

AGENDA ITEM #4
July 21, 2009
Action

MEMORANDUM

July 17, 2009

TO: County Council

FROM: ^{GO} Glenn Orlin, Deputy Council Staff Director

SUBJECT: **Action**—special appropriation for the Rockville Parking District Nondepartmental Account (NDA) to fund reimbursement for lost revenue from patron parking - \$147,430 (General Fund)

The T&E Committee is taking up this matter at its July 20 meeting. It will present its recommendation at the Council meeting.

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This spring the Council decided it would postpone a decision on funding this portion of the NDA until after it had adopted the FY10 Operating Budget, so it might revisit its policy on parking at public libraries. That policy is that County residents are not charged for parking during the first two hours of use each day while using any County library located in areas where parking is normally charged: currently, the Bethesda and Rockville Libraries (©1-2). However, no resolutions have been sponsored and introduced that would either repeal or amend the policy, nor to set a rate for the Bethesda Library.

Therefore, the only matter before the Council is whether or not to appropriate the balance of this NDA. A draft resolution for the special appropriation is on ©3. The \$147,430 amount consists of two parts:

1. \$3,890 is for additional reimbursement due to the Parking District for revenue lost due to free parking being provided for Rockville Library *employees*. The estimate of revenue lost in FY10 is \$71,390, up from \$67,500 in FY09.
2. \$143,540 is for reimbursement due to the Parking District for revenue lost due to free parking being provided to Rockville Library *patrons*. The estimate of revenue lost is up from \$84,000 that was estimated for FY09. For a library patron, the routine is: park in a garage, note the number of the space, and go to the pay station in the library, enter the space number, and get a receipt displaying when the 2 free hours of parking would expire.

At the Council's July 14 public hearing Gayle Selkin-Gutman, Chair of the Rockville Library Advisory Committee, and Jacques Gelin, President of the Friends of the Library–Rockville Chapter spoke in favor of the appropriation (©4-6), and Paulette Dickerson spoke in opposition (©7).

Library employee parking. The memorandum of understanding between the City and County calls for the City to be reimbursed for lost revenue that otherwise would be collected from County employees in the Rockville Library building. The actual experience in FY09 was that the lost revenue was slightly higher than the \$67,500 anticipated expense, however. The building employees include not only library staff, but also the Department of Technology Services' Geographic Information System (GIS) unit. Also, there has been some after-hours work that has employees parking within the Parking District's charging hours (7am to 7pm weekdays). Therefore, the estimate for FY10 is for \$3,890 more than for FY09.

The current plan adopted by the City Council is that on October 4 the charging hours will extend to 10pm weeknights, and to 7am-10pm Saturdays. If so, that would increase the weekly charging hours by 50%, from 60 to 90 hours per week, which would increase the reimbursement as well, although by a smaller percentage since the extended hours are times when there are fewer or no employees at work. However, it is not a foregone conclusion that the Mayor and Council will implement the planned change on this schedule, or at all.

Library patron parking. The MOU calls for the City to be reimbursed for lost revenue that otherwise would be collected from library patrons, but no less than \$7,000 per month (\$84,000 annually). In his Recommended FY10 Operating Budget the Executive requested \$143,540 for this part of the NDA, 71% more than the \$84,000 he had budgeted earlier. This is due to experience in FY09: although the books for FY09 have not yet closed out, the trends show that the final bill in FY09 for reimbursing patron parking will be over \$120,000.

Some of this increase is likely due to a higher than expected use of the library, but some of it is certainly due to scofflaws. A study conducted for Councilmember Leventhal found that more than one of every six persons entering their parking space numbers in the library's pay station did not enter the library (©8). It is reasonable to expect that at least some of those who entered the library also shopped, dined, or conducted other business in the Town Center.

Should Rockville's charging hours increase by 50%, then the reimbursement for free patron parking will increase significantly over the \$143,540 estimate. Considering the expense, the County should weigh in if and when the City next deliberates on extending charging hours.

Council staff recommendation: *Approve the special appropriation.* Council staff continues to oppose free patron parking for libraries in locations where parking is generally charged, for several reasons. First, citizens are accustomed to paying for parking in urban centers, whether they are shopping, visiting their doctor's office, or speaking at a day-time Planning Board hearing in Silver Spring, attending a meeting at their Regional Service Center in Silver Spring, Bethesda, or Wheaton, or testifying at a daytime hearing or worksession of the County Council (after the first hour, which is free). Second, the current policy shows a bias against patrons arriving by transit or paratransit, who—unless they are elderly or disabled—must

pay a bus or taxi fare to go to the Rockville Library. Third, if free parking is essential, then there are more than 20 other libraries in the County which provide it, and most books and materials in the Rockville Library can be delivered to one of these other libraries for pickup.

Nevertheless, since the Council's current policy allows for two hours of free parking at the Rockville Library, then it is the County's responsibility to hold the City harmless for revenue lost to its Parking District due to that policy. The appropriation should be approved.

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Resolution: 16-595
Introduced: May 13, 2008
Adopted: June 10, 2008

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Councilmembers Leventhal, Berliner and Ervin

SUBJECT: [Repeal of] Amendment to Resolution 15-1396 regarding the Policy on Parking at County Libraries

Background

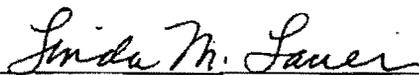
- [1.] On February 28, 2006 the Council approved Resolution 15-1396 stating the County residents will not be charged for parking while using any County library. Subsequently, free parking has been provided at the Bethesda and Rockville Libraries, requiring annual taxpayer subsidies at a rate of about \$7,000 and \$84,000, respectively.
- [2.] Citizens are accustomed to paying for parking in urban centers, whether they are shopping, visiting their doctor's office, or attending a day-time Planning Board hearing in Silver Spring, a meeting at their Regional Service Center in Silver Spring, Bethesda, or Wheaton, or a daytime hearing or worksession of the County Council.
3. There is no efficient and effective means of providing free patron parking that would not allow for the potential for abuse, since library employees do not validate parking.
4. Many urban libraries in the Baltimore-Washington region, including the Martin Luther King, Jr. Library in Washington, D.C. and the main branch of the Enoch Pratt Free Library in Baltimore, do not provide free parking for patrons.
5. On May 2, 2008 the Transportation, Infrastructure, Energy and Environment Committee recommended discontinuing the subsidy for patrons driving to the Rockville Library.
6. The Silver Spring Citizens Advisory Board, which supported the policy of providing free parking for library patrons initially, advised the Executive and Council on May 7, 2008 that it had reversed its position. In addition to the reasons noted above, the Board notes that providing free parking is a regressive subsidy to those who can afford to own and operate cars, and would increase congestion.
7. By repealing Resolution 15-1396 the County could establish an appropriate parking arrangement for each library appropriate to its particular circumstances.]

Action

The County Council for Montgomery County [approves the following resolution] amends Resolution 15-1396 as follows:

[Resolution 15-1396 is repealed, effective July 1, 2008.] It is the policy of Montgomery County that County residents will not be charged for parking during the first two hours of use each day while using any County library located in areas where parking is normally charged. The County will move expeditiously to implement this policy and attempt to ensure that parking reserved for library users is not used by non-library users.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council

Resolution No: _____
Introduced: June 30, 2009
Adopted: _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Andrews, Elrich, Floreen, and Navarro

SUBJECT: Special Appropriation to the FY10 Operating Budget, Montgomery County Government, Rockville Parking District Nondepartmental Account (NDA) - \$147,430

Background

1. Section 308 of the Montgomery County Charter provides that a special appropriation: (a) may be made at any time after public notice by news release; (b) must state that the special appropriation is necessary to meet an unforeseen disaster or other emergency or to act without delay in the public interest; (c) must specify the revenues necessary to finance it; and (d) must be approved by no fewer than six members of the Council.
2. The County Council wishes to approve the balance of the County Executive's request for this NDA primarily to reimburse the City of Rockville for lost revenue due to free library patron parking.

	<u>Personnel Services</u>	<u>Operating Expenses</u>	<u>Capital Outlay</u>	<u>Total</u>	<u>Source of Funds</u>
Rockville Parking District NDA	\$0	\$147,430	\$0	\$147,430	General Fund Undesignated Reserves

3. Notice of a public hearing was given, and a public hearing was held.

Action

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

1. A special appropriation to the FY10 Operating Budget of the Rockville Parking District NDA is approved as follows:

	<u>Personnel Services</u>	<u>Operating Expenses</u>	<u>Capital Outlay</u>	<u>Total</u>	<u>Source of Funds</u>
Rockville Parking District NDA	\$0	\$147,430	\$0	\$147,430	General Fund Undesignated Reserves

2. The County Council declares that this action is necessary to act without delay in the public interest.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

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**Testimony of Gayl Selkin-Gutman, Chair, Rockville Library Advisory Committee
Before the Montgomery County Council
July 14, 2009**

Good afternoon, my name is Gayl Selkin Gutman and I am representing the Rockville Library Advisory Committee (LAC).

Thank you for the opportunity to speak to you today. I am here to express our library community's support for the special appropriation for the Rockville Parking District to reimburse the City for the cost of patrons' parking at the Rockville Library.

In April 2006, after significant input and deliberation, the County Council adopted a policy that Montgomery County library patrons will be able to park for free near all of the county's libraries. This policy ensures that all county residents have equal access to their libraries. The Rockville LAC seeks to encourage library use, and we support the policy that ensures free parking at all county libraries.

Library usage has increased during the current recession. Many daytime library patrons, volunteers (like me); senior citizens on fixed incomes, the poor or the special needs population (whose collection was relocated to the Rockville Library) have come to depend on this guarantee of equal access to parking for library use. It would be counterproductive to put up a financial barrier to library use – especially now when job seekers, individuals and families looking to conserve need and use our libraries even more.

Whenever I'm at the Rockville Library I am frequently struck by the many visitors who clearly put forth considerable effort just to get there. There are the disabled, the volunteers and the parents with young children in twin strollers, lugging heavy book bags...would they all keep coming if they had the added barrier of having to pay for parking? I love volunteering at my library, but I'm not sure I would relish having to pay for that privilege. A couple of weeks ago, while I was sorting books for the FOL used book sale, a mother came in with her young son – dragging a wagonload of books to donate. I wonder if they would've brought them if they had to pay to park first.

The recently built Rockville Library would stand to lose a significant number of patrons if paid parking were to be instituted. This beautiful new facility could quickly become an underused facility. Certainly, no one wants that to happen.

These are some of the reasons why the Rockville LAC would like to reiterate its support for keeping parking free at all of our County's libraries. At the moment, to comply with its previously adopted policy, the County has an obligation to honor its commitment to fund parking at the Rockville library, as it does throughout the library system. The County Council has consistently recognized the importance of providing the best library service possible to our county residents. The Rockville LAC strongly recommends continuing this support by adopting the special appropriation under consideration today.

Thank you again for your continued support of all of our Montgomery County libraries.

TESTIMONY OF JACQUES GELIN
BEFORE THE MONTGOMERY COUNTY COUNCIL
July 14, 2009

Good afternoon, my name is Jacques Gelin. I have been a supporter of the country libraries for over 40 years, and I am currently president of the Friends of the Library chapter of Rockville. I appear here in support of a special appropriation to the County's FY 2010 operating budget in the amount of \$147,430 for the Rockville Parking District Non Departmental Account. This funding reimburses the City for the cost of patrons' parking at the Rockville Library.

When I last testified to this Council over four years ago, in April 2005, I asked you to increase the funding of the County's library system above the amount requested by the County Executive. You granted that request. For your convenience, I attach a copy of my testimony to today's submission. Briefly, I then reviewed the critical part that libraries have played in our nation's culture since its founding. I then explained how important libraries have become to our citizens in this Age of Information. I pointed out that the nearly one-half of the County's residents owned library cards and that nearly seven million residents had visited our libraries the previous year.

Since then two major changes have occurred. First, is that we are now in the midst of the most serious economic recession since the great Depression. This has adversely impacted the finances of this County. The County's deficit will surely be substantial. I understand this problem, but would it not be unseemly for the County to provide free parking for Councilmembers and their staffs, and for the entire Executive branch, but to require library patrons to pay for their parking?

Second, the number of holders of library cards of the County's residents has risen from nearly one-half to over two-thirds, and the visitors to our libraries rose from seven million to 12.3 million. Circulation in the past year increased by 3.4 percent. Library Director Parker's FY 2008 report states that overall circulation was up 5.66 percent; increases in children's circulation was up over 11 percent; teen age use increased by 33 percent; audio book usage increased 31 percent; and large type circulation increased by 17 percent. This shows beyond doubt that libraries form an even more important role in the cultural and economic role of the County.

The reason the County – as part of the countywide policy -- should pass the special appropriation to reimburse Rockville for the cost of parking at the Rockville library is simple: the Rockville library is not a facility of the city of Rockville; it is part of the Montgomery County library system. A bedrock principle for our free public library system is that all county residents must be accorded free access to all of our libraries. That is the essence of a free public library system.

Over the years, on behalf of the Rockville Library Advisory Committee, I have testified to the Council in support of funding, not just for the Rockville library, but for all of the County's libraries. Each time I explained that I was not simply supporting the Rockville library alone, but rather the entire library system. When I sought support for library renovations and the construction of the new library, I expressly recognized that other libraries deserved renovation or construction. I believe that you have recognized my position.

In addition to the normal library collection, the Rockville library houses several special collections, most particularly the Special Needs collection that the executive moved several years ago from the Davis library in Bethesda to Rockville. The patrons of this facility deserve the same free and equal access as all other patrons. That is why your obligation to fund parking at the Rockville library cannot and should not be separated from your obligation to fund free parking for patrons the entire library system.

This Council has steadfastly recognized the critical importance of our libraries to our civic life. I urge you to continue this support by adopting the special appropriation that lies before you. Thank you.

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Public Testimony 14 July 2009

When the issue of free parking at the Rockville Library first came up a few years ago it seemed like common sense. There was dedicated parking at the old Rockville Library. There were parking lots at every branch of Montgomery County Public Libraries (MCPL) my family had ever used except the Noyes Library for Young Children.

For many years, the only library lot with parking meters was the Bethesda Library. A generation of development gave the town of Bethesda a densely-travelled, high-population urban core. At one point commuters, shoppers, folks having lunch dates, waiting for car repair appointments or dropping off their vacuum cleaners used the library lot with impunity. Until 2-hour meters were installed. Library patrons were glad to have the spaces back— glad to pay for the privilege. It was a good model for a public library in an urban situation.

There are four reasons for discontinuing the appropriation that subsidizes parking at the Rockville Library. All would apply at any urban library— the new Silver Spring and Wheaton branches and any other current or future MCPL branch.

First, “Smart Growth” policies demand transportation choices that reduce or minimize congestion and pollution while encouraging business and community development. Subsidized parking uses public funds to encourage solo driving instead of the greener alternatives.

Next there is an issue of parity. Those who drive to the Rockville Library are handed the gift of a two dollar bill whenever they choose to park at a Rockville City parking lot. This benefits the City of Rockville but not the citizens of the County as a whole. Those who walk or take mass transit to the library help to subsidize that gift but get little for their tax dollar except more congestion in Rockville Town Center.

The third issue is that of scofflaws. There is no easy way to make sure that only library patrons take advantage of the parking stipend or that patrons use only two hours of “free” parking.

Yesterday I did a count of people who entered the lobby of the Rockville Library Building between eleven and twelve. One hundred thirty-five people went into the library building; eleven used the library “coupon” to get free parking and popped back out.

If the subsidy money that those scofflaws took in that one hour was put into the MCPL materials budget, the department could have purchased a children’s book that would have enriched kids’ lives for years.

Which brings me to my last issue. MCPL, like almost every department in the Montgomery County government, has taken some major cuts over the last year or so. The materials budget is down, staffing is down, maintenance is down. Unless magic happens, the year to come won’t be any better money-wise than the year that just ended. Money spent on “free” parking reduces the revenue available for core county services, not just for libraries.

Access to public libraries doesn’t actually require public parking. It requires a commitment to funding for bricks-and-mortar, staffing and virtual services. Public libraries should be free to all but public parking needn’t be free to any.

There is a Richard Stallman quote that comes to mind. He was talking about free software not free libraries when he said “Think free as in free speech, not free beer.”

So to my fellow patrons I would say libraries are free, parking is not. Pay the two dollars.

Reconsider free parking at Rockville's library

■ Is it fair for all taxpayers to subsidize Rockville spaces?

In the original planning for Rockville Town Center, Montgomery County and Rockville agreed that no dedicated parking would be provided for the new Rockville library.

When Rockville library activists expressed a desire for free parking, the County Council voted 6-2 on April 4, 2006 (myself and Marilyn Praisner opposed), for a resolution declaring:

"It is the policy of Montgomery County that county residents will not be charged for parking while using any county library. The county will move expeditiously to implement this policy and attempt to ensure that parking reserved for library users is not used by non-library users."

Two years later, I tried to repeal this policy but failed on a 5-4 vote. Instead, a majority of council members voted for a compromise allowing two hours of parking without charge.

As a result, the county must pay Rockville for a portion of the city's debt service on its public parking facility. This obligation comes to about \$143,000 in 2010.

We all want county residents to make full use of our excellent library system.

My objection to so-called "free" parking (which is in fact paid for by all county taxpayers) for the Rockville library is that for the few libraries located adjacent to Metrorail stations, where the cost of parking is at a premium, we

should not be subsidizing automobile use.

We do not subsidize those who take Metro or Ride-On buses to the library, nor do we provide free parking for other public services nearby. Libraries in other cities (Washington, Baltimore, Philadelphia, New York) do not provide parking.

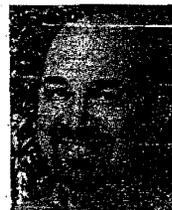
Furthermore, we want visitors to Rockville Town Center to use the library and also visit nearby merchants — but not at taxpayer expense.

County Council interns David Sivak, Kyle Friis and Mehran Hossaini performed a study showing that while a large majority (82.5 percent) of those who validate their parking in the Rockville Library lobby do use the library, nearly one-fifth (17.5 percent) do not use the library at all.

These data are not likely to persuade those who support so-called "free" parking at the Rockville library to change their minds. Nonetheless, I think there are important policy questions at stake.

As the council considers whether to appropriate \$143,000 to Rockville for these subsidies in 2010, I hope the following questions will be addressed:

•As more visitors to Rockville Town Center learn that they can park for free by dropping into the Rockville library lobby, the county's obligation to the city will increase. The council's resolution calls upon the coun-



Commentary

GEORGE L.
LEVENTHAL

ty "to attempt to ensure that parking reserved for library users is not used by non-library users." Will this language be enforced?

•We are already treating different libraries differently, in that "free" parking is limited to two hours in Rockville, while libraries that are not located in urban centers (Twinbrook, Quince Orchard, Potomac) have unlimited parking requiring no ongoing subsidy (other than maintenance of the parking lot) by taxpayers. Is it really necessary to apply a policy that was requested by Rockville citizens to other urban libraries (Bethesda and Silver Spring) where the residents have not requested it?

•If we do apply this policy to the new library to be constructed in downtown Silver Spring, what will it mean for the fiscal health of the Silver Spring parking district? The potential for non-library users to utilize free parking may be even greater in Silver Spring's Wayne Avenue garage than it has been in the Rockville garage.

At a time of unprecedented budget constraints, making all county taxpayers shoulder the cost of parking for library users as well as shoppers and restaurant patrons in Rockville Town Center is one expenditure we should re-examine. It may be a good deal for Rockville, but not for the rest of us.

George L. Leventhal, a Democrat from Takoma Park, is an at-large member of the Montgomery County Council and chairs the council's Health and Human Services Committee, which oversees libraries.

AGENDA ITEM #4
July 21, 2009
Addendum

MEMORANDUM

July 20, 2009

TO: County Council

FROM: Glenn Orlin, Deputy Council Staff Director^{Go}

SUBJECT: **Addendum**—special appropriation for the Rockville Parking District Nondepartmental Account (NDA) to fund reimbursement for lost revenue from patron parking - \$147,430 (General Fund)

T&E Committee recommendation (2-1): Councilmembers Floreen and Berliner recommend approval of the special appropriation of \$147,430. Councilmember Leventhal recommends approval only of an appropriation of \$3,890 for the higher estimate of reimbursement for lost revenue due to free library *employee* parking.