LOCAL GOVERNMENT 101
HOW IT WORKS: HOW WE WORK WITH IT

OVERVIEW
In Maryland, local government means county government. The 23 counties and Baltimore City are administrative subdivisions of the State, with the powers given to them by the State Constitution and the State Legislature. The State provides three options for "home rule"; the choice among them is left to the voters of each county. Montgomery County voters have chosen the "Charter" option which gives us the most local control. There are also more than one hundred municipalities in the state (villages, towns, cities) but (with the exception of Baltimore City, which functions like a county), they all exist within counties and their residents receive most local services from their county.

There are 18 municipalities in Montgomery County, varying widely in size, population, budgets, and services provided, including the cities of Gaithersburg, Rockville, and Takoma Park, as well as towns and villages. Some were established in the 1800s; others at various times during the 20th century. Notably, most of Montgomery County is unincorporated; neither Bethesda nor Silver Spring is a municipality; both are geographic areas, with borders identified only by the US Postal Service as addresses.

This Fact Sheet provides a brief introduction to the structure of our county government and the departments and offices through which it carries out some of its major responsibilities.

MONTGOMERY COUNTY*

Form of Government
Under our County Charter, Montgomery County has a Council/Executive form of government.

The County Executive is elected for a four-year term and is responsible for overseeing the implementation and enforcement of the laws of the County; providing executive direction to all departments; and proposing plans, programs, budgets, policies, and legislation to the County Council. Among the County Executive's major responsibilities are the preparation of the Operating and Capital Improvement Budgets. The County Executive also appoints department heads and the members of the many boards and commissions responsible to the executive branch; these appointments must be confirmed by the County Council. The Chief Administrative Officer (CAO) is the Executive's principal appointee. The CAO is responsible for supervising the department heads and the various agencies that make up the executive branch.

The County Council is composed of eleven members elected for four-year terms of office in the same election cycle as the County Executive. Seven of the eleven members must, at the time of their election, reside in and are elected only by the voters of their own councilmanic districts. The other four are elected "at-large" (i.e., by voters throughout the county). This system ensures that there will be representation on the Council from different parts of the county, and that some members will have a county-wide perspective.

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* This entire Fact Sheet is based heavily upon, and in some areas quotes directly from, both Know Your County, a publication of the League of Women Voters of Montgomery County's Citizen Education Fund and the Offices of the County Executive Office of Community Partnerships, 2007 Edition and the County Executive's Recommended 2014 Operating Budget.

Except for powers reserved to the state and limitations in the county charter, the County Council has ultimate authority in county government. (The County Executive can veto legislation, but the Council can override an Executive veto by a vote of seven Council members.) The Council's principal functions are to pass legislation, adopt the budgets and set the tax rate, and exercise planning, zoning, and subdivision responsibilities. The Council has the power of appointment for those offices, committees and commissions responsible directly to it.

The Council conducts much of its work through its seven committees, with each Council member serving on two of them. The committees are: Education & Culture; Economic Development; Government Operations & Fiscal Policy; Health & Human Services; Planning, Housing & Parks; Public Safety; and Transportation & Environment.

Finance/Revenue
The Maryland Constitution vests all taxing authority in the General Assembly which may grant general or specific tax powers to local governments. Current law gives localities authority to impose property taxes, an income tax on individuals (but not corporations), transfer and recordation taxes, and certain excise taxes. Counties may also charge fees for services. The property tax and the local income tax are the major sources of Montgomery County revenue.

Property Taxes: The state assesses property on a three-year cycle, reassessing one-third of the county each year. The state also determines the tax rate for each county which would raise the same revenue as the previous year, excluding new construction; this is called the *constant yield tax rate.* The Montgomery County charter now requires that: Unless approved by an affirmative vote of all eleven Council members, the Council shall not levy a tax on real property that exceeds the tax rate on real property approved for the previous year.

Income Taxes: Approximately 40% of the county's total revenue is estimated to come from the local income tax. Income taxes in Maryland (as in most states) are the prerogative of the state, which levies and collects them. However, the counties in Maryland have the authority to levy a local income tax on individuals, which is computed as part of the state income tax computation, and paid to the state, which returns it to the county. The state has set 3.2 % (of an individual's Maryland taxable income) as the limit on local income tax rates and Montgomery County has adopted that rate.

Fees and Charges for Services: Although the county may tax only what the state allows, it is free to charge fees for many government services. Montgomery County charges fees for a wide variety of services such as Ride-On bus service, building permits, parking, and the use of ball fields and rooms in libraries, schools, and county buildings.

Land Use, Planning, and Zoning
The County Council's Role: Both the Annotated Code of Maryland and the Montgomery County Charter give the County Council final responsibility for planning, zoning and subdivision processes. Seven municipalities within the county (Barnesville, Brookeville, Gaithersburg, Laytonsville, Poolesville, Rockville, and Washington Grove) have independent authority over planning and zoning matters within their boundaries and therefore are not subject to County Council control.

The Council sets policy and is responsible for legislation affecting land use. It also approves all master plans, sector plans and zoning changes, and adopts a quadrennial Growth and Infrastructure Policy, which assesses whether there will be adequate public facilities (e.g., schools, roads, water and sewer capacity,

police and fire coverage) to permit development to proceed. The Montgomery County Planning Board is the principal adviser to the Council on planning matters; they (and their staff) prepare all master plans and other planning proposals. The five members of the Planning Board are appointed by the Council, with approval by the County Executive. If the Executive disapproves an appointment, seven votes of the Council are required to approve it.

The Planning Board: The Maryland National Capital Park and Planning Commission (MNCPPC) was created in 1927 by the state legislature as a bi-county planning agency. Of the ten commissioners, five are appointed by Montgomery County and five by Prince George's County to serve staggered four-year terms. They meet once a month to discuss planning and park policy which affects both counties. Meeting separately, the Montgomery and Prince George's commissioners are their county's Planning Boards. In Montgomery County, one member serves full-time as chairman; the other members serve part-time. Weekly meetings of the Planning Board are open to the public, and public hearings and work sessions precede final decisions on almost all matters.

The Planning Board's function is to advise and assist the Council and Executive in planning, zoning and subdivisions; to administer the county's subdivision ordinance; and to plan, acquire, maintain, and operate the park system. The Planning Board (and its staff) prepares master plans, functional plans (e.g., transportation, fire protection, agricultural land preservation), and amendments to existing plans. Their work is done in accordance with a work program and priorities established by the Council.

Education
In part because education is recognized in the State Constitution as a state responsibility, Montgomery County Public Schools and Montgomery College have a different status than other local agencies. They are governed to a greater degree by State law and receive more state funds. Allocation of state education funding among the various counties is determined by formulas in state law, many of which distribute funds on a per student basis but "inverse to wealth", so Montgomery County, as the wealthiest jurisdiction, receives much less per student than counties with much smaller local tax bases.

To assure that increased state funding for education would result in increased funding for local school systems (rather than simply replacing local funding that might then be used for unrelated purposes), the state has adopted "Maintenance of Effort" requirements, setting penalties for local school systems if they did not provide as much local funding per student as the year before. The state Blueprint for Maryland's Future mandates a 10-year plan of increased state and local funding to make Maryland's schools a "world-class" education system, with particular focus on improving early childhood education, assuring that students will graduate from high school prepared for college or career, and increasing pay and career opportunities for teachers.

Montgomery County Public Schools (MCPS): MCPS is the largest school district in Maryland and the 14th largest in the country.

Board of Education: The Board of Education is composed of seven adult members, elected to four-year staggered terms in non-partisan elections and a student member who is elected by all secondary students to a one-year term. Five of the seven adult members are elected from "residential districts" and two "at large", but all seven run county-wide (i.e., all are elected by all the voters). The board sets policy for the MCPS, selects the Superintendent of Schools, and reviews and approves the operating and capital budgets prepared by the Superintendent of Schools before submitting them to the County Executive, who forwards them to the County Council, along with his recommendations.

Superintendent of Schools: The Superintendent of Schools is responsible for the daily operation of MCPS as its chief executive officer.

Montgomery College: At campuses in Rockville, Takoma Park/Silver Spring, and Germantown, as well as many off- campus sites, Montgomery College offers programs accepted by Maryland universities as the first two years of college, programs leading to AA degrees or certification in a variety of technical fields, and continuing education courses for those seeking to enhance professional skills or for personal enrichment.

Board of Trustees: The Board of Trustees of Montgomery College is the institution's legal governing body. Its ten members are Montgomery County residents and serve staggered 6-year terms, except for the student member who is appointed to a one-year term. Except for the student member, they are appointed by the Governor, with the advice and consent of the Senate, from nominations submitted by a Nominating Committee whose members are appointed by the County Executive (2), County Council (2) and Alumni Association (1). The President of the College serves as the Board's Secretary/Treasurer.

Executive Branch Offices and Departments
The Executive Branch of Montgomery County government includes over 30 offices, departments, and boards, which implement the programs and services provided by the county. The Departments responsible for some of those major functions are noted below.

Elections: The Board of Elections registers voters, conducts elections, assists candidates with required filings and campaign fund reports, and assists citizens seeking to place questions on the ballot.

Environmental Protection: The Department of Environmental Protection works to conserve, protect and restore the county's natural resources and provides solid waste management services, including reducing, reusing, and recycling waste in an environmentally progressive and economically sound manner. Its responsibilities also include watershed management and tree canopy protection.

Health and Human Services: The Department of Health and Human Services coordinates the county's Aging and Disability Services; Behavioral Health and Crisis Services; Children, Youth, and Family Services; Public Health and Family Services and Special Needs Housing. Its mission includes emphasis on the development, enhancement, and maintenance of partnerships with public and private agencies to increase the availability of needed services.

Housing & Community Affairs: The Department of Housing and Community Affairs utilizes local, state, and federal funds in its efforts to prevent and correct problems that contribute to the physical decline of residential and commercial areas; ensure fair and equitable relations between landlords and tenants; increase the supply of affordable housing; and maintain existing housing in a safe and sanitary condition. Among its programs are the Multi-Family Housing Programs which provide loans to the County's Housing Opportunities Commission, nonprofit organizations, and property owners to preserve, construct, or acquire affordable housing units, rehabilitate existing rental housing, and provide low- income rental housing assistance. It also is responsible for housing code enforcement and provision of landlord-tenant mediation services.

Libraries: The Montgomery County Public Libraries operates 22 branches throughout the county. They have an extensive online presence including the ability to reserve books, and to borrow electronically both print and audio books. Most libraries also present ongoing activities for all ages at their branches.

Permitting Services: The Department of Permitting Service's mission is to protect the safety and welfare of County residents and businesses through the permitting and inspections process to ensure that the structures in which we live, work, congregate, and recreate are safe, secure and in compliance with zoning and building requirements. It is responsible for the processing of land development and building construction permits and licenses.

Public Safety:

Consumer Protection: The Office of Consumer Protection works with other county agencies to enforce consumer protection laws prohibiting unfair and deceptive business practices. Activities include complaint resolution, enforcement, education, legislation, advocacy, and outreach to vulnerable consumers.

Correction and Rehabilitation: The Department of Correction and Rehabilitation provides progressive and comprehensive correctional, rehabilitative and community re-entry service, including pretrial supervision, secure incarceration, community treatment, and reintegration programs.

Fire & Rescue Service: The Fire & Rescue Service is a partnership of the county and 19 local fire and rescue companies. Staffed by career (salaried) and volunteer firefighters/EMTs, it provides both fire services (prevention, emergency response) and rescue services (emergency transport and care), operates 35 fire and rescue stations and a centralized dispatch system, and provides fire and rescue service training.

Police: The Department of Police works to safeguard life and property, preserve the peace, prevent and detect crime, enforce the law, and protect the rights of county residents. The Department is committed to working with the community to identify and resolve issues that impact public safety.

Recreation: The Department of Recreation offers are wide variety of programs throughout the county. Examples include:

- Operation of regional outdoor pools, indoor aquatics facilities and a neighborhood spray park.
- Operation of summer camps for children ages 4-13. Holiday camps are offered during the winter and spring school breaks.
- Youth Winter Basketball, involving about 10,000 youth.
- Teen programming offered in cooperation with the County's schools and the Collaboration Council in select middle and high schools.
- Classes for all ages, offering recreation and skill development.

Transportation: The Montgomery County Department of Transportation (MCDOT) works to provide an effective and efficient transportation system by planning, designing, and coordinating development and construction of transportation and pedestrian routes and operating and maintaining the traffic signal system and road network. Included in that responsibility are leaf vacuuming in fall, snow removal in winter and trash and debris clean up after wind storms. MCDOT also creates and installs signage, repairs street lights when knocked down, maintains storm drains, and is implementing a bike sharing program.

Its Division of Transit Services operates the Ride On bus system and coordinates the County's mass transit services with Metrobus and Metrorail service which is provided by the Washington Metropolitan Area Transit Authority. The Ride On transit system operates and manages more than 78 routes; maintains a strategic plan for replacement of the bus fleet; trains new bus operators and provides continuing safety, remedial and refresher instruction for existing operators; coordinates activities with a state-of-the-art Central

Communications Center; which also operates Ride On's computer-aided dispatch/automatic vehicle location system. The Division also provides a special transportation program for Medicaid and low-income elderly or disabled county residents and promotes alternatives to single occupant car commuting (carpools, public transit, etc.).

MCDOT's Parking District Services plans for and operates parking garages and lots in commercial areas throughout the county.

THE DISTRICT AND CIRCUIT COURTS

There are two levels of courts in Montgomery County. The District Court handles traffic charges, landlord-tenant cases, small claims cases, misdemeanors, most domestic violence cases, and felonies with penalties of less the three years in jail or $2500 in fines. It is part of a unified state court system and is state funded. All District Court cases are argued before a judge without a jury. The Circuit Court handles major civil and criminal cases and appeals from the District Court (with a jury). It also handles family law cases and Juvenile Court (no juries). It is part of the state court system (6th Judicial Circuit), but is partially county funded.

TWO NON-LOCAL GOVERNMENT AGENCIES PROVIDING LOCAL SERVICES

Housing Opportunities Commission (HOC)
The Housing Opportunities Commission is a public corporation established by state and local law to own, manage and finance housing for individuals and families of low and moderate income. Its policies and programs are set by seven commissioners, appointed by the County Executive and confirmed by the County Council, who serve five-year terms without compensation. An executive director appointed by the commission carries out policy and administers day-to-day operations.

Washing Suburban Sanitary Commission (WSSC)
Water and sewer services are provided to most of Montgomery County by WSSC, a bi-county agency established in 1918 by the Maryland General Assembly. Commissioners are appointed to four-year terms by the County Executive of either Montgomery or Prince George's County. Commissioners are subject to confirmation by the County Council of the county from which they are appointed. (The Town of Poolesville and portions of the City of Rockville are outside of the WSSC District.)

MUNICIPAL GOVERNMENTS IN MONTGOMERY COUNTY

There are 18 municipalities in Montgomery County: Barnesville, Battery Park, Brookeville, Chevy Chase-Section 3, Chevy Chase-Section 5, The Town of Chevy Chase, Chevy Chase Village, Gaithersburg, Garrett Park, Glen Echo, Kensington, Laytonsville, Martin's Additions to Chevy Chase, Poolesville, Rockville, Somerset, Takoma Park and Washington Grove. State law lists the powers that municipalities may exercise; among them are police and fire protection, sewer and water service, annexation, and such other services as road and sidewalk maintenance, snow removal, leaf pick-up, and trash collection. In addition, Barnesville, Brookeville, Gaithersburg, Laytonsville, Poolesville, Rockville and Washington Grove have planning and zoning authority. All municipalities receive a portion of the local income tax paid by their residents (approximately 17%, although a complex formula results in some variation) and have the authority to assess a property tax on property within their borders.

The municipalities in Montgomery County vary widely in size, population, budgets, and services provided.

The City of Gaithersburg encompasses almost 10 square miles and has a population of more than 71,000. It provides for its residents' trash, recycling, and leaf collection, snow removal and sidewalk clearing, youth and senior centers and services, social services, police (who work in cooperation with County police), parks, and a variety of annual events.

The City of Rockville has a population of more than 70,000 and an area of more than 13 square miles. It too provides a wide range of services with programs in the areas of Planning and Zoning, Historic Preservation, Inspection Services, Affordable Housing, Youth and Family Services, Environmental Management, Recycling and Refuse Collection, Police, Recreation, and Parks.

The City of Takoma Park is smaller, with an area of about 2 square miles and a population of a little over 17,000. It provides, however, a wide range of municipal services. Its Public Works Department maintains city owned roads, buildings, gardens and parks. It offers a free cultural program with film series and concerts and other varied recreation programs. It maintains an independent municipal public library. It has a police department and a Department of Housing and Community Development.

The Town of Poolesville has an area of almost 4 square miles and a population of almost 5,000. In addition to trash and recycling services and street light maintenance, it provides water and sewer services and owns and maintains eight town parks.

By contrast, many of the smaller municipalities have populations of less than 500, very small areas and staffs and generally provide for refuse collection and snow removal (by contract with commercial providers), sidewalk and street maintenance, street lighting, and a minimal police presence.

HOW WE WORK WITH COUNTY GOVERNMENT

The League of Women Voters at all levels (national, state, regional and local) is a "grass roots" organization, which means that our advocacy is based on the support positions our members have reached through study, discussion, and consensus – and that the issues we have studied, discussed, and on which we have reached consensus were selected by our members.

On many issues, these positions provide a clear direction for our advocacy. But sometimes, there's an important issue on which we do not have a position, or have an old position we do not know whether our members still support, or have two or more positions which could be the basis for advocacy on opposite sides of an issue.

In that situation, our LWVMC Board has considered various options:

- Look again for a state or LWVUS position, which might be applicable.

- Use a generalized position (e.g., Constitutions should be clear, concise, and confined to fundamentals.)

- Do a limited study on an accelerated time schedule (e.g., our restudy of ambulance fee in 2011).

- Decide which of the two or more applicable positions should be given a higher priority in that instance.

- State clearly that we have no position, but that the background material on the issue leaves us with questions to which we recommend that the Council get answers before making a decision.

- Reluctantly, sometimes, do nothing.

Our advocacy often occurs in the form of testimony before the County Council, the Board of Education, or the Planning Board -- or in conversations with the staff who are preparing the legislation or budgets that eventually are the subject of those hearings. The LWVMC is well respected and we believe that our testimony is seriously considered. However, a Council Member (who was also a League member) once told us that while he very much appreciated League testimony, he generally could guess what the League was likely to say before we said it; what he often wanted most to know was what the people who don't come to hearings were thinking. And that's where our members can play a crucial role. Only the LWVMC President speaks for League (or a board member or committee chair to whom she's delegated that responsibility), but if we have your email address, we will send you Calls to Action from time to time, to alert you that there are important issues on which your views (expressed as an individual), through mail or email, or by phone, may have a real impact.

Another way in which League members impact county government is through serving on county and state boards and commissions, including the independent Charter Review Commission (appointed every four years to review the county charter and propose needed amendments to it), committees and commissions appointed to advise the various Executive Branch departments, and ones which carry out specific government responsibilities (e.g., Community Action Board, Housing Opportunities Commission).

This Fact Sheet is a 2023 revision of the LWVMC Fact Sheet with the same title, dated September 2013. Revisions by: Diane Hibino and Judy Morenoff