

To ITA or Not to ITA | That is the question, writes Jim Zepp. | [MORE](#)

Open Meetings Compliance Law | All elected and appointed officials must comply with the Open Meetings Act, says Paula Bienenfeld. | [MORE](#)

Another Master Plan | The MARC Rail Communities Plan. | [MORE](#)

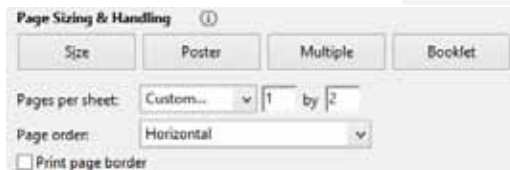
Subdivision Staging Policy | MoCo's Growth Policy should mean adequate public facilities. | [MORE](#)

Budgetpalooza! | Time again for that 'deep dive' into the \$2.4+ billion MCPS operating budget. | [MORE](#)

How to Print This PDF Newsletter

■ Choose "Print" (button shown at right) from the navigation bar at the top of Adobe Acrobat Reader. The Print Menu will come up.

■ Under "Paper Sizing & Handling" (shown at right), choose "Multiple," then, under "Pages Per Sheet" select "Custom" and "1 by 2," with "Horizontal" for Page Order. Press "Print."



of note

Next MCFE Meeting Date

Monday, November 9, 2015, 7:45 p.m.
@ the County Council Office Building
in Rockville. Guest Speaker: *Maryland State Comptroller Peter Franchot*

[AGENDA](#) • [PROGRAM](#)

November's Community Hero

Meet *Ricardo Loaiza*, the founder and Exec. Director of the MCPS After School Dance Program. [READ PROFILE](#)

Meeting Minutes

October Meeting [SEE MINUTES](#)
Exec. Committee Meeting [OCTOBER](#)

Membership Application

Join or Renew Now [SEE FORM](#)

Federation Meeting 870

Monday, November 9, 2015

7:45 p.m. | 1st Floor Auditorium
County Council Office Building
100 Maryland Avenue
Rockville, Maryland

AGENDA

- 7:45 Call to Order/Introductions
- 7:55 Approval of Agenda
- 7:56 Announcements
- 8:00 Approval of October 12, 2015,
Meeting Minutes
- 8:01 Treasurer's Report
- 8:03 Community Hero:
Ricardo Loaiza **MORE**
- 8:15 Program: *Comptroller Peter
Franchot* **AT RIGHT**
- 9:15 Committee Reports
- 9:40 Old and New Business
- 9:45 Adjournment

Maryland Comptroller Peter Franchot to Speak on Nov. 9

For our program on November 9, 2015, our guest speaker will be Maryland Comptroller Peter Franchot. He will be discussing the state of Maryland's economy, his role on the Board of Public Works, and other initiatives his office has been undertaking.

Peter Franchot was elected Maryland's 33rd Comptroller in 2006. Prior to his election to state-wide office, Franchot served 20 years in the Maryland General Assembly, representing the residents of Montgomery County. During his time in the Maryland House of Delegates, Franchot was a member of the Appropriations Committee and served as Chairman of the Transportation and the Environment Subcommittee.

MORE

mccf

The **Montgomery County Civic Federation, Inc.**, is a county-wide nonprofit educational and advocacy organization founded in 1925 to serve the public interest. Monthly MCCF meetings are open to the public.

The *Civic Federation News* is published monthly except July and August. It is emailed to delegates, associate members, news media, and local, state, and federal officials. Recipients are encouraged to forward the *Civic Federation News* to all association members, friends, and neighbors. Permission is granted to reproduce any article, provided that proper credit is given to the "*Civic Federation News* of the Montgomery County (Md.) Civic Federation."

Civic Federation News | Co-Editors

Peggy Dennis • mccfnewsletter@gmail.com
Jacquie Bokow • CFNeditor@verizon.net

Franchot to Speak, cont.

Over the past nine years, Franchot has served as a member of the Board of Public Works and as Vice Chair of the State Retirement and Pension System of Maryland. In recognition of his work on behalf of Maryland taxpayers, the Association of Government Accountants awarded Franchot its highest honor, the William R. Snodgrass Distinguished Leadership award.



Please attend this meeting to learn more about the office of the Comptroller and ask your own questions. As always, the public is welcome, and we will have plenty of opportunity for questions and answers and a lively dialogue. ■

November's Community Hero: Ricardo Loaiza

By Alan Bowser, 2nd Vice President

Our Community Hero for November is Ricardo Loaiza, the founder and Executive Director of the After School Dance Program and the After School Dance Fund, Inc., two truly remarkable programs that have helped hundreds of Montgomery County students realize their extraordinary potential as both students and Latin dancers.

The program that Loaiza established has brought far-reaching acclaim to Montgomery County, its public school system, its teachers, and, most importantly, its youth. It is not an exaggeration to say that the After School Dance Program is one of the most important and innovative artistic programs in Montgomery County's history, thanks to the tireless effort and selfless commit-

ment of Ricardo Loaiza and his team of dedicated professionals.

Building a stronger community and improving the quality of life in Montgomery County are the hallmarks of the After School Dance Program and Ricardo Loaiza's life work. For the last 13 years, Loaiza, through the After School Dance Program, has worked with students and teachers in many MCPS high schools, helping them to establish Latin Dance Programs that not only provide sophisticated training in Latin dance but that also encourage students to achieve and maintain superior academic performance.

Participation by the students in the Latin Dance Clubs and the After School Dance Program requires continuing achievement in their aca-

Hero: Ricardo Loaiza, cont.

ademic classes and a personal commitment to the study and training of dance. The After School Dance Fund not only teaches Latin dances such as salsa, merengue, bachata, and cha-cha to the participating students—many of whom have never danced before—but also promotes health, exercise, cultural awareness, leadership, teamwork, cross-cultural cooperation and respect, and improved academic performance to all participating Montgomery County High School students.

The culmination of the After School Dance Program training is the very popular and now highly acclaimed “Annual MCPS Latin Dance Competition,” which, in recent years, has been held at the Music Hall at Strathmore. Teams of After School Dance Program students from MoCo

high schools compete in the various Latin dance styles before enthusiastic audiences of parents, teachers, administrators, students, dance professionals, arts advocates, and other supporters for highly coveted trophies and high school glory.

Among the most popular segments of the event is the intergenerational “Parent and Son/Daughter Competition,” where the After School Dance Program participants compete with their mothers and fathers. Strengthening the family relationship through open communication and dance is one of the After School Dance Program’s most important objectives and accomplishments.

Students interested in the program must commit to keeping their grades up and have at least a 2.0 GPA in order to participate in the



dance competitions. All performing high school participants have graduated from MoCo high schools and have gone into higher education. Many have returned to Montgomery County to mentor students from their high schools in the dance competition.

The high schools that have participated in this program are Bethesda-Chevy Chase, Montgomery Blair, James Hubert Blake, Clarksburg, Albert Einstein, Gaithersburg, Walter Johnson, Quince Orchard, Rockville, Seneca Valley, Springbrook, Watkins Mill, Wheaton, and Northwest.

For more information on this unique program, contact Mr. Loaiza at ricardoloaiza72@gmail.com or see afterschooldancefund.org.

[Alan Bowser currently serves as Treasurer on the After School Dance Fund’s Board of Directors.] ■

To ITA or Not to ITA [i.e., Independent Transit Authority]—Even the TTF Can't Agree

By Jim Zepp, First Vice President

That is the question posed by the County Executive when he reconvened his Transit Task Force (TTF) last April to recommend alternatives for financing his Bus Rapid Transit (BRT) network. This group met weekly for most of the period through September.

Although its recommendations were largely foregone conclusions given that the reconvened TTF's membership was essentially the same individuals who, as the original TTF in 2012, recommended the creation of a 162-mile network involving 17 BRT routes as well as the Corridor Cities Transitway (CCT). At that time, the TTF had also recommended the creation of a quasi-independent transit authority for developing and operating the BRT system.

The 2015 TTF concluded its work on Oct. 7, 2015, when 12 of the 33 voting members approved a final report again recommending the creation of an ITA. They also identified an array of possible combinations of new taxes for financing the development and operation of Phase 1 of the three BRT routes and the CCT, for an estimated capital cost of \$2.5 billion with a likely \$3 billion or more in interest costs. About \$93 million in annual operating costs would also be needed. However, the capital cost estimates are based on rule-of-thumb calculations that could change significantly when detailed engineering/design studies are conducted for the corridors. The CCT is at 30% of its completed design work, which is when cost estimates become relatively firm. No cost estimates for

subsequent phases of these routes—plus the six additional BRT routes—were calculated for the ITA. Three TTF members, including myself, voted against the final report and 18 members were absent.

BACKGROUND

The 2012 TTF recommendations for the BRT network were subsequently reduced to 102 miles and 10 BRT routes when the County Council approved the Countywide Transitway Corridors Functional Master Plan in 2013. In recognition of limited available funding resources, community opposition, and complexity of the undertaking, current BRT route studies have been further reduced to 48 miles on Rockville Pike, Viers Mill Road, Colesville

To ITA or Not to ITA, cont.

Road, as well as nine miles of the 15-mile CCT.

The County Executive submitted a proposed bill (MC 24-15) to the State Legislature on Jan. 21, 2015, that would allow Montgomery County to create an Independent Transit Authority (ITA). The major characteristics of this new agency were as follows.

■ The ITA would be run by five persons appointed by the County Executive.

■ The ITA could sell bonds to finance the capital costs associated with developing any transit-related project, which would be repaid with interest through additional taxes imposed on County residents and businesses.

■ The ITA would operate all County transit-related services, parking

districts, tunnels, and ports.

■ The ITA would have eminent domain powers to seize properties needed for transit facilities.

■ The ITA could impose additional County property taxes to cover the operating costs of its services and facilities.

■ The ITA would have current County Ride-On employees transferred to its management and would negotiate future labor contracts when the current one expires. The employment status of future BRT staff is to be determined.

■ The ITA's oversight by the County government would be limited to only the Council approving the ITA's six-year Capital Improvements Program (CIP), which identifies major facility construction projects and equipment purchases. The proposed legislation specifically prohibited the County Council from having

approval power over the ITA's annual operating and capital budgets (i.e., control over specific individual expenditures and revenues.)

A public hearing for the bill was originally scheduled for the afternoon of Friday, Jan. 30, 2015. Because of the many objections by citizens, this hearing was rescheduled for the *evening of the same day* in the County Council's Office Building in Rockville. Despite the short notice and inconvenient timing, an overflow crowd attended the hearing and the vast majority of speakers expressed opposition to the proposed ITA for the lack of any input by the public or elected officials, the lack of accountability and oversight of such a powerful agency, implications for the affected County employees, and its potential for unlimited tax increases.

To ITA or Not to ITA, cont.

Consequently, the County Executive withdrew the bill, but announced his intention to resubmit it in the next Legislative Session if no other alternatives acceptable to him were identified in the meantime. To respond to the criticisms about the first ITA proposal, the County Executive issued a memo reconvening the TTF to examine his proposed ITA and suggest modifications to make it more acceptable.

The second TTF was charged with exploring financing and organizational alternatives. Materials related to these discussions can be found on the [TTF website](#).

THE TTF'S FINAL REPORT

Among the major changes recommended by the TTF to the original ITA bill were the following:

- Allowing up to seven individuals to be appointed by the County Executive to the ITA Board, with some consideration for regional representation across the County (However, any requirements for actual transit usage or ridership representation by Board members were rejected by the TTF.);

- Increasing oversight of the ITA to include Council approval of its capital and operating budgets, giving the County Inspector General jurisdiction to investigate the agency, and requiring the ITA to participate in the County's Open Data Initiatives to the degree that other County executive agencies do;

- Limiting any property tax increases by the ITA to 7¢ per \$100 of assessed value and a proposed excise tax on commercial and multifamily rental properties to 30¢ per sq. ft.;

- Allowing the Ride On staff to re-

main as County employees, who will be supervised by the ITA managers, but the employment status of future BRT staff is to be determined.

Although the TTF considered several ideas for new taxes to pay for the BRTs, increasing property taxes was considered the most reliable funding source. It was estimated that an additional property tax amount of \$381 a year over 30 years for a home with an average assessed value of \$440,000 would be needed to pay for the BRTs' capital and operating costs. Since the TTF leadership believed that the maximum politically acceptable increase was \$300 a year, careful calculations were performed to keep a property tax increase under this amount. The difference in the two amounts were then calculated from various combinations of a local sales tax, rental

To ITA or Not to ITA, cont.

property excise tax, and \$40 million a year that would be received from an unknown State or Federal funding source. However, the TTF did not recommend a specific combination of tax increases to fund the BRT system.

As of this writing, the TTF final report has not been released. Several minority reports have been submitted by some TTF members, including one for the MCCF, expressing its opposition to creating the ITA as an unnecessary and excessive response to the County's transportation issues, urging consideration of more immediate and affordable alternatives, and requesting that the Charter Limits on property taxes be respected rather than circumvented. These documents should be available on the TTF web-

site when they are published.

When the final report is issued, the County Executive can decide if he will adopt any of the TTF's recommendations or suggestions in revising the original ITA bill for submission to the State Legislature. Because the deadlines for submitting proposed bills have either passed or will shortly, it is not known what the County Executive will choose to do about this issue.

An additional concern is that the County is expecting a revenue shortfall of \$176 million in the Fiscal Year starting July 1, 2016. The County Executive indicated in a July 8, 2015, memo to the Council that a property tax increase of 10% or more may be necessary to just maintain current spending levels. Because the County is already pushing past its Spending Affordability Guidelines for borrowing and the Charter Limits

for annual property tax increases, this may greatly worsen the growing trend of taxpayers leaving the County for neighboring jurisdictions which started in 2003. So the effort to build multiple BRT routes that is partially justified as promoting economic development may ironically result in driving more residents and businesses away. That will probably lead to a call for more economic giveaways and subsidies to retain or attract businesses to the County.

The MCCF leadership will be monitoring the State Legislature's website for any new bills related to this issue and encourages members to do so as well. We will need to keep pressure on our elected officials to not let uncontrolled County government spending be further encouraged by the creation of another independent agency that is unaccountable to residents. ■

Maryland's Open Meetings Compliance Law Covers All Appointed Bodies in State

By Paula Bienenfeld, President

At the end of FY2015, Governor Hogan appointed three new members to our State's Open Meetings Compliance Board. These members are: Jonathan A. Hodgson, Chair; April C. Ishak; and Rachel A. Shapiro Grasmick—all attorneys. They are ably supported by Ann MacNeille, Assistant Attorney General and Counsel to the Open Meetings Compliance Board, and Deborah P. Spence, the Board Administrator.

The Open Meetings Law helps assure that our public bodies are discussing and deciding public issues *in public*. And, as the Department of Homeland Security says, "If you see something, say something." As citizens, it's up to us to make sure that our elected and appointed officials are complying with the law.

In my experience, the Compliance Board welcomes and encourages complaints from the public.

If any public body violates the Open Meetings Act, a complaint to the Board should be made to make clear to our elected and appointed officials that they must comply with our laws, and a correction and mindfulness are in order. The law covers not only our elected officials when they meet, but *any* appointed bodies that meet, including bodies appointed by the County Executive or the County Council, for example.

[Take a [free online course](#) on our Open Meetings Act.]

The new Compliance Board held its first meeting on September 24, 2015, ([read the minutes](#)). They discussed possible new legislation, and Ms. Ishak stated that she would

be interested in legislation that requires public bodies to make agendas available *before* meetings. She said that public bodies have websites and should keep them up-to-date with everything, and that the law should catch up with the legislation. She went further, saying that public bodies "should not pick and choose which meetings to post online and that legislation could be worded in such a way as to account for smaller public bodies without easy access to websites."

At this meeting, however, the Board decided that, as they were all newly appointed, it would be too early for them to recommend legislation.

One member of the public, James Peck, the Director of Research

Open Meetings, cont.

and Information Management at the Maryland Municipal League, also provided comments. He mentioned that he was at the General Assembly when the Open Meetings Act passed and that the final version was drafted behind locked doors.

There was also discussion of the role of the press and the decrease in local reporting and, according to the minutes of the meeting, Board Member Hodgson noted that “local reporters once played a role in governments’ compliance.”

REGISTERING AN OPEN MEETINGS COMPLIANCE COMPLAINT

To register a complaint with the OMCB ([see pointers](#)):

■ Be as detailed as possible. The Board will issue an opinion based only on the information in the com-

plaint. So, the more information you give the Board, the more focused the opinion can be.

■ Provide specifics on: what public body was involved; what happened; the date on which the violation occurred; and how you believe the body violated the Act.

■ Identify and provide documents that would help the board. If you are using online documents or video, provide the link, and, for video, provide the times the relevant segment appears.

■ Remember, the Board only has jurisdiction over public bodies.

Next step: write or email your complaint to:

*Open Meetings Compliance Board
c/o Office of the Attorney General
200 Saint Paul Place
Baltimore, Maryland 21202*

E-mail inquiries: opengov@oag.

state.md.us.

Telephone inquiries: 410.576.6327

Make sure your letter is short and to the point. Provide details, including documents and video as available, to back up your complaint. Make sure your complaint clearly states a concern that the body is violating the Open Meetings Act.

LATEST OPINION BY THE BOARD

On October 2, 2015, the newly appointed Board issued an Opinion regarding a public body that meets in Frederick County: the Board of Zoning Appeals. The complainant had stated that, during the course of the meeting, the Appeals Board had come to a complex part of the discussion. They took a short break of 12 minutes and, when they returned, without further discussion or pick-

Open Meetings, cont.

ing up where they had left off, they moved to vote.

The complainant said the Appeals Board had clearly continued the discussion behind closed doors and come to a conclusion, in violation of the Act. That is, according to the Opinion, the Board of Appeals had “violated the Open Meetings Act by privately discussing public business during a 12-minute recess in its April 23, 2015, public meeting.” The complainant provided video, which the Open Meetings Compliance Board reviewed.

According to their Opinion, it was clear from the video, as well as other documents provided by the complainant, that the Appeals Board had, in fact, violated the Act.

It’s encouraging to see individuals keeping an eye on their govern-

ment and actively working to enforce the Open Meetings Act. Please remember, when you attend public meetings, our Maryland Open Meet-

ings Act applies. If you’d like some support with any complaint to the Board, please let us know. That’s what we’re here for! ■

County Planning Department Launches Another Master Plan

By Harriet Quinn, Planning and Land Use Co-Chair

In addition to the quadrennial review of the County’s Subdivision Staging (Growth) Policy, the Planning Department is working on Master Plans for **Downtown Bethesda, Westbard, Greater Lyttonsville, Montgomery Village, Rock Spring, White Flint 2**, and a **Countywide Bicycle Master Plan**. The Department recently announced they are launching another plan, the **MARC Rail Communities Plan**, focused on the Boyds and Germantown stations, on **Wednesday, November 4, 2015, from 7 to 9 p.m.** at the

Upcounty Regional Services Center (12900 Middlebrook Road, Suite 1000, Germantown, Md.).

The MARC Rail Communities Plan centers on the historic communities of Boyds and Germantown in western Montgomery County. The stations are located approximately three miles apart along the Brunswick line of the Maryland Transit Administration’s MARC system. Each of the two communities has a distinct development pattern and requires a different approach to land uses, design, and multimodal access around the stations. [Learn more.](#) ■

Office of Legislative Oversight and its Annual Work Plan for Fiscal Year 2016

By Harriet Quinn, Planning and Land Use Co-Chair

The mission of the Office of Legislative Oversight (OLO) is to provide accurate information, analysis, and independent findings and recommendations that help the County Council fulfill its legislative oversight function. Legislative oversight is the process by which a legislative body monitors the performance of publicly funded activities and applies this knowledge to its primary functions of enacting laws, establishing public policy, approving budgets, and raising revenues.

OLO staff conduct program evaluations, budget analyses, audits, investigations, and other special studies. OLO receives its assignments from the County Council, which annually adopts a Council

Resolution that sets forth the Work Program for the office. For each assignment, OLO prepares a written report that provides information. The work program this year will include evaluation and reports on:

- Evaluation of Enterprise Zones,
- State Aid to Montgomery County,
- New School Construction,
- Contractors in Montgomery County Government,
- Interactive Fiscal Plan,
- MC311 Performance Measurement and Performance Based Budgeting,
- Individual and Business Tax Burden Analysis,
- Universal Pre-K,
- Mapping Procurement,
- Safe Routes to School,
- MCPS Retirement Benefits,
- Procurement and Technology,
- Use of MCPS Buildings,

- Transportation Management District Strategies and Goals, and
- Fiscal Impact Statements.

More information and reports can be found on [the OLO web site](#). ■

MCPS Budget Released

The MoCo Public Schools Superintendent's FY 2017 Capital Budget and FY 2017–2022 Capital Improvements Program (CIP) was released October 28, 2015, and is available now on the [Montgomery County Public Schools website](#). Some recommendations may affect schools in your area. The Board of Education will review the superintendent's recommendation during November. Contact [Bruce Crispell via email](#) or call him at 240.314.4702. ■ **NEXT**

Montgomery County's Subdivision Staging Policy and Adequate Public Facilities

By Harriet Quinn, Planning and Land Use Co-Chair

The Montgomery County Planning Department is reviewing the **Subdivision Staging Policy** (SSP)—formerly called “Growth Policy”—for review and approval by the County Council in 2016. The intent of the SSP, which is reviewed every four years, is to ensure that public facilities—including schools, roads, water, sewer, libraries, police, fire, and rescue—are adequate to meet the needs of new development and growth.

The SSP includes criteria and guidance for the timing of development and the provision of adequate public services. It implements the Adequate Public Facilities Ordinance (APFO), which directs that public facilities will be in place concurrent with growth.

The APFO states: *“A preliminary plan of subdivision must not be approved unless the Planning Board determines that public facilities will be adequate to support and service the area of the proposed subdivision. Public facilities and services to be examined will include roads and public transportation facilities, sewerage and water service, schools, police stations, firehouses, and health clinics.”*

Planners are currently considering new ideas in transportation and school capacity planning and evaluating existing methodologies to see if they are still effective. The policy update will first be presented to the Planning Board in May 2016 for comment and to the County Council in the Fall of 2016.

At the MCCF October meeting,

we discussed the SSP with Transportation Planner Eric Graye, Deputy Council Administrator Glenn Orlin, and Eileen Finnegan, MCCF representative to the Technical Working Group evaluating the Local Transportation Test as part of the quadrennial review. Finnegan noted the vital importance of the 2016 SSP update and encouraged the civic community to be both well-informed and provide a strong voice to insert balance into the SSP update because significant changes are being considered by the Planning Department. The SSP is as important as a Master Plan. Please see **the October minutes** within this newsletter for more details of the meeting as well as the **MCCF Planning and Land Use web page** for presentations from the meeting. We will

Subdiv. Staging Policy, cont.

provide updates on proposed changes throughout the year, so stay tuned. The Planning Board will receive a briefing and overview at its **regular weekly meeting on November 5.** ■

SSP Preliminary Schedule

- Briefing on New TPAR Transit Adequacy Component and Trip Generation Rate Update • Dec. 2015
- Briefing on Advanced Modeling Tool • Jan. 2016
- Worksessions on Draft LATR/TPAR Recommendations • Feb. & March 2016
- Draft Status Report on General Land Use Conditions and Forecasts • Feb. 2016
- Draft School Test & Impact Tax Recommendations • March 2016
- Working (Staff) Draft • April/May 2016
- Public Hearing on the Working (Staff) Draft • May 2016
- Worksessions on the Working (Staff) Draft • June 2016
- Planning Board Draft and Resolution • July 2016 • (Due to Council by August 1, 2016)
- Council Adoption required • by November 2016

Upcoming *Budgetpalooza!* a Dive into the MCPS Op. Budget

By Paula Bienenfeld, President

Each year, we join with our colleagues at the **Parents' Coalition of Montgomery County** and the **Montgomery County Taxpayers League** to organize the deep dive into the ~\$2.4 billion Montgomery County Public Schools (MCPS) Operating Budget, and this coming year is no exception.

We are starting the organizing work and, as usual, will hold the *Budgetpalooza!* in February 2016. All are welcome and encouraged to “take a chapter.” All the chapters and appendices will be posted to www.signupgenius.com and we will Tweet out the link once that has been done by your Civic Federation Board members.

The Fiscal Year (FY) 2017 Operating Budget is being devel-

oped now within MCPS and will be presented to the Board of Education (BOE) by Acting Superintendent Larry Bowers, on December 8, 2015. Internally at MCPS, the budget submissions were due to the MCPS Department of Management, Budget, and Planning (DMBP) on September 11 and September 25, 2015, depending on which department was compiling its budget.

This year, due to fiscal constraints, per DMBP guidance, departments were urged to “make efficiencies and reductions.” ([See guidance here.](#))

Once the Budget is submitted, it will be reviewed internally by DMBP, the chief operating officer, the deputy superintendents, the union, Montgomery County Council

mccf

Budgetpalooza, cont.

of PTAs (MCCPTA) representatives, and the superintendent.

If you are a member of the PTA at your child's school, please be aware that the only members of the public who have access to the "secret table" at which the budget is discussed are members of the PTA. So, you have added responsibility for this budget, which affects every resident of our county.

Each school has a representative at MCCPTA. Instead of testifying before the Council that MCPS "needs more money," please take the responsibility to ask your MCCPTA school representative specific questions about the budget and the proposals and provide your input to MCCPTA. Read the budget. \$2.4 billion is a lot of money, and it's all public money. Every penny.

To put the public school budget in perspective, the current MCPS FY2016 budget is \$2.39 billion, about *half* of our entire County budget. All our remaining needs—including first responders, the health and welfare of our indigent and most needy, the homeless, fire, police, libraries, the arts, roads, everything else—are funded by the remaining half of our annual budget. The County Council has the fiduciary responsibility to approve the MCPS budget.

BUDGETPALOOZA!

This year, the budget is to be guided by 10 "operating budget interests" as presented in the September 21, 2015, memo from BOE member Chris Barclay, the chair of the BOE Strategic Planning Committee. The "interests" are very

general and I won't repeat them here; however [they are online](#).

Public hearings before the BOE are scheduled for January 7 and 14, 2016, with BOE work sessions to follow. The BOE takes action on the proposed FY2017 Operating Budget at its meeting on February 9, 2016.

And that's where we step in, to do the deep dive that the BOE refuses to do. The Civic Federation believes that our public schools are important to the quality of life in the County; furthermore, that the enormous budget—about half of our entire County budget—requires close and constant independent review. So, as we've done the past three years, we're taking on that challenge again.

We encourage you to sign up to take one chapter, review it, and present it at our Fourth Annual *Budgetpalooza!* ■

Minutes of the October 12, 2015, Meeting #869

By Jean Cavanaugh, Recording Secretary

Call to Order: President Paula Bienenfeld called the meeting to order at 7:53 p.m.

Introductions by attendees followed.

Agenda: Bienenfeld called for and received approval of the agenda.

ANNOUNCEMENTS

■ There is a recycling event and furniture collection for Wider Circle on October 24, 9-12 p.m. near Westmoreland Circle.

■ OLO released a report September 22, *Resources and Staffing Among MCPS Schools*. (See more on OLO.)

■ The State of Maryland Open

Meetings Compliance Board ruled that a public body can be seen as holding a public meeting even if a quorum is not present. See the **OMCB decision**.

■ Paula thanked the Transportation Committee for its work on the review of the County Executive's Independent Transit Authority (ITA) proposal and MCCF's forthcoming report on the proposal, options, and alternatives.

■ MCCF needs volunteers for May Annual Awards event. Please contact Paula Bienenfeld.

Minutes: Bienenfeld called for and received approval of the September 21, 2015, minutes as published in the **last newsletter**.

Treasurer's Report: Jerry Garson

reported MCCF's bank balance is \$13,484.74 and submitted a report on expenditures between July 1, 2015, and October 12, 2015.

PROGRAM

How does the Development Review Process Determine Adequacy and Need for Public Facilities and Infrastructure?

The panel of speakers included Eric Graye, Senior Transportation Planner for Functional Planning and Policy at the Montgomery County Planning Department; Glenn S. Orlin, Deputy Council Administrator for the Montgomery County Council; and Eileen Finnegan, MCCF representative on the Planning Department's Transportation Impact Study Technical Working Group (TIST-WG), part of the Subdivision Staging Plan review.

October 12 Minutes, cont.

Harriet Quinn introduced the Subdivision Staging Policy (SSP) discussion. The SSP is reviewed every four years. Planners review criteria including transportation and school adequacy tests. [See the SSP website.](#)

Eileen Finnegan spoke about the vital importance of the 2016 Subdivision Staging Policy update. The civic community must be well informed and provide a strong voice to insert balance into the SSP update. The Planning Department is making a strong effort to really refashion the SSP. They are introducing new concepts and ideas to encourage and streamline development. There is a large push from the Planning Board Chair and County Council to make it easier, simpler, and cheaper for development to go forward. In the details of the SSP are various

issues that will concern our neighborhoods and Master and Sector Plan implementation. Most Master Plans use the SSP standards as their implementation tool. The SSP is very important for getting needed infrastructure designed and built in a timely manner. ([See separate article within newsletter.](#)) Significant dates include the October 19 SSP update kickoff and the December 3 discussion on transportation policy, both taking place at the Planning Department in Silver Spring.

Eric Graye gave an overview of the SSP. Eric does long-term, uncertainty-laden, travel-demand forecasting, e.g., looking toward 2040. SSP only regulates timing of development and facilities, e.g., transportation, schools, water and sewer, police, fire and health. There are 34 policy areas for the Transportation Policy Area Review (TPAR).

Each TPAR policy area has a fee indicating the amount of money a new development is supposed to contribute to fund additional road and/or transit improvements if the number of trips generated from the new development makes existing conditions worse. There was no definitive answer to a question from the audience: Why does the County's sophisticated system generate very few resources in spite of massive development and massive congestion?

The Planning Department is looking at new proposals for measuring traffic capacity, including a "pro rata share concept" for the White Oak area; streamlining the TPAR and Local Area Transportation Review (LATR) into one test; considering new metrics, such as travel time, vehicle miles traveled, and accessibility; regional travel demand

October 12 Minutes, cont.

models; per-person trip generation rate instead of vehicle trip generation rate.

Glenn Orlin discussed evolution from the Annual Growth Policy to the SSP. Until 2003, if a developer failed the transportation test, then they had to fix the problem, e.g., build infrastructure. Now an applicant is not required to fix or build anything, but pays a fee at the time of building permit and continues with the project. No developments are denied due to lack of capacity. This was referred to by attendees as “pay to play.” The County Council approved the “pay to play” system in 2007. This allows the developers to pay a small portion of what is needed when they fail transportation adequacy tests.

Orlin discussed the evolution of school capacity measures, noting that much depends on the MCPS “black box” of school population forecasting, which he asserted has been accurate so far. MCPS and the County must balance school modernization and new schools and additions. The Council can approve “ghost” classrooms, as they recently did in the Walter Johnson cluster, to avoid a development moratorium and school facility payments. The challenge is always how to get more money from the development community to pay for needed infrastructure.

Orlin reviewed some of the exemptions developers enjoy, including affordable housing; enterprise zone projects even after an area is no longer an enterprise zone; and Metro station proximity discounts. The

following areas pay no school impact or transportation impact taxes: Downtown Silver Spring, Wheaton, Takoma Park/Long Branch, Burtonsville, Glenmont, and Old Town Gaithersburg. White Flint pays no Transportation Impact Tax but has a Special Taxing District property tax for new development to contribute to the \$700 million the County is forward funding for infrastructure.

So far, only \$4.5 million was collected from the Special Tax in four years. These exemptions may no longer be needed to stimulate development. **Bill 34-15** was introduced on June 30, 2015, to revise the exemptions, but it has not yet been scheduled for Committee session.

Links to the meeting presentation and handouts can be found on the **MCCF website**.

October 12 Minutes, cont.

COMMITTEE REPORTS

Transportation

County Executive Leggett's Transit Task Force (TTF) will issue its final report soon. Out of 34 members, only 14 were present to vote on the TTF report. Eleven supported the report; three opposed it. MCCF is finalizing its report responding to Leggett's ITA and BRT proposal.

NEW BUSINESS

The next MCCF meeting is November 9, 2015. Our program guest will be Maryland State Comptroller Peter Franchot. ([See story in this newsletter.](#))

Adjournment: The meeting adjourned at 9:58 pm. ■

Minutes of the October 15 Executive Committee Meeting

By Jean Cavanaugh, Recording Secretary

Call to Order: Paula Bienenfeld called the meeting to order at 7:58 p.m. Present: Carole Ann Barth, Paula Bienenfeld, Alan Bowser, Jean Cavanaugh, Harriet Quinn, Virginia Sheard, and Jim Zepp. Jacquie Bokow also was in attendance.

Adoption of Meeting Agenda:

Paula Bienenfeld called for and received unanimous approval of the proposed agenda.

Approval of Minutes for September 24, 2015, ExComm Meeting: Paula Bienenfeld called for and received unanimous approval of the minutes.

Programs: The November 9, 2015, program will feature Peter Franchot, Comptroller for the State of Maryland. December's program is tentatively on the County Council's Office for Legislative Oversight's recent reports on Montgomery County Public Schools.

ISSUES

Website and Newsletter:

Website and newsletter designer Jacquie Bokow participated in a discussion on how to expand content and slightly modify the new look of the MCCF website. The website will continue to evolve as we get feedback from users.

Community Heroes: ExComm brainstormed on nominees for the monthly "Community Hero"

mccf

Oct. ExCom Minutes, cont.

award. We welcome nominations from any MCCF member.

■ MCCF Annual Awards

Event: We are approaching various venues that may host this event.

STATE LEGISLATURE/DELEGATION AND MCCF PRIORITIES

■ Discussion of legislative priorities including support of bill establishing Task Force to study issues related to autonomous vehicles, support of BPA receipt ban, and support for performance reviews for bicounty agencies for which there is no oversight.

■ We will also request that the local bill public hearing be changed from November 30, which is the Monday immediately following the Thanksgiving Holiday weekend, to December 2.

■ MCCF will also be contacting delegates and testifying in opposition to County Executive Leggett's proposed Independent Transit Authority enabling legislation, should that legislation move forward.

COMMITTEE REPORTS

■ **Environment:** Mr. Leggett has not yet signed County Bill 52-14, the Safe Lawn bill restricting the use of cosmetic pesticides on lawns. The bill was passed by the Council with a veto-proof 6-3 vote.

■ **Planning & Land Use:** The **Greater Lyttonsville Sector Plan** draft was not vetted through public first, so its progress has been delayed.

■ Education:

1) The MCPS superintendent is leading discussions on adding school additions, opening closed schools, mega schools, and changing school

boundaries.

2) MCPS paid more than \$500K to its attorney this past year.

■ **Transit Task Force:** Jim Zepp represents MCCF on the County Executive's Transit Task Force. ExComm voted to remove MCCF from the Minority TTF Report because it offers solutions on which MCCF has not voted. Jim Zepp will submit a statement to the majority TTF Report saying MCCF does not support the conclusions and recommendations of the majority report and is submitting a separate report. Other members submitted separate statements including the Chamber of Commerce. Only 12 of the 33 Task Force members voted in favor of the Majority Report.

Adjournment: The ExComm meeting adjourned at 10:08 pm ■