



Civic Federation News

March 2010

Serving the Public Interest since 1925

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March Program: The Proposed FY 2011 Capital Budget, and Capital Improvements Program By Chuck Lapinski, Public Finance and Utilities Chairman

Our program on Monday, March 8 will be on Montgomery County's Capital Improvements Program (CIP), the proposed FY 2011 CIP Budget and related issues. This budget was submitted by the Executive to the County Council on January 15th. The Council held public hearings on the CIP Budget February 16-17-18, but the Council's formal "work sessions" will take place after our March 8 meeting. We plan to provide specific concerns and issues to the Executive Committee for their concurrence, and any resolutions that are passed at our March meeting will be submitted to the Council at their work sessions.

To set the framework for this program, the Council approves annually appropriations (i.e., funding, your taxes which finance both budgets) for the operating and capital budgets by June 1. In even numbered years such as 2010 the Council also approves a 6 year CIP, which is a projection of new and replacement infrastructure needs throughout the County (i.e., schools, roads, bridges, offices, maintenance facilities etc.). It is substantively revised every two years, and undergoes minor changes throughout that 2 year time period. The six year timeframe of the CIP is only a short time and a relatively small down-payment out of the total amount required to both maintain our current infrastructure and begin to build the new infrastructure required for our growing population, as well as the demands posed by new and revised Master Plans. Past and current County capital investment history strongly indicates that our financial resources are inadequate to meet these requirements. And, the construction of these resources

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Mark Your Calendar Now
for the
Montgomery County Civic Federation's
2010 ANNUAL AWARDS BANQUET
Friday, May 14, 2010
6:00 to 9:30 p.m.
Conference Center
at the
Universities at Shady Grove

always lags well behind when they are actually needed! In fact it is easily argued that the execution of the Council's and the Executive's processes, both planning and decision processes, are out of sync with the current, near and long term needs, and have only served to exacerbate their undesirable effects, while not beginning to resolve them!

We have confirmed that experts from our Council and Executive staffs will be here to spearhead the Capital Budget discussions. The experts include: Glenn Orlin, the County Council Deputy Staff Director (and Council's primary budget guru); and, Joe Beach, Director of Office of Management and Budget (OMB) and members of his Capital Budget/CIP staff. Both branches of our government will summarize their perspectives of what is funded in the Capital Budget and CIP and the adjudication processes that should result in an agreement on a new Capital Budget. We will also provide ample time for your questions.

An Aggressive Capital Budget and CIP in a Challenging Economic Environment!

Now let's look at some aspects of the proposed Capital Budget/CIP. In the title to this section, I've used two key descriptors: "aggressive", and "challenging economic environment". The following proposed Capital Budget facts will help to provide some perspective on why I chose them. The budget documents and press briefings tout the following:

- The new Capital Budget for the CIP is projected to exceed \$4 Billion, an increase of 7% over the

previous Capital Budget. It is funded by County taxes and long term bonds. This rate increase has been described as aggressive.

- The WSSC would add nearly \$1.7 Billion to this total. Its budget must be approved by both Montgomery's and Prince George's County Councils. However, it is funded by our quarterly bills for water and sewer services and its own bonding authority. It is not supported by taxes or funding from either County's resources.
- The proposed budget provides for the new and replacement infrastructure needed immediately throughout the County (i.e., schools, roads, bridges, offices, maintenance facilities etc.).
- The CIP provides for some increase in inflation over the next six fiscal years.
- The proposed increase in CIP would take advantage of current lower construction costs, and lower interest rates on bonds.
- The current bond debt is over \$2.0 Billion, and its interest cost (i.e., debt service) in the current budget is \$249 Million. This will rise with the proposed increase in long term bond debt.
- The proposed Capital Budget and its proposed funding through an increase in bond debt and taxes, stays within the financial indices guidelines that should maintain our very desirable AAA bond rating.
- However, the ratio of debt service to County revenue increases from a preferred 10% per year to over 11% in some years.
- The County CIP significantly decreases (by almost half) the allowance for cost overruns.
- The Council has generally exercised its Oversight and Accountability responsibilities by adhering to the Spending Affordability Guidelines (SAG).

Now, let's look at the challenges posed by the current economic environment.

- The County has a current operating budget gap of a nearly \$100 Million for this fiscal year, and over a \$600 Million gap to close for next year's operating budget.
- The costs to operate and/or maintain the increase in new and replacement infrastructure will increase their costs in succeeding County operating budgets.
- Although a significant reduction is being made in the County's infrastructure maintenance backlog, a major reduction is still largely unmet.
- The County is projecting continued sizeable investment and other support from the State. Again this year, the State budget started with a gap of nearly \$2.0 Billion. The Public Works Committee closed this gap by nearly \$1.0 Billion, and the

Governor again submitted an unbalanced budget of approximately \$1.0 Billion to the Legislature to close. Last year the gap was partially reduced by "stimulus funds" from the Federal Government, some of which will carry over into the proposed fiscal year. It is very unlikely that there will be any new "stimulus funds" for the proposed FY2011 fiscal year, and the State's continuing budget problems will ripple down to the County.

- The County CIP plans for continuing but modest State support principally for new schools and state road improvements. However, as with past State budget gaps, the County has and will remain the preferred disproportionate bill-payer. It is very unlikely that it will receive its proportionate share based on the disproportionate taxes we pay to the State. For example the County's CIP plans for \$40.0 Million per year from the State for schools, but County's plan calls for an expenditure rate of nearly \$250.0 Million per year for schools.
- The past increase in spending rates by the County and particularly the State were and will remain unsustainable. The taxpayer can only be taxed so much, particularly with relatively high unemployment rates in the county and across the State.
- Since the beginning of the calendar 2010 year, Federal 10 and 30-year long term bonds and short term bonds rates have slowly but steadily risen, and are likely to continue doing so for the next few years. This is a strong indicator that inflation is expected to increase, and could easily exceed the modest increases included in the County's CIP.

There are more facts that can be added to these lists, but this is enough for you to get the picture. Is the proposed CIP prudent? Do we have enough cushioning built into the proposed CIP budget? Can we ratchet down fast enough if the economic environment continues to deteriorate? Let's see what insight these gurus provide at our meeting.

Consultant Issues Draft Recommendations on Zoning Ordinance Rewrite by Jim Humphrey, Chair, Planning and Land Use Comm.

The Code Studio of Austin, Texas, the expert consultant hired by the Planning Department to advise on the planned rewrite of the county's zoning ordinance, has issued a draft recommendations report. The draft report, entitled "Zoning Montgomery", addresses such elements as districts (zones) and the uses to be allowed

in each, development standards, procedures, format of the new code and adoption approach. The consultant will now solicit comments from stakeholders. When finalized, the report will set the approach and direction for rewriting the zoning code. The draft report can be accessed on the Planning Department's website at <http://bit.ly/zcoderw>.

County Closes 11 Recreation Centers without Public Hearing by Carole Ann Barth, Chair, Parks & Recreation Committee

On February 9, the County Council voted to temporarily close 11 recreation centers as part of a package of cost reductions to the current (FY10) operating budget. There was no notice to the communities who rely on these facilities for meeting space and community events. The estimated savings would be about \$16,000 per building or 0.02% (2 hundredths of one percent) of the Parks Department's \$83 million budget.

The 11 facilities slated for temporary closure are: Owens Park in Beallsville; Lynnbrook Park in Bethesda; Stoneybrook Park in Wheaton; Camp Seneca in Boyds; Ken-Gar Palisades in Kensington; North Chevy Chase; Maplewood-Alta Vista in Bethesda; Nolte in Silver Spring; North Four Corners in Silver Spring; Clarksburg Neighborhood Park; and Colesville Local Park. The County Recreation Department often has classes in these buildings. Boy and Girl Scout troops, civic associations, and other groups use these facilities for their meetings. Community events such as the Colesville Strawberry Festival, the Maplewood Spring Social, the East Bethesda Labor Day Picnic and Halloween Parade, and the Northwood-Four Corners' National Night Out Celebration and Rachel Carson Meadow Festival are held in these centers.

MCCF believes the affected communities and civic associations should be notified and allowed to address this issue. This is more than simply an issue of providing transparency. The rationale for closing these particular buildings is that they are considered "underutilized". Community groups are the major users of these buildings, and as such they can provide valuable information on what's working, what needs to be changed, and how to get more effective utilization. We believe the usage rates would increase if the reservation and permitting systems were improved. For example, when the Westmoreland Hills Citizens Association took over booking and management of the Westmoreland Hills facility, usage increased dramatically.

MCCF urges the County to accommodate the civic associations and groups that regularly use these centers for meetings and annual events; and to honor existing facility rentals. Most (8) of these facilities are located in the densely populated down county, where residents can walk to the building. Many are located near bus lines or other public transit. It makes little sense to force residents of existing, walkable communities out of neighborhood facilities and into their cars to conduct their civic life elsewhere. This is also completely counter to the planning policies calling for walkable and livable communities. To force communities to immediately find (and pay for) alternate venues, moreover, is an undue hardship to impose for such minuscule savings.

MCCF calls for more transparency in the budgeting process. In addition to the notice issue raised above, there needs to be open access to proposed budget details. Summarized budgets do not allow for full and fair discussion of options. For example, we wonder how the \$16,000 savings per building compares to the ongoing expense of both the Parks and Recreation Departments maintaining separate facilities reservation systems, using separate copies of the same software and separate staffs doing the same work.

Such detail is also required to better mesh the operating and capitol improvements budgets. For example, the recreation center in the North Four Corners Local Park has had a new foundation, air conditioning system, and roof installed. It will be a waste of these capital investments if this building is now closed to public use. The reverse is also worth examining; if the County truly can not afford to operate its existing public amenities, then shouldn't it consider postponing the construction of new infrastructure? Again, the only way to make fair and practical decisions is to look at all the details.

For all these reasons, MCCF urges the County to take a closer look at each of the 11 facilities slated for closure. There should be a fair and open discussion of the fate of these facilities both in the current FY10 operating budget and the proposed FY11 operating budget.

After all, this is where neighborhoods come together to celebrate and cement the bonds of community. This is where long-time residents welcome newcomers and together forge a community identity. Surely it is not too much to ask for careful deliberation and public input on facilities which are so important to our quality of life.

Woody Debris: It's a Good Thing!

By Carole Ann Barth, Chairman, Parks & Recreation

A number of folks noticed a debris dam that built up in the Northwest Branch this Fall. Concerned river-watchers feared it might cause problems. However, what humans consider “debris” is actually crucial to a stream’s ecosystem. When trees and logs fall into the stream, they provide structure, habitat, and food.

For example, as water moves around a tree’s rootwad, a deep, shaded pool is formed. Pools, as any fisherman will tell you, are where the fish like to hang out. Healthy Piedmont streams have a combination of features including: cascades, pools, riffles (shallow areas with a floor of rocks and pebbles) and runs of smoothly flowing deeper water. In fact, restoration of impacted streams usually includes bioengineering to replace lost structures.

Woody debris provides both food and habitat to the algae, microbes and macroinvertebrates (critters big enough to see without a microscope.) As they slowly break down the wood, it is recycled into nutrients. Predator insects feed on the little recyclers, and in turn, salamanders, fish, and frogs feed on the predator insects. Meanwhile the beaver use these dams as a pantry - stocking the water with saplings for winter food.

In fact, research has proved that fish need forests and forests need fish. In the Northwest, forested streams have much healthier fish populations than streams that have been logged. In addition to providing food and habitat, trees hold back sediments and their shade keeps the water cool. More surprisingly, however, it was found that forests along salmon streams were healthier than forests along streams without a good salmon population. It turns out that as salmon return to spawn and die, they are in turn recycled as nutrients for the trees.

To put it another way, waste or debris is a purely human concept. In the natural world, resources cycle through the ecosystem, linking all the varied forms of life. Unfortunately, we humans have managed to create trash. We generate organic wastes that are too concentrated and plentiful for natural recycling. We have also created substances like plastic that can’t be absorbed into the cycle.

So, while we don’t need to worry about trees in the stream, we do need to keep out the trash. If you are interested in volunteering for trash cleanups or other activities in stream valley parks, contact Jayne Hench, the Volunteer Services Coordinator at the Montgomery Parks Department, jayne.hench@montgomerypark.org, (301) 495-2504. If you want advice on conducting your

own community cleanup, contact Carole Ann Barth at cbarth@mindspring.com or (301) 593-7863.

Remember, “Woody Debris: Let it Be!”

President’s Message

By Peggy Dennis

It’s been a helluva winter, hasn’t it! For the first time ever both our regular monthly meeting and our Executive Committee had to be cancelled, although the ExComm did conduct a very successful meeting via teleconference! That’s another first. And a reminder: we will be bringing up the resolutions that were proposed in the February newsletter at the March meeting, so please bring the February newsletter with you.

But spring is just around the corner. What better time to think about pulling out your old bicycle, oiling the chain and tightening up the brakes in anticipation of blue skies and balmy days. Soon the daffodils will be tossing their golden heads in the breeze and the blue birds will be checking out their nesting boxes and arguing about which one has the better mortgage interest rate.

Now, about bicycles! How many of us are aware that a bicycle is, per calorie burned, one of the most energy efficient ways to move from point A to point B? A growing number of studies have shown that walking for 20-30 minutes a day is incredibly beneficial to our health and vitality. But how many of us will walk 30 minutes to get to our place of work, or 20 minutes to buy groceries? How many of us make the time for a 30 minute recreational walk every day? Most of our “local” trip could be easily and quickly done by bicycle, and our health and spirits would benefit from the fresh air and exercise. Our county planners are now trying to design parts of the county slated for future redevelopment to be more sustainable – more walkable and bikeable. But while doing this, they should be looking at what features continue to be major deterrents to bicyclists.

Both racing and recreational bicyclists continue to shun the majority of “hiker/biker” paths built along major thoroughfares. The path along Falls Road is a case in point. It’s safe and well away from the road. It gets plenty of use by walkers, joggers and biking families with very young children – the training wheels set. But almost all bikers – myself included - ride in Falls Road right in the traffic. Why? First, because the hiker/biker path was engineered for pedestrians and not for bicyclists. It crosses many driveways and has numerous, steep hills – much steeper than the gentle hills on the road. Second, because it is never maintained. Tree

branches grow across the path at a level to easily slash a bicyclist's face or poke out an eye. Mud slicks form in low spots that can cause a bicyclist to skid and take a nasty fall. Tree roots push up the asphalt creating crotch-jarring speed bumps. If the county is serious about getting more people onto bicycles, bike route maintenance should include mandatory yearly sweeps with the same street sweeping machines that service streets in our urban areas. Bicycling groups should "adopt a bike path" and carry out annual "path parties" to cut out low branches and report other serious hazards to the DOT. And when we bicyclists arrive at our destinations, we should find plenty of bike racks where we can safely lock our bikes while doing errands, attending PTA meetings or catching the bus or Metro to other destinations. Since the management companies controlling most of our commercial areas have not thought to provide parking for bikes, perhaps legislation mandating X number of bike spaces per 1,000 square feet of commercial space is in order. Now, let's see which of our County Councilman will take up this challenge!

Conservation Easement Website by Ginny Barnes, Environment Co-Chair

Maryland-National Capital Park and Planning Commission (MNCPPC) has created a new online interactive map that will prove invaluable to citizen activists. Environmental planners have mapped the approximately 3,000 easements across Montgomery County to provide information to the public about how to respect easements and protect natural resources. It finally makes it possible to verify conservation easements and report violations without having to find staff at the Commission beforehand. It increases enforcement capability, citizen accuracy and will lead to conservation easements being used as intended. With our planet in such distress, protecting easements is a critical aide. Hopefully, the Department of Permitting Services (DPS) will also use the new tool since they have been guilty of issuing building permits within the forbidden conservation easements, thus complicating efforts to enforce the conservation easements since one agency of government cannot issue violations to another and property owners cannot be held responsible for DPS's mistakes.

To find out if an easement is in place on a property, you need only the address. Go to <http://www.bit.ly/MCeasements>, choose the map tool, type in the address and a map will show an aerial view of the property and any easements on it. If you believe there is a violation, you can report it online. An inspector can then be sent to check into the situation.

Minutes of the February 17 Executive Committee Meeting By Sandy Vogelgesang, Acting Recording Secretary

Due to unprecedented snow, the Executive Committee met via teleconference arranged by Dan Wilhelm.

Call to Order. President Peggy Dennis called the meeting to order at 7:55 PM. Participating: Peggy Dennis, Dan Wilhelm, William Schrader, Jim Humphrey, Carole Ann Barth, Jim Zepp, Ginny Barnes, Chuck Lapinski, Paula Bienenfeld, and Sandy Vogelgesang.

Adoption of Agenda: Peggy called for and received approval of the agenda (sent out electronically).

Adoption of Minutes for January 20 ExComm meeting: ExComm approved the amendment of the minutes to show unanimous ExComm approval for the proposed resolution on development of the Milestone site in North White Oak.

Treasurer's Report: Treasurer Bill Schrader provided an update on finances and membership renewal. The MCCF account balance is \$10,447.72. Fifty local associations, one umbrella association, four regional/county-wide associations, and 21 individual associates have joined for the current year. Membership dues now exceed budget projections for this fiscal year.

Discussion of website and possible blog: Peggy reported on the work underway on the website. Jim Humphrey and others agreed to meet with the web designer in the near future to review software use. ExComm agreed that Paula Bienenfeld and Jim Humphrey would head up a small ad hoc blogspot committee which will make recommendations to the ExComm on next steps.

Discussion of County's snow removal policies and practices. Excomm agreed that Dan Wilhelm, with input from Chuck Lapinski and others, will draft a letter to County and State officials. The letter will highlight concerns about policies that came to light during the recent snow storms such as slow removal from neighborhood streets, the failure to issue a declaration of a state of emergency which might have facilitated road clearance, the high rate of equipment breakdown, the

slow rate of snow removal on State (versus County) roads, and safety issues for pedestrians dealing with snow-covered sidewalks. A second letter will be prepared in the spring addressing the issue of whether Montgomery County receives a fair share of State resources for roads and other needs.

Programs. Excomm agreed on the following topics for forthcoming programs:

- March: FY11 Montgomery County FY 11-16 Capital Improvements Program (CIP) (Chuck Lapinski arranging program)
- April: FY11 Montgomery County Operating Budget (Chuck Lapinski arranging program)
- May: Agricultural Reserve (Jim Humphrey and Diana Conway arranging program)
- June: Deer management (Carole Ann Barth arranging program)

Committee Reports

Nominating. Peggy reported that Cary Lamari is making progress on the slate that will be presented this Spring. There is a particular need for nominations for first Vice President.

Awards. Jim Humphrey presented a status report on nominations for the awards to be presented at the Annual Banquet in May. ExComm agreed to re-name the Gazette award for public service in honor of former MCCF president Wayne Goldstein.

Environment. Ginny Barnes, Chair, reported that M-NCPPC has created a conservation easement website which provides an interactive online map that will be invaluable to citizen activists. (See separate article for details.)

Public Finance. Chuck Lapinski, Chair, reported on likely speakers for the two upcoming MCCF meetings on the County capital and operating budgets. He urged Excomm members and others to send ideas and questions that he can use in the two programs.

Education. Paula Bienenfeld, Chair, noted concern about snow accumulation from recent storms that has created a safety issue – both snow blocking sidewalks where children need to walk and snow accumulating on roofs of school buildings and portable classrooms. On the latter, it is not clear what kind of inspection has been done. In addition, Jim Humphrey raised the issue of funding for additional classroom capacity needed at Bethesda Elementary School. Although the County Council did approve funds for three school districts placed in moratorium because of inadequate classroom capacity, there is still no funding for the school that

needs added capacity most – namely, Bethesda Elementary.

Parks. Carole Ann Barth, Chair, reported on the status of Council action regarding the closure of eleven County recreational centers. Others provided background on this contentious issue. ExComm agreed that Carole Ann will prepare a letter to relevant County officials on this subject – raising such issues as the importance of the recreational centers for many civic associations, the need for public input into final decisions on these centers, and the matter of how usage rates for such facilities are determined. ExComm also agreed that there should be a separate hearing on the recreational centers – lest the issue be buried in the overall budget hearings.

Planning and Land Use. Jim Humphrey, Chair, flagged two issues. First, he reported on the new Zoning Text Amendment (ZTA) 09-08, legislation to create new mixed-use Commercial/Residential zoning. He noted concerns with ZTA 09-08, reflected in a letter sent on behalf of the MCCF to the County Council on February 14. According to that letter, Civic Federation objection reflects, inter alia, the belief that action before receipt of the consultants' report on the Zoning Code Rewrite Project is premature, the recommendation from the County Executive urging use of amended existing zones in master plans under consideration, and questions raised by the County Attorney, the Council staff and the City of Takoma Park. Jim and others will meet with relevant officials to urge postponement of a final vote on this ZTA. Second, he reported on ZTA 10-01 regarding voluntary workforce housing. ExComm agreed to Jim's sending a letter recommending a change in the wording of the legislation.

Legislation/Committee for Montgomery. Dan Wilhelm, Chair, underscored the continuing severity of the budget situation at the state and county level and reported on other issues. ExComm agreed with his proposal to send a letter to the appropriate legislative committees, urging more transparent state government. Jim Humphrey raised the issue of House Bill 891 introduced by a Montgomery County Delegate seeking authority for the Montgomery County Department of Economic Development to make an "equity investment" in a company that does business in Maryland. The ExComm agreed to oppose this bill as an inappropriate use of taxpayer funds. Dan confirmed that the ExComm had agreed via email exchanges between meetings to support three bills:

- HB223 (was MC14-10). This is the bill that was covered in the MCCF Newsletter. It grants a waiver

for FY10, our current year, and would thus negate the fine the State Board plans to impose on the County. The entire MC delegation, Council and Executive support this bill.

- HB304/SB310: This bill specifies factors the State Board must consider when making a decision whether to grant a waiver. It covers the future. If HB410 and this bill pass, this bill effectively would apply for FY12, which is a more reasonable schedule for starting it.
- HB410: Grants a waiver for FY11 for all the counties and Baltimore City.

Old and New Business. Jim Humphrey raised the issue of Bill 1-10 introduced by Councilmember Trachtenberg with co-sponsorship from Councilmember Knapp which proposes creation of a new County position to oversee future development projects and ensure that plans are followed as envisioned. The bill directs the County Executive to designate an employee in the Office of the Executive or in the Office of the Chief Administrative Officer as the development coordinator for each planning area for which a newly revised master or sector plan has authorized intensive new development or redevelopment. ExComm agreed that Jim will draft a letter for ExComm approval that will, if approved, be sent to the County Council expressing our concerns about the necessity for creating these new positions and the ability of County Executive staff members proposed for these assignments to handle the additional workload.

Newsletter Assignments. Peggy summarized proposed articles for the next Newsletter.

Adjournment. The teleconference adjourned at 10:12 PM.



Federation Meeting

Monday, March 8, 2010
7:45 1st Floor Auditorium
County Council Office Building.
100 Maryland Avenue
Rockville, MD

Agenda:

7:45 Call to Order
7:46 Introductions & Announcements
7:56 Approval of Meeting Agenda
7:57 Approval of Minutes from Jan.11 meeting
7:58 Treasurer's Report
8:00 Program: FY2011 CIP Budget
9:15 Resolutions (see Feb. Newsletter) for discussion
& voting
9:40 Committee Reports
9:50 Old Business
9:55 New Business
10:00 Adjournment

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, March 20**. Prepare submission as an MS Word, Word Perfect or text-only document, **attach** it to an 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, March 17, 2010, 7:45 p.m.

At the home of Sandy Vogelgesang

9009 Charred Oak Drive

Bethesda, 20817



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