



## LETTER OF INFORMATION

**Bill:** MC/PG 105-23 Montgomery County - Maryland–National Capital Park and Planning Commission – Commissioner Requirements and Open Meetings (Montgomery County Planning Trust and Transparency Act of 2023)

**Contact:** Debra Borden, General Counsel  
Jordan Baucum Colbert, Government Affairs Liaison

**Date:** December 15, 2022

**Re:** Letter of Information

Dear Chair Julie Palakovich Carr:

The Maryland-National Capital Park and Planning Commission (the “Commission”) has elected not to take a position on this issue at this time. However, due to the nature of the proposed bill, the Commission respectfully requests that the Montgomery County Delegation consider this information and include it in the record.

### **What the Bill Does**

This bill would change the current Montgomery County (County) Planning Board (Board) appointment process, salary authorization process and terms for commissioners appointed to the Commission. If enacted this bill would change the current number of terms Commissioners can serve from three full terms to no more than two consecutive full terms. This bill would change the number of votes to approve an appointment to the Commission by the Montgomery County Council (County Council) to eight members, a super-majority. This bill would allow the Montgomery County Executive (County Executive) to appoint one member to serve as Chair of the Planning Board and chair or vice chair of the Commission. This bill would also require County Council to hold public hearings on each appointment to the Commission and accept public testimony at hearings. The bill would also require a unanimous vote of County Council to appoint a Commissioner over the disapproval of the County Executive. This bill requires a public hearing for both removal and disciplinary actions of Commissioners. It also requires cause for both removal and disciplinary actions to be described in writing. This bill further includes language which prohibits Commissioners appointed by the County Executive as chair of the Planning Board from engaging in any other employment while serving on the Board and from engaging in various activities not specifically prohibited under current law. These

activities include, but are not limited to, soliciting or transmitting a political contribution from anyone and serving on a fund-raising or political committee.

This bill includes language which requires a Commissioner to successfully complete training related to harassment, diversity, equity, and inclusion and the impacts of implicit bias during the first year of each term. The bill further requires the Board to publish and maintain on its website the agenda of open meetings, a summary of any finalized documents, written testimony from the public and other materials that the Board will vote on at the opening meeting. Meeting minutes would require approval within a timely manner and each open meeting agenda should include consideration of the meeting minutes from the most recent meeting.

## I.

### **Trust and Transparency**

The Commission was established in 1927 to provide regional long-range planning, park acquisition and development. The Commission consists of two planning boards, one for Montgomery County and one for Prince George's County, comprised of five members each. Since its formation, the Commission has grown to become one of the most recognized leaders in land use planning, parks and recreation, all while achieving countless awards for innovation and stewardship. The Commission regularly evaluates its practices and is held responsible for its actions by elected officials in the counties it serves. The integrity of our mission to improve the well-being of over 2-million residents in both counties remains intact specifically because of the way the Commission is structured.

The Montgomery County Planning Board serves as citizen representatives for their communities in helping to plan, shape and maintain livable neighborhoods in the County. Under current law, five members of the Montgomery County Planning Board are appointed for staggered, four-year terms for no more than two full terms. Currently, the County Council appoints all of the board members and the County Executive confirms the appointments. While the Commission acknowledges that continual improvement of our governance is essential, we are not aware of the specific problem a change in the appointment authority purports to resolve.

In the past, when governance issues have arisen, the County Council has taken necessary steps to ensure the Montgomery County Planning Board operates effectively. The proposed bill if enacted may add procedural complexity that is unwarranted if it not designed to address a specific issue related to the appointment authority welded by the County Council.

Under current law, a public interview process is required for all applicants. Each applicant must be interviewed under oath about information and interests corresponding to all sources of income, specific business ventures and financials interest. It is unclear what additional complexity will add to the checks and balances that are already in place for the current appointment process.

The proposal that requires a summary of any finalized document is vague and could be quite disruptive to the work of the Planning and Parks Departments. If the departments are literally required to summarize every document considered by the Planning Board (which might include a Master or Sector Plan), even though the documents are posted on the website under the corresponding agenda item, the sheer volume of work that potentially adds to both departmental work programs could be quite significant. Documents generally speak for themselves and, as such, a summary that necessarily contains an element of editorial choice is the opposite of transparent. It is unclear what problem this proposal seeks to address. Summarizing every document likely to be expensive to implement, and very likely to impede the Parks and Planning Departments' efforts to be more transparent. We will prepare and submit a more detailed fiscal note addressing this issue at the appropriate time.

Additionally, the changes to proposed Section 20-202(e) requiring a summary of "finalized documents, written testimony from the public, and other materials" at "least 72-hours before each meeting" is stifling public comment because the Planning Board currently accepts testimony up to 24 hours before the meeting. This would unnecessarily push that back to 72 hours and would make the process more taxing for citizens trying to participate.

## **II.**

### **Continuous Professional Development**

Awareness and understanding are integral to the Commission. To help our staff reduce exposure to business related risks, the Commission offers current programs and trainings in risk management, workplace safety and equal employment free from intimidation and harassment. In addition to risk management, workplace safety and equal employment, the Commission also offers equity, diversity and inclusion workshops and trainings for all employees to promote greater awareness, while utilizing effective strategies to improve cross-cultural communication. The Commission welcomes any effort to increase training and awareness by all stakeholders, including Commissioners, as that can only benefit the Commission as a whole.