

**Montgomery County – Bill 18-32, Structure of County Government
Community Zoning and Land Use Resource Office
Hearing April 18, 2023**

Karen Cordry, individual – OPPOSED

TO: Council President Glass, Council VP Friedson, and other Council Members.

I am currently President of the Kensington Heights Civic Association (“KHCA”) (surrounding the Wheaton Mall) and a member of the Wheaton Urban District Advisory Committee although I am writing in my individual capacity in this letter. I have been actively involved with development issues in the County for a number of years, including being a member and later Chair of the Wheaton Redevelopment Advisory Committee at an earlier time. KHCA's main claim to fame was our lengthy – and eventually successful – fight against the proposal Costco gas station at the Mall. This was an arduous and expensive process -- there were 37 days of testimony before the Hearing Office, which was and we believe still is a county record, and our relatively small group had to pay for private counsel and experts to help us through the whole process. There were many complex and difficult issues as to both substance and procedure with which we would have been happy to have had the assistance of the Office of People’s Counsel (“OPC”) had it still been funded at the time.

The current bill (No. 18-23) does not propose to restore that funding; instead it proposes to set up a different office with significantly narrowed powers and that is barred from taking any public positions on relevant issues. I have seen comments on the bill from Council Member Friedson that suggested that the OPC was not funded in 2010 based on a report by the Office of Legislative Oversight (“OLO”) that raised “significant equity concerns” about who was using and benefitting from that service and that those “equity concerns” warranted abandoning the UPC approach in favor of this “assistance light” approach being proposed in the bill. Having read that report more than once, I fail to see these “equity concerns” he describes. Indeed, the word “equity” appears exactly once in the 215 page report as a goal that would be served by creating the OPC.

Rather, the only real points of disagreement that the OLO noted in its discussions with those who had worked with the OPC were whether the position was acting in *too* neutral a fashion or whether it should be *more* active in arguing on behalf of individual/community positions. The OLO did suggest that the Council should clarify that issue and decide how activist it wanted the UPC to be. It certainly did not suggest that the office should be neutered entirely as this bill would do. Simply refunding the OPC under the law still in effect would be the more conservative position. It might well be useful for the Council to revisit the scope of the office in the future after starting it back up again and seeing what issues it becomes involved in and what efforts it seeks to undertake. But nothing in that OLO report argued against continued funding of the UPC or its entire replacement by this much less useful office. Certainly, the sort of technical assistance that is being proposed under this bill was, according to the OLO report, a significant part of the work done by the UPC and should continue and be expanded. In that regard, if anything, the funding proposed by the County Executive for the UPC is probably too low for the significant work that office could do – certainly the notion that in a budget of *\$6.8 billion dollars*, a line item of less than *\$250,000* to help the public interest have a representative to counter the weight of all of the dollars developers can invest, is too much to afford. is nonsensical.

Thank you for your consideration of these points.