

Montgomery County – Bill 18-32, Structure of County Government—Community Zoning and Land Use Resource Office

Hearing April 18, 2023

Elizabeth Joyce, Second Vice President of the Montgomery County Civic Federation—OPPOSED

Good afternoon, Council President Glass, Council VP Friedson, and Councilmembers. I am Elizabeth Joyce, Second Vice President of the Montgomery County Civic Federation, which represents hundreds of households and civic associations throughout the County. Our mission is to provide an effective voice to government policymakers for our members.

The Civic Federation strongly supports fully funding the OPC and opposes permanently removing its current statute from the County code. The OPC's mission is to protect the public interest, to promote a full and fair presentation in administrative proceedings to achieve a balanced record and to produce sound land use decisions. It is also to address disparities in resources between developers and ordinary residents, who often believe narrow financial interests opposed to theirs usually prevail. Passing this legislation would signal the Council's opposition to these goals and break the promise to fully fund OPC that many of you made to us in recorded interviews during your campaigns last fall. (These interviews are available on our [Save the People's Counsel](#) website.)

Massive rezoning is likely to succeed the passage of the controversial Thrive Montgomery 2050 and the seating of the new Planning Board. Ordinary residents will likely lack the time and resources to assert their rights. An attorney-staffed OPC could not only help residents but also prevent the County from violating the requirements of the County's Racial Equity and Social Justice Act that governs new ZTAs. It might also help prevent expensive lawsuits against the County for violating residents' rights, such as the notorious 1990s Farm Road case that resulted in some minority landowners losing access to their homes—and the resignation of the Planning Board chair and the restructuring of the agency.

One argument for this bill is the 2008 OLO report's few recommendations for improving the OPC have not been resolved. Why not? The Council's failure to provide these improvements is not a good reason for removing OPC from the statute. Neither is its \$250K cost, which represents an infinitesimal .0004% of the County's \$6 billion FY23 budget. In contrast, the annual Planning Department budget is \$25.4M, and they are requesting another \$1.7M for FY 24, which should not be granted until the M-NCPPC completes and publishes the report of its investigation of the scandals that resulted in the resignations of the entire Planning Board governing this agency. To save funds, the Council could more vigorously exercise its oversight of this powerful, well-funded department.

The OLO report cited impressive OPC achievements and testimonials from residents as well as land use attorneys. Respondents cited OPC's role of educating residents about the County's complex land use processes, making the process go more smoothly, serving as a moderating influence in proceedings, helping to mediate disputes, and serving as a powerful resource on

land use issues. An OPC offering only technical assistance is a poor substitute for this valuable agency. And why would the Montgomery County Council deny our residents a valued resource that is still available in the state, as well as (Harford, Howard, Baltimore, and Prince Georges Counties)?

We strongly oppose this step backward for Montgomery County and its residents. Please reject Bill 18-23 and fully fund the Office of the People's Counsel.