

MEMORANDUM

February 9, 2012

TO: Planning, Housing, and Economic Development (PHED) Committee

FROM: ^{MLM} Marlene L. Michaelson, Senior Legislative Analyst

SUBJECT: Supplemental Appropriation to the Maryland-National Capital Park and Planning Commission's FY12 Capital Budget and amendment to the FY11-16 Capital Improvements Program – \$1,058,940 for Acquisition: Local Parks and \$325,000 for ADA Compliance: Non-Local Parks

The Maryland-National Capital Park and Planning Commission (M-NCPPC) has requested amendments to the FY11-16 Capital Improvements Program (CIP) and supplemental appropriations to the FY12 Capital Budget to fund the following: \$1,058,940 for Acquisition: Local Parks and \$325,000 for ADA Compliance: Non-Local Parks. Resolutions introducing them are attached at circles 6 to 7 and 11 to 12. Proposed project description forms (PDFs) are attached on circles 8 to 9 and 13 to 14.

The Acquisition: Local Parks supplemental appropriation will provide funds for future parkland acquisitions. The source of funds is the accumulated proceeds from the sale of Commission-owned land for road and intersection improvement projects sponsored by the Montgomery County Department of Transportation and the Maryland State Highway Administration. The total from these past real estate transactions is \$1,058,937.

The available proceeds will offset the severe reductions in the State's Program Open Space (POS), which until recently was the primary source of funds for parkland acquisitions. The land sale proceeds will allow M-NCPPC to pursue expansion of several parks (Ridge Road Recreational Park, Fairland Recreational Park, Kings Local Park, and South Germantown Recreational Park) and other future acquisition opportunities. The Executive recommends approval of this amendment and supplemental appropriation (see © 1).

Staff recommends approval.

The ADA Compliance: Non-Local Parks program provides for an ongoing comprehensive effort to retrofit non-local parks and park facilities to comply with Title II of the Americans with Disabilities Act (ADA) and with the ADA Accessibility Guidelines (ADAAG) standards. It includes efforts to comply

with the revisions to Title II of the ADA, which went into effect on March 15, 2011. The program also includes policy development and advanced technical training for Department of Parks' architects and engineers to ensure that ADA compliance and accessibility are incorporated throughout the park system's planning, design, and construction processes to ensure that parks and park facilities comply with the new revisions to Title II of the ADA.

When the project was first approved as part of the FY11-16 CIP, it was unclear exactly how much funding would be required to implement the program. The estimate for the first phase of the required transition plan, ADA signage and staff oversight, is \$425,000 for FY12, which exceeds the \$100,000 currently appropriated for the project. M-NCPPC requests an additional \$325,000 in General Obligation (G.O.) bonds in FY12 to comply with the schedule and work per the ADA mandate and the settlement agreement between the Department of Justice and the Commission.

The Executive does not recommend approval of this supplemental, which will increase G.O. Bonds (see © 2). He believes there will be a G.O. Bond capacity problem during the remainder of FY12 resulting from the passage of Bill 26-11, Taxation -- Development Impact Taxes -- Payment, which defers the collection of impact taxes (because the remaining set-aside in G.O. Bonds for FY12 will be needed to cover the shortfall in impact tax revenue created by the legislation). He recommends, instead, that M-NCPPC look within its existing appropriation for transfer opportunities or consider use of Commission funding sources.

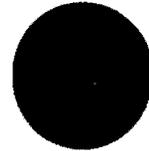
Staff understands the problem with G.O. Bond capacity, but also believes the Department of Parks has limited flexibility to transfer funding from another project. They have attempted to minimize G.O. Bond funding in their request and responded to earlier County Executive requests to reduce G.O. Bond funding. **Staff recommends the Committee explore 3 options with the Department.**

- Transfer G.O. Bond funding from another project as suggested by the Executive. Staff has asked the Department of Parks to be prepared to identify which project they would transfer funds from and what the impact would be.
- Delay consideration of the request until later in the year when the Council can reassess whether there is any G.O. Bond capacity in FY12 and, if not, add funding to the FY13 Capital Budget.
- Approve the supplemental now but show the expenditure in FY13, when there will be new G.O. Bond funding available. Staff notes that the disadvantage of this approach is that there will be significant competition for G.O. Bond capacity in FY13 and a decision to use some of that capacity now could limit funding for other projects.

*Bud Fin
Econ Dev.*



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OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

RECEIVED
MONTGOMERY COUNTY
2012 JAN - 6 PM 2:06

MEMORANDUM

January 5, 2012

TO: Roger Berliner, President, County Council
FROM: Isiah Leggett, County Executive *[Signature]*
SUBJECT: Amendment to the FY11-16 Capital Improvements Program and Supplemental Appropriation #5-S12-CMNCPPC-1 to the FY12 Capital Budget for the Maryland-National Capital Park and Planning Commission, to add \$1,058,940 to Acquisition: Local Parks #767828; and

Amendment to the FY11-16 Capital Improvements Program and Supplemental Appropriation #6-S12-CMNCPPC-2 to the FY12 Capital Budget for the Maryland-National Capital Park and Planning Commission, to add \$325,000 to ADA Compliance: Non-Local Parks #128702

The Maryland-National Capital Park and Planning Commission (M-NCPPC) has requested two amendments to the FY11-16 Capital Improvement Program and two Supplemental Appropriations to the FY12 Capital Budget for the Acquisition: Local Parks project #767828 in the amount of \$1,058,940 and the ADA Compliance: Non-Local Parks project #128702 in the amount of \$325,000.

1) Amendment and supplemental appropriation in the amount of \$1,058,940 in Land Sale Proceeds in the Acquisition: Local Parks project #767828

The appropriation will be used for future parkland acquisitions and will off-set the reductions in the State's Program Open Space funding. The funding will allow the Commission to pursue expansion of several parks (Ridge Road Recreational Park, Fairland Recreation Park, Kings Local Park, and South Germantown Recreational Park). As noted on the proposed PDF, the supplemental appropriation is shown in the Acquisition: Local Parks PDF, but the Commission may use these funds for both local and non-local park acquisitions that become available.

The source of funds for this action is the accumulated proceeds from the sale of Commission-owned land used for Montgomery County Department of Transportation and Maryland State Highway Administration road and intersection improvement projects.

I recommend that the County Council approve this amendment and supplemental appropriation in the amount of \$1,058,940 and specify the source of funds as Land Sales (P&P).

2) Amendment and supplemental appropriation in the amount of \$325,000 in General Obligation Bonds in the ADA Compliance: Non-Local Parks project #128702

This project was first approved as part of the FY11-16 CIP at which time the exact amount of funding necessary to comply with Title II of the Americans with Disabilities Act (ADA) requirements and the August 2011 Department of Justice (DOJ) settlement agreement were unknown. As part of the DOJ settlement agreement, M-NCPPC must complete a transition plan over the next five years that includes an assessment of all County park facilities. M-NCPPC reports that the first phase of the transition plan, which includes an assessment of approximately 150 parks and installation of ADA signage will be completed in FY12 and is estimated to cost \$425,000, which exceeds the current appropriation of \$100,000. M-NCPPC is requesting a supplement appropriation of General Obligation Bonds in the amount of \$325,000.

Whereas I understand the need for M-NCPPC to comply with the DOJ Settlement Agreement, I cannot recommend approval of a supplemental increasing G.O. Bonds due to capacity issues resulting from the Council's passage of Bill 26-11 Taxation-Development Impact Tax-Payment, which defers the collection of impact taxes. A key assumption behind the Council's action was that the remaining set-aside in G.O. Bonds for FY12 would be needed to cover the shortfall in impact tax revenue created by the legislation. Therefore, there are no bond funds available for this supplemental appropriation request. I recommend that M-NCPPC look within its existing appropriation for transfer opportunities or consider use of Commission funding sources.

IL:aw

- c: Kathleen Boucher, Assistant Chief Administrative Officer
- Jennifer A. Hughes, Director, Office of Management and Budget
- Francoise Carrier, Chair, Montgomery County Planning Board



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIR

December 8, 2011

The Honorable Roger Berliner, President
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

Subject: Request for Two Supplemental Appropriations to the M-NCPPC FY12 Capital Budget and Amendments to the FY11-16 Capital Improvements Program (CIP)

Dear ~~Mr. Berliner:~~ ^{Roger}

The Montgomery County Planning Board requests amendment of and supplemental appropriations to the following two projects in the FY11-16 CIP.

(1) Amendment and supplemental appropriation in the amount of \$1,058,937 in Land Sale Proceeds in the Acquisition: Local Parks project (#767828)

This supplemental appropriation will provide funds for future parkland acquisitions. The source of funds for this action is the accumulated proceeds from the sale of Commission-owned land for road and intersection improvement projects sponsored by Montgomery County Department of Transportation (MC DOT) and Maryland State Highway Administration (MD SHA). The total from these past real estate transactions is \$1,058,937.

The available proceeds will off-set the severe reductions in the State's Program Open Space (POS) which was the primary source of funds for parkland acquisitions until recently. The land sale proceeds will allow the Commission to pursue expansion of several parks (Ridge Road Recreational Park, Fairland Recreational Park, Kings Local Park, and South Germantown Recreational Park), and other future acquisition opportunities.

(2) Amendment and supplemental appropriation in the amount of \$325,000 in County General Obligation Bonds in the ADA Compliance: Non-Local Parks project (#128702)

The Commission has approved funding in its CIP for the ADA Compliance: Non-Local Parks project (#128702). This program provides for an on-going comprehensive effort to retrofit non-local parks and park facilities to comply with Title II of the Americans with Disabilities Act (ADA) and with the ADA Accessibility Guidelines (ADAAG) standards. This program includes efforts to comply with the revisions to Title II of the ADA, which went into effect on March 15, 2011.

(3)

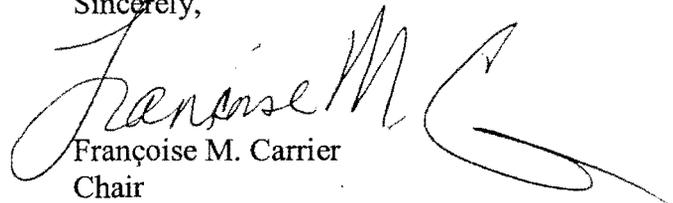
The Honorable Roger Berliner
December 8, 2011
Page Two

This program also includes policy development and advanced technical training for Department of Parks' architects and engineers to ensure that ADA compliance and accessibility are incorporated throughout the park system's planning, design and construction processes to ensure that parks and park facilities comply with the new revisions to Title II of the ADA.

When the project was first approved as part of the FY11-16 CIP, it was unclear exactly how much funding would be required to implement this federally-mandated program. The estimate for the first phase of the required transition plan, ADA signage, and staff oversight is \$425,000 for FY12, exceeding the \$100,000 currently appropriated for this project. Therefore, an additional \$325,000 in County General Obligation bonds in FY12 will be required to comply with the schedule and work per the ADA mandate and the settlement agreement between the Department of Justice and the Commission.

We appreciate Council's review and introduction of these actions, and hope for approval as soon as possible. Enclosed for your consideration is a draft resolution for the amendments and supplemental appropriations as well as the adopted and proposed PDFs. We look forward to discussing this request with the PHED Committee and the full Council at future work sessions.

Sincerely,


Françoise M. Carrier
Chair

cc: Isiah Leggett, County Executive
Enclosures: Resolutions and PDFs

CIP

SUPPLEMENTAL OR SPECIAL APPROPRIATION REQUEST SUMMARY

Acquisition: Local Parks, #767828

1. Please fill in the following table:

Agency	M-NCPPC
Department	Montgomery Parks
Fund (County Government only)	
Fiscal year	FY12
Supplemental or Special	Supplemental

2. What is the amount and source of funding?

Source of funding (Please list sources)	Amount
Land Sale Proceeds	\$1,058,937
Total request	\$1,058,937

3. Please explain why you did not request this during the annual budget process.

The source of funds for this action is the accumulated proceeds from the sale of Commission-owned land for road and intersection improvement projects sponsored by Montgomery County Department of Transportation (MC DOT) and Maryland State Highway Administration (MD SHA). The total from these past real estate transactions is \$1,058,937.87.

The available proceeds will off-set the severe reductions in Program Open Space (POS) which was the primary source of funds for parkland acquisitions. The land sale proceeds will allow us to pursue expansion of several parks (Ridge Road Recreational Park, Fairland Recreational Park, Kings Local Park, and South Germantown Recreational Park), and other future acquisition opportunities.

Resolution No: _____
Introduced: _____
Adopted: _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

SUBJECT: Amendment to the Maryland-National Capital Park and Planning Commission's (M-NCPPC) FY11-16 Capital Improvements Program, and Supplemental Appropriation to the FY12 Capital Budget, for **Acquisition: Local Parks, #767828**

Background

1. Article 28, section 2-118(a)(6) of the Annotated Code of Maryland permits the County Council to amend the budget of the M-NCPPC by resolution on the Council's initiative, or at the request of the Commission, after receipt of a recommendation from the County Executive, and after public hearing upon reasonable notice to the public.
2. Section 307 of the Montgomery County Charter states that a 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 (5) Councilmembers. A supplemental appropriation for any other purpose that is approved before January 1 of any fiscal year requires an affirmative vote of six (6) 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.
3. On behalf of the Maryland-National Capital Park and Planning Commission (M-NCPPC), the County Executive requests the following supplemental appropriation:

Project Name	Project No.	Cost Element	Amount	Source of Funds
Acquisition: Local Parks	767828	Land	\$1,058,937	Land Sale (P&P)

4. M-NCPPC requests that the County Council approve this supplemental appropriation to fund future parkland acquisitions.
5. The County Executive recommends an amendment to the FY11-16 CIP, and supplemental appropriation to the FY12 Capital Budget of M-NCPPC in the amount of **\$1,058,937**. The source of funds will be the proceeds from Land Sales (P&P).
6. The public was notified by a news release, and a public hearing was held.

Action

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

The FY11-16 CIP of the Maryland-National Capital Park and Planning Commission is amended as reflected on the attached Project Description Form, and a supplemental appropriation is approved as follows:

Project Name	Project No.	Cost Element	Amount	Source of Funds
Acquisition: Local Parks	767828	Land	\$1,058,937	Land Sale (P&P)

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Attachment: Project Description Form (Proposed)
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Acquisition: Local Parks -- No. 767828

Category **M-NCPPC**
 Subcategory **Acquisition**
 Administering Agency **M-NCPPC**
 Planning Area **Countywide**

Date Last Modified
 Required Adequate Public Facility
 Relocation Impact
 Status

September 21, 2011
 No
 None
 On-going

EXPENDITURE SCHEDULE (\$000)

Cost Element	Total	Thru FY10	Rem. FY10	Total 6 Years	FY11	FY12	FY13	FY14	FY15	FY16	Beyond 6 Years
Planning, Design, and Supervision	70	0	10	60	10	10	10	10	10	10	0
Land	3,224	0	165	3,059	0	1,059	500	500	500	500	0
Site Improvements and Utilities	0	0	0	0	0	0	0	0	0	0	0
Construction	0	0	0	0	0	0	0	0	0	0	0
Other	177	0	27	150	25	25	25	25	25	25	0
Total	3,471	0	202	3,269	35	1,094	535	535	535	535	*

FUNDING SCHEDULE (\$000)

Land Sale (P&P Only)	1,059	0	0	1,059	0	1,059	0	0	0	0	0
Park and Planning Bonds	412	0	202	210	35	35	35	35	35	35	0
Program Open Space	2,000	0	0	2,000	0	0	500	500	500	500	0
Total	3,471	0	202	3,269	35	1,094	535	535	535	535	0

DESCRIPTION

This project identifies capital expenditures and appropriations for local parkland acquisitions, including related costs for surveys and appraisals. Local parks include urban, neighborhood, and neighborhood conservation area parks. 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.

During FY11-16, the following acquisitions may be pursued: Fenton Street Urban Park, Willow Ridge Local Park, and Piney Branch Urban Park.

COST CHANGE

Increase due to FY12 Supplemental Appropriation of Land Sale proceeds.

JUSTIFICATION

2005 Local Land Preservation, Parks and Recreation Plan, approved by the Montgomery County Planning Board, and other adopted area master plans guide the local parkland acquisition program. This PDF provides latitude to acquire properties consistent with master plans and Commission policies.

FISCAL NOTE

An FY12 Supplemental Appropriation was approved to add \$1.059M. Although this supplemental appropriation is shown in the Acquisition: Local Parks PDF, the Commission may use these funds for both local and non-local park acquisition opportunities that may become available.

The source of funds for this action is the accumulated proceeds from the sale of Commission-owned land for road improvement projects sponsored by Montgomery County Department of Transportation and Maryland State Highway Administration. This supplemental will off-set the severe reductions in Program Open Space which was the primary source of funds for parkland acquisitions.

Park acquisitions will be pursued to the extent possible with available reserves and in anticipation of economic improvement.

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

OTHER DISCLOSURES

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

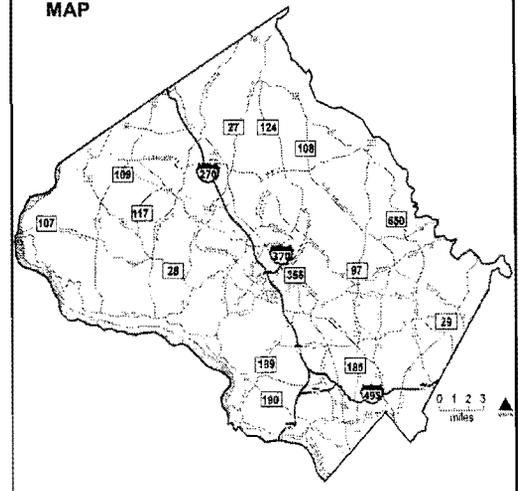
APPROPRIATION AND EXPENDITURE DATA

Date First Appropriation	FY00	(\$000)
First Cost Estimate		
Current Scope	FY97	11,001
Last FY's Cost Estimate		2,438
Appropriation Request	FY12	35
Supplemental Appropriation Request		1,059
Transfer		0
Cumulative Appropriation		237
Expenditures / Encumbrances		26
Unencumbered Balance		211
Partial Closeout Thru	FY09	18,459
New Partial Closeout	FY10	26
Total Partial Closeout		18,485

COORDINATION

Acquisition: Non-Local PDF 998798
 Legacy 2000 PDF 018710
 ALARF: M-NCPPC PDF 727007

MAP



9



SUPPLEMENTAL OR SPECIAL APPROPRIATION REQUEST SUMMARY

ADA Compliance: Non-Local Parks, #128702

1. Please fill in the following table:

Agency	M-NCPPC
Department	Montgomery Parks
Fund (County Government only)	
Fiscal year	FY12
Supplemental or Special	Supplemental

2. What is the amount and source of funding?

Source of funding (Please list sources)	Amount
GO Bonds	\$325,000
Total request	\$325,000

3. Please explain why you did not request this during the annual budget process.

This action is necessary to fund the federally mandated self-evaluation of all park facilities, and development of an ADA Transition Plan as required under Title II of the Americans with Disabilities Act (ADA). Additionally, as part of a settlement with the U.S. Department of Justice (DOJ) in August 2011, Montgomery Parks agreed to comply with a number of actions noted by a DOJ compliance review, and to provide signage directing users to accessible entrances and general information about accessible facilities.

Resolution No: _____
Introduced: _____
Adopted: _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

SUBJECT: Amendment to the Maryland-National Capital Park and Planning Commission's (M-NCPPC) FY11-16 Capital Improvements Program, and Supplemental Appropriation to the FY12 Capital Budget, for **ADA Compliance: Non-Local Parks, #128702**

Background

1. Article 28, section 2-118(a)(6) of the Annotated Code of Maryland permits the County Council to amend the budget of the M-NCPPC by resolution on the Council's initiative, or at the request of the Commission, after receipt of a recommendation from the County Executive, and after public hearing upon reasonable notice to the public.
2. Section 307 of the Montgomery County Charter states that a 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 (5) Councilmembers. A supplemental appropriation for any other purpose that is approved before January 1 of any fiscal year requires an affirmative vote of six (6) 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.
3. On behalf of the Maryland-National Capital Park and Planning Commission (M-NCPPC), the County Executive requests the following supplemental appropriation:

Project Name	Project No.	Cost Element	Amount	Source of Funds
ADA Compliance: Non-Local Parks	128702	Planning, Design, Supervision	\$250,000	GO Bonds
ADA Compliance: Non-Local Parks	128702	Site Improvements	\$75,000	GO Bonds
ADA Compliance: Non-Local Parks	128702	TOTAL	\$325,000	GO Bonds

4. M-NCPPC requests that the County Council approve this supplemental appropriation to fund the federally mandated self-evaluation of all park facilities, and development of an ADA Transition Plan as required under Title II of the Americans with Disabilities Act (ADA). Additionally, as part of a settlement with the U.S. Department of Justice (DOJ) in August 2011, M-NCPPC agreed to comply with a number of actions noted by a DOJ compliance review, and to provide signage directing users to accessible entrances and general information about accessible facilities.
5. The County Executive recommends an amendment to the FY11-16 CIP, and supplemental appropriation to the FY12 Capital Budget of M-NCPPC in the amount of **\$325,000**. The source of funds is General Obligation Bonds.
6. The public was notified by a news release, and a public hearing was held.

Action

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

The FY11-16 CIP of the Maryland-National Capital Park and Planning Commission is amended as reflected on the attached Project Description Form, and a supplemental appropriation is approved as follows:

Project Name	Project No.	Cost Element	Amount	Source of Funds
ADA Compliance: Non-Local Parks	128702	Planning, Design, Supervision	\$250,000	GO Bonds
ADA Compliance: Non-Local Parks	128702	Site Improvements	\$75,000	GO Bonds
ADA Compliance: Non-Local Parks	128702	TOTAL	\$325,000	GO Bonds

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

ADA Compliance: Non-Local Parks -- No. 128702

Category	M-NCPPC	Date Last Modified	November 08, 2011
Subcategory	Development	Required Adequate Public Facility	No
Administering Agency	M-NCPPC	Relocation Impact	None
Planning Area	Countywide	Status	Planning Stage

EXPENDITURE SCHEDULE (\$000)

Cost Element	Total	Thru FY10	Rem. FY10	Total 6 Years	FY11	FY12	FY13	FY14	FY15	FY16	Beyond 6 Years
Planning, Design, and Supervision	500	0	0	500	0	100	100	100	100	100	0
Land	0	0	0	0	0	0	0	0	0	0	0
Site Improvements and Utilities	1,200	0	0	1,200	0	0	150	250	350	450	0
Construction	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
Total	1,700	0	0	1,700	0	100	250	350	450	550	*

FUNDING SCHEDULE (\$000)

G.O. Bonds	1,450	0	0	1,450	0	50	200	300	400	500	0
Current Revenue: General	250	0	0	250	0	50	50	50	50	50	0
Total	1,700	0	0	1,700	0	100	250	350	450	550	0

DESCRIPTION

This program provides for an on-going comprehensive effort to ensure that all non-local parks and park facilities are built and maintained in compliance with Title II of the Americans with Disabilities Act (ADA) and the ADA Accessibility Guidelines (ADAAG) standards. This program includes efforts to comply with the revisions to Title II of the ADA, which will go into effect on March 15, 2011.

This program also includes policy development and advanced technical training for Department of Parks' architects and engineers to ensure that ADA compliance and accessibility are incorporated throughout the park system's planning, design and construction processes in order to ensure that parks and park facilities comply with the new revisions to Title II of the ADA.

New Title II requirements include revisions to the existing 1991 ADAAG and additional standards for facilities not addressed in the 1991 ADAAG including swimming pools, recreational facilities, and playgrounds.

JUSTIFICATION

Montgomery County was selected by the DOJ for a Project Civic Access (PCA) review in 2006. PCA is a proactive, ongoing initiative of the Disability Rights Section (DRS) of the DOJ Civil Rights Division to ensure ADA compliance in local and state governments throughout the Country. DOJ has completed reviews and signed settlement agreements with over 150 districts to date. DOJ has inspected over 112 County facilities, including 15 local parks that fall under the M-NCPPC's jurisdiction. Montgomery County received a draft settlement agreement from DOJ in March 2009 and is now negotiating a legally binding settlement to address the findings, both those related to buildings and other facilities and those related to policies. This agreement will require the County and its agencies to remediate any problems identified by DOJ within a negotiated timeline and to place assurances for self assessing and remediation for the future, including efforts to comply with the new Title II requirements.

On September 15, 2010, DOJ approved revisions to Title II of the ADA, which impact park and recreational facilities such as swimming pools, recreation facilities, and playgrounds. Local and State governments will be required to comply with these revisions, which will go into effect on March 15, 2011; full compliance is required by March 15, 2012. The revised Title II of the ADA requires local and state governments, within one year of the effective date of the Act, to conduct a self-evaluation of constructed and altered facilities built between July 1992 and September 2010 for compliance with the 1991 ADA standards.

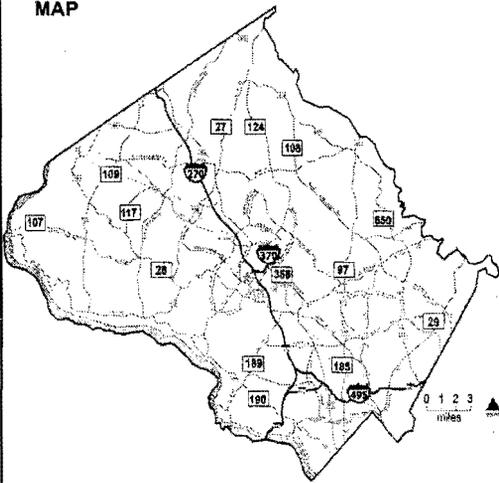
OTHER

Beginning in FY12, \$50,000 is budgeted for required ADA retrofits to leased properties that cannot be funded with general obligation bonds.

FISCAL NOTE

FY12 Supplemental Appropriation of \$325,000 GO Bonds, was approved to fund a federally mandated study of all park facilities to identify and correct access issues.

- * Expenditures will continue indefinitely.

APPROPRIATION AND EXPENDITURE DATA	COORDINATION	MAP																																																
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Date First Appropriation</td> <td>FY12</td> <td>(\$000)</td> </tr> <tr> <td>First Cost Estimate</td> <td>FY12</td> <td>1,700</td> </tr> <tr> <td>Current Scope</td> <td></td> <td></td> </tr> <tr> <td>Last FY's Cost Estimate</td> <td></td> <td>0</td> </tr> <tr> <td colspan="3"> </td> </tr> <tr> <td>Appropriation Request</td> <td>FY12</td> <td>100</td> </tr> <tr> <td>Supplemental Appropriation Request</td> <td></td> <td>0</td> </tr> <tr> <td>Transfer</td> <td></td> <td>0</td> </tr> <tr> <td colspan="3"> </td> </tr> <tr> <td>Cumulative Appropriation</td> <td></td> <td>0</td> </tr> <tr> <td>Expenditures / Encumbrances</td> <td></td> <td>0</td> </tr> <tr> <td>Unencumbered Balance</td> <td></td> <td>0</td> </tr> <tr> <td colspan="3"> </td> </tr> <tr> <td>Partial Closeout Thru</td> <td>FY09</td> <td>0</td> </tr> <tr> <td>New Partial Closeout</td> <td>FY10</td> <td>0</td> </tr> <tr> <td>Total Partial Closeout</td> <td></td> <td>0</td> </tr> </table>	Date First Appropriation	FY12	(\$000)	First Cost Estimate	FY12	1,700	Current Scope			Last FY's Cost Estimate		0				Appropriation Request	FY12	100	Supplemental Appropriation Request		0	Transfer		0				Cumulative Appropriation		0	Expenditures / Encumbrances		0	Unencumbered Balance		0				Partial Closeout Thru	FY09	0	New Partial Closeout	FY10	0	Total Partial Closeout		0	<p>United States Department of Justice Department of Health and Human Services Department of Transportation County Attorney's Office Montgomery County Public Schools Revenue Authority Department of General Services ADA Compliance: Local Parks, PDF 128701</p>	
Date First Appropriation	FY12	(\$000)																																																
First Cost Estimate	FY12	1,700																																																
Current Scope																																																		
Last FY's Cost Estimate		0																																																
Appropriation Request	FY12	100																																																
Supplemental Appropriation Request		0																																																
Transfer		0																																																
Cumulative Appropriation		0																																																
Expenditures / Encumbrances		0																																																
Unencumbered Balance		0																																																
Partial Closeout Thru	FY09	0																																																
New Partial Closeout	FY10	0																																																
Total Partial Closeout		0																																																

13

ADA Compliance: Non-Local Parks -- No. 128702

Category
Subcategory
Administering Agency
Planning Area

M-NCPPC
Development
M-NCPPC
Countywide

Date Last Modified
Required Adequate Public Facility
Relocation Impact
Status

November 08, 2011
No
None
Planning Stage

EXPENDITURE SCHEDULE (\$000)

Cost Element	Total	Thru FY10	Rem. FY10	Total 6 Years	FY11	FY12	FY13	FY14	FY15	FY16	Beyond 6 Years
Planning, Design, and Supervision	750	0	0	750	0	350	100	100	100	100	0
Land	0	0	0	0	0	0	0	0	0	0	0
Site Improvements and Utilities	1,275	0	0	1,275	0	75	150	250	350	450	0
Construction	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
Total	2,025	0	0	2,025	0	425	250	350	450	550	*

FUNDING SCHEDULE (\$000)

G.O. Bonds	1,775	0	0	1,775	0	375	200	300	400	500	0
Current Revenue: General	250	0	0	250	0	50	50	50	50	50	0
Total	2,025	0	0	2,025	0	425	250	350	450	550	0

DESCRIPTION

This program provides for an on-going comprehensive effort to ensure that all non-local parks and park facilities are built and maintained in compliance with Title II of the Americans with Disabilities Act (ADA) and the ADA Accessibility Guidelines (ADAAG) standards. This program includes efforts to comply with the revisions to Title II of the ADA, which will go into effect on March 15, 2011.

This program also includes policy development and advanced technical training for Department of Parks' architects and engineers to ensure that ADA compliance and accessibility are incorporated throughout the park system's planning, design and construction processes in order to ensure that parks and park facilities comply with the new revisions to Title II of the ADA.

New Title II requirements include revisions to the existing 1991 ADAAG and additional standards for facilities not addressed in the 1991 ADAAG including swimming pools, recreational facilities, and playgrounds.

JUSTIFICATION

Montgomery County was selected by the DOJ for a Project Civic Access (PCA) review in 2006. PCA is a proactive, ongoing initiative of the Disability Rights Section (DRS) of the DOJ Civil Rights Division to ensure ADA compliance in local and state governments throughout the Country. DOJ has completed reviews and signed settlement agreements with over 150 districts to date. DOJ has inspected over 112 County facilities, including 15 local parks that fall under the M-NCPPC's jurisdiction. Montgomery County received a draft settlement agreement from DOJ in March 2009 and is now negotiating a legally binding settlement to address the findings, both those related to buildings and other facilities and those related to policies. This agreement will require the County and its agencies to remediate any problems identified by DOJ within a negotiated timeline and to place assurances for self assessing and remediation for the future, including efforts to comply with the new Title II requirements.

On September 15, 2010, DOJ approved revisions to Title II of the ADA, which impact park and recreational facilities such as swimming pools, recreation facilities, and playgrounds. Local and State governments will be required to comply with these revisions, which will go into effect on March 15, 2011; full compliance is required by March 15, 2012. The revised Title II of the ADA requires local and state governments, within one year of the effective date of the Act, to conduct a self-evaluation of constructed and altered facilities built between July 1992 and September 2010 for compliance with the 1991 ADA standards.

OTHER

Beginning in FY12, \$50,000 is budgeted for required ADA retrofits to leased properties that cannot be funded with general obligation bonds.

FISCAL NOTE

FY12 Supplemental Appropriation of \$325,000 GO Bonds, was approved to fund a federally mandated study of all park facilities to identify and correct access issues.

- * Expenditures will continue indefinitely.

APPROPRIATION AND EXPENDITURE DATA		
Date First Appropriation	FY12	(\$000)
First Cost Estimate		
Current Scope	FY12	1,700
Last FY's Cost Estimate		0
Appropriation Request	FY12	100
Supplemental Appropriation Request		325
Transfer		0
Cumulative Appropriation		0
Expenditures / Encumbrances		0
Unencumbered Balance		0
Partial Closeout Thru	FY09	0
New Partial Closeout	FY10	0
Total Partial Closeout		0

COORDINATION
 United States Department of Justice
 Department of Health and Human Services
 Department of Transportation
 County Attorney's Office
 Montgomery County Public Schools
 Revenue Authority
 Department of General Services
 ADA Compliance: Local Parks, PDF 128701

MAP

