

Program for April 11: Montgomery County Fiscal Year 2023 Recommended Operating Budget

| Rich Madaleno, currently Montgomery County's Chief Administrative Officer, will be our speaker. The recommended Fiscal Year 2023 Operating Budget of \$6.3 billion, an increase of 7% from the proposed FY22 budget. The recommended FY23 budget reflects significant and record level investments for MCPS, Montgomery College, affordable housing, economic development, public safety, and efforts to combat climate change. | **P. 3**

MCTL Testimony on the County's FY23 Budget

| Gordon Brenne of the Montgomery County Taxpayers' League does a deep dive

into the numbers. MCTL claims the record budget increase of 5% is an election year stunt. | **P. 8**

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Details on Upcoming Bills

| Peggy Dennis lists State bills with Civic Fed support | **P. 17**

Seeking Racial Equity

| The County Council claims it will pursue racial equity outreach on Thrive Montgomery 2050 | **P. 20**

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TO PRINT, USE PRINT VERSION

of note

Next MCCF Meeting #932

Monday, April 11, 2022, 7:30 p.m. *online via Zoom*. Topic: "FY2023 County Budget Analysis."

! **Join the Zoom Meeting Here**

[See further instructions on page 2. No password is required.]

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Meeting Minutes

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Membership Application

JOIN ONLINE | MAIL-IN FORM

Federation Meeting #932

Monday, April 11, 2022

7:30 p.m.

Online Zoom Meeting

AGENDA

1. Call to Order/Introductions
2. Approval of Agenda
3. Approval of Minutes: March General Meeting #931 **P.23**
4. Treasurer's Report
5. Announcements
6. April Program: *MoCo FY2023 Recommended Operating Budget* **P.3**
7. Committee Reports
8. Old Business
9. New Business
10. Adjournment

About MCCF Meetings

All monthly MCCF meetings are open to the public. They are held on the second Monday of each month, September through June. Since the beginning of the pandemic, the start time is now at 7:30 p.m.

The April 11 meeting will be held online via Zoom (see page 3 for program details) at 7:30 p.m.:

■ To be part of the video conference, first **visit the Zoom website** to download the program for your phone or computer.

■ Date and Time: Monday, April 11, 2022, 7:30 p.m. Eastern Time.

■ To **join the Zoom meeting from your browser, use this link.**

■ To participate by phone (audio only), call 301.715.8592. The meeting ID is **847 1332 8113**. No password is required.

We hope you will join us! ■

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 (agenda and details at left).

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

civicednews AT montgomerycivic.org

TO SUBMIT AN ARTICLE, SEE PAGE 28

April Program: Montgomery County FY2023 Recommended Operating Budget

By Jerry Garson, Treasurer

Our Guest speaker for the April 11, 2022, Budget meeting will be Rich Madaleno, currently Montgomery County's Chief Administrative Officer. The MoCo CAO is the second highest ranking executive branch position after the County Executive. Madaleno is responsible for overseeing operations and services of more than 30 executive branch departments with a \$5.5 billion operating budget, \$5.1 billion six-year Capital Improvement Program, and 10,000-person workforce supporting a jurisdiction that is over 500 square miles with 1.06 million residents.

As CAO, Madaleno also serves as advisor to the County Executive on all administrative, legislative, financial, and operational matters; a lead liaison between the County Execu-

tive and County Council; a liaison to organized labor representatives of the County government workforce; and the head of the County's \$6 billion employee investment board and retirement system.

FY23 RECOMMENDED OPERATING BUDGET

On March 15, Montgomery County Executive Marc Elrich released his recommended Fiscal Year 2023 (FY23) Operating Budget of \$6.3 billion, an increase of 7% from the proposed FY22 budget. The recommended FY23 budget reflects significant and record level investments for MCPS, Montgomery College, affordable housing, economic development, public safety, and efforts to combat climate change.

"Because of the investments we

have made in our community, the County's fiscal picture has drastically improved," said Montgomery County Executive Marc Elrich. "This budget is put forth as our community is emerging from the devastating impacts of the global COVID-19 pandemic. It makes record investments in our community to ensure that our community's prosperity continues and that everyone, regardless of race, nationality, ethnicity, gender, or color, can better access it. Looking ahead, these critical investments in people and businesses position all of us to respond to future challenges, including climate change."

The recommended FY23 budget makes significant community investments while also—for the first

April Program, cont.

time—meeting the County’s 10% of adjusted governmental revenues reserve target. Elrich claims his recommended FY23 budget was developed while considering the impacts on climate change and addressing racial equity and social justice.

Below are highlights in various areas. The [full budget can be viewed online here](#). The language below is from a County press release which includes additional information; [it can be viewed here](#).

Highlights

■ Applies “Racial Equity and Climate Change Lenses” that are reflected in decisions throughout the budget.

■ Largest Budget *ever* for Montgomery County Public Schools if approved—\$2.9 billion, a \$147.6M

increase from FY22.

| \$117.4M *above* the State’s Maintenance of Effort Requirement.

| Funds 100% of Student Needs (99% of the school board’s request).

■ Fully funds Montgomery College’s budget request, including \$3.3 million to establish the College’s East County Education Center.

■ Record funding for climate change initiatives including:

| \$18.6M in new funds for the Montgomery County Green Bank.

| New \$1M program to provide incentives for residential, multifamily, and commercial buildings to replace fossil fuel equipment and appliances with electric ones.

| Over \$1M to support the implementation of the Building Energy Performance Standards

(BEPS) program to reduce energy consumption and greenhouse gas emissions in public and private multifamily and commercial buildings.

■ Highest level of funding in County history for affordable housing:

| Nearly \$140M to expand the preservation and production of housing that is affordable to the most economically burdened residents.

■ Enhances police recruitment and retention by strengthening the competitiveness of police compensation in relation to neighboring jurisdictions while expanding the police recruitment unit to attract top talent

■ Significant enhancements for individuals and families to create food security, financial and housing stability, and more inclusive pros-

April Program, cont.

perity.

▮ Additional investments in economic development and workforce training.

PUBLIC SCHOOLS/SERVICES FOR CHILDREN

▮ Largest Budget *ever* for Montgomery County Public Schools if approved—\$2.9 billion, \$147.6M increase from FY22.

▮ \$117.4 million *above* the State's Maintenance of Effort Requirement.

▮ Funds 99% of the Mont. County Board of Education's Request.

▮ \$920,000 to open the new Kennedy High School Wellness Center, plus \$3.7M to expand mental health support services at 10 of MoCo's highest need high schools.

▮ \$630,000 to operate new Linkages to Learning Sites at Gaithers-

burg Elementary School #8 and Odessa Shannon Middle School.

▮ Significant enhancements for Out-of-School Time programming—\$330,000 for Kids Day Out, \$104,000 for Extended Summer Camp Program, \$668,000 for two new Excel Beyond the Bell Program Sites, and \$350,000 for RecZone Highschool Program.

▮ Provides a total of \$20M in resources in FY23 for the Early Care and Education Initiative.

▮ \$372,000 increase for KID Museum (total budget of \$1.6M).

SUPPORT FOR INDIVIDUALS/ FAMILIES

▮ \$5.6M in total funding for service consolidation hubs.

▮ \$5.5M total programming dollars across County government to support newly arriving migrant and asylum-seeking children, adoles-

cents, and a families.

▮ Significant funding increases for the African American Health Program (\$2.9M) Latino Health Initiative (\$2.2M), and Asian American Health Initiative (\$1.2M).

▮ \$2.6M for the Guaranteed Income Pilot Program once approved.

▮ Creation of an Office of Food System Resilience, enhanced grant funding for food assistance programs, and \$4 million to continue to directly provide food to individuals and families most at need.

▮ Record funding to continue our efforts to end homelessness—\$2M more to provide an additional 120 rapid rehousing slots and \$3M more to increase the maximum rental assistance subsidy for more families in DHHS.

▮ \$600,000 to provide year-round comprehensive health services to

April Program, cont.

residents of the County's year-round homeless shelters.

- \$1M to create and staff a new adult protective services team to investigate cases of abuse of older residents and vulnerable residents.

- \$1.1M increase to support the Developmental Disabilities Supplement program (total budget of \$20.3M).

- \$1.4M increase for the Medical Adult Day Care Supplement program (total budget of \$2.1M).

- \$1M to support the transition to the 9-8-8 three digit dialing code to connect residents with suicide prevention and mental health crisis services.

- \$800,000 to continue to address increased call volume at EveryMind, the County's mental health hotline.

ENVIRONMENTAL SUSTAINABILITY/CLIMATE CHANGE

- \$18.6M in new funds for the Montgomery County Green Bank.

- New \$1M program to provide incentives for residential, multifamily, and commercial buildings to replace fossil fuel equipment and appliances with electric ones.

- Over \$1M to support the implementation of the Building Energy Performance Standards (BEPS) program to reduce energy consumption and greenhouse gas emissions in public and private multifamily and commercial buildings.

- \$675,000 to implement greenhouse gas reduction and adaptation measures in low- and moderate-income housing.

- \$810,000 additional funding to improve the health of urban forests.

- \$300,000 for the Community Justice Academy for engagement

with vulnerable and historically marginalized communities.

- \$100,000 in incentives for individuals and businesses to electrify lawncare equipment.

- Staffing to develop energy and green building codes and interface with the public about green building compliance and building electrification and energy efficiency.

- \$1.3M in enhancements to the Water Quality Protection Fund budget for the Rainscapes program, stream restoration maintenance and inspection, a Senior Engineer position in the Office of Agriculture for soil conservation, among other enhancements.

- New \$400,000 Save-As-You-Throw pilot program in Recycling and Resource Management to encourage residents to recycle more and generate less waste.



April Program, cont.

▮ Broadscale climate communication campaigns, agrivoltaic technical assistance for agricultural land, and an Agricultural Business Development Specialist in the Office of Agriculture.

▮ Almost \$1M to accelerate nature-based carbon sequestration initiatives.

TRANSPORTATION/TRANSIT

▮ Restores RideOn service and Call-N-Ride to pre-pandemic levels and maintains Bikeshare program

▮ Reduces regular fares on all RideOn routes by one half, bringing the cost of most RideOn trips to \$1.00

▮ \$1M to add capital and operating grants programs for Transportation Services Nonprofit Organizations.

▮ \$550,000 for transportation accessibility initiatives

▮ Moves forward with a transition to a zero-emissions County fleet by providing \$1.8M to replace fossil fueled County vehicles with zero emission vehicles (this is in addition to the funding included in the capital budget to move to a zero-emissions bus fleet).

▮ Enhanced funding for installation and support for MoCo electric vehicle charging infrastructure.

AFFORDABLE HOUSING

▮ \$57M for the Mont. Housing Initiative operating budget.

▮ \$42.7M for existing capital projects.

▮ \$40M for a new Naturally Occurring Affordable Housing (NOAH) Fund capital project.

▮ The NOAH Fund project will preserve and create affordable housing properties in areas at risk of rent escalation to higher market rents,

including the Purple Line Corridor and County transit corridors

▮ Continues funding support of the Building Neighborhood to Call Home program and the Housing First program

▮ Sets aside \$2M from existing resources to explore, subject to the County's collective bargaining laws, a pilot program for down payment assistance to full-time career employees of Montgomery County and Montgomery County Public Schools to help make first time homebuying more affordable in the County.

Additional funding covers services dealing with public safety, libraries, recreation, community partners, effective and sustainable government, and other enhancements, including funding for an Office of the People's Counsel, a \$10.6M increase to M-NCPPC, and a 6.5% rate increase for WSSC. ▮

Montgomery County Taxpayers League's Testimony on MoCo's FY23 Budget

By Gordie Brenne, Treasurer, Montgomery County Taxpayers League

We're asking for less, not more. Lower taxes, less staffing, lower pay raises tied to performance, and less manipulation of the balance sheet to pay for election-year gimmicks. We look at agency budgets through a strategic lens that includes both the budget increase and base spending, seeking the biggest bang for the taxpayer's buck. In short, the record budget increase of 5% is an election year stunt, driven by tax increases and balance sheet manipulations, to fund underperforming program and overhead activities, and all in an effort to make up for failed economic development.

A record property tax revenue increase of 3.5% is fueling this spending spree. Last year, the

Council increased this burden on homeowners by short-circuiting annual review controls over revenue and rate increases (the voter-approved 2008 cap based on inflation, and the 2020 voter approved limit on rates to the prior year rate). **(See Note 1)** *Lower the weighted average property tax rate from .9785.*

Bloated staffing (plus 240 FTEs) is out of control, including an overhead rate we estimate is above 30% (world leading organizations achieve 10%, while others target 20%). Recommended above-market pay increases of 6.5–13% undermine productivity. This is on top of excessive pay increases in past years. The last comprehensive County salary review was done in 2011 (OLO 2011–12). **(Note 2)** *No increases in staffing should be ap-*

proved, and pay raises should be limited by productivity improvements, pending a competitive analysis against Howard and Fairfax counties.

Failed economic development results in poor job creation compared to neighboring counties, and contributes to higher taxes on home owners. Our stagnant commercial tax base is a result of high taxes and regulations, unbalanced transportation solutions, and out of control water and sewer rates. Not only does this place an excessive burden on residents, it constrains growth of our affordable housing inventory (stuck at 2009 levels, especially for those below 30% AMI). Incomes of our residents are lagging compared to Fairfax and Howard

MCTL: FY23 Budget, cont.

Counties, and throwing money at programs won't solve this. A good strategic plan for the Economic Development Corporation (MCEDC) is needed to make us competitive again. **(Note 3)** *The Council should approve an economic development plan with annual improvement targets.*

Balance sheet manipulations are used to finance excessive budget increases. Reallocation of retiree health benefits trust prepayments (AKA "other post-employment benefits," or OPEB) jeopardizes future claims by County and MCPS retirees. This year, the budget underfunds total OPEB prepayments by \$20M (pg. 72-18; see also discussion below about diversion of \$30M budgeted MCPS prepayments), while the trust's funded ratio remains be-

low 50% (pgs. 8-1,3,4, and 72-15,27). Additionally, low **debt service** inflation assumptions will result in cancelled projects down the road. The debt schedule exceeds Council guidance—\$1,750B vs. \$1,680B (pg. 7-2)—with debt service at 11.14% of adjusted general fund revenue and uses artificially low inflation assumptions—3.26% for FY23 (pg. 7-14)—to boost the number and amount of recommended projects. **(Note 4)** *Trust fund prepayments should be fully funded based on actuary recommendations, and more realistic inflation assumptions should be used in the debt schedule to lower new debt that's approved.*

Program and overhead spending excesses occur because the Council's spending control limits and the budget **are not linked to performance**. Current budget reviews focus on incremental requests

only, ignoring ineffective and inefficient programs and overhead activities in the base. Programs with the biggest increase not supported by productivity improvements include:

I MCPS: \$2.9B, up 5.3%.

MCPS budget and County add-ons need to be refocused on the core objective of improving academic performance. The CE's budget recommendation is less than MCPS's request (6.5% increase) but is \$136M above the Council's spending affordability guidance (pg. 10-2). MCPS is asking for another County-funded budget increase above Maintenance of Effort (MoE)—\$166M vs. \$117M recommended—to pay for presumed enrollment increases, state funding shortfalls, fuzzy academic strategy budgets, huge pay increases, out of control overhead costs, and expensive Pre-K education cost increases.

MCTL: FY23 Budget, cont.

Incredibly, **enrollment dropped** another 2,332 last fall (Table 4, Adopted Budget 3/1/22). This is nearly half of the total State enrollment drop (pg. 2 of Superintendent's 2/24/22 letter, Adopted Budget 3/31/22), but an unsupported 3,000 increase has also been plugged into this budget request for next year to justify funding above MoE (pg. 4, Superintendent's letter, 12/16/21, Initial Budget Request). Instead of cutting costs for enrollment decreases, MCPS proposes the County pick up the difference.

The lower than expected 5% **State funding** increase is also dumped on County taxpayers. There is **no strategic budget** for improving dismal reading and math proficiency or targets for the number of students that will be helped to justify

this increase. State Blueprint-driven above-market **pay raises** for teachers of 9%–18% (subject to pending negotiations) on top of pay increases made in past years—and in the middle of this year—are not justified by a formal competitive salary survey. Also, MCPS hasn't done enough to control **overhead** costs (non-instruction), which we estimate are 45% of the budget and take money away from our kids. Worse, the recommended MCPS budget further increases overhead staffing.

Lastly, MCPS has projected increased facility and staff services for the **Pre-K** program that are more expensive and less convenient than neighborhood providers and, due to limited increases in State funding, will have to be subsidized by the County. **(Note 5) Limit MCPS to an MoE budget until a better strategic plan is developed that cross-walks**

to the budget. A new plan should demonstrate that “accelerators” cost-effectively improve academic proficiency. Excessive base and overhead spending need to be justified with a competitive salary survey against Howard and Fairfax Counties. Pre-K MCPS in-house services are not cost-effective and should be cut to available State and Federal funding levels.

I WSSC: \$1,486M, down 4%. Cuts to contract work will not solve structural spending problems in this bloated organization that has high rates—double Fairfax's (at an average family's consumption level, not the bogus low level WSSC touts in its counter claims)—with more rate increases as far as the eye can see, and won't avoid a looming taxpayer bailout due to structural liquidity problems. Approval of the proposed

MCTL: FY23 Budget, cont.

6.5% rate increase ignores reckless spending (State survey benchmarks, 9/21). Nor will another above-market-rate increase solve rate discrimination against large families and organizations. *Hold WSSC to a 4% rate increase subject to an independent review of spending and liquidity, and consider breaking this monopoly in two to improve control and governance.*

I HHS: \$422M, up 16%. With the pandemic largely behind us, staffing for emergency response services in the Public Health Service (pg. 58-6) should be cut. Also, funding should be scaled back for “wrap around services” like linkages to learning for students and their families (pg. 57-5) and other programs not effective at improving reading and math proficiency.

County funding for education and related services should be limited to programs that improve academic proficiency, and increases should be fully offset by what state “Blueprint” money and Federal Head Start (pg. 60-4) will cover.

I Non-Departmental Accounts: \$330M, down 19% overall, masking increases of 10%–89% in certain accounts. Apparent savings for employee and retiree health care, plus a reduction in OPEB prefunding of \$20M, offset increases and need to be verified before increases in other accounts are approved. Those increases include: 10% for payments to the Housing Opportunities Commission (HOC); 24% more for the MCEDC; a new \$19M green bank program; 89% increase in payments to municipalities; and a 57% increase for Work Source Montgomery (pg. 72-33).

(Note 6) *Cut back increased spending not justified by increased performance, and consider equity for residents not living in municipalities with weaker local services.*

I Police: \$296M, up 5%. Adding patrol officers is good, but pay for this by cutting back the bloated Investigation Division (pg. 49-10, 312.5 FTEs) vs. 224 in Fairfax, and only an average closure rate of 55% (pg. 49-4). Also, spin off outdated 911 service (\$79M, up 5%, pg. 49-6) due to poor incentives, unlike Fairfax’s independent 911 service.

I Transportation/Transit Services: \$173M, up 12%. Empty buses and no concrete strategy to justify increased passenger riders estimated at 18M for FY23, a 16% increase over FY22 estimate (pg. 53-5). Ridership was dropping before the pandemic. *Cut back service and*

MCTL: FY23 Budget, cont.

spending to improve capacity use.

I Housing and Community Affairs: \$68.4M, up 11%. Budget needs to be tied to increased unit production targets, especially for those below 30% AMI where supply is weakest and the MPDU program has failed (pg. 66-4). HOC preservation has not paced demand (pg. 66-6). *Cut funding for unit increases in other income levels not tied to strategic unit targets, and expand competition for unit preservation beyond the HOC.*

I Council: \$16M, up 18.3%. Expanding Council seats to 11 drives a staff increase of 33 FTEs (pg. 16-3). This happened because the Council sponsored an override challenge to a grass roots referendum for more up-county representation that would have done away with open seats

which have perpetuated a down-county bias, while arguing that open seats do not focus on parochial district issues. *Offset increased costs for two new Council members by reducing staff assigned to open seat constituent services.*

NOTES

(1) Property Tax Revenue.

The increase in property tax revenues is due to a 10% increase in the median existing home sales price and triennial reassessments estimated at 11.3%. These hurt fixed-income residents and house-poor, low-income residents the most. Owners of unimproved properties are already saddled with inequitable subsidies of McMansions in wealthier neighborhoods (OLO 2018-1), due to Finance's exclusions from the "new construction" definition.

(2) Staffing and Compensa-

tion. The recommended salary increase is composed of a general wage adjustment (GWA) of 3%–6%, plus step or longevity increases of 3.5%, plus a 3.5% deferred service increment from 2011, and a lump sum payment of \$600 (pg. 8-2,6). A review in 2016 for management only showed we pay 18%–24% above neighboring counties and 7.5% more than the Federal government.

(3) Economic Program. Last month, the Council perpetuated the noncompetitive energy tax that was supposed to sunset in 2012, creating a new subsidy for developers of green buildings with limited performance metrics tied to local pollution problems. Another example would be the Thrive 2050 proposal that summarily tried to eliminate 180 mostly Up-County road projects without sufficient Up-County rep-

MCTL: FY23 Budget, cont.

resentation, or consideration of the economic impacts on those residents, or the increased property tax burden on all fixed income residents.

(4) Balance Sheet. In addition, the \$30M requested for MCPS OPEB prepayments was hijacked to fund MCPS operating budget increases above MoE (CE 3/15/22 letter, pg. 3).

(5) MCPS. Recommended Budget has just two major reductions in MCPSs request: MoE increase was reduced by \$33M due to this year's enrollment decreases (pg. 10-3) and the \$41M increase in health insurance costs for deferred health services/claims (pg. 5, Superintendent's letter 12/16/2021, Initial Budget Request) was reduced using revised fund balance estimates. The unsupported 3,000 **student**

enrollment-increase projection includes a curious increase for elementary school students, which have been trending down, and had the biggest misses against forecast in the last 3 years. Enrollment will increase somewhat as some students return from the lockdown, but most probably won't. Other than diverting OPEB prepayments, the CE has not recommended decreases to the \$348 million of county additions outside the MCPS budget (pg. 10-2, mostly debt service, Police and HHS programs, but does include \$30M in OPEB prepayments the CE recommends cutting). MCPS's insurance plan co-pays and cost-sharing differ from the County plan, so this is not a budget issue for County employee benefits.

Staff development and reading **“accelerators”** are mentioned in the budget request, but the tradition-

al Table 1A explanation of budget increases was dropped and replaced by ambiguous and conceptual “accelerator” references with no crosswalk to the strategic plan approved last November. Specifically, this budget is not linked to a concrete strategic plan to close the gap since there are no annual targets for how many kids will be helped by tutoring and interventions after a lockdown recovery year that put students in a bigger proficiency hole. Only 5,146 students received tutoring and interventions through February 11 (MCPS Board memo, Mitigation of Learning Disruptions, 3/8/22, pg.4), a small fraction of the 75,000 kids (our estimate) that are not proficient in math or reading. MCPS recently clarified that the 5,146 does not include any students who may receive tutoring or interventions during the day since

MCTL: FY23 Budget, cont.

this is not tracked centrally.

Bulging **overhead** of 45% (our estimate) in both central and school non-instruction activities takes money away from our kids, and no attempt was made to justify this high overhead level in this budget. Staffing changes shift more spending to non-instruction (Table 5, Adopted Budget 3/1/22: teachers are minus 18 FTEs, but FTEs are plus 131). Overhead positions were basically swapped in for the 167 school FTEs dropped due to lower enrollments (pg. 4, Superintendent's letter 12/16/21, Initial Budget Request).

Salary increases will range from 18% down to 9%. Blueprint-mandated above-market pay raises for approximately 300 National Board-Certified teachers of 18%: \$10,000 for National Board-Certi-

fied teachers, plus \$7,000 for those in 2 underperforming schools, on top of an average instruction salary of \$92,582 (Superintendent's letter 2/24/22, pg. 6, and Table 7, Adopted Budget, 3/1/22), divided by Instruction salary total of \$1,148,017/12,401 yields an increase of 18%. We estimate others will receive 9% increases: 1.5% GWA, plus 3.5% step/longevity, plus retention of \$1,100—1%—plus we estimate another 3% pending union negotiations (*ibid.*, pg. 12–13). These high salaries reduce the number of teachers that can be hired within spending affordability guidelines. There are no salary survey comparisons to Howard and Fairfax in the budget to support this huge increase. The \$42M increase from the state including Blueprint money (*ibid.*, Table 2) doesn't adequately cover funding for proposed MCPS **pre-K services** (facilities

and staffing for 41.5 additional FTEs, \$3.3M, *ibid.*, pg. 6). But, sites in centralized MCPS facilities are less cost-effective than neighborhood facilities operated by other providers, and less convenient for low-income residents. There is no data in budget documents to suggest that private providers deliver any less effective academic services.

(6) Non-Departmental Accounts. Projected spending reductions have expanded the fund balance: MCPS health benefits of \$57M vs. \$73M in FY22; group insurance for retirees of \$29M down from \$51M in FY22; leases of \$15.6 vs 18.9M in FY22; retiree group insurance of \$29M vs. \$51M in FY22. This seems to make room for growth in other spending, but increased performance target justifications are not provided: employee benefits

MCTL: FY23 Budget, cont.

of \$9M are up from \$4M in FY22; HOC \$8M vs. \$7M; MCEDC \$6M vs. \$5M; Green Bank's new account of \$19M; payments to municipalities \$17M vs. \$9M; OPEB minus \$20M for pre-funding fund balance not supported by actuary calculations; Risk Management \$26M vs. \$23M; Work Source Montgomery \$2.2M vs. \$1.4M.

ADDITIONAL READING

■ [County FY 2023 Recommended Operating Budget](#), March 15, 2022

■ [MCPS FY 2023 Adopted Budget](#), March 1, 2022

■ [MCPS FY 2023 Initial Budget Request](#), December 16, 2021

■ [MCPS Board Memo from Monifa B. McKnight, "Mitigation of Learning Disruptions,"](#) March 8, 2022 ■

'Say It Ain't So, Tom!' Hucker Flirts with Public Financing

In 1919, Shoeless Joe Jackson was leaving the courthouse where the case against the "Black Sox" for allegedly fixing the World Series was being tried. A young fan reportedly tugged on his sleeve and, in a voice full of emotion, pleaded, "Say it ain't so, Joe." But Jackson had no way to deny the truth. A somewhat similar scenario is now playing out in Montgomery County.

Councilmember Tom Hucker is reportedly considering [a shift to public financing of his campaign for County Executive](#) after months of raising hundreds of thousands in private funds—much of it from developers, businesses, unions, and lobbying firms that would not qualify under the public financing statute. Because candidates are supposed to choose between private and public

financing, residents should ask, "Say it ain't so, Tom?"

We know running for office in a large county is expensive. So, to reduce this and other obstacles, Montgomery County established the first public financing system in the United States in 2014 for local elections. The goals were to encourage greater voter participation in County elections, increase opportunities for more residents to run for office, and reduce the influence of large contributions from businesses, political action groups, and other large organizations.

In 2018, the first year public financing was actually used, 40 of 68 total candidates expressed interest; 23 qualified, and publicly funded candidates won 7 of the 10 eligible

Hucker Financing, cont.

ected offices. This year, 2 of the 4 Democratic candidates for County Executive—current County Executive Marc Elrich and Councilmember Hans Riemer—have opted for and qualified to receive public financing, while the other two candidates for County Executive—Tom Hucker and David Blair—have been using the traditional campaign finance system that allows large donations up to \$6,000 from groups and PACs.

Candidates using the public finance campaign system may accept contributions from individuals up to \$250 but can't accept contributions from groups or PACs or funds raised through the traditional large donation system. Those candidates who follow the program rules are eligible to receive taxpayer matching funds, up to a maximum total of \$750,000.



David Blair, a businessperson with substantial personal resources, is not taking public financing and is free to finance his own campaign to whatever amount he desires (and has already done so to a considerable degree).¹ In a recent *Bethesda Magazine* column, Blair said he needed “significant resources to run countywide and counter the taxpayer-funded communications opera-

tion of my opponents,” an assertion that, while plainly self-serving, is at least legally consistent and transparent.

Tom Hucker, though, is trying to straddle the fence. Until now, he has been raising money without any of the public financing program constraints. He collected almost \$200,000 in private campaign funds last year and probably substantially more this year. He has used some of these funds to pay ongoing campaign expenses. But now, in a move that is raising eyebrows, he has repeatedly floated the idea of seeking to qualify for public funding as well and collecting that same \$750,000 in taxpayer funds as those who stuck to the rules from the start. This maneuver would make a mockery of the entire system.

Hucker's stated rationale for

Hucker Financing, cont.

such a move is that, “unlike public financing in other areas, our program doesn’t allow publicly financed candidates to access additional funds if they compete with candidates who can self-finance millions of dollars. I will decide before the deadline whether to join the public financing system.”² That may be a legitimate concern, but his two opponents accepted those terms from the outset when they took public financing.

Although the County Council can address Hucker’s concern if it wishes, it is more important to immediately clarify the statute to prohibit the use of both public and private financing in the same campaign. The Civic Federation Executive Committee strongly supports public financing and believes candidates using it must abide by both the terms and

the spirit of the law.

Mr. Hucker, you say you have long supported public financing for Montgomery County and strong transparency requirements. So please practice what you preach. It’s not too late to “just say no” to public financing this time around.

FOOTNOTES

¹ See campaign finance articles in [Maryland Matters](#) and [My MoCo Media](#) for more details. Elrich raised \$102,458 and is expecting \$333,968 in matches; Riemer raised \$135,287 and is expecting \$355,894; and Blair is mostly self-financing with a \$1.1 million personal loan comprising the bulk of the \$1,422,516 he has raised to date. In addition, 21 of the 42 candidates running for County Council in 2022 have also filed to request public financing.

² [Bethesda Magazine March 15, 2022, article](#) on CE candidates. ■

Bills with Civic Federation Support in Annapolis

By Peggy Dennis, Legislation Committee Chair

After much deliberation in Executive Committee, the MCCF has delivered testimony, written or oral, and/or sent emails in support of the following bills.

MONTGOMERY COUNTY—AUTOMATED TRAFFIC ENFORCEMENT *HB 231*

This bill authorizes Montgomery County to designate the Montgomery County Department of Transportation instead of a local law enforcement agency as the agency responsible for implementing automated traffic enforcement programs in the county; requires that an employee of the Montgomery County Depart-

Bills of Interest, cont.

ment of Transportation, instead of a law enforcement officer, sign a certain required statement on a citation issued through the use of automated traffic enforcement systems in Montgomery County, under certain circumstances; alters the process under certain circumstances for the certification of evidence produced through the use of automated traffic enforcement systems; and generally relating to automated traffic enforcement in Montgomery County.

MONTGOMERY COUNTY-DEER HUNTING—SUNDAYS

MC 25-22

The current law was to sunset this year. There have been no problems or complaints with the current law. This bill extends the law indefinitely with no sunset provision and

allows hunters to hunt deer on each Sunday of the deer hunting seasons from 30 minutes before sunrise until 10:30 a.m. It also adds one Sunday each in the bow and firearms seasons when hunters will be permitted to hunt the whole day.

MONTGOMERY COUNTY—BUSINESS REGULATION—LANDLORD LICENSE

HB 918

The bill is intended to benefit Montgomery County renters by promoting competition and ensuring tenant access to multiple wired broadband providers. Apartment dwellers are often limited to a single provider because their landlords have cut an exclusive deal with a provider and receives a share of the revenue. The resulting lack of competition results in poorer service and higher prices. This would end

that practice for owners of 5 or more units.

BICOUNTY COMMISSIONS—ETHICS—CERTIFICATION OF COMPLIANCE

HB 1059

This bill would require each of the 3 bicounty agencies (WSSC, M-NCPPC, and WSTC) to annually certify that their ethics regulations are “similar” or “substantially similar” to State ethics regulations. For example, WSSC has robust lobbying regulations while M-NCPPC does not. And M-NCPPC was using the same financial disclosure form while WSSC’s form was missing a key section until recently.

MONTGOMERY COUNTY PLANNING BOARD—OPEN MEETINGS—VIDEO AND AUDIO

Bills of Interest, cont.

STREAMING AND MINUTES

HB 396

This bill requires the Montgomery Planning Board to stream its meetings and publish written minutes. (A nearly identical bill was passed last year for WSSC).

RECKLESS AND NEGLIGENT DRIVING—DEATH OF ANOTHER—MUST-APPEAR VIOLATION (SHERRY’S AND CHRISTOPHER’S LAW)

HB 0007

This bill provides that a person charged with reckless or negligent driving must appear in court and may not prepay the fine if the reckless or negligent driving contributed to an accident that resulted in the death of another person.

ENVIRONMENT—SYNTHETIC TURF AND TURF INFILL—CHAIN OF CUSTODY

SB 321/HB 131

Requiring a producer of synthetic turf and turf infill sold or distributed in the State to establish a system to track the chain of custody of the synthetic turf and turf infill and report the chain of custody to the Department of the Environment; requiring a certain owner of synthetic turf and turf infill to report certain information to the Department; requiring the Department to develop and maintain a website that displays certain chain of custody information; and making a violation of the Act a civil offense.

OPEN MEETINGS ACT—APPLICATION AND ENHANCED REQUIREMENTS (MARYLAND

STATE AGENCY TRANSPARENCY ACT OF 2022)

SB 269/HB 375

This bill repeals exemptions from the Open Meetings Act for certain independent and regional development units and establishes enhanced requirements under the Open Meetings Act for specified public bodies.

PUBLIC SAFETY—UNTRACEABLE FIREARMS (‘GHOST GUNS’)

SB 387

This bill changes the definition of “firearm” to include an unfinished frame or receiver; prohibits a person from purchasing, receiving, selling, offering to sell, or transferring an unfinished frame or receiver, or possessing such a firearm on or after January 1, 2023. ■

County Council to Pursue Racial Equity Outreach on Thrive Montgomery 2050

By Elizabeth Joyce, Vice President for Membership

On February 15 of this year, the Office of Legislative Oversight (OLO) released its preliminary racial equity and social justice (RESJ) analysis of Thrive Montgomery 2050, requested by Council President Gabe Albornoz. The report found that Thrive lacked sufficient details for analysis and recommended a set of improvements for the document.

OLO also found that Thrive's economic approach "could widen racial and social inequities as it primarily offers benefits to affluent and disproportionately White people." And it recommended eliciting "meaningful input from residents of color from communities of color and low-income residents to co-create

and update Thrive so that it reflects a consensus of land use policies and practices aimed at advancing RESJ." The exclusion of such residents from the process of developing Thrive, OLO contended, weakens the document. OLO recommended that the County hire an outside consultant to seek further input from Black, Indigenous, and other people of color (BIPOC) and low-income residents in developing Thrive policies and practices.

Despite strong pushback from the Planning Board (which argued that Thrive already addressed RESJ issues) at a February 24 Council work session, the Council decided to hire a consultant to conduct further outreach to BIPOC and low-income residents. A March 14 solicitation

invites applicants to engage the target populations in the process and to draft a new Thrive chapter on RESJ issues for the Council to consider. The report might recommend a new chapter on implementation strategies previously removed from the Thrive draft to determine the likely impact of proposed measures on BIPOC and low-income residents.

The Council is reviewing applications and may reissue the solicitation to more applicants and perhaps briefly extend the July 1 deadline to allow for these changes. Council President Albornoz and Councilmembers who insist on giving underrepresented residents a voice on this crucial document deserve the community's gratitude. ■

MCCF Letter to Council on Funding the Office of the People's Counsel for FY2023

MCCF—which has long advocated for the return of the Office of the People's Counsel (OPC) to Montgomery County—is pleased that, in his Fiscal Year 2023 Recommended Operating Budget, County Executive Marc Elrich recommended restoring funding that the County Council previously cut to the OPC. Now it will be up to the County Council to approve the restoration of funding for this important office. MCCF's letter this month to the County Council is below.

On April 19 and 20 at 1:30 p.m. and on April 19, 20, and 21 at 7:00 p.m., the County Council will hold public hearings on the proposed FY 2023 Operating Budget. Residents can sign up to testify by clicking the “sign up” button for

public hearings on the **Council's calendar**. Individuals will receive a confirmation email with the appropriate instructions to participate in the meetings.

Comments and suggestions are also welcome **online here**; via email at county.council@montgomerycountymd.gov; by sending regular mail to County Council, 100 Maryland Ave., Rockville, Md. 20850; or by calling the Council's budget hotline at 240.777.7802.

TEXT OF THE LETTER

The Honorable Gabe Albornoz
President
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

RE: Funding the Office of the People's Counsel—FY 2023 Operating Budget

Dear County Council President Albornoz and Members of the County Council:

On behalf of the Montgomery County Civic Federation, Inc. (MCCF) I am writing to request that funding be restored to the Office of the People's Counsel (OPC), an agency that is authorized by the County Code to represent the public interest in the County's land use regulatory process.

During the February 14, 2022 MCCF General Meeting, members voted to submit a letter recom-

MCCF Letter on OPC, cont.

mending that this funding be restored in the upcoming Fiscal Year 2023 Operating Budget. Continuing to withhold funding for this agency is not in the public interest and defunding the OPC has led to an imbalance of representation on issues related to land use.

The Office serves to protect the public interest in land use hearings by promoting full and fair representation of relevant issues to achieve balanced administrative records. The Office also provides technical assistance to residents so that they can effectively participate in the County's land use control process. Reestablishing the OPC will help to restore a balance of trust and integrity to the planning

and public engagement process.

Furthermore, the County Code requires that prior to introduction, any proposed Zoning Text Amendment (ZTA) be reviewed by a ZTA Advisory Group that includes the OPC. One of the reasons often cited by the Planning Department for the complete rewrite of the County's Zoning Ordinance (which was a seven year process) was to discourage the use of Zoning Text Amendments that bypass the master planning and land use public processes. However, since the Zoning Rewrite was adopted, there have been over 100 ZTAs proposed by a small number of Councilmembers. All of the ZTAs were proposed without the benefit

of the OPC review.

Other Maryland jurisdictions have established People's Counsel including Prince George's County, Baltimore County and Harford County. It's time to restore Montgomery County's People's Counsel.

Thank you for this opportunity to submit our recommendation on this very important matter of public interest.

Sincerely,

Alan Bowser
President
Montgomery County Civic Federation, Inc. ■

Minutes of the March 14, 2022, MCCF General Meeting #931, Virtual Zoom Meeting

By Karen Cordry, Recording Secretary

Due to the COVID-19 outbreak, the General Meeting was held via Zoom as a virtual meeting. A total of 105 persons attended on the Zoom platform.

Call to Order: Alan Bowser, President, called the meeting to order at 7:30 p.m.

Approval of Meeting Agenda: moved, seconded, and approved by voice vote. With one amendment to include reference to by-law vote.

Approval of February January Minutes: Moved, seconded, and approved by voice vote.

Treasurer's Report: Jerry Gar-

son reported that, since July 1, we had receipts of \$1,200, with total expenses of \$1436.80 for a net balance of -\$236.80. Current bank balance is \$8,752.

PROGRAM: COUNTY EXECUTIVE FORUM [RECORDED]

Moderators: Amanda Farber (East Bethesda Citizens Association) and Paul Guinnesssey (Park Hills Civic Association). Candidates had two minutes to respond and could offer short rebuttals.

Introductions:

I David Blair opened by noting he grew up here and felt like it was an inclusive area but felt there had been some slippage in a number of areas. He ran four years ago and

feels the same challenges are there and he wanted to bring his perspective as an executive to make changes.

I Marc Elrich noted that he was a father and a grandfather with African-American grandkids and was a teacher before getting into politics. COVID has been a disruptor but MoCo has come through better than most. We have kept our AAA-bond rating and reserves, while making investments in early childhood development and looking at a housing program that will actually work, in addition to programs to bring in new jobs and make the County work better for business.

I Tom Hucker has been a long-time activist, starting in the Sligo-Brandview area, an organizer for 20 years. Has been VP and now Council

March Mtg. Minutes, cont.

President. We weathered COVID well but there are a lot more things to be done on schools, housing, and the economy where we are falling behind. We also have transparency; financial issues; will bring us together again like under Leggett.

I Hans Riemer said we need leadership that says yes to progress; we need to evolve and to make changes to make the private sector work better. We don't have enough affordable housing or high-paying jobs so that people can afford to live here. Our jobs have been going to Virginia, not the 270 Corridor and that has to change.

Questions:

The questions MCCF asked each candidate are set out below. The [full program recording is available here.](#)

1. In the role of County Executive, what would you do to improve trust in, and transparency and accountability of County government? In addition, would you support funding the Office of the People's Counsel?

2. What do you consider to be the most positive and promising elements of Thrive 2050 and are there any areas you believe need improving?

3. When reflecting on the County's budget and revenue streams, what do you feel is the biggest financial challenge facing the County today?

4. What is your plan for improving the environment for business in the County to create more jobs?

5. As County Executive, what will your environmental priorities be

and what would you do to continue to push the County government, businesses, residents, and utilities towards green power?

6. What would you do in your role as County Executive to create more affordable housing in Montgomery County?

7. What are your recommendations to improve public safety in Montgomery County?

Closing Remarks:

I Hans Riemer noted there hadn't been a lot of talk about education, which was a critical topic and one where there had been a loss of confidence. He thought the current County Executive had been too hands-off in that regard.

I Tom Hucker stated he had

March Mtg. Minutes, cont.

given up a safe seat to be part of the solution to help kids who don't have the same opportunities he had. We need to get County back on track and that includes working with others to get consensus which we weren't getting from the current Executive.

■ **Marc Elrich** stated that the budget shows the County is in good shape and is getting better. Schools were underfunded and we are addressing that in many areas including by obtaining more funding from the State.

■ **David Blair** stated that, in many ways, the candidates were aligned on most of their substantive goals. The big difference is that he brings the executive leadership perspective to this office to get them done—pick the big ideas, hire the

right people, empower them, and get out of the way.

PROPOSED BY-LAW CHANGE

Currently, a member of MCCF's Executive Committee who files to run for office must resign from the ExCom immediately. The proposal is to change the resignation date to when (and if) they are actually elected. This proposal had been moved by the Executive Committee.

There was discussion on the topic, generally focused on our need to retain these persons' services, if possible, versus any appearances of impropriety. It was noted that we had a lot of other people who could exercise oversight and the person would be expected to recuse if specific issues came up.

The final vote was 15 yes, 0 nay, 2 abstentions.

COMMITTEES

Education

■ Interest in locating part of MCC into East County near Burtonsville. There was interest in seeing a Tech/Vocational center on that site, too.

■ A new Planning Director has been hired for Eastside at White Oak.

Environment

■ Conservation Montgomery is sponsoring a Green Forum at the Silver Spring Civic Building.

Land Use

■ A report from the Office of Legis. Oversight on racial equity issues has put a hiatus on the approval process for Thrive. Council is doing RFP for independent consultant for outreach process to get engagement OLO wanted. They still want to vote on

March Mtg. Minutes, cont.

the overall proposal by the end of October, but that seems questionable at this point. Cary Lamari will get the draft RFP tomorrow and we will have a week from when it's officially posted to give comments. Thrive deadlines are being attended 60 days at a time currently.

Legislation

■ HR 1859, Al Carr's bill on transparency for P&P, unanimously passed the House. The Civic Fed and Taxpayers' League sent letters to the Attorney General about the transparency issues and were directed to the State Ethics Commission where we got a lot of background on that. It was noted that we might want to do some more work to suggest what the law *should* say, noting that we

had made progress on the People's Counsel funding and that was a good win.

■ Artificial turf disposal bill also reported out of House and is at Senate.

Transportation

■ The losing bidder to build toll lanes on I-495 and I-270—Capital Express Mobility Partners (CEMP, a consortium led by the Spanish firms Cintra and Ferrovial)—sued, which is holding up progress. Montgomery County Circuit Court Judge John M. Maloney on Feb. 16 ordered the State to reconsider its decision to award a lucrative contract to an international conglomerate comprised of Transurban and another firm. [\[Read more here.\]](#) The County is still pushing BRTs for the project.

ANNOUNCEMENTS

■ Patricia Tyson noted that the community response to the explosion and fire at Friendly Gardens apartments in Silver Spring was robust. In just a few days, the Montgomery Housing Partnership had received more than \$500,000 in donations for the displaced families.

■ It was noted that Scott Fosler, a former County Council member, Mayor of Chevy Chase, and many other activities had recently passed away. He had been a prime mover in obtaining passed of a law mandating "plain language" for legislation.

Adjournment: Meeting adjourned at 10:08 p.m.

Minutes of the March 24, 2022, Executive Committee Meeting Held Online

By Karen Cordry, Recording Secretary

Attendance: Alan Bowser, Jerry Garson, Karen Cordry, Liz Joyce, Peggy Dennis, Bailey Condrey

Approval of the Agenda: Agenda approved.

Treasurer's Report: Jerry Garson reported on dues received and organization expenses.

APRIL 11 PROGRAM

Montgomery County Chief Administrative Officer Rich Madaleno will present the County Executive's FY202 Recommended Budget. Housing, mass transit (Metro and Purple Line), climate change, Thrive 2050-related costs, and the People's

Counsel are likely topics.

MAY PROGRAM

The May 9 program is on Environmental Issues. Bailey Condrey will organize the May program, which will feature a presentation by former WMCA President Ken Bawer on stream restoration in Montgomery County. Bailey will lead the discussion on several other areas where positive things are happening, including the MoCO CAP group progress.

MEETING WITH STATE COMPTROLLER'S OFFICE

We still need to set date to talk about budget, taxes, COVID surplus. We can record the meeting and make it available to the membership.

COUNTY COUNCIL AT-LARGE FORUM

Members agreed to sponsor a candidates forum Montgomery County Council At-Large. It was suggested to present the forum as an additional Civic Federation meeting.

THRIVE MONTGOMERY 2050

Members discussed the County's draft RFP for a Racial Equity and Social Justice consultant for Thrive Montgomery 2050. Members expressed concerns about the time permitted to solicit the RFP and the geographic limit on firms able to bid.

KATZ COMMUNITY MEETING

MCCF participated in a community meeting with County Councilmember Sidney Katz about the

ExCom March Mtg., cont.

Thrive Montgomery 2050 document and community engagement process. Meetings are expected with other County Councilmembers.

STATE LEGISLATION

Peggy Dennis reviewed a series of bills pending in the General Assembly that the Executive Committee supports, including those related to ghost guns, chain of custody for artificial turf, ethics compliance for bicounty commissions, automated traffic enforcement and M-NCPPC open meetings.

Newsletter: There was discussion about articles and topics for the April newsletter. The deadline for story submission is, as always, the 26th of the preceding month.

Membership: Plans to increase MCCF membership numbers continue.

Adjournment at 9:10 p.m.

Montgomery County Civic Federation

www.montgomerycivic.org
info AT montgomerycivic.org
Twitter Feed @mcciviefed
[MCCF Facebook Page](#)

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The *Civic Federation News* is published monthly except July and August by the Montgomery County Civic Federation, Inc. 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.”

Submit contributions for the next issue by the 26th of the current month. Send to CFN at [civicfednews AT montgomerycivic.org](mailto:civicfednews@montgomerycivic.org).

Send all address corrections to membership AT montgomerycivic.org.

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