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MEDCO Legislation: A Property Rights and Anti-Fair Competition Time Bomb

—by Chuck Lapinski, Public Utilities Chair

Boy, our legislature really laid one on us! Maybe some of its impacts were unintentional, but when confronted with what they were doing, they refused to do anything to correct it. MEDCO as it is called, was originally designed in 1984 to provide funding for businesses in economically depressed areas where private sector funding was not available. Since its inception, MEDCO has issued more than \$500 million in tax-exempt bonds that are backed by the general faith and credit of the State. Among other programs, it has been used to fund "brown fields" reuse projects.

With the new legislation that takes effect immediately as emergency legislation (what happens when we have a real 4 horsemen of the apocalypse type of emergency), there will be no real restrictions on MEDCO's mission. It will be able to fund any kind of profit or not-for-profit activity, business or non-business. Under the old law, it was restricted to vacant/underutilized industrial sites that could not get private sector financing. It can now operate in any part of the state without restrictions, rather than be limited to areas of the state experiencing significant economic dislocation or distress. It can retain ownership and set leases below market rates while remaining tax exempt, and thus compete unfairly with existing businesses which it couldn't do under the old law. It can make loans to people for just about any project which was prohibited under the original law. It has



Amy Liu of the Brookings Institution made a presentation on "A Region Divided: the State of Growth in Greater Washington, DC" at our May meeting.

—Photo by I. Dean Ahmad.

been granted the right to "condemnation and eminent domain", as approved by the local legislative body (e.g., the County or City

Council). But you don't have the right to contest the action or the settlement to the courts as you do in normal property rights proceedings. And, it allows the decisions by the MEDCO Board to be "final and conclusive." You have no recourse to the courts, and there is no basis of accountability for their actions and decisions. Not even publicly owned utilities such as WSSC have those powers and exemptions!

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Delegate Meeting Minutes May 14, 2001

—by Richard Zierdt, Recording Secretary

Meeting called to order by Dr. Dean Ahmad, MCCF president, at 8:00 pm. 728th session of the MCCF.

Announcements. Delegates introduce themselves. 13 different associations are present. Chuck Lapinski: MEDCO (Maryland Economic Development Corporation) has changed some rules. A Taste of Wheaton is next Sunday.

Program. A Region Divided. Chuck Lapinski. Guests: Amy Liu and Kurt Sommers from the Brookings Institution. Mr. Sommers happens to be a Silver Spring resident. Brookings decided to do a study on economic development in the D.C. area. Study found an east-west division by race, income, jobs, and opportunity. Charts using 1990, 1995-96, and 1998 figures were displayed. Virginia and Montgomery County have used different development models. Montgomery's inclusive policies may be detrimental if implemented in isolation (without other jurisdictions implementing similar policies).

8:25 pm. Q&A. Cary Lamari. Should employment opportunities be encouraged along I-95? A: housing infrastructure would also be needed. Jerry Garson: Shouldn't a second bridge be built to allow opportunities for the increased immigration? A: Second bridge may be useful, but commuting patterns should be studied first. Charles Pritchard: Many immigrants arrive with very little capital. Why not build employment where the immigrants are? A: Virginia seems to build more commercial than residential. Therefore, there is a shortage of housing in Virginia. Mark Addman: What do we want Virginia to do, and how? A: Virginia State prevents VA counties from implementing some land use and planning. Mike Wiser: Immigrants seem to congregate around mass transit centers. What effect do these concentrations have on public services? We need more mass transit. Fifa Northrop: Where did your data come from? A: from education departments and census and INS and BLS (Bureau of Labor Statistics). What is the purpose of the study? A: To get a sense of growth and transportation, to provide civic groups and governments with data to help them. Ken Reid: District has killed many road projects. DC has height restriction (discourages development). DC

is primarily a "white collar" job center. A: DC lost 30,000 residents, but the tax base remained the same. There are major development plans in DC. Andy Reed: differences in vocabulary may mean different things to different people, such as "open space." Jerry: Killing I-95 denied low-income people access to transportation corridors. Bob Abrahms: Loudoun County: problems with (over) development. Cary Lamari: Where did the 30,000 from DC go? Richmond (capitol of Virginia) does not care about Montgomery County, Maryland. A: To Prince Georges and Montgomery. Marylanders should organize to answer the Board of Trade. Charles Pritchard: Metro has "come alive" with ridership. Metro is now considering expansion. Ed Kelty: Montgomery County .vs. Prince Georges Counties. A: MC and PG should get together and discuss mutual problems. Loudoun lost its last federal housing project.

9:10 Quorum is now present.

Agenda. Chuck Lapinski: MEDCO.

Minutes from April 9, 2001. Charles Pritchard has concerns about Matthew Henson description. Secretary will review audio tape of the meeting. Minutes otherwise approved on voice vote.

New Business.

Bylaw change regarding quorum. Richard Zierdt. Proposed language **to reduce the number of member organizations required to achieve quorum from one-fifth to one-sixth of total membership.** Passes by voice vote. Motion will be voted at the June delegates meeting.

Nominating Committee. Bob Creager nominates **Dr. Pat Cummings for a second V.P.** Nominations are closed. **Nominating committee slate, as amended** (see page 4) passes.

MEDCO (Maryland Economic Development Corp): Chuck Lapinski. Group initiated in 1984. MD House and Senate action this year expanded its power of eminent domain. A good financial review of the Corporation has not been performed. There is no review or resource of its decisions. Lapinski moves that **the MCCF oppose the expanded power of MEDCO and support a petition for a referendum on it.** Seconded. Motion to table fails. Original motion then passes 19 - 1 - 0. A petition to force the issue on the ballot in 2002 is circulated.

Political advocacy on County Council's web site. Richard Zierdt. The County Council has posted (one-sided) views regarding the proposed Second Potomac Bridge on its web site. Zierdt would prefer no posting of political positions on taxpayer-funded media, or, failing that, at least allowing differing views. Zierdt moves to refer topic to executive committee. Seconded (George Sauer). Motion passes on voice vote.

Meeting adjourns at 10:00 pm.

Respectfully Submitted,
Richard Zierdt, Recording Secretary

Ex-Comm Meeting Minutes

May 24, 2001

–by Winifred Klein, Coreresponding Secretary

President Ahmad called the meeting to order a 8:47, 24 May, 2001. Announcements were received: Howie–Construction on the MCCF (jail) is coming along swimmingly. Strombotne–Has been elected VP for the Maryland section of NARFE. Howie–Received award from EPA for volunteer work in planning & land use and for work in civic associations. Klein–Maryland and Montgomery County laws allow bicycle riding on sidewalks.

The agenda was adopted as presented

The Minutes were accepted as printed.

A report from the Treasurer showed a checking acct. balance of \$1303.85 and a savings balance of \$5729.60.

In reference to previous letters about political campaigning on county property/time, Dean reported a letter from Charles Thompson advising that the violations be reported to the county prosecutor. Skinner recommended that such action be taken. Dr. Ahmad suggested consulting Mrs. Dacek first, and suggested that the approach should be to sensitize the unions avoiding court action unless necessary. Consensus approval.

Dr. Ahmad proposed a reconsideration of the dues structure. He noted that sending the newsletter by e-mail would significantly decrease expenses. Those

organizations that would accept this method could be offered a reduction in dues. A subcommittee consisting of Dr. Ahmad, Charles Wolf, and George Sauer was appointed to consider the matter.

Montgomery County detectives Fedora and Van Gilder presented "Montgomery County. Public Safety Airborne Support Analysis", a proposal to establish a 3-helicopter program, similar to programs in Fairfax, Baltimore, P.G., and Ann Arundel counties. They cited benefits to residents through police and other agencies.

A motion was approved to ask the membership to appoint a special committee to look into the matter, with an interim report at the next Ex-Comm meeting.

Ms. Taylor, reporting back on the Warren case, reported that the State's Attorney's office to re-investigate the case to get justice for the family. It was agreed that a letter of appreciation be sent to Mr. Gansler, as well as an open letter to the press.

The report of the Awards Committee was received and approved. Announcement of the winners will be withheld until the Award night. The committee was instructed to arrange for presenters and the presentation. A refreshment committee was appointed: Peggy Dennis, Wini Klein, Myrna Taylor, Bill Skinner, Dan Wilhelm, and Fifa Northrup.

June meeting program will be Awards, September to be announced, and October, Transportation Policy Review Report.

Charles Pritchard presented a report from the MNCPPC on the proposed Legacy Open Space Master Plan, noting Mr. Hussman's comments on the cost analysis.

Stan Schiff, Land Use & Planning, noted that Mr. Hussman will be leaving the Planning Board in May. Applications for his replacement will be received through June 15. There will be the end of a phase in modeling by the TPR in about two weeks. Beginning in September, there will be public involvement and lots of publicity. Schiff wants to be relieved as Chair of the LU & P Comm.

George Sauer reported a meeting of the ACLU and the NAACP of Montgomery Co. on the Coalition for Citizens Review of the Police Dept. Dr. Ahmad proposed that this subject be discussed at the general

meeting and that a special committee be appointed, with thought for a future standing committee on public safety.

Motion by Chuck Lapinski: that a special committee be appointed at the June meeting. Approved.

Social Committee: In response to Ms. Taylor's request, Dr. Goldstein volunteered to locate a site for the December annual reception.

Mr. Lapinski reported that the Council did not raise taxes this year. He stated that the county is productive, though no analysis has been made, and that it needs to look into its priorities. He took particular exception to the presentation of unbalanced budgets.

Charles questioned a need for the proposed increased public utilities capacity for the PA-MD-DE-WV region.

A summer schedule was established: June Ex. Comm. -21st June; July 19th at Peggy Dennis' res.; 23rd Aug. Ex. Comm.

It was agreed that wording for proposed resolution by Richard Zierdt will be submitted to the membership at the June meeting. The resolution deals with material displayed on the county government web site. An article will appear in the newsletter. Also to be presented will be a discussion of the helicopter proposal, with Steve Howie as con and Charles Pritchard as pro.

The meeting was adjourned at 10:15 p.m.

Respectfully submitted,
Winifred Klein, Acting Secretary

Police Citizens Academy

–by George Sauer

It would be helpful and enlightening to many citizens and especially citizen activists to attend the Police Citizen Academy. The Academy meets for two hours (7-9 p.m.) on Tuesday nights for three months. Subjects covered include traffic, scams, SWAT teams, K9, evidence, a jail visit, a ride-along, an actual trial, etc. Contact Officer Melissa Parlon @ 240-773-5048 to sign up or obtain more information.

Proposed Change to Bylaw on Quorum

–by I, Dean Ahmad, President

The following change to MCCF bylaws, reducing the definition of quorum from one-fifth to one-sixth of member organizations, was proposed at the May meeting and will come up for a final vote at the June meeting.

Below are proposed changes to Article XI (Meetings of the Federation), Section 6 (underlined text is new, [bracketed] text is removed):

6. Quorum and meeting length. A quorum for all meetings shall consist of at least one Delegate from at least one sixth [fifth] of all Member associations.

Nominees for Federation Office 2001-2002

The following candidates were nominated for the officer positions for the coming year at the May meeting. A final vote will be held at the June meeting.

OFFICE	NOMINEE	TENURE AS OFFICER
President	Dean Ahmad	> 2 yr.
First V.P.	Cary Lamari	RETURN
Second V.P.	Stan Schiff	> 2 yr.
Second V.P.	Jeanne Goldstein	> 2 yr.
Second V.P.	Pat Cummings	NEW
Second V.P.	Dan Wilhelm	1 yr.
Treasurer	Chris Suzich	2 yr.
Rec. Sec'y	Richard Zierdt	2 yr.
Corresp. Sec'y	Winnie Klein	1 yr.
District 1 V.P.	Fifa Northrup	1 yr.
District 2 V.P.	Dick Strombotne	1 yr.
District 3 V.P.	Myrna Taylor	1 yr.
District 4 V.P.	Bob Abrams	NEW
District 5 V.P.	Mark Adelman	NEW

Initiative and Referendum—What’s It All About?—Part 2

—by Dick Strombotne, VP for District 2

The first article in this two part series appeared in the May 2001 newsletter. It provided a summary overview of the Initiative and Referendum process in the United States. This article focuses exclusively on the existing processes in Maryland and Montgomery County. It describes the ways that citizens can be involved in the legislative process.

Briefly, there are four places in the overall legislative process where citizens can come in. They are 1) approval/disapproval of proposed constitutional amendments, 2) referendum on laws passed by the General Assembly of general effect and of local effect, 3) amendment of the Montgomery County Charter, and 4) referendum on laws enacted by the Montgomery County Council and Executive.

Maryland State Constitutional Amendment.

The Maryland General Assembly proposes a constitutional amendment. The proposed amendment must deal with a single issue. It is presented to the voters for their approval or disapproval at the next election for members of the U.S. House of Representatives. When the Governor decides that a majority of the votes cast support the proposed amendment, it becomes part of the Maryland Constitution. Maryland has no provision for citizens to place a proposed constitutional amendment on the ballot directly by petition; this would be a citizens initiative. Maryland doesn't have it; 24 other states do.

Referendum on Maryland Public Local Laws.

Once the legislature has passed and the Governor has signed a general public law, citizens can petition to have the law put on the ballot in the next general election for approval/disapproval. This right was established by constitutional amendment in 1914 and ratified by the voters in 1915. Article XVI of the Maryland Constitution provides the framework for this right of referendum. The required number of valid signatures is three percent of the number of people voting for governor in the last gubernatorial election, currently more than 43,000. Not more than one-half of the signatures can be from residents of the City of Baltimore or of any one county.

There are strict time limits on this petition process. More than one-third of the required signatures must be filed with the Secretary of State by June 1. This action extends for an additional thirty days both the effective date of the law and the deadline for filing the remaining signatures. These deadlines are modified if the law is passed less than 45 days before June 1.

Article XVI limits the types of laws that can be brought to referendum, specifies the requirements for the contents of the petition, and authorizes the General Assembly to make further administrative arrangements. This year HB 123, enacted as Chapter 49, makes a number of administrative changes effective October 1, 2001.

For a law affecting only Baltimore City or any one county, the signature requirement is ten percent of the qualified voters of that jurisdiction.

A group called Maryland Citizens for Property Rights currently is mounting a petition drive to have a referendum on legislation that expands the powers of the Maryland Economic Development Corporation (MEDCO). Two identical bills were enacted and both are being petitioned. They are HB 790 and SB 486.

The Maryland referendum process is difficult. Only a bare handful of bills have successfully been brought to referendum since 1915. By contrast, the General Assembly considered more than 2400 bills this last session and passed more than 900.

Montgomery County Charter Amendment

This is the only opportunity for citizens initiative in the Maryland legislative processes. Charter amendments can be proposed by citizens and by the County Council. The number of signatures required for a charter amendment petition is the lesser of 10,000 or 20 percent of the number of registered voters. Article XI-A, Sec. 5. of the Maryland Constitution, also ratified in 1915, governs this process. Interestingly, it says “in any case, 10,000 signatures shall be sufficient to complete a petition”. Sec. 7. of this same Article defines “Petition” and requires an affidavit of the person obtaining the signatures that to his “best knowledge and belief, that every signature on the paper is genuine and bona fide and that the signers are registered voters at the address set opposite or below their names.”

[continued on page 7]



Both Sides Now: Do We Need Police Helicopters?

Montgomery County Needs Multi-use Police Helicopters

–by Charles G. Pritchard

I serve currently as the Chair of the Environmental Committee of the Civic Federation. I also have an interest in public safety based on my position as an editor and publisher of a national news letter on explosive ordnance disposal (EOD), which has military, public safety and environmental aspects.

On 24 May 2001, two Montgomery County Police Department (MCPD) officers, Jay VanGilder and Michael Fedor, briefed the executive board of the Montgomery County Civic Federation on a pro-posed program that would provide MCPD with a multi-use helicopter program that the county now lacks. In addition to being a force multiplier for the MCPD itself, the proposed unit will have additional missions, including environmental protection.

The program would be carried out by three quiet EC-120 light turbine helicopters equipped with thermal imaging (FLIR) that can track objects during hours of darkness and limited visibility, a powerful search light, a mobile mapping system and video and communications links with ground-based units and command centers such as the County Public Safety Communications Center, the Executive's Office, and the Office of Emergency Preparedness. The helicopters would fly no lower than 500 feet. The EC-120 helicopter is manned by two pilots and can carry three back-up officers or passengers.

The helicopter unit would be "proactive" and respond to on-call requests for service. Helicopters respond 5-10 times faster than ground-based units and have 30 times the observation capability of those units. A US Department of Justice study shows a correlation between reduced response time and apprehension. The Los Angeles PD reports that helicopters have reduced crime in that city by 10 per cent. Such police helicopters have good safety records.

The helicopters will provide greater officer safety. During the years 1997-1998, more than 700 MCPD

officers were assaulted. Helicopters reduce surprise attacks and/or ambushes of officers, divide a suspect's attention, provide a psychological advantage and provide ground officers with needed back-up information. In a large metropolitan area, automobile pursuit is difficult and dangerous. A 1998 National Institute of Justice study noted that accidents occur in 45 per cent of all auto pursuits, 10 per cent result in officer injury and 1 per cent in fatalities. In agreement with other regional police forces and air traffic control, helicopters can safely overfly highway gridlock and operate across jurisdictional boundaries.

Helicopters assigned to the proposed unit will carry out many other missions, including assistance in recovery of stolen vehicles, missing persons search and narcotics control. They can support the Fire Department in fire spotting, hazardous materials, arson and bomb incidents that may require evacuation of affected civilians. They can assist the Sheriff's Department in mass arrest situations, protection of warrant services and support of the Special Service Team. The unit will work with the Office of Emergency Preparedness during severe storms, floods and natural disasters and with Public Works and Transportation Department through emergency traffic control and management studies. It will serve the Board of Education through crowd control during school events and provide surveillance during school alarms or disturbances. Support to the Environmental Protection Department would include prevention of zone violation and illegal dumping (much of which occurs at night) through thermal imagery. In cooperation with the Park Department Police, the unit could carry out observation of watershed and storm water problems. They would be particularly helpful in monitoring remote park trails and recreational areas, thereby increasing park user safety.

Studies have shown that police helicopter operations have been favorably rated by municipalities that have acquired them. Fairfax County, Baltimore County and City, Howard County and Anne Arundel County all have multi-mission police helicopters. Prince George's County and the District of Columbia are moving to establish such units. The Maryland State Police have helicopters but concentrate on med-evac (80 percent), search and rescue (10 per cent) and only 5 percent in support of 70 law enforcement agencies in the state.

The cost of an EC-120 helicopter is \$1.2 million. Flight operational costs are \$190 per hour, which includes maintenance. Operating costs for a year amount to an estimated \$1.5 million financing of the unit would come out of the County budget although the strong possibility exists for a grant from the federal government for start-up costs. MCPD has six qualified helicopter pilots. Four other ground personnel would comprise a minimum staff.

In 21st Century public safety operations, the helicopter is not a frivolous toy. It is an essential force multiplier that will preserve the lives of our police officers, fire fighters, paramedics and bomb squad while providing other useful public services. The MCPD proposal deserves careful consideration by the Civic Federation and the general public.

Police Helicopters: Expensive Toys?

–by Steve Howie

Does our police force need helicopters, or would they be an unnecessary expense? It's a question worth asking since the police are making a pitch to acquire three new machines, each costing \$1.2 million (or leased for \$168,000 annually).

The total annual cost would include half a million to lease the machines, half a million in maintenance costs, at least ten full time employees, and various logistics and support costs. Although the County may obtain some grant money this isn't a given. If obtained it may only cover a fraction of the costs, and may reduce grant money available for other projects.

Regardless of the cost, would they provide a benefit? One of the biggest sales points the county is making is that helicopters would increase the efficiency of pursuits as well as reduce the risk, as supposedly indicated in a 1999 National Institute of Justice (U.S. Department of Justice) study.

But the NIJ study has limits. First, the study looked at only two jurisdictions, Baltimore City and Miami-Dade County. Nobody else seems to have kept any useful data. Second, the study was mainly anecdotal. It reported the circumstances and outcome of helicopter pursuits, but gave no basis by which these circumstances could be quantifiably compared to non-helicopter pursuit. There appeared to be a high rate of apprehension when helicopters were used, but this may have been because helicopters

were used only in intensive pursuit operations that would likely have a high rate of closure without the helicopters.

We already have a State police helicopter presence in the County which provides medivac (the police helicopters would not be equipped to do this), search and rescue, and police support. According to the County, only 5% of the State police helicopter missions are in support of other law enforcement agencies (including Montgomery County). This could mean that the County police are getting shortchanged, or it could mean that there aren't very many situations requiring County police helicopter support.

It would be possible to find fault in detail with the numerous statistics currently being presented by the police in support of this proposal, but this article is not the place to do so. We should insist that their proposal get careful, thoughtful scrutiny. We would all like to improve the effectiveness of our police force. But not all proposals claiming to do so are destined to succeed to that end.

Initiative and Referendum

–[continued]

Referendum on Montgomery County Laws.

The Montgomery County Charter in Sections 114 and 115 sets forth the requirements for a referendum on a law passed by the County Council and signed by the County Executive or enacted over his veto. As in the case of a referendum on state public law, there are strict requirements on the number of signatures and time limits for obtaining the signatures. In this instance the number of signatures is five percent of the number of registered voters, currently more than 22,000. The petitioners must submit half the necessary signatures within 75 days after enactment of the law that is the subject of the referendum and the remainder within 90 days. Section 114 identifies the types of legislation that are not subject to referendum. Note that the Montgomery County Civic Federation has already passed a resolution stating that it will work to amend the County Charter to reduce the number of signatures required for a referendum to 10,000.

What next?

Citizens' participation in the legislative process in Maryland is limited by comparison with many other states. One step forward that does not require a constitutional amendment might be a MC charter amendment to establish an "advisory referendum" that provides citizens with a way to make their views known on important public policy topics without passage of a law. The Maryland Constitution does not permit the citizens' initiative to amend the constitution or pass laws. An "advisory referendum" would be a way to let legislators know what their constituents think about particular public policy issues in a non-binding way.

Note: This article is a layman's view of the initiative and referendum processes in Maryland and Montgomery County. For more details consult the relevant Constitutional and statutory provisions.

The County Operating Budget: Will We Be Able To Pay For It?

—by Chuck Lapinski, Public Finance Chair

How would you like to be able to borrow enough to spend at a compound 7-8% rate even though your income increased at only a 5-6% rate annually? It's a good trick, and you can get away with it for a while. However, all balloons burst, though you wouldn't know it by the way the Executive and the Council have fallen all over themselves for the last 5-6 years. That is about how long this has been going on. The real question is, how will we be able to keep these commitments? The increase granted in the labor contracts—counting both step increases and cost of living increases—again exceeds increases in the private sector (even the DOT.COMs' balloon has gone 'poof') by 4-6% per year and exceeds the regional economic growth rate by another 1-2%. About 8 years ago, economic conditions forced the County to renege on just-signed labor contracts. At that time, private-sector wage growth in the County went negative, and the real estate tax base decreased with the rampant decrease in real estate prices. And we could be headed there again, but hopefully not as severely as last time.

Contrary to the Exec's and Council's laments of constraint, the wage increases in the labor contracts really don't look good compared to the wage growth of the rest of us who are paying for this. If we were to run our homes and businesses (particularly small businesses) this way we would ultimately go bankrupt. We should be living on the taxing of our wages and not depending on the capital gains (and losses don't count) of our stock and other asset accounts. The real problem is that there is no collective discipline, except to spend. With the loosening of the affordability guidelines several years ago, the collective county fiscal prudence took a turn for the worse. We need a clear-cut cap to expenditures; we need a consistent set of priorities, not just the practice of giving something to everybody who wants something; and we need decision criteria on how to allocate limited resources within expenditure caps. It's not just the council that is at fault, but the Exec as well. He sent up a budget to the Council that did not balance (if you don't count borrowing to pay for the operating expenditures—that's just poor fiscal and budgeting practice). At least the Exec's budget wasn't as bad as the Governor's, but still, it's inexcusable! So what did taxpayers get out of this deal? The budget plans to spend \$2.7 billion for the next fiscal year, growing much faster than our personal income is likely to. On top that, the Council promises to rescind the increase in the rate of the piggyback tax, cutting it back from 58% to 50%. But programs are being continued without evaluation to ensure that they are doing what they are supposed to be doing—so that funding can be put in areas where it is effective. Operating budgets are overspent on nice but not really necessary items, leaving us with no budget flexibility to counter the unexpected such as the bankruptcy of Chestnut Lodge, which had a good track record in helping the mentally ill! And the budget contains insufficient resources to meet our County transportation needs—and I really mean needs!

We are told that political decisions were made, but I doubt that they were all good effective economic decisions. Council members are still lamenting how they could have spent more if they were allowed to have it. The budget sets the stage for them to say next year that we must raise taxes. OOPS, but next year is an election year, so it will definitely hit us the following year. We still need volunteers to work with the committee on prioritizing the budget.

Restricting Use of County Government Web Sites to Promote Issues

–by Ken Reid
Marylanders for a Second Crossing

There is probably little doubt that most members of the Civic Federation oppose what my group is trying to do—get another Potomac River crossing between the American Legion Bridge and the Frederick County line. But in recent months, the Montgomery County Council has used its Web site, a taxpayer funded facility, to print material that is NOT derived by Council members, but is designed to promote one point of view: specifically "Potomac Bridge /so-called "Techway" Would Harm County Neighborhoods, Agricultural Reserve."

This web site—<http://www.co.mo.md.us/council/news/2001/0302newbridge.html>—features details of alignments not based on any serious transportation planning, but designed to foment opposition, columns from the Washington Post and other papers opposing the river crossing and highways in general, plus selective use of comments from proponents. Opposing viewpoints are totally lacking. Lately, the Council also has posted news articles from the Washington Post favorable to its work on the budget.

I believe the Council's Web site should be devoted to posting pertinent material, such as agendas and minutes of meetings, staff reports and recommendations, public announcements and press releases, which can now be obtained only by driving to the Council Building. The proliferation of issue oriented material that is not authored by the Council or its individual members should be cause for concern. If the reverse were true and a Council majority favored a new bridge, an ICC, or some other controversial project, how would opponents feel about their tax dollars being used to promote that point of view?

At the Executive Committee meeting on May 24, I presented a motion which the executive committee overwhelmingly agreed should be discussed and voted on at the June delegates meeting. I have

reworded the motion at the request of the Executive Committee and offer it for your consideration:

"The Civic Federation requests the Montgomery County Council not use the County Government Web site—<http://www.co.mo.md.us/council>—or any other County Government-funded Internet site—to publish material advocating one view on a public issue, other than those materials authored by Council members (such as press releases, published articles, testimony and newsletters), unless the Council votes affirmatively to do so or allows opposing views to be placed on the Web site. The County Executive also should refrain from posting material not authored by him or the administration."

I welcome any and all input on the wording of this resolution and on discussing and improving on it at the June Delegate's Meeting.

Coalition for Citizen Review

–by Pat Cummings

A coalition of county organizations is forming to support the establishment of a citizens' police review system (CRS) in Montgomery County. This effort was initiated by the county chapters of the ACLU and the NAACP in response to a sharp increase in the number of complaints filed with the County Attorney's office (25 in 1999; 49 in 2000) and the lack of trust in law enforcement expressed by African-American and Hispanic residents in the County's 1999 survey of attitudes towards the police.

The Montgomery County Civic Federation is on record as having supported the concept of a citizens' police review board when it was under discussion three years ago.

The establishment of a citizen review system in Montgomery County is best viewed as a "good government," pro-people reform which is not intended to be anti-police. Access to independent review increases citizens' confidence that their concerns will be seriously considered and encourages them to act on their grievances. In addition, by gathering and disseminating information about patterns and chronicity of misconduct, review boards

can provide information that is useful to the police as well as the public. Dozens of cities have put such systems in place over the past thirty years, and they have proven to be important in helping to improve police accountability and support continuing reform.

There are many models of citizen review. Review boards vary in the extent of their independence; investigatory mandate; power to conduct hearings; authority to compel police cooperation; influence on policy development; diversity of membership; adequacy of funding; use of statistical analyses; and their ability to maintain separate offices. Some review boards may have complete responsibility for investigating and adjudicating complaints and may even replace a police internal review system; while others may be limited to reviewing and auditing police department investigations and adjudications.

At the Coalition's startup meeting on May 24, the ACLU recommended a "hybrid" model. They proposed that the CRS be an independent agency which would (1) review police Internal Affairs handling of complaints about police officers and (2) conduct independent investigations of citizen complaints. The CRS board would also issue an annual public report which would include statistics regarding types of cases and outcomes.

The board would consist of nine members: six representatives from community organizations reflecting the "diverse population of the county," appointed by the County Council; and three police representatives (two from the union; one from the Police Department). The board would be situated within the executive branch, but members would be subject to removal for cause only by the Council.

The board would oversee an attorney/administrator who would be appointed by the County Executive, but would serve at the pleasure of the board. This Administrator would carry out the audit, investigation and adjudication functions of the CRS and would have authority to hire staff; interview complainants; determine whether to investigate, dismiss or refer cases for mediation; issue subpoenas or arrange for a case examiner to conduct an evidentiary hearing.

Except for cases referred by the Administrator to the States Attorney for possible criminal prosecution, the CRS would report its findings and recommendations to the police chief, who would have sole authority for making the final disposition.

The Coalition for Citizen Review has formed a workgroup which will study various models and apply input from various organizations to refine the ACLU's proposed model. The first meeting of the workgroup was scheduled for Thursday, May 31.

Although the MCCF supported the general concept of a citizens' police review board three years ago, now that a specific type of review board has been proposed, we need to determine whether we should join the Coalition, endorse the proposed model, and/or participate in the Coalition's workgroup to suggest changes to the model.

At the last Executive Board meeting, it was decided that a task force comprised of MCCF members and delegates should be established to study this issue and report back to the membership. Volunteers interested in participating in this task force should contact Pat Cummings, at 301-840-0921.

From the President

The intense involvement of so many of our land use committee members in the Transportation Policy Review has taken its toll on the committee. At the center of much of the Federation's interests and concerns, our land use committee is in need of new blood. Especially now that Stan Schiff, the committee chairman, after years of dedicated and exemplary service, has announced that he does not wish to be reappointed next September. We're all grateful to Stan for his leadership, and there is no better way for the land use wonks amongst us to show their gratitude than to volunteer to join his committee right now while he's still on it so that one of you can be groomed to take over the chairmanship. Anyone interested in working on the committee, including, but not limited to anyone interested in taking on the challenge of its chairmanship, should call me and or Stan at our numbers in the officer list on page 11.

An extremely important issue that came up at our last meeting is the threat posed by new legislation that would give MEDCO powers of eminent domain. For complete details see the article by Chuck Lapinski on page 1 of this issue. The important thing is that we must not allow government to give the power of eminent domain (dangerous enough in the hands of the government) to an

2000-2001 MCCF Officers and Committee Chairs

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2nd Vice-Pres.:	Jeanne Goldstein	301-652-3064	same	<not available>	<none>
2nd Vice-Pres.:	Steve Howie	301-972-2736	same	<not available>	stevehowie@aol.com
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organization benefiting private interests. Even if MEDCO were restricted to its original purpose of helping poor communities, such an act would be reprehensible. Now that MEDCO seeks to help construct golf courses action is urgent. The Civic Federation has already voted to oppose the legislation and support the petitions for a referendum on the issue. PLEASE go to our web site www.montgomerycivic.org and click on the link to the Montgomery County Taxpayer's page to get more details on the legislation and the petitions. You can download copies of the petitions from there and take them to our constituent organizations. Here is an opportunity to strike a blow against the use of the coercive power of government to loot ordinary citizens for the benefit of the powerful.

We have learned that our going Second Vice President Steve Howie has received an award from his employer, the EPA for his civic activism here in Montgomery County. It's nice to see the Federal government recognizing the civic activism of its employees. Steve is a worthy recipient. He has worked hard both for the Federation and for the Clarksburg Civic Association.

Some very important business will be brought up at our June meeting. Ratification of the proposed change in the quorum rules is a major item. We also

shall be considering the appointment of a special public safety committee to consider the proposal of the ACLU and NAACP for a board to review certain police/community issues relating to the treatment of minorities by the County police force. (See article by Pat C Does fairness require a citizens review board to deal with this issue or is this just creating more bureaucracy in the county? Your opinion is needed. (We might eventually decide that we need to authorize a standing public safety committee to deal with all sorts of police and fire related issues.)

The main business of our next meeting will be the election of officers for the coming year. Although the nominations, made at the May meeting, are uncontested, we still need a strong turnout to ratify the slate. (Otherwise we'll be left with a bunch of vacancies!) Besides, **June is our annual awards meeting**, and you wouldn't want to miss that. Our Awards committee, consisting of Bill Skinner, chair, and has been hard at work and has produced some truly worthy recipients for our three awards. Please come to the meeting to meet our honorees and share some cookies and soft drinks.

–I. Dean Ahmad, Ph.D.

Delegates Meeting

Monday, June 11–7:45 p.m.

First Floor Auditorium

County Council Office Building, Rockville, MD

AGENDA:

7:45 Call to Order, I. Dean Ahmad presiding

7:46 Announcements, Introductions

7:52 Adoption of Agenda

7:55 Approval of Minutes, Officers' Reports

8:00 Awards Program

- Star Cup to a Federation Delegate or Committee
- Gazette Award for Outstanding Service to County's people
- Sentinel Award for Contribution to Good Government

8:30 Refreshments

9:00 Old Business

- Bylaw on Quorum (p. 4)
- County Web Site Use Restrictions (p. 9)
- Election of Officers (p. 4)

9:30 New Business

9:40 Adjourn

The **Montgomery County Civic Federation**, a nonprofit, educational, and advocacy countywide group, was founded in 1925 to serve the public interest. The monthly Delegates Meeting is open to the public and it is held on the second Monday of each month (except for holidays, July, August and December) at 8:00 p.m. in the First Floor Auditorium, County Office Building, Rockville, MD.

The **Civic Federation News** is published monthly. It is mailed to Delegates; associate members; news media, and local, state, and federal officials. Permission is granted to reprint any article provided proper credit is given to the "*Civic Federation News* of the Montgomery County Civic Federation." Deadline for submissions for the next issue: 5 p.m. Saturday, August 25. Attach submission to e-mail to: Hotyakker@aol.com file in fully justified 11-point Times Roman font (preferably as a Word document.)

Please send all address corrections to Steve Howie, P.O.Box 325, Clarksburg, MD 20871, 301-972-2736, stevehowie@aol.com.

Next Executive Committee Meeting

Thursday, June 21, 2001, 7:45 p.m.

Bethesda-Chevy Chase Services Center

4805 Edgemoor Lane in downtown Bethesda

(Note: there are two entrances to the parking garage—one on Edgemoor Lane and another on Woodmont Avenue.)

Montgomery County Civic Federation

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