



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 20-110

R E S O L U T I O N

**IN SUPPORT OF BALLOT “QUESTION A” &
OPPOSITION TO BALLOT “QUESTION B”
FOR THE 2020 GENERAL ELECTION IN MONTGOMERY COUNTY, MARYLAND**

WHEREAS, the Montgomery County Planning Board (“**Planning Board**”) hereby takes administrative notice that the voters of Montgomery County will consider two ballot questions relating to County property tax limits, as described further below, in the upcoming general election that culminates on November 3, 2020; and

WHEREAS, under existing law, Section 305 of the Charter of Montgomery County, Maryland (“**Section 305**”), any imposition of County real property taxes requires a unanimous vote by the County Council if the imposition would yield more revenue than the amount generated in the preceding fiscal year (calculated with certain allowances in the tax base and after adjustment for annual consumer inflation); and

WHEREAS, one deleterious effect of Section 305, among others, is that it precludes the Montgomery County Government from capturing fully the natural growth in revenue that would otherwise inure to benefit local service delivery from the growth in property values attributable to the County’s successful planning initiatives and policy outcomes; and

WHEREAS, ballot “**Question A**” (attached hereto as Exhibit 1) would amend Section 305 to allow the Montgomery County Council to establish a tax rate for County real property taxes that exceeds the rate approved for the previous year – but only with a unanimous council vote in favor of any such rate increase; and

WHEREAS, upon passage, the effect of Question A will be to correct the impact of Section 305 by providing greater flexibility and allowing the Montgomery County Government to capture fully the revenue enhancement available from rising property values in the ordinary course; and

WHEREAS, by contrast to the ameliorative effect of Question A, ballot “**Question B**” (attached hereto as Exhibit 2) would amend Section 305 to fully prohibit the County Council – notwithstanding even a unanimous desire otherwise – from imposing a County real property tax that yields more revenue than the amount generated in the preceding fiscal year (calculated with the same allowances in the tax base and adjustment for inflation provided in existing law); and

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Approved as to
Legal Sufficiency: _____ 10/06/2020____
M-NCPPC Legal Department

WHEREAS, upon passage, Question B would grossly exacerbate the existing deficiency of Section 305 by establishing an all-but-absolute cap on future revenue growth capable of starving the County Government of resources needed to provide services essential to the well-being of the communities and residents it serves; and

WHEREAS, although the application of Section 305 is not authorized by the Code of Maryland, Division II of the Land Use Article, with respect to property taxes imposed for the Maryland-National Capital Park and Planning Commission (“**Commission**”), the Planning Board and Commission nevertheless have been partners with the Montgomery County Government in serving Montgomery County communities and residents since 1954 and 1927, respectively; and

WHEREAS, the Planning Board and Commission is a vested stakeholder in the public debate about any charter amendment that portends to further constrain the Montgomery County Government County Government’s ability to provide resources necessary to deliver vital recreation and other services that are related to, or implicated by, the mission of our agency; and

WHEREAS, the Planning Board has duly reviewed and considered the direct and collateral impacts of the ballot questions identified herein on the mission of this entire agency.

NOW THEREFORE, BE IT RESOLVED, that the Planning Board hereby shall, and hereby does, **support** the adoption of **Question A** by referendum to be held during the Montgomery County General Election of 2020; and

BE IT FURTHER RESOLVED, that the Planning Board hereby shall, and hereby does, **oppose** the adoption of **Question B** by referendum to be held during the Montgomery County General Election of 2020; and

BE IT FURTHER RESOLVED, that the Executive Director shall present this resolution for consideration by the full Commission during its next regularly scheduled meeting.

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, October 8, 2020, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board