



Civic Federation News

May 2008

Serving the Public Interest since 1925

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County Civic Federation
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Montgomery County Civic Federation's 2008 ANNUAL AWARDS BANQUET

honoring

THE STAR CUP - Wayne M. Goldstein

To a MCCF delegate or individual for outstanding public service to Montgomery County

Presented by Councilmember at-large Marc Elrich

THE GAZETTE AWARD - Barbara Falcigno

To an individual or group for outstanding public service to the people of Montgomery County

Presented by Council President Mike Knapp

THE SENTINEL AWARD - Citizens Coordinating Committee on Friendship Heights

To an individual or group who makes a significant contribution to good government at the local level

Presented by Councilmember Roger Berliner, District 1

SPECIAL YOUTH AWARD - Sarah Boltuck

To a young resident of Montgomery County who has made an outstanding contribution to our civic life

Presented by State Senator Jamie Raskin,

District 20

Friday, May 9, 6:00 to 9:30 p.m.

Make your reservations now – see page 10

May Program: County's Judicial System 101

by Peggy Dennis, 2nd Vice President

Few of us have had reason to appear at or observe the workings of the third branch of our local government - the judicial system. Apart from the excellent program several years ago with Arthur Wallenstein, the director of Montgomery County's penal system, the Civic Federation rarely looks at this important branch of our government. Let's change that!

Judge DeLawrence Beard will be our program presenter on Monday, May 12. Judge Beard is a history maker in his own right. He worked as a prosecutor and led the county's public defender's office, then made history as the first black judge appointed to the district and circuit courts in Montgomery. State's Attorney John McCarthy, who worked for Beard as a public defender said "He's been a pioneer here in the courthouse. He has really been a trailblazer." Judge Beard retired in January after serving as a judge for 25 years, 11 of them as chief judge, so he has an unparalleled breadth and depth of knowledge and experience.

I have asked Judge Beard to talk about a wide range of topics concerning our county's judicial system including, but not limited to: the differences between the Circuit Court and the District Court. How are judges initially selected/appointed and how does he feel about the process? Does he have any recommendations for improving the process? Why are the sitting judges "re-elected" from time to time, and how do the sitting judges feel about having to campaign to retain their seats? How do sitting judges raise the money to fund their re-election campaigns and does this create an appearance of conflict of interest when lawyers who have contributed financially appear before them? Do our judges reflect the racial, ethnic and economic diversity of our population? Why are some cases tried by jury and others by a judge alone? What percentage of cases end up being dropped or dismissed, settled by plea bargain, or convicted? How do the courts interface with our jails and penal system? What is our recidivism rate? Do our "rehabilitation programs" seem to be getting those who have completed their sentences off to a good start and a new beginning? Are minorities disproportionately represented in our judicial and penal systems, and if so, why? Do we have "diversion" programs to channel young, first time offenders into programs that will effectively change their behavior rather than having them serve jail sentences? How are our teen and adult "drug courts" working out? Would we benefit from having specialty courts to handle mental health and domestic violence cases? What improvements would he most like to see in the judicial system? And how can the Civic Federation help bring about needed reforms?

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Got questions of your own? Experiences to relate? Bring them with you as "Questions and Answers" will, as always, be an important feature of our May program.

President's Message: Weast, The Corruptor

by Wayne Goldstein, MCCF President

I have regularly observed that MCPS Superintendent Jerry Weast has little concern about the ethical behavior of himself or others. This is reflected in both his behavior and in the behavior of those who have worked and do work for him. More and more, it also appears that his behavior is also corrupting the behavior of others outside of MCPS.

The first example I experienced was the obsessive partnership between Weast and a majority of the BOE to ram through the relocation of Seven Locks Elementary School, a conspiracy that failed, although it did succeed in destroying a lot of community trust, especially when the Inspector General revealed in February 2006 that MCPS officials had concealed less costly options that would have supported keeping the school at its present site.

The next episode was the release of the disastrous internal MCPS 2005-2006 audit of Churchill High School's Independent Activity Funds (IAF) in July 2007. I wrote about the violations of regulations including: "...The school vending contract has an automatic renewal clause after the initial three-year period, and the vendor is an employee of the school. Contracts that have a performance period extending beyond 36 months and contracts with vendors who are school employees require prior written authorization from the COO." This was not done, nor had MCPS taken any action despite years of such willful violations. I also wrote: "...Should MCPS employees also be allowed to provide services such as the school vending contract? While these employees' bids have to be competitive, isn't there a reason that we don't want government employees also providing goods and services to the government they work for because of the appearance of a conflict-of-interest? Does this policy also contribute to the atmosphere of a lax morality so evident with Churchill's IAF? I don't believe that other county government employees can do what MCPS employees are now permitted to do."

As it turns out, Gregory Thornton, an MCPS deputy superintendent from 2002-2004, had some problems at his next job as chief academic officer of The School District of Philadelphia in early 2007 concerning a trip he had taken to Africa in 2004:

"The Philadelphia Inquirer revealed that Thornton was one of two district officials who signed off on a \$926,000 no-bid contract with Plato Learning five months after the education-software company subsidized their trip to South Africa. According to the paper, the district acknowledged the ethics violation last year and promised disciplinary action against Thornton and the other official. In an interview today, Philadelphia School District Chief Executive Paul Vallas said the district formally investigated the matter and found Thornton had already planned the Africa trip before taking the job with

the Philadelphia district. The investigation found no wrongdoing by Thornton and the district took no further action, he added."

It appears that Mr. Thornton planned his Africa trip while still working for MCPS although Plato Learning does not appear to have done business with MCPS. However, Mr. Thornton was one of two finalists to be Seattle's new school superintendent in April 2007 when the story broke, and he decided a week later to withdraw from the process. Several months later, he instead took a job leading a 4,000-student school system, a fraction of the size of the 180,000 student Philadelphia school district.

Next came the allegations against former MCPS deputy superintendent John Q. Porter in January 2008 of improper reimbursements and a no-bid contract with Wireless Generation that resulted in his suspension after just six months in his new job as Oklahoma City school superintendent. While he was not found to have broken any laws in Oklahoma City, he agreed to leave that job. There have been questions about improper reimbursements for Porter while at MCPS as well as possibly using his MCPS office to run his business, Spectrum International, on the side. MCPS responded to the possible business use: "That was completely inappropriate... Had we known about that, we would have taken appropriate action." I had previously written about almost \$35,000 in consultant fees received by Porter from the Oklahoma City BOE in the spring of 2007 while he was still employed by MCPS.

This brings us to the latest ethical problem, that of Moreno Carrasco, principal of Richard Montgomery HS. Maryland's 2007 Principal of the Year, Carrasco welcomed a Maryland congressman's October 2007 proposal to pump \$100 million into research examining what makes first-rate principals. "The average principal works 80 hours a week and only spends two hours on academic achievement because they are so distracted with disciplinary problems and security, and not the quality of teachers and the fidelity of the curriculum," Carrasco said. "We need money to retrain principals and allow them to do their jobs."

Apparently, Carrasco took a personal interest in this issue because, in early April, The Examiner learned that Carrasco, since 2006, "has held several "Breakthrough Principal" seminars at schools around the region, often scheduled during the week...Carrasco's two-day institutes cost \$469 for each administrator and a secretary, with a minimum of 20 "teams." The site advertised outcomes such as "Do the principal's job in 8 hours a day." "Minutes after an interview with The Examiner, the company Web site, savetheprincipal.com, was taken down and all future events were canceled. Earlier versions of the site listed a "One Day Refresher Institute" open to members of his \$399 "Principals' Network" to be held Monday at Richard Montgomery between 8 a.m. and 3 p.m. Though a day off for students, Monday is a professional day for staff."

"Three glowing testimonials on the site included two from principals at Montgomery County's Beall Elementary and Roberto Clemente Middle School, and one from Carrasco himself, whose role in the company is apparent only on incorporating documents registered with the state. In an interview with The Examiner, Carrasco said seminars within the county were free of charge, and he was no longer pursuing the business. 'I want to clarify for the record that this is not a

conflict of interest, and I have looked at the ethics policies,' Carrasco said. 'The story that should be written is how innovative my practices are.'

The following week: "...A lawyer for the Breakthrough Coach, an educational consulting firm that ran principal seminars in Montgomery County in spring 2006, is looking into legal action against Moreno Carrasco... for allegedly co-opting some of the company's tactics." Several days later: "...Moreno Carrasco, currently under investigation by the school district for running a side consulting business on school days with allegedly plagiarized materials, is on indefinite sick leave for an unspecified illness."

Weast's answers to this? District spokesman Brian Edwards said Superintendent Jerry Weast knew nothing of Carrasco's business activities. "We will investigate the matter and take appropriate action as warranted," Edwards said. "Weast is "very concerned about the allegations and has directed his staff to thoroughly investigate the situation and take appropriate measures," Edwards said, adding "we don't put timetables on investigations..." "We didn't know it was going on," Weast's spokesman said. "How can you know what you don't know?"

Although MCPS apparently sees no reason to investigate Mr. Porter, it will investigate Mr. Carrasco. What seems to be flawed is who will do the investigation. It just so happens that this is on the MCPS website now: "Applicants Sought for Board of Education Ethics Advisory Panel...The [BOE] is seeking to fill one vacancy on its five-member Ethics Panel. Among the panel's responsibilities are: (1) interpreting the Board of Education's Ethics Policy and issuing advisory opinions concerning its application, (2) conducting hearings on any complaint filed regarding an alleged violation, (3) approving financial disclosure forms, and (4) directing the implementation of an educational program to inform school system employees and the public about the policy. Panel members may not be incumbent members of the Board of Education, school officials, employees, or persons employed by a business entity subject to the authority of the Board of Education, or spouses of such persons."

We have yet to hear from the BOE Ethics Advisory Panel about any investigations they have done or will do or how they might educate school system employees to make sure that Weast doesn't continue to look clueless about what businesses his employees are running while working for MCPS. But clueless or not, he is responsible for the repeated questionable ethical behavior of his employees. He has recently set the worst possible example by hosting meetings in his home with a candidate for County Council, union leaders, and other officials to allegedly dictate that they support the candidate. Whether or not the allegations are true, it remains an egregious violation of the principle of the appearance of a conflict of interest for the superintendent to conduct any public business in his private home, no matter how casual the conversations with other public officials. I do not expect that we will hear from the Ethics Advisory Panel on this major issue either. By indifference or by design, Weast has become The Corruptor of people and institutions. How much longer will other public officials stand by silently or helplessly as this corruption grows worse?

One of the most important findings of the Baldrige judges¹ was this, based on their November 2006 site visit to MCPS and BOE: "...No results have been available to indicate breaches of ethical behavior and organizational citizenship. Lack of results and comparisons for these measures of leadership and social responsibility could limit MCPS's ability to address the core value of providing an ethical school system and could also impede its ability to create a positive work environment and strengthen productive community partnership."

It's only gotten worse since the judges wrote this criticism 16 months ago.

May Meeting--Last Chance To Nominate New Federation Leadership

Interested in playing a more active role in your community? Want to help shape County policies on issues ranging from schools and roads, to zoning regulations and the environment? If so, sign up or propose volunteers for the elected offices in the Civic Federation before or at the next regular monthly meeting on May 12. The Federation is looking particularly for those interested in serving as Recording Secretary and Vice Presidents for Districts 14, 15, 19 and 39. It is also interested in hearing from those who would like to serve in non-elected positions on Federation committees.

The Federation's Nominating Committee is currently planning to present the slate of nominees for elected positions noted below:

- President – Arnold Gordon
- First Vice President – Peggy Dennis
- Second Vice President – Sandy Vogelgesang
- Eight District Vice Presidents (one from each Maryland State legislative district)
 - 14: Open (Burtonsville, Brookeville, Laytonsville, Damascus)
 - 15: Open (West Bethesda, Potomac, Poolesville, Barnesville)
 - 16: Lee Shipman
 - 17: Virginia Sheard
 - 18: Richard Zierdt
 - 19: Open (east of Rockville and Bethesda)
 - 20: Dan Wallace
 - 39: Open (area surrounding Gaithersburg)
- Recording Secretary: Luella Mast to cover minutes for Executive Committee meetings; coverage of Delegates' Meetings still open
- Treasurer: Bill Schrader

If you want to volunteer or suggest additional nominees who might be proposed at the May meeting or if you have any

¹ The Baldrige Awards for education are national awards for performance excellence. Evaluation for the Awards is performed by a Board of Examiners, part of which is a 12-person team of Judges. See http://www.quality.nist.gov/Education_Criteria.htm.

questions, contact any member of the Nominating Committee noted below:

Sandy Vogelgesang (301-365-2347)
 everest.associates@erols.com
 Luella Mast (301-384-4178) luellam@comcast.net
 Dan Wilhelm (301-384-2698) djwilhelm@verizon.net

Every MCCF Delegate has the right to nominate from the floor at the May meeting. All you need to do is present information about the proposed nominee and arrange for seconds by Delegates from three different Member associations. Officers will be elected at the Annual Meeting in June and assume office at the close of that meeting.

The Bylaws Committee and the End of the Line

by Luella Mast, Bylaws Committee Chair

This report from your bylaws committee finishes the complete review of the bylaws started with the February newsletter. We began, at the beginning, with Article I and have continued, with this month's report, through Article XVII. As we have done at prior meetings, we will start our May report with a motion to approve the changes presented for comment at the April meeting (pages 8 and 9 in the April newsletter). We will have copies of those proposed changes for you at the May meeting. We will then introduce the proposed changes printed here. We will vote final approval of these changes at our June meeting. As in the past, words we proposed deleting are shown with *[italics]*. Words we suggest adding are underlined.

ARTICLE IX. DUTIES OF STANDING COMMITTEES

5. Planning and Land Use Committee. This committee focuses on [shall monitor, evaluate, report, and make recommendations on actions taken under, or any proposed changes to,] the Regional District Act, Zoning Ordinance, [and] Subdivision Regulations. [It shall be concerned with the methodologies and process employed] and [with] the General Plan and master plans. It shall [also] evaluate the [impact and] implications for land use of other county policies, [such as Housing, Transportation, and Education.]

6. Public Finance [and Utilities] Committee. This committee focuses on [shall monitor, evaluate, report, and make recommendations concerning] the County's [tax related] taxing, fees, spending, and borrowing policies and programs, [and concerning adequacy, charges, policies, and operations of the various utilities and the related public agencies. It shall have the authority to call upon other committees for assistance concerning matters assigned to them, and such committees shall furnish the Committee with information and advice on the fiscal implications of such matters. It shall monitor and report on rate hearings before the Public Services Commission and County Council.]

7. Transportation Committee. This committee focuses on [shall monitor, evaluate, report, and make recommendations concerning] the construction, operation, financing, and maintenance of public transportation facilities and services, including the Adequate Public Facilities Ordinance. [It shall be concerned with public and private parking, state and county roads, the Metro system,

public bus and taxi systems, and private traffic mitigation programs developed to comply with County requirements.]

8. Public Safety Committee. This committee focuses on [shall monitor the mission, goals, policies, and practices of public sector and private sector agencies, institutions, and organizations providing public safety and related services, including the arenas of] police, fire and rescue, [corrections, public safety- related] the judiciary, corrections, and emergency preparedness. [homeland security and public health.]

9. Utilities Committee. This committee focuses on various utility services including electricity, gas, water and sewer and telecommunications.

Change: Delete or transfer to standing rules committee descriptions that are simply too detailed or describe how a committee should function.

Because: The bylaws should be confined to a description of responsibilities, not how responsibilities should be carried out. More detailed outlines of responsibilities belong in the standing rules. Changes to committees numbered 5 through 8 are similar to the changes in committees numbered 1 through 4 already introduced. The Utilities Committee has been separated from the Public Finance Committee and so needs its own definition.

ARTICLE X. MEETINGS OF THE FEDERATION

5. [4]. Notice. No meeting may be held unless written notice of the time, place, and purpose is given to all current delegates.

6.[5]. Quorum. A quorum for all meetings shall consist of at least one delegate from at least one sixth of all member associations.

[6. Affirmative Vote. An Affirmative Vote shall require a three-fifths majority of Delegates voting, but may never be less than a majority of Delegates present.]

4.[7]. Open Meetings. All meetings of the Federation shall be open to the public.

Change: Delete Section 6. Renumber Sections 4, 5 and 7 in order of relevance.

Because: References to "Affirmative Vote" are being replaced throughout the bylaws by more easily understood wording, such as "two-thirds" and as such the definition of an Affirmative Vote is no longer needed.

ARTICLE XI. CONDUCT OF FEDERATION MEETINGS

2. Right to Speak. Only delegates and associates shall have the right to address the Federation, except by specific invitation of the President or upon majority [Affirmative] vote. Delegates may speak only when recognized by the presiding officer.

3. Meeting Agenda. The President shall prepare a proposed agenda to [consistent with these Bylaws to provide notice and to guide deliberations of the meeting. The Agenda will specify order and time allocation of Agenda items,] be published in the newsletter, and [be] adopted as an Order of Business. Any delegate shall have the right to propose amending the agenda

[move an amendment], which shall be approved upon majority [Affirmative] vote. [However, motions to adopt a Federation position shall be subject to Article XIII. Once adopted, the Agenda may be changed only by a vote to Suspend the Rules.]

4. Suspension of Rules. Rules prescribed herein, except those for amending these bylaws, may be suspended upon motion seconded by delegates from five other member associations and majority [Affirmative] vote of two-thirds (2/3) of delegates present.

Change: Delete "Affirmative" in reference to the number of positive votes required to pass a measure. Delete sentences that are too detailed or repeat rules covered in Roberts Rules of Order.

Because: Streamline the bylaws so they read clearly and are easily referenced when a question arises.

ARTICLE XII. MEETINGS OF THE EXECUTIVE COMMITTEE

[3. Notice. No meeting of the Executive Committee may be held unless reasonable notice of time, place, and purpose is given to all members.]

3.[4.] Quorum and Majority. A quorum shall be met if either seven officers or a majority of the Executive Committee are present. Executive Committee action shall require a majority vote.

Change: Delete Section 3. Renumber Section 4.

Because: Section 1 now reads: "The Executive Committee shall meet monthly at a time and place set by the Committee and announced in a timely manner." which covers Section 3.

ARTICLE XIII. ADOPTION OF FEDERATION POSITIONS

1. Requirement. All formal positions by the Federation on any issue or question shall be established by the specific adoption of a resolution or motion. The Federation shall [It shall be Federation policy to] provide maximum notice [to Delegates] of positions to be considered in the newsletter agenda. [in order to achieve maximum participation by and support of Member associations. Notice shall require at least an itemized listing in the published Agenda of Proposed Resolutions, Action Items, and Meeting Topics. A position may be taken only on an issue or question covered by an Agenda item.]

[3. Action Items. Issues or questions announced in the Newsletter may be either acted upon at the meeting or tabled.]

[4. Meeting Topics. Resolutions resulting from program, speaker, or committee reports which were announced in the Newsletter may be either acted upon at the meeting or tabled.]

3[5]. Floor Resolutions. Resolutions on new subject matter offered from the floor and seconded by delegates from two other member associations will be referred to appropriate committee for recommendation and included in the agenda for the next meeting.

4[6]. Emergency Resolutions. A resolution offered from the floor as an emergency, seconded by delegates from five other member associations, and approved by two-thirds (2/3) vote of

those voting shall be added to the agenda and acted upon at the meeting.

5[7]. Adoption. A resolution to adopt a formal position must be seconded by delegates from two other member associations and approved by a two-thirds [Affirmative] vote of delegates present. Recommendations of the Executive Committee are automatically moved and seconded. Any resolution must be presented in writing to the secretary before it may be considered.

Change: Remove sentences in Section 1 that are too detailed or explain rules found in Roberts Rules of Order. Delete Sections 3 and 4. Renumber remaining sections. Delete "Affirmative" in Section 7.

Because: Remove sections that are covered by Roberts Rules of Order. Streamline the bylaws so they read clearly and are easily referenced when a question arises.

ARTICLE XIV. FEDERATION NEWSLETTER

1. Publication. A newsletter shall be published each month from September through June. [Distribution shall be timed so that newsletters reach Delegates a few days before a meeting.] Special issues may be published by majority [Affirmative] vote of the Executive Committee or Federation.

2. Purpose. The purpose of the newsletter shall be to report to delegates the activities of the Federation, provide notice of meetings and proposed positions, and inform delegates of pending issues. It shall include [*at least a summary of*] the [*current*] minutes of the regular [Federation] and Executive Committee meetings and the agenda for the next regular meeting.

3. Editorial Policy. The content and style of the newsletter shall be consistent with the traditional standards and goals of the Federation. [*Individual Delegates and committee chairs shall be encouraged to submit articles or reports on current issues.*] Advertising may be included but shall not be controversial and shall not exceed 25% of the newsletter. The editor shall have authority to determine specific content and layout subject to requirements herein, but a member of the Executive Committee may appeal a decision to the full Executive Committee [Board of Directors].

[4. Advertising Rates. The charge for advertising shall be set each year by the Executive Committee prior to development of the Federation Budget.]

Change: Delete sentences that are too detailed or repeat rules covered in Roberts Rules of Order. Delete "Affirmative." Delete Section 4.

Because: Remove sections that are covered by Roberts Rules of Order. Streamline the bylaws so they read clearly and are easily referenced when a question arises. We recommend replacing the words "Affirmative Vote" throughout the bylaws with more easily understood words which accomplish the same thing.

ARTICLE XV. ANNUAL ACHIEVEMENT AWARDS

2. Awards Committee. A committee shall be established to make recommendations for award recipients. [*An Awards Committee to make recommendations for recipients shall be*

established during the autumn] The President shall call for volunteers to serve on the Awards Committee at the September meeting. Members shall be nominated by the President and confirmed by the Executive Committee at the November Executive Committee meeting.

Change: Delete second sentence in Section 2.

Because: The same information is covered by the remaining sentences.

ARTICLE XVI. FINANCIAL MANAGEMENT

1. Annual Budget. An operating budget for the membership year shall be adopted to plan and manage the Federation's fiscal affairs. A proposed budget shall be prepared by the treasurer and submitted to the Executive Committee for approval in August. The budget as approved shall be printed in the September newsletter and included in the September agenda for action by the membership. The budget shall include all planned and expected expenditures and revenues. [*Federation officials shall assist the Treasurer as requested in developing the budget.*]

2. Accounting For Funds. The Federation shall maintain a checking account in a local bank, and all receipts and disbursements shall be processed through the account. All revenues received and disbursements made shall be entered in a record which shall show the name, amount, date, and type or purpose of the revenue or disbursement. The treasurer shall reconcile the accounts each month, and present a report [*thereof*] to the Executive Committee.

6. Annual Audit. The financial records of the Federation shall be audited annually and whenever a new treasurer takes over that position. [*The Auditor shall be nominated by the President and confirmed by the Executive Committee.*] The treasurer for the year or period being audited shall provide all records to the auditor and provide such assistance as may be required. [*The Auditor shall submit a written report to the Executive Committee.*]

Change: Delete sentences or words that are too detailed. In Section 6 delete sentences which describe the position of Auditor which is now found in Article VIII. Duties of Appointed Officials, Section 7.

Because: The bylaws should be confined to a description of responsibilities, not how responsibilities should be carried out. More detailed outlines of responsibilities belong in the standing rules. The bylaws should treat the Auditor as any other appointed officer and so his duties should be listed with in the same article with those of other appointed officers.

ARTICLE XVII. AMENDMENT OF BYLAWS

1. Changes. A proposal to change these bylaws may be made by any delegate or the Executive Committee. A motion to change by a delegate must be seconded by delegates from two other member associations. Proposed amendments must [*may*] be referred to the Executive Committee or to a Bylaws Committee established under Article IV for recommendation.

2. Notice. An introduced resolution to amend the bylaws shall be voted on following the discussion. [*tabled until the following meeting.*] The proposed change shall be published in the

Newsletter and listed in the Agenda before the proposal may be considered.

3. Approval. An amendment requires a two-thirds (2/3) vote of delegates present to become effective at the close of the meeting in which the amendment was approved, unless a future date is specified.

Change: Allow amendments to the bylaws to be voted on at the same meeting at which they are introduced, but only after having been voted on by the Executive Committee.

Because: Amendments to the bylaws currently use a three step process. First, although not currently a requirement, they are referred to the Executive Committee. After approval by the Executive Committee they are printed in the newsletter and presented at a monthly regular Federation meeting, but only questions for clarification and any changes are made at the first meeting. They are voted final approval, or disapproval, at the next Federation meeting. By the time of the second reading most members have forgotten what they are voting on. By requiring that amendments first must go through the Executive Committee all changes must be approved before presentation to the membership. Voting on changes during the same month they are printed in the newsletter will make it easier for the members to understand and cast knowledgeable votes.

The bylaws committee is a special committee and as such sunsets at our June meeting. A decision whether or not to reestablish the committee in 2008-09 can be made at the September meeting or any time thereafter. We would like to thank you for your attention and support this year. We do appreciate those "yes" votes! Peggy Dennis, Dan Wilhelm, Sandy Vogelgesang, Richard Zierdt, and Luella Mast, Chair

Minutes of the April 23 Executive Committee Meeting

Peggy Dennis, Acting Recording Secretary

President Wayne Goldstein convened the meeting at Sandy Vogelgesang's home, at 7:37 p.m. In attendance were Sandy Vogelgesang, Luella Mast, Peggy Dennis, Dan Wilhelm, Marvin Weinman, Jim Humphrey, Bill Schrader, Lee Shipman and Richard Zierdt.

Minutes of the March 19 ExComm meeting were approved unanimously.

Treasurer's Report: To date, we have received 19 registrations for the Awards Banquet, 17 paying. Dan will email all with reminders and reservation forms and Peggy will contact four presenters to confirm that they are coming before listing them in the May Newsletter. Kapiloffs should also be contacted.

Wayne has been invited to attend the MCC/PTA "Presidents and Principals Dinner". MCCF will provide \$60 to cover this cost.

Environment: Wayne noted passage of Roger Berliner's package of environmental reforms, a good start that puts MoCo out in front as a national leader.

Education: Wayne has written articles for the Sentinel on Jerry Weast and the suggested dissolution of the Board of Education.

Public Safety: We received a letter responding to our letter suggesting the need for greater enforcement of the "no blocking the box" rule to keep traffic out of intersections when the lights change. The response was that it is not actually illegal to "block the box." Wayne will pass this issue to Phil Andrews, but we do not know if this kind of traffic law is within the purview of the county or if it must be a state law.

Planning and Land Use: Valerie Ervin's recent column advocating growth as the cure for problems caused by growth was noted with groans.

Transportation: Peggy reported the Orphan Road Working Group (Bruce Johnston from DPWT) has completed a "draft" policy which rubber stamps the status quo. It shows a great improvement in flexibility and "context sensitivity" for the road construction design standards over that of years past, but no similar design flexibility for storm water management, and no recognition or proposed solution to the problem of "all or nothing" government financial involvement.

Public Relations: Sandy reported that print media is erratic in putting information into "calendar" listings for our regular meetings. She will get an expanded press release to all the appropriate newspapers on the Awards Banquet and awards recipients as soon as she has better bio on Wayne and the Star Cup.

Legislation: Dan sent an email around from Rich Madaleno with Rich's take on bills of interest that passed this session.

Public Finance: Marvin reported a busy week with council reviewing all contracts with county employees up for review. Marvin believes the pay & benefit increases negotiated with the unions representing county employees are unsustainable but that elected officials lack the guts to just say "no" to these contracts. Marvin will prepare talking points and a Newsletter piece discussing them for an MCCP spokesman to deliver at the Council hearing on April 29.

Bylaws : Luella went over next set of proposed amendments to the bylaws mainly covering descriptions of committee responsibilities. Peggy moved to recommend that these amendments be published in the May Newsletter and brought to the membership at the May regular meeting for discussion, then voted on at the June meeting. Unanimously approved.

Membership: We are up to 60 member organizations. Well done, District Vice Presidents!

Programs: Peggy is organizing the program for May with retired Chief Justice DeLawrence Beard on the Circuit Court. Jim Humphrey will organize a program for June with Donna Barron on the Board of Zoning Appeals. Suggestions for the autumn: September; Planning Board or History of the County; October, Ballot questions; November, Historic Preservation or Specialty Courts

Nominating Committee: Slate for 2008-2009 is President - Arnie Gordon; 1st Vice President, Peggy Dennis; 2nd Vice President, Sandy Vogelgesang; District Vice Presidents; 16 - Lee Shipman; 17 - Virginia Sheard; 18 - Richard Zierdt; 20 - Dan Wallace; (14, 15, 19, 39 are vacant); Treasurer - Bill Shrader; Recording Secretary for ExComm meetings - Luella Mast; Recording Secretary for regular meetings will rotate. Long discussion ensued over issue of committee chairs who are appointed by president and "confirmed" by the general membership, traditionally at the September meeting. Presidents need to have committee chairs working over the summer and can make interim appointments. Some preference expressed for having the president present his slate of committee chairs immediately upon his election at the June meeting, so the delegates could vote to confirm them immediately. Luella dislikes this approach as it makes the election of the president appear to be a done deal. But failing this, they must work in an interim status until September's regular meeting. No clear solution was presented.

Awards Banquet: It was agreed that nice quality awards plaques should be presented to award recipients (other than the Star Cup) with paper certificates to be prepared by Geoff Wolf or Lee Shipman going to additional CCCFH members. Jim Humphrey already has outstanding commemorative mugs for Wayne and receipt for Luella. Jim will update the list of past award recipients and Dan will prepare list of all current MCCF member organizations and associates. Lists will be provided at the banquet in addition to a program. Luella will prepare name labels. We will ask Fran Kauffunger, Charles Wolff and others to help with reception table. All ExComm members are invited to contribute munchies to go with the wine at the reception from 6:00 to 7:00.

Newsletter assignments were made and the meeting adjourned at 9:45.

Minutes of the April 14 Regular Meeting by Jim Humphrey, Acting Recording Secretary

The 796th Regular meeting MCCF was convened by President Wayne Goldstein at 7:45 p.m.

Announcements. Peggy Dennis encouraged members to make reservations for the May 9 Annual Awards Banquet. Goldstein introduced Delegate Roger Manno (D-Dist.19), who presented MCCF with an award citation from the House members of the Montgomery County Delegation to the Maryland General Assembly in recognition of extraordinary service to the community and county.

Adoption of agenda. Agenda was unanimously approved with amendment, to include discussion of proposed county ambulance fee. Robin Remas requested discussion of proposed move of county service park facilities to site adjacent to Kentlands; issue was referred to PLU Committee for recommendation.

Approval of minutes. No minutes of March meeting were available for approval.

Program on FY09 County Operating Budget. Hosted by

MCCF Public Finance and Utilities Committee Co-Chair Chuck Lapinski. Panel: Tim Firestine, County Chief Administrative Officer; Joe Beach, Director, Office of Management and Budget; and Councilmembers Duchy Trachtenberg, Phil Andrews, and Marc Elrich. Overview of budget, written by Council Staff Director Stephen Farber, and OMB Budget in Brief handout were distributed to delegates.

Mr. Andrews noted Council is looking both at what is affordable in the short run and sustainable in the long run. Recordation tax revenue down due to slower turnover in homes, income taxes are down due to decline in investment income. Contractual agreements negotiated in past, like COLA increases, have resulted in most of new spending increases, since employee salaries and benefits make up 80% of the budget. Agrees with goal of keeping property tax increase to rate of inflation, and believes can't find all savings through efficiencies but will need to cut salaries and some services to hold down tax increase.

Mr. Elrich felt Andrews accurately outlined where revenue and outlays are. Doesn't put responsibility on current County Executive (CE) but on growth that occurred during Duncan years for which supporting infrastructure wasn't built and maintenance on existing was deferred. Need outside consultant to look at organizational issues in county government. Unions understand it would be better to have fewer, more efficient employees--solution will come in next round of collective bargaining negotiations. School budget was cut \$51 million; but public doesn't see cuts in programs already made by CE before budget was sent over. So, not sure he would agree with not having to exceed charter limit on property taxes but will look for every possible savings and revenue source, including possible cuts to employee salaries and expenses. Mentioned that starting teacher could not afford to buy a house in the county.

Ms. Trachtenberg likened county budget to household budget in need to set priorities. Sees need to educate public better and to begin annual budget process before March. Revenue is down and expenses will need to be cut. Not sure there is political will to put employee contracts on table and believes we need to provide promised retirement benefits, but doesn't agree that solution is to exceed charter limit on property taxes. Farber will provide listing to Council MFP Committee of full costs of negotiated employee contracts (wages, benefits, Cost Of Living Adjustments); need a sustainable long-term plan. MFP just voted to reconfirm intention to not exceed charter limit on property taxes, which full Council adopted last December.

Mr. Beach discussed Budget in Brief outlining of growth in past budgets, improvements CE wants to make, results-based approach being taken, and pie charts with breakdown of revenue and expenses. Budget on website--www.montgomerycountymd.gov/omb. Lowest rate of growth for county in 12 years. Total decline in revenue \$178 million from current FY to FY09. CE has instituted hiring freeze, 5% cut from non-safety programs and 3 1/2% cut from safety programs. CE has proposed cutting 278 employees, reorganizing Executive Branch, and instituting more reliable accounting system and constituent response management system (311 telephone number). County operates in competitive environment with Federal government, other area

counties, and private sector. Have to fund employee retirement costs like we do with pensions. Still \$200 million gap under current assumptions.

Mr. Firestine stated budget is about choices but some shouldn't enter into discussion, such as going into savings account (Reserve Fund). This would be a short term solution in a volatile environment, while facing long-term obligations. Have retirement/benefits costs of \$2.8 billion and nothing set aside, costs could run \$200 to \$300 million a year and CE made significant contribution toward needed payments but that's as far as we can go at this time. Increase in property tax will hit higher value properties harder than lesser value ones. During 1990s there were seven decreases in State projections passed on to counties--response was some new taxes were implemented, furloughs were given, and contracts were cut. Plan for next year is to distribute burden of fiscal shortfall equally between taxpayers, county employees, and recipients of services.

Question: Why does county use system of binding arbitration for employee contracts? Answer: (Firestine) There are set dates in mediation for agreement, after which you go into arbitration and arbitrator looks at context of other agreements in place. Tends to favor labor over management--county has only won twice in memory. (Andrews) Process is not legally binding on what Council does, and CE is not bound to fund MCPS contract negotiated by Superintendent of Schools.

Comment: Councilmember Elrich, I don't think you need to ask whether a new teacher can afford to buy a house as a starting point for discussion of employee salaries.

Question: Is commercial property market affected as severely as residential? Answer: (Firestine) A lot of companies are involved in Federal contracts and are less impacted by current situation. (Elrich) When vacancy rates hit residential management companies, they'll be reassessed.

Question: Budget is increasing exponentially, but MCPS shows 18 new students and an increase of 200 more employees next year? Answer: (Elrich) Part of problem is change in approach to special education--cutting programs and mainstreaming students requires new personnel in existing classrooms. (Trachtenberg) Need to spread out cuts--\$2 billion school budget cut at 1% is \$20 million. (Andrews) Mentioned increase in retirement agreements.

Comment: Residents in my community think school system salaries--upper level management--need to be reduced, and sacred cows like MCPS, Montgomery College and RideOn need to be reexamined.

Question: Is there going to be a program on working smarter? And, the reason you lose with unions is you don't do your homework. Answer: (Firestine) CountyStat started in January--each department has results-based performance plan, and we're starting to identify most effective program areas on which to focus allocation of funding.

Question: How do you justify expenditure of funds to purchase GE Tech Park and move county service facilities? Answer: (Firestine) Plan would sell Service Park and money would be used to purchase land on which service facilities could be assembled--public safety functions on GE site, liquor

warehouse next to GE site. Taking another look at whether or not to move Public Service Training Academy and MCPS food warehouse (helicopters can't land at GE site) and moving of bus maintenance facilities. All will be cost neutral.

Question: Is tax base shrinking—are religious groups tax-exempt, and does that burden ordinary taxpayers? Do you think about energy savings in new construction and savings you could impose on existing facilities (saw empty office building one night with all lights on)? Answer: (Elrich) County has new green building standards. Laws that exempt religious institutions are not county laws, and religious institutions pay costs for services.

Question: Is printing for county government done on centralized basis? Answer: (Beach) Each department has its own budget, but there's a single processing facility--some is contracted out.

Question: A delegate asserted MCPS employee increase is 8 to 9%--is that true? Answer: (Andrews) When you add step increases on top of COLA it totals 7 1/2 to 8 %.

Question: How are the county courts funded? Answer: (Andrews) Public safety costs.

Questions: Are you using the actual Cost Of Living, or the Bernanke (Chairman of the Federal Reserve) one? Answer: (Firestine) Actual--around 4%.

Proposed County Ambulance Fee. John Bentivoglio, Chair of Bethesda-Chevy Chase Rescue Squad Ambulance Fee Task Force, distributed handout detailing reasons BCCRS and the Montgomery County Volunteer Fire/Rescue Association oppose the proposed ambulance fee, which would range from \$350 for basic life support to \$800 for more advance life support (paramedic) service: could discourage residents from calling 911 when important to act quickly; burden will fall most heavily on the poor, elderly and uninsured; residents already pay for fire/rescue service through County-wide Fire Tax which, combined with federal/state grants, provide more than 100% of County's fire/rescue operating budget; and, finally, County shouldn't charge for service often provided by volunteers. He reminded delegates that MCCF Executive Committee opposed similar ambulance fee proposal in 2004.

Motion was made, seconded and approved that MCCF oppose imposition of an ambulance fee as proposed by the County Executive in the FY09 budget (20-0-2).

By-Laws Committee. Chair Luella Mast reviewed proposed changes to MCCF By-Laws printed in April newsletter; adoption was moved, seconded and approved (16-0-1). Mast mentioned changes being proposed for vote at May meeting (printed in this newsletter).

Treasurer's Report. Report was presented with copies on table in the back.

Education Committee. Acting Chair Goldstein mentioned Principal of Richard Montgomery HS is engaged in education-related consulting business, raising ethical questions.

Program Committee. Peggy Dennis discussed preparations for May program on Montgomery County courts system--mentioned possible field trip to Mental Health Court in

Baltimore, and encouraged delegates to attend Teen Court and Drug Court which take place in the County Courthouse in Rockville.

Planning and Land Use Committee. Chair Jim Humphrey reported that State General Assembly approved legislation authorizing Maryland counties to establish County Land Banks, which would allow publicly owned land to be placed in a community land trust and offered in long-term low-cost lease for development as affordably priced housing, a recommendation put forward by MCCF Housing Committee. A House bill that would have authorized appointment of a Hearing Examiner for the Planning Board, which was supported by MCCF Executive Committee, failed to get a hearing in the Senate and died. Another House bill opposed by MCCF ExComm, which would have allowed a Montgomery County Planning Board member who had served two full 4-year terms as a Commissioner to serve an additional two full 4-year terms as Chairman, also failed to get a Senate hearing and died.

Humphrey explained that the County Council PHED Committee has delayed action on ZTA 08-01, to confirm that 'green area' required in certain zones cannot be provided on the rooftops of buildings. So there is still time for individuals and associations to email Council urging approval of this ZTA at county.council@montgomerycountymd.gov.

Member Issues. Richard Zierdt informed delegates that police in Wheaton area are ticketing cars 'parked the wrong way' (with left wheels against the curb) but are not ticketing cars blocking driveways, a violation that negatively impacts residents.

Arnie Gordon expressed concern that the company awarded the county speed camera contract is receiving 40% of funds collected in fines from their use. He also noted that local neighborhood roads are experiencing an increase in through traffic to avoid roads with speed cameras. Arnie suggested MCCF send a letter to the County Executive and Council opposing the proposed elimination of funding for Police Department's Office of Community Outreach which includes the Neighborhood Watch Program.

Old Business. None.

New Business. Ms. Mast presented recommendation from ExComm to bestow Honorary Membership in MCCF on Lynn and Bernard Kapiloff, Chief Executive Office and Publisher of The Montgomery County Sentinel; moved, seconded and approved (16-0-2).

Meeting adjourned at 10:06 p.m.

Reserve Your Tickets for the Montgomery County Civic Federation's

2008 ANNUAL AWARDS BANQUET

Friday, May 9

Cocktail Reception 6:00 to 7:00

Banquet Dinner & Awards 7:00 to 9:30 p.m.

New Fortune Restaurant

16515 S. Frederick Avenue, Gaithersburg

\$30 per person or \$50 per couple if reserved by Wednesday, May 7

\$35 per person or \$60 per couple after May 7 or at the door

\$10 per person for reception only, 6:00 to 7:00

Directions: New Fortune is in the Walnut Hill Shopping Center on Route 355, one block northwest of the intersection with Shady Grove Road & I-370.

Price includes wine and sodas at the reception. Cash bar.

Dinner Menu: Dumpling Appetizer, Soy Sauce Chicken, Beef Chow Foon, Chinese Broccoli with Oyster Sauce, Fried Tofu with Vegetables, Twice-cooked Pork, Singapore Noodles, Boiled Rice, Cantonese-style Steamed Fish, Orange Wedges

Please cut off and fill in this stub. Mail with a check payable to the Montgomery County Civic Federation to:

Ms Luella Mast, MCCF Treasurer, 809 Hobbs Drive, Colesville, MD 20904

I/We will attend the banquet _____

(Please print name(s) as you wish them to be on your name badge at the banquet)

Association or Organization (if applicable) _____

Contact information _____

(Telephone)

(Email)

You may reserve a table for ten. Please list those sitting at your table if you wish to do this.

Federation Meeting

Monday, May 12

7:45 1st Floor Auditorium

County Council Office Building.

100 Maryland Avenue

Rockville, MD

Agenda:

7:45 Call to Order

7:46 Introduction and Announcements

7:55 Adoption of Meeting Agenda

7:56 Approval of Minutes and Treasurer's Report

8:00 Program: Judge Beard - County Judiciary 101

9:20 Bylaws Amendments

9:30 Committee Reports

9:45 Member Issues

9:50 Old Business

9:55 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 Federation meetings are open to the public and are held on the second Monday of each month September through June 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, Saturday, May 24**. Prepare submission as an MS Word, Word Perfect or text-only document, **attach** it to e-mail, and send it to hotyakker@comcast.net

Please send all address corrections to Dan Wilhelm, 904 Cannon Road, Silver Spring, MD 20904, 301-384-2698, or djwilhelm@verizon.net.

NEXT EXECUTIVE COMMITTEE MEETING

Wednesday, May 21, 7:45 p.m.

At the home of Arnie Gordon

7 Minuteman Court
Rockville (Almost Olney) 20853*



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