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Rethinking the Value of M-NCPPC

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There was a time when I was among those in the county in favor of dissolving the Maryland-National Capital Parks and Planning Commission altogether and distributing parts of the agency among executive agencies like the Department of Environmental Protection or the Recreation Department -- along with its budget. The prime time for eviscerating that agency would have been when the Clarksburg scandal hit the news six years ago. The public took a dim view of M-NCPPC allowing unauthorized changes to subdivision plans and failing to monitor a project that yielded over 400 zoning violations. In 2005, we were practically ready to burn most of the staff and managers of the agency at the stake. (I think former Planning Board Chairman Derick Berlage left just before someone lit a match...)

But after seeing the way that staff and management at M-NCPPC responded and took reforming the agency seriously post-Clarksburg, I have changed my mind. There are sound reasons for M-NCPPC to continue operating as is -- with Council oversight and largely independent of the Montgomery County Executive branch of government. The direction that the county is moving in also seems to beg for the M-NCPPC budget to be restored to a level that will allow the agency to carry out its mission.

Over the past year, we've seen maneuvers on the part of County Executive Leggett and a Council member or two suggesting they want more control over the Maryland-National Capital Parks and Planning Commission (M-NCPPC). The Council already has considerable authority given that they hear and then debate the merits of the budget proposal for M-NCPPC based on the Executive's proposal each year. The Council also signs off on -- or rejects -- decisions made by the Planning Board.

The Planning Departments' budget was reduced by over 14% in the FY11 budget, resulting in 31 positions being abolished in what was already not a large department. This year, the Planning Department budget is at risk again with a 12.8% cut. The Executive's FY12 budget, noting that the overall M-NCPPC budget will be reduced by 2.2%, is misleading in terms of the actual impact to the Planning Department. The Department needs an increase just to maintain current staff levels and their workload. How is this Department supposed to perform the necessary development application reviews, inspections of easements and basic functions if they may have to reduce as many as 26 positions for FY12? Consider that these combined staff reductions from two budget cycles will add up to about a 40% reduction in two years.

No part of local government can avoid the reality of tighter fiscal constraints to accommodate a \$300 million shortfall in our county budget. But the Park and Planning Commission has already taken massive cuts in the last round of budget reductions. Recent history suggests that budget cuts that could gut the Commission have less to do with saving money and more to do with political control issues and chest pounding.

There have been several attempts to transfer authority for park taxes and park police to the Executive Branch of our county government. Emboldened by recommendations from the Organizational Reform

Commission, charged with coming up with ways to save the county money by eliminating redundancies, County Executive Leggett rushed a legislative proposal to Annapolis earlier this year that would have merged the county park police with the county police force and permanently eliminated the key source of funding for park land.

The County Executive claimed the proposal was designed to save money, but critics pointed out that park police officers make less money than officers in the county police department, so the transfer would likely result in higher pay rates for the transferred officers. Executive officials admitted that there would be less police attention paid to parks. So the move would cost more and do less – possibly leaving our county parks to become dangerous places. In February, five Councilmembers questioned the wisdom of the legislation. Council President Ervin was among those noting that the legislation went beyond a park police merger to include a radical restructuring of authority over the 34,000 acres of parkland in Montgomery County.

We hear that the latest brainstorm is a proposal to take the Planning Department out of the Parks and Planning Commission and put part of it under the Montgomery County Department of Environmental Protection (DEP) and part in the Department of Transportation (DOT). Once again, the proposal makes little sense as a cost saving measure, because county agencies under the Executive's administration pay higher salaries for employees at similar levels of responsibility. The primary consequence of the move would be to give the County Executive total control over land use and transportation planning.

Since 1927, M-NCPPC has operated as an independent, bi-county and bipartisan agency mandated by the State. Unlike many counties around the country, Montgomery County has had our 34,000 acres of parkland and the land use planning function largely independent of Council or County Executive interference in day-to-day operations. This has given M-NCPPC capacity to do long-range land use planning with a professional planning staff in place. Our county has reaped the benefits with beautiful open space set aside and a vision set forth by certified land use planners who maintain their professional qualifications through ongoing training. Land use decisions are crucial to our community quality of life. We can't risk putting the planning and development review process into the hands of unqualified county employees and making the process even more subject to county politics. Here are a few reasons to avoid muddying the waters and more M-NCPPC budget slashing:

- The separation of park and planning functions from the executive branch allows for important checks and balances on decisions that have profound effects on the county and are often extremely difficult to reverse once they have been made. Anyone who remembers Doug Duncan's decision to give a county-owned school site to a foundation connected to Jack Abramoff a month after receiving \$20,000 in campaign contributions from Abramoff, and connected entities, should recognize the dangers in giving the County Executive free reign to dispose of park land as he sees fit.
- Sometimes County Executives (and School Superintendents) like to make deals that are out of the public view. The bi-partisan independence of the Planning Board ensures that land use decisions are made in the open, with public input and public review and a final decision by the County Council – with a public hearing, committee work sessions and transparency.
- As it is positioned, M-NCPPC has accountability built in to operation of both the Parks Department and Planning Department. As an example, staff who administer the county Forest Conservation Law go before the Planning Board and present an annual report on their work in a public setting. This year, M-NCPPC staff briefed the Board on a new tree canopy data product purchased by M-NCPPC for county use. The data will provide metrics on how much existing tree canopy our county has, as well as where we can add tree canopy in areas that in need. Similarly, their counterparts at the Department of Environmental Protection (DEP) have promised a data set showing forest cover for more than two years with no result. In addition, there is no accountability when DEP staff fails to produce. Whereas, the M-NCPPC staff are constantly held under a microscope.

During last summer's election cycle, our current Council President Valerie Ervin was among the candidates who responded to a questionnaire distributed by *Conservation Montgomery*. We posed a question or two about what M-NCPPC's role should be in the future. Ms. Ervin offered a thoughtful and insightful answer.

She said that the M-NCPPC role should be a strong partnership with the Council, and that Planning Board decisions should not be overshadowed by Council politics. She went on to say that, "Parks and Planning reports directly to the County Council and must provide unbiased and non-political advice to Council members." Ms. Ervin continued, "Most Councilmembers are not planning and zoning experts, and we need advice and guidance from the Planning Board and residents. There are times when the Council does not agree with recommendations made by the Planning Board. However, this advice is critical for thoughtful decision making."

Ms. Ervin seems to have it right. Her colleagues on the Council should retain the oversight role they have now over M-NCPPC and let the agency continue to do its job without cuts that will cripple them. They can be nimble, responsive and accountable to taxpayers as they are currently positioned. The bad old days of Clarksburg are over. M-NCPPC, like any government agency is not perfect. But it's time to move on and stop playing games with the agency's budget and the authority entrusted to M-NCPPC for park stewardship and land use planning. Let's hope the Council will act wisely to restore the minimum funding requested by Parks to \$1.8 million, and funding for the Planning Department to \$1.9 million

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