



PG/MC 101-25 SUPPORT WITH AMENDMENTS

December 9, 2024

The Sierra Club Montgomery County Group SUPPORTS WITH AMENDMENTS PG/MC 101-25 - Montgomery County Planning Board and Washington Suburban Sanitary Commission – Open Meetings – Live Streaming Requirement.

As drafted the bill alters the open meetings requirements for the Montgomery Planning Board and the Washington Suburban Sanitary Commission. It eliminates the live streaming requirement for meetings not held at headquarters or at sites where less than ten meetings were held the previous year.

We propose that the bill be amended to add the Montgomery Planning Board and WSSC to the enumerated list of 19 agencies in General Provisions Article §3–307. This would accomplish the goals of the bill while also addressing the need for increased transparency. It would have the effect of adding the following requirements:

- Meeting materials would be required to be posted 48 hours in advance of meetings.
- Agendas would be required to be “frozen” 48 hours in advance of meetings
- Prompt approval of minutes and posting of approved minutes would be required.
- Agencies would not be required to stream site visits or field tours in which no business is conducted.

The reason we propose these amendments is that we have concerns about practices of the Montgomery Planning Board that limit the ability of the public to participate during open meetings.

Frequent Planning Board agenda changes make difficult for the public to follow or participate

Agendas are normally posted on Fridays at 5pm - a little less than 2 weeks before Thursday meetings. The Board is in the habit of making changes to posted agendas of upcoming meetings - often on the day before the meeting, on the day of the meeting or even during the meeting. This can make it difficult for the public to follow along or participate. A better practice would be to freeze agenda changes 48 hours before the meeting.

According to the Board's website, as of 11/14, the planning board met 39 times during 2024. There were 23 instances of agenda changes on the day before the meeting. There were 7 instances of the agenda changes on the day of the meeting or even during the meeting. There was 1 instance of the agenda being changed 6 days after the meeting (6/20/24). And there was one meeting (10/1/24) for which minutes were approved but no agenda or minutes were ever posted.



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Lack of posted materials makes it difficult for the public to follow along or comment

The Board has not consistently posted online the materials that commissioners will be considering. For example there were no materials posted online for the following agenda items:

- 5/4/24 decision on Montgomery Sierra Club and Nature Forward's request for reconsideration of the Preston Place approval (but materials for a reconsideration request from a developer were posted)
- Discussions of state legislation in early 2024 - two commissioners abstained in protest of insufficient time to review materials
- An update on the Development Review Process Workgroup on 11/21/24

Slow approval and posting of minutes

The Board is also slow to approve minutes and slow to post approved minutes online. This makes it harder for the public (and commissioners and staff) to follow along and participate. The previous Board approved minutes in 18 days on average. The current Board has taken 27 days on average to approve minutes - possibly in violation of the open meetings act.

Once minutes are approved, the Board can be slow to post the approved minutes online which also makes it harder for the public to follow along.

Board has taken steps to reduce opportunities for public input

Earlier this year the Board voted to amend their rules of procedure to shorten the window for witness signups and testimony submission. For over a decade, the public could submit testimony or sign up until noon on Wednesday, the day before a public hearing. Now the public must sign up by noon on Tuesday. Because materials are not posted any sooner, this reduces the opportunity for the public to review and meaningfully provide testimony or exercise their right of appeal. This change was not a recommendation of the Development Review Process Workgroup.

The Board also voted in 2024 to reduce the window for a party to request a reconsideration of a Board decision.

For these reasons, we urge the Delegation to vote favorably on PG/MC 101-25 after it is amended along these lines.

Respectfully,

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