected officials. Good government is a responsibility, not a gift.

Board of Education and Unneeded MCPS Parcels: The Need for a Second MCCF Resolution

by Mark R. Adelman, Chair, MCCF Education Committee

The battle to protect MCPS properties from ill-advised transfer to the County's development maw continues and the Education Committee requests you support yet another resolution. My article in the May newsletter indicated why Dr. West and the Board of Education (BoE) were considering some "unused" parcels of MCPS-owned land as "unneeded" and recommending they be transferred to the County, presumably for use in increasing the stock of affordable housing in Montgomery County. Based on that article and discussion at the May delegates meeting, MCCF adopted and sent to the BoE the following resolution:

"The Montgomery County Civic Federation urges that no real estate properties owned by Montgomery County Public Schools (MCPS) shall be transferred to any other entity, either governmental or other, unless such transfer is in exchange for land of equivalent (or greater) value that is within Montgomery County and is suitable for use in fulfilling MCPS missions."

We waited for a response. And waited... And sent a follow up... And waited. And then we began to get a response, by action first, then by letter. [My editorial on the MCCF page of the November 18 issue of the Sentinel newspaper pretty much tells the story.] Dr. West finally sent a letter thanking us for our concerns, assuring us that the BoE was following relevant laws and policies and so forth. Contact me if you'd like a copy of the letter. More to the point, in Supplement D to the Long Range CIP (2005-2010), Dr. West recommended that the BoE declare the Edson Lane parcel surplus (see my Sentinel article of 11/18 for details). On November 10 and 11, at hearings before the BoE regarding the CIP, numerous individuals testified in opposition to declaring the Edson

Lane parcel unneeded. The BoE listened patiently and then (on 11/18) voted to declare the parcel unneeded. See their website at <http://coldfusion.mcps.k12.md.us> for the posting and look for the section on the vote taken on the CIP.

Dr. West and the BoE need some remedial education. Some homework is in order. The MCCF Education Committee now proposes the following Resolution for your consideration:

"The delegates to the Montgomery County Civic Federation hereby resolve that The Montgomery County Board of Education (BoE) should adopt the following policy:

Before the BoE declares as "unneeded" any properties owned by the Montgomery County Public School (MCPS) system, a series of public hearings shall be held to allow ample time for community input on the proposed action.

1. There shall be several hearings on the matter, one in each of the MCPS districts. The hearings shall be widely publicized, well in advance, to encourage broad citizen participation.

2. At each such hearing there shall be a brief presentation by the BoE explaining the main arguments for/against declaring the site unneeded. Public testimony shall follow, to bring into consideration the full range of purposes to which the site might be put, as well as to develop consensus as to the priority that the community assigns to each such possible use.

3. The BoE shall then evaluate the opinions expressed by the community and shall announce its decision as to the disposition of the site in question by means of a statement (posted to the BoE website), including its reasons for accepting and/or rejecting recommendations made at the hearings."

Yes it is long and painfully detailed. For a reason. The people who serve us are confused and are not paying attention. We need to help them focus on the opinions of their constituency. The Education Committee asks that you consider this resolution carefully, and come to the December delegates meeting prepared to discuss, revise and - hopefully - pass it. With the understanding that it

will be sent to Dr. Weast and the BoE. And that we will disseminate it widely. And that we will push for a response.

Board of Education Candidates Forum - A Success?

By Mark R. Adelman, Chair, MCCF Education Committee

Our Candidates Forum on Thursday, October 14, held in the Grand Courtroom of the Red Brick Courthouse in Rockville, went essentially according to plan. After brief welcoming remarks, Dan Wilhelm turned the program over to moderator George Sauer, who posed audience-generated questions to the candidates in a format that allowed three candidates to answer a given question, with the first candidate receiving 90 seconds and the other two 60 and 30 seconds, respectively. The sequence was selected to give each candidate equal opportunity to be first, second, and third and to answer the same number of questions. Five candidates participated: Sharon Cox, Tommy Le, Valerie Ervin, Sheldon Fishman and Walter Lange. Steve Abrams was absent because of a prior commitment. George was assisted by Dan who kept track of the number of questions each candidate got to answer or comment on; Wayne Goldstein, time-keeper; and Diana Conway and Laura Kervitsky who collected and sorted questions from the audience. After about 90 minutes of Q/A, the evening was wrapped up with a three minute closing statement by each candidate. The audience of about 30 asked a number of penetrating questions. There was some real debate, and individuals had time to chat with the candidates both before and after the formal program.

So, was this program a success? We'd like some feedback from you. If you attended, how would YOU rate the forum? If you did not attend, why not and what lesson(s) can we draw? Was the location "good"? What about the format? Why didn't we have more of an audience? Were people just tired of the campaign season? Had everyone made up his/her mind? Did we miss some critical method of publicizing the event? Assuming that such forums are a valid element of Civic Fed's goal of informing the public so the public can make informed decisions about

government, how do we define "success" of such events? We'll be posing these same questions to the candidates who participated. The Education Committee has made a major investment in this candidate forum process and we plan to continue this for future BoE elections. We want to make the process as effective and valuable (for everyone) as is possible. We really need your feedback. Contact me (adelman3@erols.com or 301-942-6893); I'll distribute your comments to all my colleagues on the Education Committee and we'll try to make the next BoE candidates Forum even better!

Improving Communications by Peggy Dennis, Editor

In the interest of improving communications and disseminating information in a timely manner, member organizations are encouraged to:

- Advertise the dates, times, and locations of their meetings and community events with *The Montgomery County Sentinel*. Contact Miriam Yarmolinsky, Calendar Editor, at 301-838-0788, mcsentinel_calendar@hotmail.com, or FAX 301-838-3458. This is a free service.
 - Update the names and contact information of their new officers in a timely manner with MN-C/PPC, Community Relations, Nellie Carey at 301-495-4603.
 - Link their websites to that of the Civic Federation. Contact our MCCF Webmaster, Lyle Schofield, at 301-924-3421 or lyle@norbeck.org.
 - Encourage the editors of your member organizations to download text on timely issues and "urgent action alerts" from the MCCF website and use it in your own newsletters.
 - Contact President Dan Wilhelm (301-384-2698, or djwilhelm@erols.com) if you would like to address the Civic Federation about an issue of importance to your member organization.
 - Check our website (www.montgomerycivic.org) frequently for the new "status of issues" box, dates and subjects of committee meetings, and "urgent action alerts".
-

Status of Issues--A new feature!

HOUSING COMMITTEE

- Changes to MPDU program: 9 pieces of legislation scheduled for Council vote on Nov. 30. MCCF supports Bills 25-04 and 27-03, opposes other bills.
- ZTA 04-10: to change regulations on accessory apartments, pending in Council. MCCF opposes.
- Workforce Housing: Executive branch planning effort to create subsidized housing program for households above moderate income level. Legislation not yet introduced.

LAND USE AND PLANNING COMMITTEE

- ZTA 04-16, to permanently eliminate traffic test for rezoning property in Metro Station areas. Pending in Council. MCCF opposes.
- Relocation of county's Shady Grove Vehicle Maintenance Facility: Closed-door meetings underway between Executive branch and developers regarding land swaps.
- Publicly-owned land: MCCF has requested County Executive make process for purchase, sale or swap of land more inclusive of public. No response to date.
- Master Plans under revision but not yet approved: Olney, Shady Grove Damascus, Germantown, Twinbrook and Bethesda CBD.

Nominating Committee and Article XI, paragraph 1 describing Regular Meetings. ~~Text to be deleted has a line through it.~~ **New text shown in bold. [Explanations are shown bracketed in bold italics].**

ARTICLE VI. ELECTION OF OFFICERS

1. *Nominating Committee. A call for volunteers to serve on the Nominating Committee will be made in the January Newsletter and at the January regular meeting [we need to begin the process earlier].* A committee of at least ~~five~~ **three** but not more than ~~seven~~ **five** delegates *[it is difficult to get delegates to agree to serve and more difficult to get larger numbers together to work on the task]* shall be **announced in the February Newsletter and** elected at the Regular ~~March~~ **February** meeting *[again, we want to start the process earlier].* ~~No incumbent officer shall be eligible for election to the Nominating Committee, nor may the Nominating Committee nominate one of its members for any position [barring elected officers from serving on the Nominating Committee is not useful. These are precisely the people most cognizant of the dynamics at play in the ExComm and the delegates most worthy of nomination to serve in a higher capacity]~~ **The President and First Vice President may not serve on this committee.** The committee shall nominate one person for each of the elected positions. The report of the Nominating Committee shall be published in the May Newsletter and presented at the May Meeting.

2. *Nominations.* A Delegate must be nominated for office either by the Nominating Committee or from the floor at the May Meeting. Any Delegate has the right to nominate from the floor at the May meeting, but such nomination shall require seconds by Delegates from three different Member associations.

3. *Election.* Officers shall be elected at the Annual Meeting in June and shall assume office at the close of the meeting.

4. *Voting.* Voting shall be either by secret ballot or hand count as determined by majority vote at the Annual Meeting. A majority of all votes cast shall be required to elect. If no nominee receives the required majority on a vote, the nominee receiving the lowest number of votes

Proposed Bylaws Amendments

by Peggy Dennis, Bylaws Committee Chair

The Bylaws Committee is proposing the following amendments to be discussed at the December Regular Meeting and voted upon in January, 2005. The seven paragraphs have been reorganized to follow a chronological order. Substantive changes are recommended only for paragraph 1 describing the

will be dropped, and the vote will be repeated. Voting by proxy shall not be permitted.

5. *Term.* Officers shall serve for a term of one year or until their successors are duly elected. Any official not subsequently certified as a delegate by a member organization shall continue to serve until the end of the next Annual Meeting.

6. *Declaration of Vacancy.* A vacancy may be declared by the Executive Committee for any office in which the incumbent is absent from all scheduled meetings for three consecutive months.

7. *Vacancies.* The unexpired term of a vacancy in an elected position shall be filled by a special election at a Regular Meeting. Notice of the special election shall be placed in the newsletter one month ahead of the meeting at which the special election is to take place. The position will be assumed upon election.

ARTICLE XI. MEETINGS OF THE FEDERATION

1. *Regular Meetings.* Regular meetings of the Federation shall be held at ~~eight pm~~ **a time and place to be determined by the Executive Committee** on the second Monday of each month, except July and August, unless otherwise determined by Affirmative Vote of the Federation or Executive Committee. *[we do not need to micro-manage the organization by specifying the time or place when circumstances may require more flexibility]*

Regular Meeting Minutes, November 8, 2004

By Richard Zierdt, Recording Secretary

MCCF President Dan Wilhelm calls the meeting to order at 7:58 pm.

Announcements. Charles Pritchard. Legacy Open Space program has been dormant.

Agenda. Dan adds Jim Humphrey on MPDUs. Mark Adelman and Jim will fill us in on excess school land. Agenda is approved.

October Minutes are approved as published in the newsletter.

Treasurer's Report. Luella Mast. Report is distributed. MCCF has assets of \$8,568.12 as of October 31, 2004.

Photographer from the Sentinel takes a group picture of Question C supporters (the "cabal").

Program. Vienna Austria's Affordable Housing: Housing for a Livable City. Pam Lindstrom. European cities compete with their suburbs for jobs and housing. More energy efficient. How European cities attract residents. Vienna: about 2.2 million residents, 70% within city. 37% use automobile, 37% use transit, others ride bicycles and walk. In the 1920's, about 60K affordable housing units were built. "Urban forests." Lots of affordable housing. "Social Housing" for low and middle-income residents. City plan determines density. "Building societies" compete to construct affordable housing. Applicants are income-tested before moving in, but not again. The city's incinerator is right in the city. Real-time emissions are displayed on a street-level screen. Fair amount of immigration.

Old Business.

Jim Humphrey. MPDUs update. Sarah Gilligan, Wayne Goldstein, Jim and the Housing Committee have been attending work sessions. Various bills are in play. Silverman/Floreen's bills are most radical. Changing the zoning in 19 housing categories will affect/change all master plans in the county. See the September Newsletter. See www.neighborspac.org Call the Council at 240-777-7999 comment line. Or write or e-mail. MCCF supports 25-04 (Praisner). Contact your local councilmember. County-owned sites are being considered for disposition. Jim distributes a handout listing 10 properties under consideration.

Mark Adelman. April Newsletter article about the County Executive's request to the school system to use "unneeded land" for "workforce" housing. Send e-mail or letter to the MCPS opposing any disposition of school property for non-MCPS use. November 18: MCPS vote. "Workforce housing" is not yet a formal program.

Nov. 17, 7:30 PM Argyle Middle School. County Council Town Meeting.

Adjournment. 9:51 PM

MCCF Executive Committee Minutes, Thursday, November 18, 2004

By Richard Zierdt, Recording Secretary

MCCF president Dan Wilhelm called the meeting to order at 7:46 pm. 12 present include Arnie Gordon, Cary Lamari, Charles Wolff, Dale Tibbits, Jim Humphrey, Jim Snee, Luella Mast, Mark Adelman, Peggy Dennis, Richard Zierdt, Tom DeGraba, Wayne Goldstein. Chuck Lapinski arrives later, for a total of 13. Guest: Sentinel Newspaper Editor Brian Karem.

Minutes from the ExComm meeting on October 21, 2004 are accepted as printed in the Newsletter.

Budget. Luella Mast. Distributes treasurer's reports. Bank balance is \$8,447.12. Luella also distributes a suggested calendar for 2005-06. Luella will arrange procurement of meeting space. Treasurer's report, and proposed calendar, are accepted.

Visit from Montgomery County Sentinel Editor, Brian Karem. Talks about the last independent newspaper in Montgomery. Weekly subscription paper. 25 cents at newsstands. \$22.05 per year (\$15.75 seniors). Offers to post meeting dates of the MCCF and its member organizations.
Editor-mc@thesentinel.com.

MCCF rebuilding. Various and varied suggestions are offered to build organizational membership in the Federation, such as following up with civic association officers, visiting CAs, writing articles.

9:27 PM Bylaws Committee. Peggy Dennis. Proposes changes to articles VI - Election of Officers, and XI - Meetings of the Federation. Mark Adelman moves endorsement of proposed changes of the bylaws as clarified. Seconded. Passes with three abstentions. Amendments to be published in next Newsletter for discussion in December and vote in January.

9:39 PM Committee for Montgomery. Cary Lamari. Cary, Luella Mast, and George Sauer attended its last meeting.

9:45 PM Housing. Jim Humphrey. MPDUs (Moderately Priced Dwelling Units). County Council PHED committee

(Planning, Housing, and Economic Development) meets on November 23 to talk about ZTAs (Zoning Text Amendments). Full council votes on November 30. Jim is lobbying some councilmembers.

9:49 PM Education. Mark Adelman. Status of surplus school sites. Mark distributes a motion that provides the Board of Education a process to follow when considering declaring a school or school site as "surplus".

9:57 PM Legislation. Dale Tibbits. Previous MCCF standing positions on election reform remain in effect (since the State legislative season is about to begin).

10:07 PM Land Use. Jim Humphrey and others. Comments on WSSC (Washington Suburban Sanitary Commission), MPDU, and the Town Center concept.

10:12 PM Public Finance and Utilities. Chuck Lapinski. Cost of ICC estimate keeps rising. Arnie Gordon: Pepco will no longer distribute dry ice during power outages. Moves that MCCF request a proportional rate decrease. Seconded. Vote fails. 1-8-3.

10:20 PM Transportation. Arnie Gordon spoke before the Transportation Planning Board of the Council of Governments. Jim Snee: Metro does not have enough station platform room for safe transport with eight cars of passengers.

10:23 Programs. Discussion about upcoming programs.

10:27 Cary Lamari. Moves that the ExComm recommend to the membership that the MCCF oppose the explicit naming of elected officials on a pending health card. Seconded. Motion passes 7-5-0. Lamari will write piece for Newsletter

10:30 Peggy Dennis. Newsletter assignments.

10:32 pm Meeting adjourned.

Federation Meeting

Monday, December 13, 2004
7:45 3rd Floor Auditorium
County Council Office Building.
Rockville, MD

Agenda

7:45 Call to Order
7:46 Announcements & Introductions
7:50 Adoption of Business Meeting Agenda
7:55 Approval of Minutes
8:00 Councilman Phil Andrews - Question C
8:10 Program: Art Wallenstein - County Jail
9:05 Discuss proposed bylaws amendments
9:25 Education Committee resolution
9:35 Old Business
9:50 New Business
10:00 Adjourn

The **Montgomery County Civic Federation** is a county-wide nonprofit educational and advocacy organization. It was founded in 1925 to serve the public interest. Its monthly Delegates meetings are open to the public and are held on the second Monday of each month (except for holidays, July, August and December) at 7:45 p.m. in the First Floor Auditorium, County Office Building, Rockville, MD.

The **Civic Federation News** is published monthly. It is mailed to Delegates; associate members; news media, and local, state, and federal officials. Permission is granted to reprint any article provided proper credit is given to the "**Civic Federation News of the Montgomery County Civic Federation.**"

Submit contributions for the next issue by: **Midnight, Sunday December 19.** Prepare submission as an MS Word, Word Perfect or text-only document, **attach** it to e-mail, and send it to hotyaker@comcast.net Please send all address corrections to Dan Wilhelm, 904 Cannon Road, Silver Spring, MD 20904, 301-384-2698, or djwilhelm@erols.com.

NEXT EXECUTIVE COMMITTEE MEETING

Thursday, December 16, 2004, 7:45 p.m.

RED BRICK COURTHOUSE

29 Courthouse Square, Rockville

(Note: there is free parking in front of the courthouse.)

MONTGOMERY COUNTY CIVIC FEDERATION

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