

MEMORANDUM

May 6, 2010

TO: County Council

FROM: Amanda Mihill, Legislative Analyst *A. Mihill*

SUBJECT: **Consent Calendar: FY11 Operating Budget  
Office of the People's Counsel**

**Planning, Housing, and Economic Development Committee recommendation (2-1, Councilmember Elrich opposed):** suspend operations for the Office of the People's Counsel for FY11.

*Those expected for this worksession:*

- John Cuff, Office of Management and Budget

The Executive's recommendation for the Office of the People's Counsel is attached at ©1-2.

**Overview**

For FY11, the Executive recommends total expenditures of \$241,230 for the Office of the People's Counsel, a 2% decrease from the FY10 approved budget of \$246,520.

(in \$000's)	FY09 Actual	FY10 Approved	FY11 CE Recommended	% Change FY10-FY11
<b>Expenditures:</b>				
General Fund	\$239,348	\$246,520	\$241,230	-2.1%
Grant Fund	\$0	\$0	\$0	0.0%
<b>TOTAL Expenditures</b>	<b>\$239,348</b>	<b>\$246,520</b>	<b>\$241,230</b>	<b>-2.1%</b>
<b>Positions:</b>				
Full-time	2	2	2	0.0%
Part-time	0	0	0	0.0%
<b>TOTAL Positions</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>0.0%</b>
<b>WORKYEARS</b>	<b>1.8</b>	<b>1.8</b>	<b>1.7</b>	<b>-5.6%</b>

The Executive is not recommending a change in the number of full-time or part-time positions.

The FY11 Executive recommendation is a decrease of \$5,290 from the following identified same services adjustments:

<b>Identified Same Services Adjustments:</b>	
Retirement Adjustment	\$5,450
Annualization of FY10 Personnel Costs	\$1,530
Group Insurance Adjustment	\$40
Printing and Mail Cost Adjustments	-\$130
Operating Expenditure Reductions	-\$3,890
Furlough Days	-\$8,290
<b>NET SAME SERVICES ADJUSTMENT TOTAL</b>	<b>-\$5,290</b>

### **Public Hearing Testimony**

The Council has received correspondence from some constituents urging the Council to continue funding the Office.

### **FY11 Expenditure Issue**

**Background.** As the Committee knows, the People’s Counsel is authorized to participate as a party, at his discretion, in 7 types of land use cases and make motions, introduce evidence, call witnesses, cross-examine witnesses, and make arguments in these cases. The People’s Counsel activities also include providing general information on land use topics and guidance on effective participation in the County’s land use process, mediating land use disputes, and participating on Community Liaison Committees.

Current law allows the Council to appoint a People’s Counsel either as a term merit employee or a contractor. The current People’s Counsel, employed since 1999, is a term merit system employee who was reappointed in 2003 to a 4-year term and in 2007 to a 1-year term that expired in July 2008. The 2007 reappointment resolution provides that the People’s Counsel serves until a successor is appointed. The Council has not taken action since reappointing the People’s Counsel for one year in 2007.

**Discussion.** The Council received OLO report #2008-10, *Review of the Office of the People’s Counsel*, on June 24, 2008. The Committee held a worksession on the report on July 7, 2008. (See the Executive Summary on ©3.) In response to that report, and to respond to the County’s fiscal situation, the Committee discussed the following options that could represent FY11 cost-saving opportunities in the Office’s budget:

- 1. Continue to fund the Office as it is currently structured.** There would be no additional FY11 savings under this option.
- 2. Change the People’s Counsel position from a full-time term merit employee to a part-time term merit employee.** Mr. Klauber proposes to reduce the People’s Counsel position from

full time to 0.6 workyears and abolish the Executive Administrative Aide position. At the worksession, Mr. Klauber indicated that he could reduce his time to 0.5 workyears. Under this proposal, Council staff estimates a cost savings of approximately \$120,000-\$138,000. However, Council staff believes the savings will be slightly less because it is likely that some administrative staff support would be necessary. Mr. Klauber confirms that he believes that he will need “a couple” of hours of administrative support per week.

Mr. Klauber indicated that under this proposal, he would continue the Office’s functions relating to public education and facilitation of the Community Liaison Committees, but would no longer intervene in zoning cases.

**3. Exercise the option allowed under current law to fill the People Counsel’s position with a contractor.** Under this option, the exact amount of savings depends on the Council’s final decision regarding how much money to allocate for a contractual arrangement. In addition, there could be a fiscal impact related to the amount of administrative support needed. If the contract amount was capped at \$75,000 and no additional funds were retained for administrative support, this option would result in about \$165,000 in FY11 savings, minus costs associated with the abolishment of the Office’s 2 current positions (probably in the \$25,000-\$30,000 range).

If the Committee was interested in retaining funds for staffing, Council staff had recommended this option for the following reasons:

- As part of a Request for Proposal, the Council could solicit fresh ideas from those who apply on how the functions of the People’s Counsel (as outlined in the law) could most efficiently and effectively be carried out.
- A contractor would provide the Council with increased funding flexibility because the contract could be increased or decreased each year based on an annual assessment of need and affordability. Further, the contractual arrangement would present increased opportunity to establish performance metrics and enhance accountability for the funds appropriated.

**4. Suspend operations by not appropriating funds for the Office in FY11.** Suspending operations for the Office for FY11 would result in about \$241,000 in FY11 savings, again minus the position abolishment costs noted above. This option would also give Councilmembers additional time to consider the best future direction for the Office.

**Committee recommendation:** Given the current fiscal climate, the Committee recommended (2-1, Councilmember Elrich opposed) suspending operations by not appropriating funds for the Office in FY11. Committee members expressed their gratitude for the work that the Office has done, but noted that the County was facing a serious fiscal situation. Councilmember Elrich supported retaining a part-time merit employee.

<u>This Packet Contains</u>	<u>Circle</u>
FY11 Recommended Operating Budget	1
OLO Report, <i>Review of the Office of the People’s Counsel</i> , Executive Summary	3
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# People's Counsel

## MISSION STATEMENT

The mission of the Office of the People's Counsel is twofold. First, the Office serves to protect the public interest in land use hearings by promoting a full and fair presentation of relevant issues to achieve balanced administrative records. Second, the Office provides technical assistance to residents and citizen associations so they can effectively participate in the County's land use control processes.

## BUDGET OVERVIEW

The total recommended FY11 Operating Budget for the Office of the People's Counsel is \$241,230, a decrease of \$5,290 or 2.1 percent from the FY10 Approved Budget of \$246,520. Personnel Costs comprise 96.4 percent of the budget for two full-time positions for 1.7 workyears. Operating Expenses account for the remaining 3.6 percent of the FY11 budget.

## LINKAGE TO COUNTY RESULT AREAS

While this program area supports all eight of the County Result Areas, the following are emphasized:

❖ *A Responsive, Accountable County Government*

## PROGRAM CONTACTS

Contact Martin Klauber of the Office of the People's Counsel at 240.777.9700 or John Cuff of the Office of Management and Budget at 240.777.2762 for more information regarding this department's operating budget.

## PROGRAM DESCRIPTIONS

### *People's Counsel*

The Office of the People's Counsel is authorized by County Code Chapter 1A, Section 1A-204 and Chapter 2, Section 2-150 to represent the public interest in the County's land use regulatory process. The Office assists residents and citizens' associations in presenting their issues in land use hearings conducted by the Office of Zoning and Administrative Hearings, the Board of Appeals, and the Planning Board.

## BUDGET SUMMARY

	Actual FY09	Budget FY10	Estimated FY10	Recommended FY11	% Chg Bud/Rec
<b>COUNTY GENERAL FUND</b>					
<b>EXPENDITURES</b>					
Salaries and Wages	183,556	185,340	188,550	177,300	-4.3%
Employee Benefits	49,060	48,460	46,780	55,230	14.0%
<b>County General Fund Personnel Costs</b>	<b>232,616</b>	<b>233,800</b>	<b>235,330</b>	<b>232,530</b>	<b>-0.5%</b>
Operating Expenses	6,732	12,720	5,790	8,700	-31.6%
Capital Outlay	0	0	0	0	—
<b>County General Fund Expenditures</b>	<b>239,348</b>	<b>246,520</b>	<b>241,120</b>	<b>241,230</b>	<b>-2.1%</b>
<b>PERSONNEL</b>					
Full-Time	2	2	2	2	—
Part-Time	0	0	0	0	—
Workyears	1.8	1.8	1.8	1.7	-5.6%

## FY11 RECOMMENDED CHANGES

	Expenditures	WYs
<b>COUNTY GENERAL FUND</b>		
<b>FY10 ORIGINAL APPROPRIATION</b>	<b>246,520</b>	<b>1.8</b>
<b>Other Adjustments (with no service impacts)</b>		
Increase Cost: Retirement Adjustment	5,450	0.0
Increase Cost: Annualization of FY10 Personnel Costs	1,530	0.0
Increase Cost: Group Insurance Adjustment	40	0.0
Decrease Cost: Printing and Mail Adjustment	-130	0.0
Decrease Cost: Reduction in Operating Expenses	-3,890	0.0
Decrease Cost: Furlough Days	-8,290	-0.1
<b>FY11 RECOMMENDED:</b>	<b>241,230</b>	<b>1.7</b>

## CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY10		FY11	
		Total\$	WYs	Total\$	WYs
<b>COUNTY GENERAL FUND</b>					
Board of Appeals	County General Fund	22,730	0.3	22,720	0.3

## FUTURE FISCAL IMPACTS

Title	CE REC.			(5000's)		
	FY11	FY12	FY13	FY14	FY15	FY16
This table is intended to present significant future fiscal impacts of the department's programs.						
<b>COUNTY GENERAL FUND</b>						
<b>Expenditures</b>						
FY11 Recommended	241	241	241	241	241	241
No inflation or compensation change is included in outyear projections.						
Restore Personnel Costs	0	8	8	8	8	8
This represents restoration of funding to remove FY11 furloughs.						
<b>Subtotal Expenditures</b>	<b>241</b>	<b>250</b>	<b>250</b>	<b>250</b>	<b>250</b>	<b>250</b>

(2)

## EXECUTIVE SUMMARY

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By law, the Office of the People's Counsel ("Office") is a legislative branch office established to "protect the public interest and promote a full and fair presentation of relevant issues" in land use cases in the County.

The People's Counsel, who is appointed by the County Council, can participate as a party in certain land use cases and can provide technical assistance to residents on land use topics. Current law prohibits the People's Counsel from representing the County, a government agency, or a private party in any proceeding.

### LEGISLATIVE AND FUNDING HISTORY OF THE OFFICE

The Council enacted legislation to create the Office of the People's Counsel in 1990, but did not fund the Office until 1999. Amendments to the law were adopted in 1999 and 2002. The legislative record indicates that the debate surrounding these bills focused on several recurring issues, such as the Office's role and jurisdiction. The Office's FY09 approved budget of \$250K funds a full-time People's Counsel's position and 0.8 workyears of an administrative aide position shared with the Board of Appeals.

By law, the Council can appoint a People's Counsel either as a term merit employee or a contract employee. The People's Counsel employed since 1999 is a term merit system employee who was reappointed in 2003 (to a four year term) and 2007 (to a one year term). The 2007 reappointment resolution provides that the People's Counsel serves until a successor is appointed.

### ACTIVITIES OF THE OFFICE OF THE PEOPLE'S COUNSEL

The People's Counsel is authorized to participate as a party, at his discretion, in seven types of land use cases and can make motions, introduce evidence, call witnesses, cross-examine witnesses, and make arguments in these cases. In practice, the People's Counsel primarily participates in special exception and local map amendment cases. The People's Counsel estimates that he spends 30% of his time participating in cases.

The People's Counsel also is authorized by law to provide technical assistance to residents – providing general information on land use topics and guidance on effective participation in the County's land use process. The People's Counsel's activities also include mediating land use disputes and participating on Community Liaison Committees (CLCs). The People's Counsel estimates that he spends approximately 70% of his time providing technical assistance, mediating cases, and attending CLC meetings.

### FEEDBACK ON THE LAW AND SERVICES OF THE OFFICE OF THE PEOPLE'S COUNSEL

OLO interviewed more than 50 government officials, staff, land use attorneys, and residents who have interacted with the People's Counsel. Most people interviewed praised the technical assistance provided by the People's Counsel. There was a wider range of opinions about the People's Counsel's case participation. Feedback from both governmental officials and non-governmental representatives also indicates that a range of views exist on the appropriate purpose and role of an Office of the People's Counsel.

### OLO RECOMMENDATIONS FOR COUNCIL ACTION

**#1: Revisit the purpose, duties, and structure of the Office of the People's Counsel as outlined in County law.** OLO recommends that the Council structure its discussion on the People's Counsel law around five issues, which parallel many of the issues discussed 18 years ago when the law creating the Office was adopted: statutory purpose; authority and duties; party representation; technical assistance; and staffing.

**#2: Postpone the personnel decision regarding reappointment of the People's Counsel until the Council completes its review and action on the law governing the Office.** After determining whether any changes are needed to the job description and/or the Office's staffing, OLO recommends the Council decide whether to reappoint the incumbent People's Counsel to a new term or initiate a new selection process.



MONTGOMERY COUNTY, MARYLAND

MEMORANDUM

January 14, 2010

TO: Nancy Floreen, President  
Montgomery County Council

FROM: Martin Klauber, People's Counsel   
Office of the People's Counsel

SUBJECT: Tenth Annual Report of the Office of the People's Counsel - 2009

Attached is our annual report describing the activities undertaken by this Office in 2009. If you have any questions or comments, please do not hesitate to contact me.

MK:fh

Attachment

cc: Amanda Mihill, Legislative Analyst  
John Cuff, OMB Analyst

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**TENTH ANNUAL REPORT**

**OF THE**

**OFFICE OF THE PEOPLE'S COUNSEL**

**2009**

## **INTRODUCTION**

The Office of the People's Counsel has two basic functions:

- To protect the public interest in land use hearings by promoting a full and fair presentation of relevant issues to achieve balanced administrative records.
- To provide technical assistance to residents and citizen associations so they can effectively participate in the County's land use process.

## **BACKGROUND**

On February 6, 1990, the Council enacted Bill 11-89, establishing the Office of the People's Counsel. Though enacted, the Office was not funded.

On April 10, 1998, the Montgomery Civic Federation and the Allied Civic Group submitted "A Critique and Recommendation for Reform" on Special Exceptions to the Council.

On August 3, 1999, the Council enacted Bill 14-99, which amended the prior legislation and established the Office of the People's Counsel as it now exists. The relevant sections of the County Code are contained in the information packet, which is Attachment A to this report.

It is interesting to note that the first incumbent of this Office was appointed by the Council on December 6, 1999, the same day that Zoning Text Amendment No. 99004 became effective establishing new standards for evaluation of special exceptions and new general conditions relating master plans to the Board of Appeals' consideration of special exceptions.

On October 1, 2002, the Council enacted Bill 25-02, which repealed the July 1, 2003 sunset date for the position and the Office of the People's Counsel, making the Office a permanent agency of the Montgomery County government.

This report is transmitted to the Council in fulfillment of the requirement in Chapter 2, Article XII, Section 2-150(j) of the County Code that this Office submit an annual report on its activities.

## **CASE PARTICIPATION**

After reviewing the legislation that established the People's Counsel in Baltimore, Hartford, and Prince Georges Counties, the legislative histories of Council Bill Nos. 11-89 and 14-99, in consultation with Ralph D. Wilson, Senior Legislative Analyst of the Council Staff, and based on the experience gained by the incumbent People's Counsel, the following criteria have been established to determine if this Office will participate as a party of record in a land use public hearing:

- impact on the public;
- effect on the public health, safety, and welfare;
- establishment of a future precedent;
- existence of significant legal issues;
- effect on public policy;
- need to assist an applicant during a public hearing;
- need to assist citizens during a public hearing; and
- the possibility of resolving outstanding issues through mediation.

During 2009, this Office entered 23 zoning cases. The following is a subject-matter breakdown of those cases:

<u>Type</u>	<u>Number Entered</u>
Development Plan Amendment	1
Local Map Amendment	5
Site Plan	1
Special Exception	16

The following is a breakdown of the 66 public hearings participated in during 2009.

<u>Type</u>	<u>Number of Hearings</u>
Development Plan Amendment	6
Rezoning	10
Schematic Development Plan Amend.	1
Special Exceptions	14
Special Exceptions Modifications	33
Subdivision	1
Variance	1

## **TECHNICAL ASSISTANCE**

### Executive Administrative Aide

Technical Assistance to the public was provided by the Executive Administrative Aide in 67 instances.

### People's Counsel

During 2009, the People's Counsel provided technical assistance in 7,618 instances.

Examples of Technical Assistance that have been provided are: developing relevant issues to be presented by residents and associations in public hearings, help in developing written materials to be presented to the Board of Appeals, Planning Board, and Office of Zoning and Administration Hearings, providing techniques and criteria for the evaluation of site and subdivision plans, and explaining how Zoning Ordinance requirements apply to the facts of specific zoning reclassification, special exception, variance, and subdivision cases.

Attachment B to this report is a breakdown of Technical Assistance by subject matter.

## **ACTIVITIES**

- Participated in 66 public hearings.
- Attended 7 meetings of community associations.
- Participated in 33 meetings of community liaison councils established by the Board of Appeals in special exception cases.
- Participated in 24 meetings with attorneys.
- Participated in 18 government meetings.
- Conducted 5 mediation/facilitation sessions in 3 cases.
- Participated in 4 Board of Appeals Worksessions.
- Gave a presentation in the Montgomery County Civic Federation's seminar "Effective Participation in Special Exceptions."
- Continued efforts to improve quality of M-NCPPC Technical Staff Reports in special exception and rezoning cases by facilitating contacts and meetings between the Board of Appeals, Office of Zoning and Administrative Hearings and M-NCPPC staff.

Respectfully submitted,

Martin Klauber  
People's Counsel

January 14, 2010

Attachments (2)

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**OFFICE OF THE PEOPLE'S COUNSEL  
INFORMATION PACKET**



This packet, which has been created to provide you with some basic information about the Office of the People's Counsel, consists of a brief biography and the two sections of the County Code that relate to this office.

We are located in the Council Office Building in Rockville, so if you are in the area, please drop by and say hello.

A handwritten signature in cursive script, reading "Martin K. Faulkner".

The People's Counsel

**MARTIN KLAUBER**  
The People's Counsel

**Land Use Law Experience**

First People's Counsel of Montgomery County, since January 3, 2000

Hearing Examiner, Montgomery County, Maryland 1979-1991

Associate General Counsel, National Capital Planning Commission 1971-1973

Executive Secretary and Counsel of Zoning Commission and Member and Counsel of Board of Zoning Adjustment, Washington, D.C. 1973-1976

Special Assistant Corporation Counsel, Washington, D.C. 1976

Counsel to Chilean Minister of Housing and Urban Affairs, Counsel to Urban Planning Institute of the Catholic University of Chile 1976-1978

Legal Consultant to Commissioners of Charles County, Maryland 1992-1993

**Education**

L.L.B., George Washington University School of Law, Washington, D.C.

B.A., Rutgers College, New Brunswick, New Jersey

George Washington University Graduate School of Public Administration

**Professional Activities**

Co-Founder and Chair, the Maryland Land Use Round Table.

Guest Lecturer at George Washington University School of Law, Catholic University of America School, and University of Baltimore School of Law.

*Urban Development and Land Use Law in Chile*, Chilean Ministry of Housing and Urban Affairs, 1978.

**Personal**

Resident of Montgomery County since 1978.

Married since 1976 to Hope Sukin of the United States Agency for International Development.  
Two children, Rachel and David.

MONTGOMERY COUNTY CODE  
Chapter 1A

- d. The County Council may dismiss the Director for good cause before the end of the Director's term. Before doing so, the Council must tell the Director the Council's reasons for the dismissal. If the Director requests a hearing, the Council must hold one and then issue a written decision to the Director.
  - e. The Director appoints and supervises all merit system employees of the Office. The Office and the employees operate independently of the Council's staff.
- (3) Office of the People's Counsel.
- (A) The County Council may employ, as a term merit system employee, a People's Counsel. The Council may, by a resolution adopted by an affirmative vote of 6 Councilmembers, remove a People's Counsel during the Counsel's term for good cause. Alternatively, the County Council may retain as an independent contractor one or more attorneys, along with support staff, consultants, and expert witnesses, to provide the services of the People's Counsel under Section 2-150. The contract may be canceled at any time by a resolution adopted by an affirmative vote of 6 Councilmembers.
  - (B) Any attorney employed or retained as the People's Counsel must:
    - (i) be a member of the bar of the Court of Appeals of Maryland;
    - (ii) have at least 5 years experience in the practice or teaching of law; and
    - (iii) have substantial experience with land use legal issues and procedures.
  - (C) Any attorney employed or retained as the People's Counsel must not represent any client, other than as People's Counsel, in any matter involving land use in Montgomery or Prince George's County.
  - (D) Any attorney employed or retained as the People's Counsel must not, within one year after the attorney's service as People's Counsel ends, represent any party in any proceeding involving land use in the County.
- (4) Office of Zoning and Administrative Hearings.
- A. The County Council, by a majority vote of Councilmembers in office, may appoint one or more hearing examiners of the Office of Zoning and Administrative Hearings, and designate a hearing examiner or the Council Staff Director as Director of the Office.

**Editor's note**—See County Attorney Opinion dated 11/5/92 explaining that statutes authorizing removal of appointed officials should be read narrowly, and absenteeism requirement should not apply to subcommittee meetings. See County Attorney Opinion dated 7/22/92 indicating that members of Adult Guardianship Review Board may serve unlimited terms.

**Sec. 2-149. Procedures at meetings.**

Unless a committee meeting is subject to Chapter 2A, a meeting may be conducted informally. The parliamentary procedures of Robert's Rules of Order govern when it is necessary to take formal action or decide controversial matters. Committee meetings must be open to the public in accordance with the state open meetings law. (1979 L.M.C., ch. 22, § 1; FY 1991, L.M.C., ch. 9, § 1.)

**ARTICLE XII. PEOPLE'S COUNSEL.**

**Sec. 2-150. People's Counsel—Functions.**

- (a) *Purpose.* Informed public actions on land use matters require a full exploration of often complex factual and legal issues. An independent People's Counsel can protect the public interest and promote a full and fair presentation of relevant issues in administrative proceedings in order to achieve balanced records upon which sound land use decisions can be made. In addition, a People's Counsel who provides technical assistance to citizens and citizen organizations will encourage effective participation in, and increase public understanding of and confidence in, the County land use process.
- (b) *Authority; duties.* To protect the public interest and achieve a full and fair presentation of relevant issues, the People's Counsel may participate in a proceeding before:
  - (1) the Board of Appeals if the proceeding involves a variance or a special exception;
  - (2) the County Council (solely for oral argument) or the Hearing Examiner for the County Council if the matter involves a local map amendment, a development or schematic development plan approved under the zoning process or a special exception; and

- (3) the Planning Board if the proceeding involves action on an optional method development, a subdivision plan including a subdivision plan for a cluster development, or a site plan.

The People's Counsel may also file a complaint under Section 59-G-1.3(b) alleging failure to comply with a special exception, or may seek a modification of a special exception under Section 59-G-1.3(c) or a revocation of a special exception under Section 59-G-1.3(e).

- (c) *Restrictions.* The People's Counsel must not participate in any proceeding before a board or agency of any municipality in the County.
- (d) *Participation.* The People's Counsel is a party in a proceeding under subsection (b) once the People's Counsel files a notice of intention to participate. After the notice is filed, the People's Counsel is entitled to all notices to a party and may participate by making motions, introducing evidence, calling witnesses, examining and cross-examining witnesses, and making arguments as the law and the evidence in the proceeding warrant. The People's Counsel may file and argue an appeal the same as any other party to the proceeding.
- (e) *Independent status.* The People's Counsel must not represent the County, any government agency, or any private party in any proceeding. The People's Counsel is not subject to the authority of the County Attorney.
- (f) *Notice.* If the People's Counsel intends to participate in a proceeding, the People's Counsel must give all parties a notice of intention to participate.
- (g) *Discretion.* In the People's Counsel's discretion, the People's Counsel may withdraw from, or decline to participate in, any proceeding in which the Counsel may participate under subsection (b). The People's Counsel is not liable to any person for participating in, or declining to participate in, any proceeding.
- (h) *Technical assistance.* Without becoming a party to any judicial or administrative proceeding, and subject to available time and resources, the People's Counsel may provide technical assistance to any person about a proceeding listed in subsection (b). When providing technical assistance under this subsection, the People's Counsel must inform the recipient that the People's Counsel is not acting and cannot act as a personal attorney for the recipient.
- (i) *Coordination.* The People's Counsel must coordinate the services of its office with those offered by land use information staff in the Council, Board of Appeals, and Planning Board, to avoid inconsistency and duplication and to maximize the assistance offered to citizens.

- (j) *Annual report.* The People's Counsel must annually report to the Council on the activities of the office. (1990 L.M.C., ch. 22, § 2.; 1999 L.M.C., ch. 19, §§ 1 and 2; 2002 L.M.C., ch. 28, § 1)

### ARTICLE XIII. INSPECTOR GENERAL.

#### Sec. 2-151. Inspector General.

- (a) *Goals.* The goals of the Inspector General are to:
- (1) review the effectiveness and efficiency of programs and operations of County government and independent County agencies;
  - (2) prevent and detect fraud, waste, and abuse in government activities; and
  - (3) propose ways to increase the legal, fiscal, and ethical accountability of County government departments and County-funded agencies.
- (b) *Appointment.* The County Council must appoint an Inspector General for a term of 4 years, as provided in subsection (c). Unless the Council reappoints the incumbent, the Council must select the Inspector General from a list of at least 3 qualified persons submitted by an Inspector General nominating panel, consisting of no less than 3 and no more than 5 County residents designated by the Council by resolution. If the Council does not select one of the persons submitted by the nominating panel, the panel must submit another list of at least 3 other qualified persons. The members of the nominating panel must not be employed by the County or any independent County agency during their service on the panel.
- (c) *Term.* The term of each Inspector General begins on July 1 of the third year after an Executive and Council are elected, and ends on June 30 of the third year after the next Executive and Council are elected. An Inspector General must not serve more than two full 4-year terms, not including any time served as Inspector General to complete an unexpired term. The Council must appoint an Inspector General to complete a term if the Inspector General resigns, dies, or is removed from office. If the term of the Inspector General expires or the position is otherwise vacant, the senior professional staff member, if any, in the Office of the Inspector General serves as acting Inspector General until an Inspector General is appointed.
- (d) *Qualifications.* The Inspector General must be professionally qualified, by experience or education, in auditing, government operations, or financial management, and must be selected solely on the basis of professional ability and personal integrity, without regard to political affiliation.

2009 Annual Report  
 Technical Assistance 2000 - 2009

Technical Assistance Topics	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Abandonment of County Land						2				
Accessory Apartment Special Exception	1		4		5	6	9	55	13	10
Adequate Public Facilities	1							10	5	8
Administrative Appeal	13	7	11	21	14	15	40	30	11	12
Administrative Procedure				4	2		35	56	51	90
Administrative SEM								18	32	156
Adventist Hospital SE									55	
Alternate Review Committee								3		
Amendment to Sandy Spring/Ashton Overlay Zone	5									
Animal Boarding Place SE							14			
Appellate Litigation	1						3			
Ashton Meeting Place Case							24	22		
Associations	3	3	28	13	35	17	49	32	53	31
Automobile Filling Station Special Exception						14	1	22	24	11
Beech Avenue Group							34	49	48	
Board of Appeals			2		21	15	38	75	94	210
C&O Canal	1									
Cable TV	1									
Cell Tower Special Exception					4	1	8			16
Cemetery									4	
Child Care	2							66		
Child Care Special Exception					71	29	21		73	188
Church Parking	3									
Clarksburg Site Plans							3			
Clarksburg Town Center Site Plans						62	2			
Cloverly Golf Course Residential Community				4						2
Community Liaison Council			1	82	141	225	138	350	86	249
Community Swimming Pool SEM							64	9	36	144
Construction Noise	1									
Consumer Affairs					2	1	3	3	6	
Country Club SEM							21	7		
County Attorney						3	23	9	7	3
County Right-of-Way	1	1								5
County's Land Use Control Process		30	51	40	93	129	199	141	93	162
DEP-Noise		1		1				3		
Dept of Economic Development					2	3			4	8
Dept of Environmental Protection		7	4	1	5	9	1		3	8
Dept of General Services										7
Dept of Health and Human Services	1			1	1		1			
Dept of Housing and Community Affairs	2	10	10	11	7	7	8	8	11	14
Dept of Permitting Services	1	27	15	20	50	55	65	97	28	45
Dept of Public Works and Transportation					10	12	119	166	33	
Dept of Transportation									106	95
Development Plan							97	116	14	23

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Technical Assistance Topics	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Development Plan Amendment		1	5	4	16	10	34	45	57	57
Development Review Committee						1	3			
DPWT Issues	4	12	15	15	4	11				
Drive-In Restaurant Special Exception							25	1		
Effective Participation					57	355	222	264	499	824
Enforcement of Special Exception Conditions	5	2	1	4		36	40	129	94	180
Enforcement of Variance	1									
Enforcement of Zoning		2	1	2		12	1			
Environment							2	86	51	74
Ethics	1			1	3	1				
Ex Parte								4	1	4
Facilitation							11	282	12	188
Fairland Golf Course Residential Community				8						
FASEB Special Exception Modification				8		1		6	7	
Federal Land Use Planning		1			7	2	5	30		
Fence								22	5	143
Fire Marshall								1	10	
Fire Station Relocation	1									
FOIA	1	1				2	1	1		
Funeral Home Special Exception				53	2					
General Citizens Association Issues						10				
Golf Course SEM							17	18		
Group Home Special Exception							14			
Historic Preservation	6	3		7	20	4	9	9	7	45
HOC	1							4		
Holton Arms Special Exception Modification	30	12	1	1		54	26	45	26	25
Holy Cross Hospital Issues								63	40	
Holy Cross Hospital SEM									2	80
Home Occupation Special Exception		1			4	15	16	5	8	
Hospitals					34	16	103	116	32	159
Human Relations	1									
Indian Spring Development							10			
Inspector General							1	1	2	
Johnson Garden Center SEM						111				
Labquest	1									
Landlord-Tenant Issues	1					1	2	1		5
Landscape Contractor Special Exception						40	1	58	103	
Landscape Plan							42	241	89	391
Legacy Open Space				1			15	5		
Lighting Plan							24	64	12	57
Mansionization					13	3	22	28	6	3
Master Plan							25	114	49	78
Master Plan Questions/Issues	29	16	6	5	16	103	56	22	13	1
MCPS	1	1	2	1			12	6		

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Technical Assistance Topics	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Mediation of Disputes			2	9	58	124	80	37	11	
Miscellaneous		3	3	4	22	8	23	7	11	19
M-NCPPC		4	7	30	59	122	55	54	53	167
Monopolies	2	3	1							
Montgomery General Hospital's SEM									2	4
Montrose Parkway	2				1					
MPDU						14	3	6	3	6
National Park Seminary					80	43	3			
NIH			9	4						4
Noise Mitigation								3	6	25
Noise Ordinance							12	3	2	55
Non-Resident Medical Practitioner SE							10	3		
North Hills of Sligo Sign	7									
Office of the People's Counsel						63	43	41	19	65
Office of Zoning & Administrative Hearings						39	7	8	1	47
Open Meetings Law								1		
Optional Method of Application					13	23	45	14	73	40
Optional Method of Development	1			1						
Oral Argument								51	21	54
Overlay Zone						1	9	11		
Parking	1						26	128	43	108
Parks			2					28		5
Pedestrian Safety							1	58	57	54
Posting of Building Permits	1	1								
Private Family Cemetery	1						1			
Private School Special Exception						18	126	176	101	346
Productivity Housing						2				
Project Open Space								3		
Public Information Document							44	7	102	
Public Utility					11	1				2
Real Estate		4		4	8	6	9	8	10	19
Real Estate Assessment		2								
Rezoning		4	54	121	233	167	286	338	194	276
Riding Stable SE								3		
Roads							24	30	3	63
Road/Traffic	2					2	40			
Rockville Pike Planning Issues	1								7	
Rural Rustic Road								20	10	
Sale of County Land	2									
Schematic Development Plan							11	4	29	60
Schematic Development Plan Amendment										36
SE Annual Report										33
Section Map Amendment							2			
Sediment Control	2	1				1				2

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Technical Assistance Topics	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Senior Care SE						43	69	87	34	16
Sidewalks	3	3				1	8	26	9	13
Signage								28	1	4
Senior Housing Special Exception					1					
Site Plan Review Process	16	33	33	31	10	83	52	98	105	225
Site Plan Review Process Issues										48
Soccerplex	1									
Special Exception	64	94	172	158	52	153	247	158	235	439
Special Exception Modification	29	43	113	120	33	245	219	288	149	339
Special Exception Site Plan										14
Special Exception Statement of Operations										2
State Highway Administration	2			3	2	4		18	20	24
Statement of Operations										78
Storm Water Management					6	44	40	81	30	47
Streets	1				1		13		13	
Subdivision	32	66	39	65	58	238	47	65	39	157
Suburban Hospital							55	164	23	
Suburban Hospital's SEM								3	57	43
Sycamore Island Club					10					
Symphony Park Subdivision						11				
Tobytown	1									
Toler Funeral Home				14	1					
Traffic							36	63	62	112
Traffic Impact Analysis								256	82	50
Transfer of Development Rights										7
Transportation Management Plan						18	154	1693	745	212
Tree Save Ordinance							20			41
Schools	6	5				58	75	59	15	68
Variance	16	30	15	40	51	60	61	98	83	85
Veterinary Hospital Special Exception							39	3		5
Council				96	13					
Exception Mod.					2					
Washington Adventist Hospital SE									20	
Water Run-off	1	1					1			
Work Force Housing						2		23		
WSSC Issues	3	2	2	3	4			1	6	
Zoning	28	22	10	2	15	49	80	84	61	151
Zoning Enforcement										7
Zoning Ordinance Interpretations		17	12	39	44	37	107	189	178	67
Zoning Text Amendment	10	3	14	19	51	41	67	9	65	63
<b>TOTALS</b>	<b>355</b>	<b>479</b>	<b>645</b>	<b>1071</b>	<b>1478</b>	<b>3112</b>	<b>4009</b>	<b>7554</b>	<b>4805</b>	<b>7618</b>

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