

**HB778**  
**Montgomery County – Bicounty Agencies –**  
**Commissioner Discipline, Disclosures, Training, and Ethics**  
FAVORABLE WITH AMENDMENTS  
Education, Energy, and the Environment Committee  
Senate Hearing Date: March 30, 2023  
Testimony submitted by: Amanda Farber

The Maryland-National Park and Planning Commission (M-NCPPC) was established nearly 100 years ago by an act of the Maryland General Assembly in 1927 to provide long-range planning, and park acquisition and development. (To put that in perspective, the Montgomery County Council wasn't established until 1949; the County did not have a County Executive until 1970.)

Fast forward to September 2020 - the new Wheaton headquarters opened for the Montgomery Planning Department, Montgomery Planning Board, and Montgomery Parks - all part of M-NCPPC. According to the agency website, the design of the new building was intended to...

***“symbolize the transparency of civic process... and the civic mindedness of government.”***

But the physical symbol of the building is meaningless without public trust in the transparency of processes and decisions which occur *inside* of that building. There are many truly excellent, dedicated professional planning staff at the Park and Planning Commission, but an imbalance of power and limited State and Council oversight (often replaced by necessity with citizen oversight) has led to a general erosion of trust and transparency in the agency. HB 778 starts to correct certain issues – but more can and should be done. For now I would urge the legislature to consider the following:

- HB778 would allow an applicant for M-NCPPC to submit certain financial statements to the Montgomery County Council electronically. The public should also be able to electronically access certain financial disclosure statements for appointed members – as they can for members of this legislative body – and not have to drive to the State Ethics Commission in Annapolis to obtain copies. During the latest round of Planning Board appointments, copies of the disclosure statements were not available to the public through the Council, had not been provided to the County's Chief Administrative Office, and had not been forwarded to the Executive Office at M-NCPPC. Allowing streamlined electronic access of this information would allow for more transparency (and less driving).
- MNCPPC should be required to publish their list of registered lobbyists on their website (as is practice for Montgomery County, Prince Georges County, WSSC, and the State). MNCPPC was not in compliance with State ethics and lobbying laws until raised by citizen oversight recently in 2021. As of now, a citizen must go through the MPIA process to access the list.
- In 2015, Bill 652 created a carve out for the Montgomery County Planning Chair to potentially serve an additional term. There should be a return to the prior language that a Montgomery County Commissioner may not be appointed for more than 2 consecutive terms (as is the case in Prince George's County) which would help limit consolidation of power.

- Lastly, while not originally considered as part of this bill, another issue related to trust, transparency, and process recently came to light and is worth noting. State law (Maryland Land Use Article, sections 15-101, 15-102, and 15-103) indicates that the County Executive may approve or disapprove a Council appointment to the Planning Board, and if the County Executive does not do so within 30-days then the appointment is deemed approved. Past Council staff memos also outline this process and indicate that *“Within three days of the appointment by the Council, the name of the appointees will be delivered to the County Executive, who shall within 30 days after the appointment, either approve or disapprove the appointment...Once the appointment process is completed, the appointee is sworn in by the Clerk of the Circuit Court.”* However, recently in Montgomery County, appointments were sworn in prior to the County Executive approval or disapproval and prior to the 30-day window. The legislature should take steps to ensure that the language in this section of the law is clear and followed.

I ask for and appreciate your support for HB778 and thank you for considering these additional comments.

A handwritten signature in cursive script that reads "Amanda Farber".

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