



MONTGOMERY COUNTY DEPARTMENT OF PARKS
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB Item#3c
 September 27, 2018

MEMORANDUM

DATE: September 20, 2018

TO: Montgomery County Planning Board and Park Commission

VIA: Michael F. Riley, Director, Department of Parks *MR*
 John Nissel, Deputy Director, Department of Parks *JN*
 Mitra Pedoeem, Deputy Director, Department of Parks *Mitra Pedoeem*
 Michael Ma, Chief, Park Development Division (PDD) *Michael Ma*

FROM: Carl Morgan, CIP Manager, Park Development Division *Carl Morgan*

SUBJECT: Amendment to the Maryland-National Capital Park and Planning Commission's (M-NCPPC) FY19-24 Capital Improvements Program, and Special Appropriation to the FY19 Capital Budget, for **ADA Compliance: Non-Local Parks #128702**

Staff Recommendation

Transmit the attached materials to the Montgomery County Executive and Montgomery County Council, to amend the Department of Parks FY19 Capital Budget to include an additional \$99,500 in appropriation for State aid.

Background

The ADA Compliance: Non-Local Parks allows the Parks Department to ensure that all parks and park facilities are built and maintained in compliance with Title II of the Americans with Disabilities Act (ADA) and the 2010 ADA Standards for Accessible Design. The Department recently received a grant from the State of Maryland for \$99,500 for a boat landing at Seneca Landing Special Park that is accessible to people of all abilities. This project, when coupled with the proposed floating launch for kayakers and canoeists, as well as additional ADA improvements, will provide a significantly improved experience for motorized and non-motorized boaters. This includes a large number of disabled boaters and groups in the County, including Team River Runner (a veterans group) and Walter Reed Medical Center.

The FY19 additional revenue from the State will allow the Department to begin the project, but M-NCPPC must first obtain the appropriation, or spending authority, by way of an amendment to the FY19-24 Capital Improvements Program and additional appropriation to the FY19 Capital Budget.

Attached you will find the Draft of the Council Resolution and the Project Description Form (PDF) for your review. Staff recommends approval of the CIP Amendment and Capital Budget Request and seeks

direction from the Board to transmit the attached information to the Montgomery County Executive for recommendation, and to the County Council for their consideration and approval of the CIP Amendment and Special Appropriation.

Conclusion

Upon approval the attached materials will be forwarded to the County Executive and County Council.

Resolution No: _____
Introduced: _____
Adopted: _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: County Council

SUBJECT: Amendment to the FY19-24 Capital Improvements Program and Special Appropriation to the FY19 Capital Budget Maryland-National Capital Park and Planning Commission Department of Parks
ADA Compliance: Non-Local Parks (P128702), \$99,500
Source of Funds: State Aid

Background

1. Section 308 of the County Charter provides that a special appropriation is an appropriation which states that it is necessary to meet an unforeseen disaster or other emergency, or to act without delay in the public interest. Each special appropriation must be approved by not less than six Councilmembers. The Council may approve a special appropriation at any time after public notice by news release. Each special appropriation must specify the source of funds to finance it.
2. Section 302 of the Montgomery County Charter provides that the Council may amend an approved capital improvements program at any time by an affirmative vote of no fewer than six members of the Council.
3. Section 18-108 of the Maryland Land Use Code provides that after adoption of the M-NCPPC budget by the Council, the budget may be amended by resolution by the Council on their initiative or at the request of the Commission. Before adopting a budget amendment, the Council must receive recommendations from the County Executive and hold a public hearing on reasonable notice to the public.
4. Section 18-115, Section 18-116, and Section 18-117 of the Maryland Land Use Code provide that the Council may amend, revise, or modify the M-NCPPC 6-year capital improvements program by an affirmative vote of six of its members. An amendment, revision, or modification made to the capital improvements program may not become final until at least 30 days after it is submitted to the Commission for written comment.

5. On September 27, 2018, the Department of Parks of Parks requested an additional \$99,500 to the ADA Compliance: Non-Local Parks Project as follows:

<u>Project Name</u>	<u>Project Number</u>	<u>Cost Element</u>	<u>Amount</u>	<u>Source of Funds</u>
ADA Compliance: Non-Local Parks	#128702	Site Improvements and Utilities	\$99,500	State Aid
Total			\$99,500	

6. This increase is needed because the Parks Department’s received a State grant for the project, but does not currently have sufficient appropriation in the CIP and capital budget to spend the funds. The recommended amendment is consistent with the criteria for amending the CIP because it leverages significant non-County funding from the State, offers a significant opportunity that will be lost if not taken at this time, helps the park system comply with Title II of the Americans with Disabilities Act (ADA) and the 2010 ADA Standards for Accessible Design, addresses safety concerns at the site, and allows the Parks Department to increase accessibility of parks to users of all abilities.
7. The County Council declares this request is in the public interest, to be acted upon without delay, as provided for under special appropriation requirements described in Article 3, Section 308 of the Montgomery County Charter.
8. Notice of public hearing was given and a public hearing was held.

Action

The County Council for Montgomery County, Maryland, approves the following resolution:

The FY19-24 Capital Improvements Program of the M-NCPPC Department of Parks is amended as reflected on the attached project description form and a special appropriation is approved as follows:

<u>Project Name</u>	<u>Project Number</u>	<u>Cost Element</u>	<u>Amount</u>	<u>Source of Funds</u>
ADA Compliance: Non-Local Parks	#128702	Site Improvements and Utilities	\$99,500	State Aid
Total			\$99,500	

This is a correct copy of Council action.

Megan Limarzi, Clerk of the Council



ADA Compliance: Non-Local Parks (P128702)

Category	M-NCPPC	Date Last Modified	09/13/18
SubCategory	Development	Administering Agency	M-NCPPC
Planning Area	Countywide	Status	Ongoing

Total	Thru FY18	Rem FY18	Total 6 Years	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	Beyond 6 Years
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EXPENDITURE SCHEDULE (\$000s)

Planning, Design and Supervision	1,605	450	75	1,080	180	180	180	180	180	180	-
Site Improvements and Utilities	7,143	1,600	623	4,920	920	820	820	820	820	820	-
TOTAL EXPENDITURES	8,748	2,050	698	6,000	1,000	1,000	1,000	1,000	1,000	1,000	-

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FUNDING SCHEDULE (\$000s)

G.O. Bonds	7,350	1,106	544	5,700	950	950	950	950	950	950	-
PAYGO	796	796	-	-	-	-	-	-	-	-	-
Current Revenue: General	502	148	54	300	50	50	50	50	50	50	-
State Aid	200	100	100	100 - 100	-	-	-	-	-	-	-
TOTAL FUNDING SOURCES	8,748	2,050	698	6,000	1,000	1,000	1,000	1,000	1,000	1,000	-

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APPROPRIATION AND EXPENDITURE DATA (\$000s)

Appropriation FY 20 Approp. Request	1,000	Year First Appropriation	FY12
Cumulative Appropriation	3,748	Last FY's Cost Estimate	8,748
Expenditure / Encumbrances	-	<i>Supplemental Appropriation FY19 100</i>	
Unencumbered Balance	3,748		

PROJECT DESCRIPTION

This program provides for an on-going comprehensive effort to ensure that all parks and park facilities are built and maintained in compliance with Title II of the Americans with Disabilities Act (ADA) and the 2010 ADA Standards for Accessible Design. This program includes both the correction of deficiencies identified by the United States Department of Justice (DOJ) during its proactive Project Civic Access assessment of 19 local park facilities, as well as efforts to comply with the revisions to Title II of the ADA, which went into effect on March 15, 2011.

COST CHANGE

Increase due to construction costs, regulatory requirements, and backlog. Addition of FY23 and FY24. Reduction in FY18 current revenue to reflect the FY18 Savings Plan.

PROJECT JUSTIFICATION

Montgomery County was selected by the DOJ for a Project Civic Access (PCA) review in 2006. The PCA is a proactive, ongoing initiative of the Disability Rights Section of the DOJ Civil Rights Division to ensure ADA compliance in local and state governments throughout the country. Montgomery County and M-NCPPC entered into a Settlement Agreement with DOJ on August 16, 2011, that required the County and M-NCPPC to remediate problems identified by DOJ within a negotiated timeline and place assurances for self-assessing and remediation for the future, including efforts to comply with the updated Title II requirements. The Agreement further stipulated that M-NCPPC perform self-evaluations of all parks by 2016. All self-evaluations were completed ahead of schedule and the Final Transition Plan submitted to DOJ in August 2016. The Final Transition Plan provides a summary of all barriers found, a strategy and timeline for their removal, as well as planning level cost estimates for barrier removal. The report identified approximately 13,600 barriers with a projected planning level cost estimate of \$31 million dollars for barrier removal systemwide.

OTHER

\$50,000 Current Revenue is budgeted for required ADA retrofits to leased properties that cannot be funded with general obligation bonds

FISCAL NOTE

Prior year partial capitalization of expenditures through FY16 totaled \$3,648,000. Addition of \$100k Bond Bill in FY18 for MLK Recreational Park. Reduce Current Revenue by \$10k in FY18 for fiscal capacity.

DISCLOSURES

Expenditures will continue indefinitely. M-NCPPC asserts that this project conforms to the requirement of relevant local plans, as required by the Maryland Economic Growth, Resource Protection and Planning Act.

COORDINATION

United States Department of Justice, County Attorney's Office, Department of General Services, ADA Compliance: Local Parks, PDF 128701