



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

MCPB Item#4  
March 7, 2019

**MEMORANDUM**

**DATE:** February 28, 2019

**TO:** Montgomery County Planning Board

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

**FROM:** Carl Morgan, CIP Manager, Park Development Division *CM*  
Brenda Sandberg, Real Estate Management Supervisor, Park Development Division

**SUBJECT:** Amendment to the to the FY19 Capital Budget, FY20 Capital Budget, and FY19-24 Capital Improvements Program, Acquisition: NL Parks (P998798) and Acquisition: Local Parks (P767828)

---

**Staff Recommendation**

Transmit the attached materials to the Montgomery County Executive and the Montgomery County Council to amend as follows:

- Approved FY19 Capital Budget to include an additional \$2,853,000 in appropriation in the Acquisition: Non-local Parks (P998798) capital project
- Recommended FY20 Capital Budget to include a reduction of \$2,500,000 in appropriation in the Acquisition: Local Parks (P767828) capital project
- FY19-24 Capital Improvements Program (CIP)

**Background**

In the item preceding this one on the Planning Board's agenda, the Board will discuss the possible acquisition of two properties that will become part of the Westbard Urban Recreational Park along the Willett Branch greenway envisioned by the Westbard Sector Plan. This report focuses on the capital budget and Capital Improvement Program (CIP) amendments that would make this acquisition possible as well as the need for a minor budget and CIP amendment to receive developer contributions related to the Chanchien Acquisition of 2014.

### *Program Open Space (POS) and Contributions in the Acquisition Program*

The acquisition program includes two significant capital projects.

Acquisition Local Parks (P767828, “Acquisition LP”) - This capital project allows the Parks Department to acquire land that serves county residents on a neighborhood or community basis.

Acquisition: Non-local Parks (P998798, “Acquisition NL”) – This capital project allows the Parks Department to acquire land for non-local parks that include Regional, Recreational, Conservation, Stream Valley, Special, Historic, and Urban Parks of county-wide significance.

Both projects are primarily funded with Program Open Space (POS), a significant funding source from the State of Maryland’s transfer tax dedicated to the planning, acquisition, and/or development of recreation land or open space areas. Occasionally, acquisitions are partially funded by developer contributions.

Revenues from POS and Contributions fluctuate and are often unpredictable. As such, the amount of appropriation (authority by resolution from the Council to spend revenues) rarely matches actual revenues. When programming these funds in the six-year CIP, the Department can only estimate the amount of appropriation based on revenue forecasts. After adoption of the capital budget and CIP, if actual revenues do not exceed appropriation, the Commission can spend or encumber the revenues in their entirety. However, there are times when appropriation is insufficient to allow spending or encumbering some revenue and it becomes necessary to amend the capital budget and CIP.

### *Program Open Space for Westbard Urban Recreational Park*

The Department has sufficient POS revenue to acquire the two parcels for the Westbard Urban Recreational Park, but the appropriation for those revenues is split between the two acquisition capital projects, Acquisition LP and Acquisition NL. In order to make the purchase, the Acquisition NL project needs an additional \$2.5 million of POS appropriation that is either transferred from the Acquisition LP project or is simply increased by way of a Supplemental Appropriation to the Acquisition NL project.

Staff at the County Council and the Office of Management and Budget (OMB) have requested that the Department pursue the transfer option. However, there is some disagreement among County staff regarding the ability of the Council to dis-appropriate funds of a current budget year. As an alternative, OMB recommends that the Department reduce the appropriation request for FY20 that the Department transmitted to the County in November 2018 (currently under review by the Council). Parks staff agrees with this approach. However, it means splitting the transfer into two procedural actions:

- Amending the existing FY19 Capital Budget to increase the appropriation for POS in Acquisition: NL Parks by \$2.5M. This involves a “Supplemental Appropriation” resolution that modifies the existing FY19 Capital Budget and CIP.
- Amending the FY20 Capital Budget Request to decrease the appropriation request for POS in Acquisition LP by \$2.5 M. Because the FY20 Capital Budget has not yet been

approved by the Council, this involves simply informing the County Council and the County Executive of the change.

### *Contributions for the Chanchien Acquisition*

The Department recently received developer contributions for a portion of the Chanchien Acquisition of 2014 for a right-of-way that extends the master planned Snowden Farm Parkway west of Clarksburg Road. Currently, the capital budget and CIP have no appropriation for developer contributions. In order to spend this revenue, the capital budget and CIP need also to be amended by way of a supplemental appropriation. This has been added to the FY19 Supplemental Appropriation action discussed earlier.

### Conclusion

Attached you will find documents for the two capital budget actions discussed above:

- FY19 Capital Budget Amendment
  - Draft Council resolution for a Supplemental Appropriation that Amends the FY19 Capital Budget and CIP to include additional appropriation of \$2,853,000 in the Acquisition NL capital project (\$2,500,000 Program Open Space, \$353,000 Contributions)
  - Revised Project Description Form for the Acquisition NL capital project that increases the appropriations in FY19 referenced above
- FY20 Capital Budget Amendment
  - Revised Project Description Form for the Acquisition LP capital project that reduces \$2,500,000 of expenditure of POS in FY18 and FY19 and modifies the FY20 appropriation request as per the reduced expenditures

If approved, these budget actions will also amend the FY19-24 CIP accordingly and will provide the appropriation necessary to address the needs of the Acquisition: Non-local Parks capital project. Upon approval, the attached materials will be forwarded to the County Executive and County Council.

Resolution: \_\_\_\_\_  
Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_

COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND

---

By: Council President at the Request of the County Executive

---

SUBJECT: Amendment to the FY19-24 Capital Improvements Program and  
Supplemental Appropriation #~~x-Sxx-CMCG-x~~ to the FY19 Capital Budget  
Maryland-National Capital Park and Planning Commission  
Department of Parks  
Acquisition: Non-Local Parks (No. P998798), \$2,853,000

Background

1. Section 307 of the Montgomery County Charter provides that any supplemental appropriation shall be recommended by the County Executive who shall specify the source of funds to finance it. The Council shall hold a public hearing on each proposed supplemental appropriation after at least one week's notice. A supplemental appropriation that would comply with, avail the County of, or put into effect a grant or a Federal, State or County law or regulation, or one that is approved after January 1 of any fiscal year, requires an affirmative vote of five Councilmembers. A supplemental appropriation for any other purpose that is approved before January 1 of any fiscal year requires an affirmative vote of six Councilmembers. The Council may, in a single action, approve more than one supplemental appropriation. The Executive may disapprove or reduce a supplemental appropriation, and the Council may reapprove the appropriation, as if it were an item in the annual budget.
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. The County Executive recommends the following capital project appropriation increases:

<u>Project Name</u>	<u>Project Number</u>	<u>Cost Element</u>	<u>Amount</u>	<u>Source of Funds</u>
<b>Acquisition: Non-local Parks</b>	<b>#P998798</b>	<b>Land</b>	<b>\$2,500,000</b>	<b>Program Open Space Contributions</b>
			<b>\$353,000</b>	
Total			<b>\$2,853,000</b>	

6. This increase is needed because the available appropriation in the Acquisition: Non-Local Parks (No. P998798) capital project is insufficient to spend existing revenues. The recommended amendment is consistent with the criteria for amending the CIP because the acquisition projects leverage significant non-County sources of funds; offer a significant opportunity, which will be lost if not taken at this time; and increase the Acquisition: Non-Local Parks (no. P998798) capital project absolutely by at least \$2,000,000 from the last adopted CIP FY19-24.
7. The County Executive recommends an amendment to the FY19-24 Capital Improvements Program and a supplemental appropriation in the amount of **\$2,853,000** for Acquisition: Non-local Parks (No. P998798) and specifies that the source of funds will be Program Open Space and Contributions.
8. Notice of public hearing was given and a public hearing was held.

Action

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

The FY19-24 Capital Improvements Program of the Montgomery County Government is amended as reflected on the attached project description form and a supplemental 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>
<b>Acquisition: Non-local Parks</b>	<b>#P998798</b>	<b>Land</b>	<b>\$2,500,000</b>	<b>Program Open Space Contributions</b>
			<b>\$353,000</b>	
Total			<b>\$2,853,000</b>	

Amendment to the FY19-24 Capital Improvements Program and Supplemental Appropriation  
**#x-Sxx-CMCG-x**  
Page Three

This is a correct copy of Council action.

---

Megan Limarzi, Clerk of the Council



## Acquisition: Non-Local Parks (P998798)

Category	M-NCPPC	Date Last Modified	05/02/18 3-7-18
SubCategory	Acquisition	Administering Agency	M-NCPPC
Planning Area	Countywide	Status	Ongoing

### EXPENDITURE SCHEDULE (\$000s)

Cost Elements	Total	Thru FY17	Est FY18	Total 6 Years	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	Beyond 6 Years
Planning, Design and Supervision	1,922	157	565	1,200	200	200	200	200	200	200	-
Land	19,023 16,170	894	3,206	14,923 12,070	4,108 1,035	1,935	2,050	2,050	2,050	2,050	-
<b>TOTAL EXPENDITURES</b>	<b>18,092</b> 20,945	<b>1,051</b>	<b>3,771</b>	<b>13,270</b> 16,123	<b>2,135</b> 4,988	<b>2,135</b>	<b>2,250</b>	<b>2,250</b>	<b>2,250</b>	<b>2,250</b>	-

### FUNDING SCHEDULE (\$000s)

Funding Source	Total	Thru FY17	Est FY18	Total 6 Years	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	Beyond 6 Years
Contributions	18,974 353	0	0	353	353	0	0	0	0	0	-
Program Open Space	16,474	838	3,636	12,000	4,200	2,000	2,000	2,000	2,000	2,000	-
Current Revenue: General	1,618	213	135	1,270	135	135	250	250	250	250	-
<b>TOTAL FUNDING SOURCES</b>	<b>18,092</b> 20,945	<b>1,051</b>	<b>3,771</b>	<b>13,270</b> 16,123	<b>2,135</b> 4,988	<b>2,135</b>	<b>2,250</b>	<b>2,250</b>	<b>2,250</b>	<b>2,250</b>	-

### APPROPRIATION AND EXPENDITURE DATA (\$000s)

Appropriation FY 19 Request	4,988	2,135	Year First Appropriation	FY99
Appropriation FY 20 Request		2,135	Last FY's Cost Estimate	9,362
Cumulative Appropriation		4,822	FY19 SUPPLEMENTAL APPROPRIATION 2,853	
Expenditure / Encumbrances		35		
Unencumbered Balance		4,787		

## PROJECT DESCRIPTION

This project identifies capital expenditures and appropriations for non-local parkland acquisitions, including related costs for land surveys, appraisals, settlement expenses and other related acquisition costs. Non-local parks include Regional, Recreational, Conservation, Stream Valley, Special, and Historic Parks, including Urban Parks of county-wide significance. 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, area master plans, and functional master plans guide the non-local park acquisition program. This PDF provides latitude to acquire properties consistent with master plans and Commission policies.

## **OTHER**

\$50,000 is budgeted annually to cover onetime costs to secure properties, e.g. removing attractive nuisances, posting properties, site clean-up, etc.

## **FISCAL NOTE**

Prior year partial capitalization of expenditures through FY16 totaled \$40,009,000. FY13 supplemental appropriation of \$320K, Program Open Space. FY14 supplemental appropriation of \$1.706M, Program Open Space

## **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: Local PDF 767828, Legacy Open Space PDF 018710, ALARF PDF 727007



## Acquisition: Local Parks (P767828)

<b>Category</b>	M-NCPPC	<b>Date Last Modified</b>	12/11/18 3/7/18
<b>SubCategory</b>	Acquisition	<b>Administering Agency</b>	M-NCPPC
<b>Planning Area</b>	Countywide	<b>Status</b>	Ongoing

Total	Thru FY18	Rem FY18	Total 6 Years	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	Beyond 6 Years
-------	-----------	----------	------------------	-------	-------	-------	-------	-------	-------	-------------------

### EXPENDITURE SCHEDULE (\$000s)

Planning, Design and Supervision	811	211	-	600	100	100	100	100	100	100	100	100	100	100
Land	10,303	20,803	2,662	0	1,291	15,441	16,850	1,545	2,205	3,270	2,625	4,175	1,820	
Other		228	78			150	25	25	25	25	25	25	25	
<b>TOTAL EXPENDITURES</b>	<b>21,842</b>	<b>2,951</b>	<b>0</b>	<b>1,291</b>	<b>17,600</b>	<b>2,880</b>	<b>2,330</b>	<b>3,395</b>	<b>2,750</b>	<b>4,300</b>	<b>1,945</b>			
	19,342					16,391	1,671							

### FUNDING SCHEDULE (\$000s)

Program Open Space	17,800	20,300	2,309	0	1,291	15,441	16,700	1,522	2,180	3,245	2,600	4,150	1,795	-
M-NCPPC Bonds		1,029	129	-	-	900	150	150	150	150	150	150	150	-
Land Sale (M-NCPPC Only)		513	513	-	-	-	-	-	-	-	-	-	-	-
<b>TOTAL FUNDING SOURCES</b>	<b>21,842</b>	<b>2,951</b>	<b>0</b>	<b>1,291</b>	<b>17,600</b>	<b>2,880</b>	<b>2,330</b>	<b>3,395</b>	<b>2,750</b>	<b>4,300</b>	<b>1,945</b>	-	-	-
	19,342					16,391	1,671							

### APPROPRIATION AND EXPENDITURE DATA (\$000s)

Appropriation FY 20 Approp. Request	(170)	2,330	Year First Appropriation	
Cumulative Appropriation		7,122	Last FY's Cost Estimate	21,842
Expenditure / Encumbrances		2,951	Nov 28/18 AGENCY REQUEST REDUCED 3-7-2018	(2,500)
Unencumbered Balance		4,171	• FY18 (1,291)	
			• FY19 (1,209)	

### 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

In FY19, 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