



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

MCPB Item#3b
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 **Acquisition: Local Parks #767828**

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 \$116,562 in appropriation for Program Open Space.

Background

The Acquisition: Local Parks capital project allows the Parks Department to acquire land that that serve county residents on a neighborhood or community basis. A significant portion of the capital project is funded with Program Open Space (POS), a significant funding source from the State of Maryland's transfer tax that is dedicated to the planning, acquisition, and/or development of recreation land or open space areas. The State Legislature approves the allocation to each county in the annual budget, so to program POS in future years of the CIP, staff must estimate POS funding based on forecasts and past performance. As such, the appropriation we receive in the County CIP is almost never in synch with the actual revenue coming in for each fiscal year.

Usually, this is not a problem when POS appropriation exceeds actual POS revenue. However, if POS revenues exceed appropriation (spending authority) available in the CIP, then we must either wait until the next fiscal year to spend the revenues or request additional appropriation in the current fiscal year to obtain authorization from the Council to spend the excess POS revenue.

The FY19 allocation of POS that the department received exceeds the available appropriation through FY19 by \$116,562. To spend the funds, M-NCPPC must obtain approval 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
Acquisition: Local Parks (P767828), \$116,562
Source of Funds: Program Open Space

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 \$116,562 to the Pollution Prevention and Repairs to Ponds & Lakes Project as follows:

<u>Project Name</u>	<u>Project Number</u>	<u>Cost Element</u>	<u>Amount</u>	<u>Source of Funds</u>
Acquisition: Local Parks	#767828	Land	\$116,562	Program Open Space
Total			\$116,562	

6. This increase is needed because the Parks Department's acquisition program will exceed the available appropriation for Program Open Space. The recommended amendment is consistent with the criteria for amending the CIP because it leverages significant non-County funding from the State and allows the Parks Department to continue its acquisition program this year that otherwise would have to be put on hold beyond FY19 due to insufficient spending authority to use Program Open Space funds.
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>
Acquisition: Local Parks	#767828	Land	\$116,562	Program Open Space
Total			\$116,562	

This is a correct copy of Council action.

Megan Limarzi, Clerk of the Council



Acquisition: Local Parks (P767828)

Category	M-NCPPC	Date Last Modified	09/13/18
SubCategory	Acquisition	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	811	121	90	600	100	100	100	100	100	100	-
Land	20,928	2,752	1,201	16,850	2,755	2,205	3,270	2,625	4,175	1,820	-
Other	228	78	-	150	25	25	25	25	25	25	-
TOTAL EXPENDITURES	21,842	2,951	1,291	17,600	2,880	2,330	3,395	2,750	4,300	1,945	-

FUNDING SCHEDULE (\$000s)

Program Open Space	20,417	2,309	1,291	16,700	2,730	2,180	3,245	2,600	4,150	1,795	-
M-NCPPC Bonds	1,029	129	-	900	150	150	150	150	150	150	-
Land Sale (M-NCPPC Only)	513	513	-	-	-	-	-	-	-	-	-
TOTAL FUNDING SOURCES	21,842	2,951	1,291	17,600	2,880	2,330	3,395	2,750	4,300	1,945	-

APPROPRIATION AND EXPENDITURE DATA (\$000s)

Appropriation FY 20 Approp. Request	2,330	Year First Appropriation	
Cumulative Appropriation	7,122	Last FY's Cost Estimate	21,842
Expenditure / Encumbrances	-	Supplemental Appropriation FY19	117
Unencumbered Balance	7,122		

PROJECT DESCRIPTION

This project identifies capital expenditures and appropriations for parkland acquisitions that serve county residents on a neighborhood or community basis. The parks funded under this project include local, urban, neighborhood, and neighborhood conservation area parks. This project also includes funds for land surveys, appraisals, settlement expenses and other related acquisition costs. Acquisitions can include new parkland or additions to existing parks, and are pursued when they become available, if sufficient funds exist. To the extent possible, the Commission acquires parkland through dedication at the time of subdivision; however, to meet all parkland needs, this method must be supplemented by a direct land purchase program.

COST CHANGE

Additional funding, including anticipated increases in Program Open Space, added to cover administration and one-time costs and the addition of FY23 and FY24 to this ongoing LOE.

PROJECT JUSTIFICATION

2017 Park, Recreation, and Open Space (PROS) Plan, approved by the Montgomery County Planning Board, other adopted area master plans, and functional master plans guide the local parkland acquisition program. This PDF provides latitude to acquire properties consistent with master plans and Commission policies.

OTHER

\$25,000 is budgeted annually to cover one-time costs to secure properties, e.g. removing attractive nuisances, posting properties, cleaning up sites, etc.

FISCAL NOTE

Prior year partial capitalization of expenditures through FY16 totaled \$25,963,000. FY12 Supplemental Appropriation added \$1,059,000 from land sale proceeds. FY13 Supplemental Appropriation added \$600,000 in Program Open Space grant funding.

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

Acquisition: Non-Local PDF 998798, Legacy Open Space PDF 018710, ALARF: M-NCPPC PDF 727007