



# Civic Federation News

March 2013

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Montgomery County Civic  
Federation

[www.montgomerycivic.org](http://www.montgomerycivic.org)  
[montgomerycivic@yahoo.com](mailto:montgomerycivic@yahoo.com)

**Peggy Dennis, Editor** - Phone: 301-983-9738 - Email: [mccfnewsletter@gmail.com](mailto:mccfnewsletter@gmail.com)  
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## March Program: State and County Budgets

By Charles Lapinski, Public Finance Chairman

Our program on Monday, March 11 will be presented by Steve Farber, Staff Director for the Council; Jennifer Hughes, Director of OMB; and, Joe Beach, Finance Director. Our guests will discuss the following budget and financial issues, including but not limited to:

- Commercial and residential property tax assessments
- Proposed County Executive raises for county employees – are they justified and are they sustainable
- Other government and department requests that exceed budget guidelines
- Bond authority and ratings.

For a more detailed discussion of budget issues, see the article on Page 2.

## Community Heroes: South Four Corners Civic Association and Harriet Quinn

By Jim Zepp, Public Safety Chairman

The South Four Corners Civic Association (SFCCA) will be recognized as our March Community Hero for its fight against a special exception application which would have permitted a large, 150 child day care facility to be built in its neighborhood in violation of the State regulations for facilities of the proposed size and in spite of the guidance set out in the Four Corners Master Plan specifically discouraging such uses in residential areas

### Mark Your Calendar Now

for the  
**Montgomery County Civic Federation's  
2013 ANNUAL AWARDS BANQUET**  
**Friday, May 3, 2013**  
**6:00 to 9:30 p.m.**  
at the  
**Golden Bull Restaurant**

adjacent to commercial districts. During this five year long ordeal for the community, the developer:

- submitted an original plan and three major revisions, each of which failed to substantively address the objections to his request. The original proposed facility had a capacity of 150 children, but the state regulations for a property of this size limits it to a maximum of 75 children; the subsequent revisions lowered the facility capacity to 120, 96, and finally 76 children.
- Spent nearly \$2 million for lawyers and consultants;
- asked for and received five decisions by the MNCPPC Planning Board and staff. Two MNCPPC staff decisions and two unanimous votes by the MNCPPC Planning Board recommended denial of this request.
- obtained a finding by an Office of Zoning and Administrative Hearing examiner that extended over a two year period and involved the submission of 164 exhibits; and
- had the Board of Appeals vote twice on his request application. In the end, the special exception application was denied and the Four Corners Master Plan's recommendation against such a commercial development in that location was upheld. The community was finally victorious in its opposition when the developer decided not to pursue further appeals in court.

This outcome was due to the tireless and persistent efforts by SFCCA residents and their attorney to actively monitor the special exception process throughout its various steps; to investigate and intervene to correct

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information in various submissions by the developer and actions by public officials; and to thoroughly research the relevant regulations, procedures, and circumstances for the proposed project. During this special exception review process, the community had to contend with a single MNCPPC staff member being allowed to reverse a denial decision that the Planning Board had unanimously voted on twice and two violations of its own procedures by the Board of Appeals when it twice voted on this request, which led to two more subsequent votes. If the community had not actively intervened, these improprieties would have been allowed to stand.

As a side note, despite their many complaints about the extensiveness and length of the special exception process, this matter also shows how well-financed developers can take advantage of endless appeals and opportunities for meaningless revisions hoping to exhaust the time and resources of affected citizens and create an undue burden on the public bodies that must treat such delaying tactics as legitimate participation. That there is no penalty for unresponsive behavior to repeated denials creates an incentive to do so when it is believed that applicants will ultimately be rewarded with an approval just to get them off the agenda.

Also sharing in this award as Best Community Hero in A Supporting Role, is Harriett Quinn from the Woodmoor-Pinecrest Civic Association (WPCA) because of the extensive work she did in helping the SFCCA throughout the special exception process contributing an exhaustive knowledge of the documents, relevant laws and procedures, and planning issues involved. Although not a resident of the affected neighborhood, the aid Harriet provided to the SFCCA is an outstanding example of a citizen helping other citizens, and she deserves special recognition in her won right by the MCCF.

## Early Review of State and County Budget Positions

**Charles Lapinski, Public Finance and Utilities Chair**

We enter the most frustrating and challenging time of the State's and County's legislative, financial, and political year. The Governor released his version of the State's budget calling for \$37.3 Billion. This represents an increase of more than 5% over the current budget and exceeds many standards such as the state/regional inflation indices which have averaged about 1% over the last 4-5 years. This increase would be implemented in an economy that continues to falter. October and November state unemployment figures were revised

upward and January's was flat. Maryland's property tax assessments dropped in every jurisdiction except Montgomery County which was up a very small fraction. While there has been some improvement in tax receipts, most of this revenue increase can be attributed to taxpayers taking gains/profits in 2012 due to the lack of resolution of what 2013 federal tax rates would be. In order to avoid the risk of rising rates, taxpayers needed to take those gains on or before December 2012. In the end, rates did not rise for most taxpayers, but that was not clear until the 11<sup>th</sup> hour.

So, what headline heralded the rollout of the Governor's budget? **NO NEW TAXES!** Great headline, but not true and worse than misleading. Unmentioned in the headline and story were several key but disturbing facts including continuing high unemployment and under-employment and a faltering state economy. Gambling receipts, often considered the holy grail of revenue to fund education continue to significantly lag projections. The public employee retirement/pension funds are only 64% funded and, according to the Maryland Tax Foundation, our state's returns on investments continue to significantly lag those of our neighboring states and peers. The special fund for state retirees health insurance is in even worse shape. Only when the bond rating agencies raised questions that put the state's "AAA" bond rating on the line, did the State's Treasurer and the Legislature take some long overdue and weak action. Of the three members of the Public Works Commission (PWC), only the Comptroller has shown any semblance of fiscal and financial prudence and recognized the unfair burdens placed on the state's taxpayers.

The Governor continues to push for his wind farm off the Maryland shore. His legislation would allow an additional fee added to electricity bills averaging \$5-10 per month in order to create a \$1.5 Billion fund to help finance the construction of the wind farm. Potential investors have so far all said NO to the wind farm proposal, and a required cost-benefit analysis which must be reviewed by the legislature and the MD Public Service Commission (PSC) has, so far, not been done. These projected numbers, moreover, don't include all the costs for transmission, "battery" storage and power conditioning needed to bring the power to your home and businesses. For these added costs, you can expect to see even more increases in electric rates in the future.

I have nothing against wind power. There is, however, a big assumption that wind power is the best technological solution, and the most economical over the near and long term. Government wisdom in

directing or hand picking technology solutions, particularly in energy power and distribution, has shown itself to be exceedingly poor at best. By any other name this proposed “investment fee” should be considered a tax.

The headline 3 Days Later: **MD Senate President Outlines Major Tax Increase for Roads.** So much for No NEW Taxes! I always thought that it was the Governor’s responsibility to submit a balanced budget which would include all taxes and fees as well as all costs. So why is the Senate President making this proposal? Why wasn’t this explicitly addressed in the budget the Governor sent to the Legislature? The Senate President proposes to increase the state sales tax on gasoline by 5% and possibly allow the counties to add an additional 3.5% sales tax. Nowhere do I see any mention that any of this revenue would actually go into the State’s Transportation Trust Fund.

Maryland hasn’t proven to be very trustworthy in guarding the monies in this trust fund. As many other news publications have stated, this trust fund has been raided regularly over the last 6 years and those funds have been used for other functions rather than for their intended transportation purposes.

Now the Senate President wants to lease the ICC to a private operator (presumably to the highest bidder) to raise new revenue. Is this an overdue admission that the ICC’s benefits did not exceed its cost? Certainly other alternatives were more cost-effective. And so far gambling receipts have dollar-for-dollar displaced funding for the schools. Is this Education Fund truly trustworthy? Our legislators and Governor need to “lockbox” these funds.

Down here at the county level, pressure to grow the budget comes from all directions. At the same time, Montgomery County is looking at a projected budget shortfall of at least \$135 for FY14, the next fiscal year. Over the past five years, the County has made numerous cuts to the size of government and to the services it delivers. Last year some small additions were made for some services such as libraries which had previously endured over 40% in cuts. It also gave County employees a one time bonus of \$2000 in lieu of step increases and guaranteed wage adjustments. Even that bonus exceeded the size of wage increases given to the employees in the private sector and industry. The County also increased taxes and fees multiple times over the same period. It still suffers by historical standards very high unemployment, and in addition, an under-employment rate estimated to be in the 15-20% range.

None of these rates bodes well for upwardly trending revenue any time soon.

Only preliminary data is available on budget requests for the FY14 budget. MC College (MCC) seeks a 7.5% increase in funding for its budget. It wants to fund raises for the professors who have gone three years without raises. This idea has real merit, as the College staff and professors did not benefit from the one-time \$2,000 bonus which other County employees enjoyed. MCC also wants to implement a flat tuition over two years.

In contrast, the MCPS Board of Education flaunted its defiance of requests from the County Exec and the Council because of continuing severe budget issues, to treat all school employees and teachers similarly to other (non-MCPS) County employees by holding down pay increases. While negotiated contracts have a certain sanctity about them, the contracts with the teachers union are not economically sustainable over the near or long term. The BOE has failed to constrain the rates of salary increases or condition them in any way to our real and difficult economic conditions.

The BOE seeks increased funding of over \$2.2 billion which more than covers Maintenance of Effort (MOE, which unfortunately is required by law), plus funding for an estimated additional 2900 new students, and continued funding for step/general wage adjustments which other County employees did not receive! To fund the teacher salary increases the BOE went so far as to cancel requisitions and funding of education support staff such as school counselors, psychologists and social workers. These positions could have been easily funded if the teachers’ raises and increased health benefits were limited to those allowed for other county employees! And there would have been some funding left over for other education purposes. To throw salt into the budget wounds, the BOE is seeking an additional \$10.7 million over and above the state’s Maintenance of Effort (MOE) requirement. That excess will increase the base for calculating future MOE requirements and thus perpetuate the increase in budget costs. Something is really wrong with this logic. Throughout the recession MCPS has received more than adequate funding to meet or exceed MOE requirements. This has been done to the detriment of other County budget needs. As the MCPS budget accounts for over 55% of total County spending, the BOE should exercise far more frugality and prudence.

Just this week, the County Executive presented his plan to grant County employees pay increases that exceed 13% over the next two years. As stated above, we have a

structural deficit that is projected to be \$135 million for the new budget year and staff directors have been requested to find across the board budget cuts. So now we have this step and guaranteed wage adjustment in an economic environment that shows no real signs of economic improvement and we have continuing high unemployment and under-employment rates in the County. In the private sector, salary increases (where they have been given) have been averaging about 2%, and the local/regional cost of living increases have averaged about 1% over the last 5 years. The proposed step and guaranteed wage adjustments for public employees is just UNSUSTAINABLE both immediately and for the long term.

## **President's Message--BRT: Transit of the Future or Soon to be Outmoded?**

**By Carole Ann Barth, President**

A great deal of effort and money is being expended in pursuit of various Bus Rapid Transit (BRT) proposals. BRT devotees firmly believe it is the one answer to all of the County's transit needs and traffic congestion woes. Most recently, the County Council voted to spend \$500,000 on more detailed studies related to the Transit Task Force Phase 1 recommendation. However, according to some estimates, it may take as long as 20 years to fully implement a countywide BRT network.

This has prompted me to question if we are investing in a solution that will still be relevant and robust in 20 years. Or, will future MOCO residents look back and say, "Why didn't they think ahead?" In other words, I'm wondering if other existing (or emerging) technologies for providing transit and/or reducing congestion hold more promise. So what are some of the promising alternatives?

Transit alternatives include personal rapid transit systems, group rapid transit, and share taxis. Congestion reduction techniques include adaptive signal control technology, driverless cars, and transportation demand management systems. (These alternatives are not science fiction, three states have already passed legislation permitting the operation of driverless cars.)

However, none of these alternatives were explored by the Transit Task Force. The task force only considered BRT versus building highways or doing nothing. Personally, I would be interested in learning more about these alternative options. I would also like to see us explore multiple strategies for improving transit and reducing congestion. Just as a hammer is a poor tool for driving screws, no single transit approach is ideal for all

kinds of trips, riders, routes, or neighborhoods. In that spirit, I've taken a quick look at Adaptive Signal Control Technology (ASCT). Future columns will consider additional alternatives.

Poor traffic signal timing contributes to traffic congestion and delay. Conventional signal systems use pre-programmed, daily signal timing schedules. Adaptive signal control technology adjusts the timing of red, yellow and green lights to accommodate changing traffic patterns and ease traffic congestion.

First, traffic sensors collect data. Next, the data is evaluated and signal timing improvements are developed. Finally, ASCT implements signal timing updates. The process is repeated every few minutes to keep traffic flowing smoothly and thereby maximize the capacity of existing roads. Using ASCT can also reduce emissions of hydrocarbons and carbon monoxide due to improved traffic flow.

According to the Federal Highway Administration (FHA), ASCT improves travel time by more than 10 percent on average. In areas with particularly outdated signal timing, improvements can be 50 percent or more. FHA also points out that even though real-time management of traffic systems is proven to work, these systems have been deployed on less than 1 percent of existing traffic signals.

Las Vegas is an example of a city that has invested in ASCT technology. By making the traffic lights "smarter", and taking a flexible, systems approach, Las Vegas is able to allocate "green time" wherever it is most needed to reduce congestion and keep traffic flowing smoothly. In fact, Las Vegas found that ASCT increased the capacity of its roadways by 20%. Yet implementing this system cost far less than constructing a single highway.

I think ASCT is worth investigating before we commit to spending billions on new BRT projects. Combined with an updated and expanded RideOn system, ASCT might offer real transportation improvements for far less money. But remember, this is just one tool. I believe what we really need, is a balanced, flexible transportation system designed to meet the needs of residents for work, shopping, and the full range of activities. We won't be able to develop such a system, unless we consider all the available tools.

## **MCCF Needs You!**

**By Peggy Dennis, Editor**

Nothing gets done without volunteers stepping up to do the work. And this is not hard work! We welcome new

blood, new ideas, interested beginners and old hands alike.

We need volunteers including a chairman to serve on our **Nominating Committee**. This involves no travel, no meetings, and most discussion will be done by email and phone. There are a small number of elective positions to be filled, so familiarity with our delegates is helpful!

We also need folks to serve on our **2013 Awards Committee**. Our Annual Awards Banquet on Friday, May 3, is just around the corner. The work of this committee - accepting nominations for award recipients, evaluating those nominations and making final recommendations on the awardees -- should be of short duration and may also be done largely by email and phone. The committee will be confirmed at the March Executive Committee meeting.

**Thanks to Corinne Yourman** from Willerburn Acres in Potomac who has stepped up to the plate and got in an early nomination. We would be delighted to receive more! If you can think of other individuals or groups who deserve recognition, please contact us with your suggestions.

Here are the descriptions of the awards and the rationale for each award:

- **The Wayne Goldstein Award:** awarded to an individual or group for outstanding service to the people of Montgomery County.
- **The Sentinel Award** - sponsored by the Montgomery Sentinel newspaper and awarded to an individual or group for a significant contribution to good government at the local level.
- **The Star Cup** - sponsored by the Federation and to be awarded to a Delegate or Committee of the Federation for outstanding public service on behalf of Montgomery County.

Please contact President Carole Ann Barth at 301-593-7863 or by email: [cbarth@mindspring.com](mailto:cbarth@mindspring.com) if you are willing to serve on either or both committees. We cannot do it without your help!

## State Legislation

by Dan Wilhelm, Legislative Chair

The Maryland General Assembly began its 90 day session on January 9. As of February 22, 1022 bills had been introduced in the senate and 1467 in the house. The bills are directed to one of the six senate standing committees and seven standing committees in the

house. There are 47 legislative districts in the state, eight of which are in Montgomery County. There is at least one Montgomery County senator or delegate serving on each of the committees.

The bulk of the review of the bills is handled by members of the committees or subcommittees. The committees hold public hearings on the bills then give each bill a favorable (many times with modification) or unfavorable vote. Since there are often many bills dealing with the same subject, they also combine the ideas from multiple bills into a single bill as appropriate. Bills (often modified) receiving a favorable vote in committee are sent to the house or senate as appropriate for a floor debate and vote. If approved in one chamber, the bill is sent to the other chamber where it goes to the appropriate committee to start the process. Many of the bills are introduced in each chamber (called "cross filing"), with their own number. This would mean that both chambers can be having hearings and debate at the same time. If each chamber approves a bill and they are identical, then the bill goes to the Governor for his action (veto or signature). If the bills are different, they go to a conference committee for "reconciliation". The reconciled bill is then sent to each chamber for a vote. Many of the bills die somewhere through this process or die because the 90 day session ends before the process could be completed.

I have reviewed each bill title and, when it's of interest to MCCF, the bill synopsis. I then provided the summary information on bills of interest to the MCCF Executive Committee. We discussed them and decided which bills we should support, support with modification or oppose. At that point Carole Ann Barth, Peggy Dennis and I wrote emails to the committee chair and copied Montgomery County representatives on that committee. The bills MCCF took positions on are as follows:

**Supported HB29/SB46** to Prohibit the Public Service Commission from authorizing an electric company to adjust the electric company's rates or impose any for company's failure to make investments in reliability.

**Supported HB115** that requires the Board of Education to develop and operate a searchable Web site that includes information relating to school budgets, audits, and procurement.

**Opposed HB165/SB807** that would require a school resource officer in each public elementary and secondary school as an unwise use of funds and taking police away from addressing crime.

**Supported HB146/HB174** that would make public charter schools eligible to receive State funds for school construction. All public schools should be considered when decisions are made on where to spend state funds.

**Supported HB1176/SB461** to provide online courses and services related to primary and secondary education for individuals with disabilities. We indicated that the online capability should also be accessible to others such as those with a long-term sickness or injury.

**Supported with modification HB513/SB824** to allow teachers to deduct classroom expenses on state income tax. We supported a deduction, not a credit for such expenses.

**Supported HB232** to exempt nonprofit organizations within elementary and secondary schools from being required to collect sales taxes.

**Supported HB207** which would require the Board of Education to develop a system of intervention for chronically absent students.

**Supported HB269** that would require new schools and renovated schools that receive State public school construction funds to include a controlled access security system to increase school safety.

**Supported HB196/SB171** as authorizing the appropriate authority to direct that voting by mail be utilized in special elections. Supported as a way to reduce cost for low turn-out elections.

A number of bills are related to registration and voting at polling places. **Supported HB224/SB279**, the Governor’s plan, for early voting. **Supported HB17/SB518** that provides registration on Election Day (we commented that election judges would not have time to handle this, so other staff is needed.) **Supported HB242/SB519** that provided registration during early voting. **Opposed HB137** that dealt with proof of identity because we felt the existing law is adequate. **Opposed HB481/SB519** requiring one early voting place in each district because the Board of Election should decide the number.

**Opposed HB49, HB729/SB367** which would require petition signer information be kept confidential. The process needs to be open so public can verify it is being run fairly.

**Opposed SB706** since it would increase the number of signatures on a state referendum petition from 3% to 5% of the qualified voters in the state. It is hard to get 3%

and the last election was one of the few times that a question has been petitioned to referendum.

**Supported bills HB1269/SB240 and HB2333** to study the redistricting process. Many of us think the congressional districts approved last year are an abomination in that they are not compact and don’t group people from the same geographic area together.

**Supported SB583** to authorize a county to enact laws concerning public finance of county elective offices, as a means to reduce the influence of special interests.

**Supported HB103/SB245** that would require design documents for the construction or renovation of school buildings to include information relating to the use of solar technology. Supported as a means of increasing energy efficiency and reducing pollution

**Supported HB896/SB877** prohibiting Program Open Space funds to build new or replace artificial turf on playing fields. Studies have shown many negative effects from artificial turf and the funds are intended to protect undeveloped land, an entirely different purpose. Also **supported HB 1262** requiring signs at entrances to artificial turf playing fields listing appropriate public health and safety warnings.

**Supported HB1148/SB592** to prohibit possessing or selling shark fins; an important measure for marine biology.

**Supported HB337/SB514, HB341/SB413 HB1274 and SB513** dealing with prohibiting hydraulic fracturing. This bill will protect the environment and safeguard ground water from being contaminated.

A number of bills deal with open meetings. **Supported SB230** that would expand the list of education-related meetings. **Supported HB331** that covered violations and penalty and supported **H484** since it authorized the Attorney General to enforce the law in this area. Open meetings are critical to effective operation of our democratic society.

**Supported HB160** that changed from “where allowed” to “unless prohibited” a person may ride a bicycle, play vehicle, or unicycle on a sidewalk. Sidewalks are the preferred place where young children should be allowed to ride the bikes.

There were a number of bills dealing with firearms and assault weapons. The MCCF membership voted to **support the Governor’s bills – HB294/SB281** and its eight parts (see minutes). The ExComm took positions on other bills as well. **Supported HB107/SB539** limiting maximum ammunition capacity of 10 rounds (we asked

why it couldn't match the New York law of 7 rounds). **Supported HB575/SB228** removing the 1-year statute of limitations for use of a firearm in the commission of a crime of violence or felony. **Supported HB375/SB266** that would require a firearms dealer's license be revoked if that person no longer satisfies the state requirements for record keeping and reporting. **Supported SB540** requiring reporting of lost or stolen guns. **Opposed SB577** as being overreaching in that it would require a gun owner have liability insurance and requiring an arms dealer to verify the person had such insurance. **Supported SB450** that makes funds available from the Education Trust Fund to be used in schools to provide mental health services. **Opposed HB394 and HB436** that would allow people other than the police to carry weapons on school property. We think that would be more dangerous than not having them on the property at all.

**Supported HB292** to retain the statewide DNA data base.

**Supported HB31/SB377** that would alter the definition of "person in a position of authority" as it relates to fourth-degree sex offense. It extends those covered to include part-time employees and contractors. We think everyone in a school must be covered by the law.

**Supported HB115/SB432** that requires debt collectors to disclose in writing information about the debt. This would allow people to better determine whether the debt was theirs.

**Supported HB1230/SB490** that increased the number of relationships that a domestic violence restraining order can be obtained. Domestic violence is a problem for many women and this would be one small step to addressing this problem.

**Supported HB1136/SB523** to allow legal notice requirements to be posted on the web rather than in a newspaper. This is more cost effective and it reflects the way most people search for information today.

**Supported HB574** to establish a state level office of inspector general. The inspector general investigates waste, fraud and abuse of an organization (in this case the state gov't). Such an office is an effective way to identify and have such problems addressed.

**Opposed HB223** to increase the speed limit on the ICC to 70 mph. The state has already announced it will increase it to 60 mph. The state DOT has said the ICC is not designed to safely have the posted speed at 70 mph. (Most people drive over the speed limit.) We feel that

safety engineers should be setting the speed limit, not elected officials.

We supported the idea of placing a constitutional lock-box on the state Transportation Trust Fund (TTF) so the funds can only be used for transportation except in an emergency. We supported the use of the TTF only when the Governor declares an economic emergency and 3/5 of both houses support the declaration. We **supported SB829** as having the best language compared with **HB59, SB253 and HB176**. We **opposed the part of SB253** that required funds collected from gasoline tax to be solely used for highways. We think these funds should also be used for transit. We **supported part of HB59** which would protect all dedicated funds.

**Supported SB205** that allows a motorist whom the police are attempting to pull over from an unmarked vehicle to precede directly to a police station or other lighted public location before stopping. This provides the public protection against someone impersonating a police officer.

## Education Committee Report

Paula Bienenfeld, Education Committee Chair

### BUDGETPALOOZA!

This past month the Civic Fed teamed up with the Parents' Coalition of Montgomery County, MD and the Montgomery County Taxpayers League for our First Annual Book Club Budgetpalooza. Volunteers from these organizations and others presented the MCPS Fiscal Year 2014 \$2.2Billion Budget, which makes up over half of our county budget. Turnout was great and we filled the room, so thanks to all who attended and thanks for a very interesting discussion. Special appreciation to presenters Gordie Brenne, Bob Dennis, Eric Hensal, Rosanne Hurwitz, Agnes Jones Trower, Bob Monsheimer, Janis Sartucci, and Louis Wilen for their presentations and findings; to Peggy Dennis who kept time; and to Janis Sartucci for taping the event. You can see the entire Budgetpalooza! discussion here <http://parentscoalitionmc.blogspot.com/2013/02/video-book-club-budgetpalooza.html>.

Here are some of the findings:

- Red zone elementary school teachers are paid 4% less than Green Zone elementary school teachers, and their students have lower math and reading scores (-12% and -5%). Why can't this be changed to incentivize performance?
- The stated number one goal is reducing the achievement gap, but targets are not quantified.

- Direct overhead (administrators, counselors, media specialists) is over 20%, excluding central office overhead, and off-budget overhead for security and nurses.
- A cost savings of \$424k is being achieved as the Secondary Learning Centers will be closed this year.
- It appears that MCPS expects Bridge Services to be reduced by 30 students next year.
- The budget decisions look like FY 2014 is focused on the national trend of Least Restrictive Environment (LRE) by emphasizing more services around general education.
- The budget works out to \$5 per student for hardware and software and \$175 per student for staff to support the hardware and software.
- Independent Activity Fund (IAF) information is being moved to a new system that is supposed to give parents online access to their children's accounts. However, there is still no plan to put IAF financial statements online. Parents must go to the media center of each school to see their IAF financial statement.

Please send us your suggestions for future Book Club discussions! What interests you? Send your suggestions to <http://montgomerycivic.org/contactus.html>.

**Starr Increases Proposed Fiscal Year 2014 MCPS Budget by >\$2Million**

This past week, in a memo dated February 25, 2013, MCPS Superintendent Josh Starr announced an increase in the proposed FY14 MCPS budget. Originally the proposed budget was to be \$2,217,247,656, an increase of \$48,950,123, or 2.3 percent, over the current FY13 budget. Starr is now requesting a total of \$2,219,627,546, an additional \$2,379,890. This amount still puts the county well over the Maintenance of Effort (MOE) number. With the new state law regarding the MOE, if this budget is enacted, taxpayers will be required to meet the additional minimum amount in the future. To review the entire budget, go here: <http://www.montgomeryschoolsmd.org/departments/budget/fy2014/> and to see Starr's memo with the increase, go to <http://www.scribd.com/doc/126605052/06-0-Adoption-FY2014-Operating-Budget>. Starr caveats this increase memo by stating that negotiations with unions are still not complete, so taxpayers still do not know what they will be paying to run the system.

Please read the MCPS budget carefully and send your comments to the Board of Education at [BOE@mcpsmd.org](mailto:BOE@mcpsmd.org), the County Council at

[county.council@montgomerycountymd.gov](mailto:county.council@montgomerycountymd.gov), and the County Executive at [ocemail@montgomerycountymd.gov](mailto:ocemail@montgomerycountymd.gov).

Here is the Updated Board of Education Operating Budget Timeline:

BOE FY 2014 Operating Budget Request presented to County Executive and County Council	March 1, 2013
County Executive issues Operating Budget	March 15, 2013
County Council holds Operating Budget Hearings and Worksessions	April – May 2013
Council approves Operating Budget	May 16, 2013
Final Board of Education Action to approve FY 2014 Operating Budget	June 13, 2013

**“Real Food for Kids – Montgomery” to Host Screening of *Cafeteria Man***

"Real Food for Kids – Montgomery" is a grass-roots parent advocacy group working to promote whole, delicious, fresh foods in the Montgomery County Public Schools. They will host a screening of [Cafeteria Man](#) - is a 65-minute documentary about Tony Geraci's work in transforming the meals in the Baltimore City Schools from pre-plated and processed to locally-grown and freshly prepared. The film's director, Richard Chisolm, will be a guest at this event. The film will be followed by a community discussion. The event will be on Friday March 15, 2013 at 7:30 p.m. at the Takoma Park Community Center at 7500 Maple Ave, Takoma Park. The suggested donation is \$5 per person, \$10 per family. Please direct any questions to [realfoodMCPS@gmail.com](mailto:realfoodMCPS@gmail.com). You can also visit them on Facebook at 'Real Food for Kids – Montgomery.'

**Focus on MCPS' Achievement Gap**  
By Frederick Stichnoth

The County Council's Office of Legislative Oversight is scheduled to release a study of MCPS' achievement gap on March 12, for consideration by the Council's Education Committee (Ervin, Andrews, Rice) on March 18. The OLO report is expected to show that blacks, Hispanics and poor students are about 85% as likely as their white, Asian and non-poor counterparts to be "proficient" in State reading and math tests, but only



about 45% as likely to be “advanced.” Black and Hispanic test takers are 40% and 66% as likely as whites to pass Advanced Placement exams. Black and poor students’ Scholastic Aptitude Test scores are about three-quarters as high as those of whites, with Hispanics about 5 percentage points better.

How much money should be devoted to closing the gap? The Council wants the OLO report to guide its gap-targeted budget appropriations to MCPS, and the Superintendent sells his budget by featuring its gap initiatives. He says \$5.5 million is devoted to new or expanded gap initiatives, but about half of his initiatives really aren’t gap-targeted. This is only new spending: MCPS won’t break down its base budget to show how much is devoted to the gap.

What is to be done? Dr. Starr prescribes professional development, community engagement and interventions with struggling students. The County Executive’s State of the County speech said expanded middle school after-school programs and expanded health and family services to poor students. All are necessary; none is different from what’s been tried for many years.

Who decides if more of the same is enough? The Superintendent is the default decider, but he seems unable to put more money into the very schools where African American, Hispanic and poor kids are concentrated, to place equally-experienced teachers in those schools, and to reduce the harmful concentration by adjusting school assignments. The Education Committee seems dissatisfied with just going along to get along: their report fills a vacuum and delivers a wake-up call. But the Council has only very limited say about the schools. So the report and Education Committee hearing are theater; the decider is us.

## Submit a Federation Corner column

Want to let others know about a problem affecting your community, or comment on an issue impacting the entire county? The *Montgomery Sentinel* publishes a weekly column entitled the “Federation Corner”, providing us with a platform to educate the public about MCCF and the issues of concern to our members. As the disclaimer on each week’s column states, “The views expressed in this column do not necessarily reflect formal position adopted by the Federation.” To submit an 800 to 1000 word column for consideration, send as an email attachment to Jim Humphrey, column coordinator, at: [montgomerycivic@yahoo.com](mailto:montgomerycivic@yahoo.com).

## Minutes of the February 11 Meeting

By Sue Schumacher, Secretary

**Call to Order:** President Carole Ann Barth called the meeting to order at 7:46 pm. Introductions followed.

**Agenda:** The agenda was amended to add 2 emergency resolutions: one addressing the Chelsea Court Project and stormwater implementation, and the other by Peggy Dennis on Gun Control. The amended agenda was approved.

**Announcements:** It was announced that there will be a Stop Costco Gas Station Rally; there will be a rally on gun violence on March 1; and a rally against the Keystone Pipeline on February 16 on the Mall.

**Minutes:** It was moved and seconded to approve the minutes of the January 14 meeting as they appeared in the Newsletter with a correction to a typo. The minutes were approved.

**Treasurer’s Report:** Bill Schrader reported that there are 56 paid associations and 9 paid individuals. These numbers are down from last year. Bill also announced that he is in the process of scheduling next year’s meetings.

**Community Hero:** Woody Brosnan introduced Jean Cavanaugh, Naomi Spinrad, Marilyn Piety and William Mentzer, who were instrumental in the founding of “A Citizens Coalition on ZTA 12-11” the group which followed, studied and publicized proposed changes to the zoning code on Accessory Apartments. These people and this group were responsible for suggesting alternative solutions to the problems they saw arising from the proposed legislation, including more inspections and enforcement to close illegal accessory apartments.

**Program:** The program was on the county’s storm water management program and how it is being enforced. Jean Cavanaugh representing Seven Oaks Evanswood Citizens’ Association, an association that borders the Silver Spring central business district. Within this association sits the Chelsea School on 5 acres that also has an historic house. For 3 years the association has been battling EYA, the developer of the Chelsea School property, over changing the zoning, from R-60 to RT-15, the densest townhouse development allowed, and the proposed loss of approximately 80 mature trees, many of which are over 100 years old. The problem is that the developer is not in compliance with the Maryland Stormwater Design Manual. It seems that when the Chelsea School site was approved for development in 1999, the Forest Conservation Law that was then in

effect then did not address storm water management. There was a question and answer period, and then Diane Cameron, a stormwater expert spoke. Diane encouraged associations to map their existing natural resources, to demand clustering and bring in engineers and architects for new buildings and road developments. She stressed that clear cutting lots for development or redevelopment should only be acceptable as a last resort, but builders want to use it as if it were their only alternative. She finished her talk posing the question: is the Chelsea School site a fluke or is it typical of the “standard operating procedures” for Montgomery County.

**Resolutions:**

Jesse Cantrill introduced the resolution on assault weapons that appears on page 2 of the February newsletter. The motion was moved and seconded. Debate centered on the fact that the County does not have the authority to implement the resolution. Jesse withdrew the proposed resolution. Peggy Dennis, immediate past president of MCCF, introduced an alternative emergency resolution on Gun Safety. There were seconds from more than 5 different associations, and the following resolution was adopted with vote being 14 yes, 2 no and 2 abstentions:

*Be it Resolved* that the Montgomery County Civic Federation supports SB-281 and all eight points of Governor O’Malley’s proposals on Gun Safety:

1. Banning Assault Weapons
2. Limiting Magazine Capacity
3. Licensing
4. Protecting Second Amendment Rights
5. Strengthening Existing Laws Prohibiting Possession
6. Restricting Ammunition Possession
7. Registering Weapons from Other States
8. Automating Gun Application Process

*The Civic Federation calls* on our State Delegates and Senators to pass all relevant legislation without weakening amendments during the current 2013 session.

President Carole Barth read the second emergency resolution addressing the Chelsea School Storm Water Management issue. It was moved and seconded by 5 different associations. The following resolution was adopted by a vote of 18 yes, 0 no, 1 abstention:

*Whereas*, Montgomery County Civic Federation is concerned that current County practice fails to implement current law that mandates Environmental Site Design (ESD) to the Maximum Extent Practicable; and

*Whereas*, failure to implement stormwater law increases pollution in our creeks, watersheds and the Chesapeake Bay; and

*Whereas*, contrary to current law and state and county regulations detailed in the Maryland Stormwater Design Manual, engineered and structured practices to manage stormwater runoff now take priority over the use of natural areas and landscape features and site design, unprotected trees, slopes and other natural features of a development site; and

*Whereas*, Chelsea Court can serve as a model for the rest of Montgomery County and the state of Maryland for environmentally responsible development, but only if the County insists that the developer implement ESD by using the site’s natural features as the first means for managing stormwater and, as the law requires, by resorting to structural solutions only when those natural means combined with site design solutions have been exhausted;

*Therefore, be it resolved* that the Montgomery County Civic Federation supports the request of the Seven Oaks Evanswood Citizens Association and the Audubon Naturalist Society that DPS revoke approval of the Chelsea Court Stormwater Management Concept Plan and require the applicants to submit a new proposed SWM Concept Plan that will protect and incorporate into the stormwater management design the existing trees and steep slopes on the property and thereby comply with state stormwater law, and state regulations and county law.

**Committee Reports**

**Legislation:** Dan Wilhelm reported that MCCF is sending emails on those state legislation issues that MCCF ExComm has voted on. He added that SB-8/HB-89 pertains to gas companies being able to add a fee to their bills to pay for infrastructure. He agreed to send to the membership the email from Senator Madaleno and also reference the material A. Gordon provided that spoke to the other side of the question.

**Parks and Recreation:** Carol Ann Barth indicated that there have been some changes to the park naming policy, and there is concern with the lack of transparency and the possibility of a conflict of interest with this.

**Nominating Committee and Awards Committee:** Peggy Dennis announced that these two committees need suggested names for committee members, awardees and the nominating slate.

**Public Finance:** Chuck Lapinski reported that the March meeting program attendees are confirmed. He announced that Montgomery County College needs money to fund professor salaries, and Montgomery Public School wants an addition over and above Maintenance of Effort (MOE) and also transportation funding from the State and County.

**Adjournment:** The meeting adjourned at 9:56 pm.

## Minutes of the February 20 Executive Committee Meeting

By Jesse Cantrill, Acting Recording Secretary

The Executive Committee met at the home of Bill Schrader in Silver Spring.

**Call to Order:** Paula Bienenfeld, acting for Carole Ann Barth, called the meeting to order at 7:55 p.m. Present: Paula Bienenfeld, Bill Schrader, Dan Wilhelm, and Jesse Cantrill.

**Adoption of Meeting Agenda:** Members who were present approved the meeting agenda. It was agreed that the meeting should continue in the absence of a quorum of executive committee members.

**Approval of Minutes of January 22, 2013 Executive Committee Meeting:** The minutes published in the February 2013 *Newsletter* were approved.

**Treasurer’s Report:** Bill Schrader provided a report showing that income to date is \$370 below the budget for the year, but that the balance of \$14,225 provides an adequate cushion for estimated expenses in fiscal 2013. Bill also provided a list of organizations and individuals who have paid membership dues during this year.

### Programs

March – It is understood that Chuck will present information about the County’s Capital Improvements Program. Paula offered to contact Chuck to confirm this.

April – Dan is planning to present a program on the County’s Transit Master Plan.

May – A decision about the May program will be deferred until something exciting comes along.

**Community Hero:** Bill Schrader read an e-mail from Jim Zepp nominating the South Four Corners Civic

Association for their opposition to the construction of a day care facility in their neighborhood in violation of the community’s master plan and County zoning regulations.

This nomination was approved and Paula said that she would ask Jim to make a presentation at the March 11 membership meeting.

### Issues for Discussion

Dan Wilhelm provided a synopsis of 17 bills that have recently been introduced in the Maryland Delegate Assembly or the State Senate. These proposed bills were discussed in turn and were each supported, opposed, or referred for more research. Dan was encouraged to reflect the views of the ExComm about each bill to the legislature.

The ExComm agreed to oppose SB623 introduced by Senator Raskin which, among other things, would ban possession of assault weapons in the State of Maryland. They cited the overwhelming opposition of the membership to a similar proposal at the meeting on February 11.

### Committee Reports

**Education:** Paula offered to provide a report of the recent review of the School District’s budget in the February *Newsletter*. She also noted that the Brickyard property has been retained by the Montgomery County Public Schools following a long controversy about the transfer of this land to a soccer organization.

**Transportation:** Dan reported that the Countywide Transit Corridors Functional Master Plan will be released in April or so.

### Date and Location of Next Meetings

the County Building. Free parking is available in the County garage adjacent to the meeting space.

The next executive committee meeting will be held on Thursday, March 21, at a location to be determined.

**Adjournment:** The meeting was adjourned at 9:43 p.m.

**Federation Meeting**

**Session 845**

Monday, March 11, 2013  
7:45 1st Floor Auditorium  
County Council Office Building.  
100 Maryland Avenue  
Rockville, MD

Agenda:

- 7:45 Call to Order & Introductions
- 7:50 Approval of Agenda
- 7:51 Announcements
- 7:53 Approval of Minutes of February 11 meeting
- 7:54 Treasurer's Report
- 7:55 Community Heroes: SFCCA & Harriet Quinn
- 8:10 Program: County's FY14 Budget
- 9:25 Committee Reports
- 9:45 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. 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 Council Office Building, 100 Maryland Avenue, Rockville, MD. Free parking in garage accessed from Monroe St. or from Jefferson St. heading east from I-270.

The **Civic Federation News** is published monthly, except in July and August. It is mailed or emailed 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: **Sunday, March 24**. Prepare submission as an MS Word, Word Perfect or text document, **attach** it to an e-mail, and send to **mccfnewsletter@gmail.com**

Please send all **address corrections** to Dan Wilhelm, 904 Cannon Road, Silver Spring, MD 20904, 301-384-2698, or [djwilhelm@verizon.net](mailto:djwilhelm@verizon.net).

**NEXT EXECUTIVE COMMITTEE MEETING**

**DATE: THURSDAY, MARCH 21, 7:45 P.M.**

**AT THE HOME OF DAN WILHELM**

**904 CANNON ROAD, COLESVILLE. 20904**



**Official Publication of the  
Montgomery County Civic Federation**

Dan Wilhelm, Database Manager

904 Cannon Road

Silver Spring, MD 20904

[DJWILHELM@VERIZON.NET](mailto:DJWILHELM@VERIZON.NET)

First Class Mail

*Address service requested*