



**Committee:** None  
**Staff:** Susan J. Farag, Legislative Analyst  
**Purpose:** To introduce agenda item – no vote expected  
**Keywords:** #CircuitCourt; #Renovations; #CIP;  
#CapitalBudget

AGENDA ITEM #5(C)  
May 26, 2022  
**Introduction**

## SUBJECT

**Introduction:** Amendment to the FY21-26 Capital Improvements Program and Supplemental Appropriation #22-95 to the FY22 Capital Budget  
Montgomery County Government  
Circuit Court  
Appellate Court Judge’s Chambers (No. 362202), \$909,000

## EXPECTED ATTENDEES

None.

## DESCRIPTION/ISSUE

The Executive has requested this supplemental appropriation and amendment to the CIP to fund suitable workspace for the newly appointed appellate court judge and other Circuit Court staff. The server room that will be repurposed for office space contains an existing Halon fire suppression system that is a danger to Circuit Court employees, as the system releases a hazardous gas that suffocates fires but is dangerous to people. The recommended amendment is consistent with the criteria for amending the CIP because it addresses an urgent safety concern related to the Halon fire suppression system as noted and it leverages non-County funding.

The CE requests this supplemental appropriation and amendment to the FY21-26 Capital Improvements Program in the amount of \$909,000 and specify the source of funds as Current Revenue: General (\$123,000), G.O. Bonds (\$252,000), and State Aid (\$534,000).

This supplemental appropriation and amendment are tentatively scheduled for a public hearing/action on June 21, 2022.

### **This Staff Report Contains:**

Transmittal Memo	©1-2
Draft Resolution	©3-4
Court Chambers Project PDF	©5

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OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich  
*County Executive*

MEMORANDUM

May 24, 2022

TO: Gabe Albornoz, President  
Montgomery County Council

FROM: Marc Elrich, County Executive *Marc Elrich*

SUBJECT: Amendment to the FY21-26 Capital Improvements Program and  
Supplemental Appropriation #22-95 to the FY22 Capital Budget  
Montgomery County Government  
Circuit Court  
Appellate Court Judge's Chambers (No. 362202), \$909,000

I am recommending a supplemental appropriation to the FY22 Capital Budget and amendment to the FY21-26 Capital Improvements Program (CIP) in the amount of \$909,000 for the Appellate Court Judge's Chambers (No. 362202). The appropriation for this project will fund the renovation of Circuit Court space to create a new appellate court judge's chambers as well as reconfiguration of an existing server room to house the staff displaced by the new chambers.

This increase is needed to provide suitable work space for the newly appointed appellate court judge and other Circuit Court staff. The server room that will be repurposed for office space contains an existing Halon fire suppression system that is a danger to Circuit Court employees, as the system releases a hazardous gas that suffocates fires but is dangerous to people. The recommended amendment is consistent with the criteria for amending the CIP because it addresses an urgent safety concern related to the Halon fire suppression system as noted and it leverages non-County funding.

I recommend that the County Council approve this supplemental appropriation and amendment to the FY21-26 Capital Improvements Program in the amount of \$909,000 and specify the source of funds as Current Revenue: General (\$123,000), G.O. Bonds (\$252,000), and State Aid (\$534,000).

I appreciate your prompt consideration of this action.

Amendment to the FY21-26 Capital Improvements Program and  
Supplemental Appropriation #22-95 to the FY22 Capital Budget  
May 24, 2022  
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ME: ddh

Attachment: Amendment to the FY21-26 Capital Improvements Program and  
Supplemental Appropriation #22-95

cc: Richard Madaleno, Chief Administrative Officer  
Fariba Kassiri, Office of the County Executive  
Jennifer Bryant, Director, Management and Budget  
Mary Beck, Office of Management and Budget  
Derrick Harrigan, Management and Budget

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

COUNTY COUNCIL  
 FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

SUBJECT: Amendment to the FY21-26 Capital Improvements Program and Supplemental Appropriation #22-95 to the FY22 Capital Budget  
 Montgomery County Government  
 Circuit Court  
 Appellate Court Judge’s Chambers (No. 362202), \$909,000

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>
Appellate Court Judge’s Chambers	362202	PDS	\$83,000	State
		PDS	\$56,000	Current Rev: Gen
		Construction	\$436,000	State Aid
		Construction	\$67,000	Current Rev. Gen
		Construction	\$242,000	G.O. Bonds
		Other	\$15,000	State Aid
		Other	<u>\$10,000</u>	G.O.Bonds
<b>TOTAL</b>			<b>\$909,000</b>	

4. This increase is needed to provide a suitable workspace for a newly appointed appellate court judge and other Circuit Court staff. The server room that will be repurposed for office space contains an existing Halon fire suppression system that is a danger to Circuit Court employees, as the system releases a hazardous gas that suffocates fires but is dangerous to people. The recommended amendment is consistent with the criteria for amending the CIP because it addresses an urgent safety concern related to replacing the Halon fire suppression system, and it leverages non-County funding.
5. The County Executive recommends an amendment to the FY21-26 Capital Improvements Program and a supplemental appropriation in the amount of \$909,000 for Appellate Court Judges Chambers (No. 362202) and specifies that the source of funds will be Current Revenue: General (\$123,000), G.O. Bonds (\$252,000), and State Aid (\$534,000).
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 FY21-26 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>
Appellate Court Judge's Chambers	362202	PDS	\$83,000	State
		PDS	\$56,000	Current Rev: Gen
		Construction	\$436,000	State Aid
		Construction	\$67,000	Current Rev. Gen
		Construction	\$242,000	G.O. Bonds
		Other	\$15,000	State Aid
<b>TOTAL</b>		Other	<u>\$10,000</u>	G.O. Bonds
			<u>\$909,000</u>	

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Judy Rupp  
Clerk of the Council



# Appellate Court Judges Chambers (P362202)

Category	Public Safety	Date Last Modified	05/23/22
SubCategory	Other Public Safety	Administering Agency	General Services
Planning Area	Rockville	Status	Preliminary Design Stage

	Total	Thru FY20	Rem FY20	Total 6 Years	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	Beyond 6 Years
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### EXPENDITURE SCHEDULE (\$000s)

Planning, Design and Supervision	139	-	-	139	-	30	109	-	-	-	-
Construction	745	-	-	745	-	-	745	-	-	-	-
Other	25	-	-	25	-	-	25	-	-	-	-
<b>TOTAL EXPENDITURES</b>	<b>909</b>	<b>-</b>	<b>-</b>	<b>909</b>	<b>-</b>	<b>30</b>	<b>879</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

### FUNDING SCHEDULE (\$000s)

Current Revenue: General	123	-	-	123	-	30	93	-	-	-	-
G.O. Bonds	252	-	-	252	-	-	252	-	-	-	-
State Aid	534	-	-	534	-	-	534	-	-	-	-
<b>TOTAL FUNDING SOURCES</b>	<b>909</b>	<b>-</b>	<b>-</b>	<b>909</b>	<b>-</b>	<b>30</b>	<b>879</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

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

Appropriation FY 22 Request	-	Year First Appropriation	-
Supplemental Appropriation Request	909	Last FY's Cost Estimate	-
Cumulative Appropriation	-		
Expenditure / Encumbrances	-		
Unencumbered Balance	-		

### PROJECT DESCRIPTION

A judge's chamber for a new Court of Special Appeals judge will be constructed at the Montgomery County Circuit Court. In addition, a server room will be reconfigured for use for Circuit Court staff that are displaced by construction of the new chamber.

### LOCATION

50 Maryland Avenue Rockville, MD

### PROJECT JUSTIFICATION

The Maryland Court system consists of three levels of courts that include the appellate, circuit court, and district courts. Montgomery County is in the 7th appellate circuit and has one Court of Appeals judge and now three Court of Special Appeals judges that reside at the courthouse. This will be the first time that a fourth appellate judge will be housed in Montgomery County.

When the Circuit Court recently replaced its case management system, that left space in a former server room available to accommodate staff that will be displaced by the new judge's chamber. In order to make the server room usable for office use, the current Halon fire suppression system will need to be replaced with a sprinkler system. The Halon system releases a gas that suffocates fires but could be dangerous to employees if they were to work in that environment.

### FISCAL NOTE

FY22 supplemental in Current Revenue: General for the amount of \$123,000, G.O. Bonds for the amount of \$252,000, State Aid for the amount of \$534,000.

### DISCLOSURES

The County Executive 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

Department of General Services, Maryland Judiciary Administrative Office of the Courts, Circuit Court, Department of Permitting Services.