

Resolution No.: 17-619  
 Introduced: November 13, 2012  
 Adopted: December 4, 2012

**COUNTY COUNCIL  
 FOR MONTGOMERY COUNTY, MARYLAND**

By: Council President at the Request of the County Executive

**SUBJECT:** Amendment to the FY13-18 Capital Improvements Program and Supplemental Appropriation #12-S13-CMCG-5 to the FY13 Capital Budget Montgomery County Government Department of Environmental Protection SM Retrofit: Countywide (No. 808726), \$2,295,000

**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. 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>
SM Retrofit: Countywide	808726	Construction	\$2,295,000	State Aid
<b>TOTAL</b>			<b>\$2,295,000</b>	<b>State Aid</b>

4. This supplemental appropriation and amendment to the FY 13-18 CIP is needed in order to fully appropriate a \$19,861,000 grant from the Maryland Department of Natural Resources' Chesapeake & Atlantic Coastal Bays Trust Fund. State Aid in the amount of \$2,295,000 will be allocated to the County's stormwater management CIP project noted above in an effort to meet the provisions of the County's Municipal Separate Storm Sewer System (MS4) permit.
5. The County Executive recommends amendments to the FY13-18 Capital Improvements Program and supplemental appropriations in the amount of \$2,295,000 to the SM Retrofit: Countywide (#808726) project, and specifies that the source of funds will be State Aid.
6. 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 FY13-18 Capital Improvements Program of the Montgomery County Government is amended as reflected on the attached project description form and 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>
SM Retrofit: Countywide	808726	Construction	\$2,295,000	State Aid
TOTAL			\$2,295,000	State Aid

This is a correct copy of Council action.

  
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 Linda M. Lauer, Clerk of the Council

## SM Retrofit: Countywide -- No. 808726

Category  
Subcategory  
Administering Agency  
Planning Area

Conservation of Natural Resources  
Stormwater Management  
Environmental Protection  
Countywide

Date Last Modified  
Required Adequate Public Facility  
Relocation Impact  
Status

January 10, 2012  
No  
None.  
On-going

### EXPENDITURE SCHEDULE (\$000)

Cost Element	Total	Thru FY11	Est. FY12	Total 6 Years	FY13	FY14	FY15	FY16	FY17	FY18	Beyond 6 Years
Planning, Design, and Supervision	52,499	911	263	51,325	5,400	8,065	8,365	8,165	9,830	11,500	0
Land	0	0	0	0	0	0	0	0	0	0	0
Site Improvements and Utilities	0	0	0	0	8,605	0	0	0	0	0	0
Construction	109,561	1,246	5,630	102,685	16,518	16,135	16,735	16,335	19,670	23,000	0
Other	0	0	0	0	14,005	0	0	0	0	0	0
<b>Total</b>	<b>162,060</b>	<b>2,157</b>	<b>5,893</b>	<b>154,010</b>	<b>16,210</b>	<b>24,200</b>	<b>25,100</b>	<b>24,500</b>	<b>29,500</b>	<b>34,500</b>	<b>*</b>

### FUNDING SCHEDULE (\$000)

Fed Stimulus (State Allocation)	263	263	0	0	0	0	0	0	0	0	0
Federal Aid	299	0	299	0	2,295	0	0	0	0	0	0
State Aid	31,429	1,894	2,635	27,000	4,500	4,500	4,500	4,500	4,500	4,500	0
Water Quality Protection Bonds	130,069	0	3,059	127,010	11,710	19,700	20,600	20,000	25,000	30,000	0
<b>Total</b>	<b>162,060</b>	<b>2,157</b>	<b>5,893</b>	<b>154,010</b>	<b>16,210</b>	<b>24,200</b>	<b>25,100</b>	<b>24,500</b>	<b>29,500</b>	<b>34,500</b>	<b>0</b>

### OPERATING BUDGET IMPACT (\$000)

Maintenance				36	0	0	0	8	12	18
<b>Net Impact</b>				<b>36</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>12</b>	<b>18</b>

#### DESCRIPTION

This project provides for the design and construction of new and/or upgrades of existing underperforming stormwater management facilities and devices under the County's Municipal Separate Storm Sewer System (MS4) permit as detailed in the draft Montgomery County Coordinated Implementation Strategy (CCIS). Compliance with the MS4 permit requires controlling 20 percent of impervious surfaces, or approximately 4,300 impervious acres, not currently treated to the "maximum extent practicable" to address the approved Total Maximum Daily Loads (TMDLs). Inventories of candidate projects have been conducted under the Facility Planning: SM project (PDF No. 809319) for the County's ten watersheds (Paint Branch, Rock Creek, Cabin John Creek, Hawlings River, Watts Branch, Great Seneca, Muddy Branch, Sligo Creek, Little Paint Branch, and Northwest Branch).

Some of the most complex projects constructed under this project are assessed, and the preliminary plans are completed in the Facility Planning: SM project (No. 809319). Where feasible, the projects integrate wetland and habitat features consistent with the goals of the Chesapeake Bay 2000 Agreement. In small drainage areas, retrofit projects may also include biofiltration, bioretention, or stormwater filtering devices.

#### COST CHANGE

The increased level of funding in this project reflects the new MS4 permit requirements outlined in the Montgomery County Coordinated Implementation Strategy (CCIS).

#### JUSTIFICATION

This project is needed to comply with the new MS4 permitting requirements outlined in the County Coordinated Implementation Strategy (CCIS) and to implement the County's adopted water quality goals (Chapter 19, Article IV) and protect habitat conditions in local streams. In addition, the project supports the goals of the Chesapeake Bay tributary strategy initiatives and the Anacostia Watershed Restoration Agreement.

#### OTHER

Projects in design and construction include thirteen projects located in the Rock Creek Watershed, five projects located in the Watts Branch Watershed, forty four projects located in the Great Seneca Creek Watershed, five projects located in the Muddy Branch Watershed, five projects located in the Cabin John Creek Watershed, and fifteen projects located in the Anacostia River Watershed.

#### FISCAL NOTE

While the State has indicated a desire to increase funding for stormwater management projects, this will require state legislative action. Until that legislation is enacted, only committed state funding is appropriated. *supplemental* The partial State Aid appropriation is based on a letter of commitment the County received from the State of Maryland.

#### OTHER DISCLOSURES

- The Executive 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	FY87	(\$000)
First Cost Estimate		
Current Scope	FY13	162,060
Last FY's Cost Estimate		55,851
Appropriation Request	FY13	11,710
Appropriation Request Est.	FY14	19,700
Supplemental Appropriation Request		2,295
Transfer		0
Cumulative Appropriation		8,050
Expenditures / Encumbrances		4,723
Unencumbered Balance		3,327
Partial Closeout Thru	FY10	13,241
New Partial Closeout	FY11	0
Total Partial Closeout		13,241

#### COORDINATION

Department of Transportation  
Maryland National Capital Park and Planning Commission  
Department of Permitting Services  
Maryland Department of the Environment  
Natural Resources Conservation Service  
U.S. Army Corps of Engineers  
Facility Planning: SM (No. 809319)

*Maryland Department of Natural Resources*

#### MAP

