Resolution No: 15-1278  
Introduced: December 13, 2005  
Adopted: January 17, 2006

COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND  

By: County Council

SUBJECT: Special Appropriation to the Maryland-National Capital Park and Planning Commission’s FY06 Capital Budget, and Amendment of M-NCPPC’s FY05-10 Capital Improvements Program (CIP), to Add $400,000 in Program Open Space (POS) Acquisition Funds to the Acquisition: Local Parks PDF 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 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 six members of the Council.

3. 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 six Councilmembers.

4. M-NCPPC requests the following capital project appropriation increase for Acquisition: Local Parks:

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Project No.</th>
<th>Cost Element</th>
<th>Amount</th>
<th>Source of Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acquisition: Local Parks</td>
<td>767828</td>
<td>Land</td>
<td>$400,000</td>
<td>Program Open Space</td>
</tr>
</tbody>
</table>

5. The approved FY06 appropriation and expenditures were recommended prior to receipt of the State of Maryland’s actual FY06 allocation to Montgomery County, and was based on the allocation known for FY04. The State of Maryland Department of Natural Resources increased the amount of FY06 allocation for Montgomery County.
6. This special appropriation and amendment is needed because of the increase in Program Open Space allocation from the Maryland State Department of Natural Resources. This amendment is consistent with the criteria for amending the CIP because the project leverages significant non-County sources of funds (Program Open Space).

7. The County Executive recommends amendment of the FY05-10 Capital Improvements Program and a special appropriation in the amount of $400,000 for Acquisition: Local, PDF 767828, and specifies that the source of funds will be Program Open Space.

8. Notice of public hearing was given and a public hearing was held.

**Action**

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

1. The FY05-10 Capital Improvements Program of the Maryland-National Capital Park and Planning Commission is amended as reflected on the attached project description form and a special appropriation is approved as follows:

<table>
<thead>
<tr>
<th>Project Name</th>
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</tr>
</tbody>
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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]
## Acquisition: Local Parks -- No. 767828

### EXPENDITURE SCHEDULE ($000)

<table>
<thead>
<tr>
<th>Cost Element</th>
<th>Total FY04</th>
<th>Rem. FY04</th>
<th>Total 6 Years FY05</th>
<th>FY06</th>
<th>FY07</th>
<th>FY08</th>
<th>FY09</th>
<th>FY10</th>
<th>Beyond 6 Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning, Design and Supervision</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>60</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Land</td>
<td>3,759</td>
<td>0</td>
<td>3,759</td>
<td>359</td>
<td>1,000</td>
<td>600</td>
<td>600</td>
<td>600</td>
<td>600</td>
</tr>
<tr>
<td>Site Improvements and Utilities</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Construction</td>
<td>518</td>
<td>0</td>
<td>368</td>
<td>150</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>Total</td>
<td>4,337</td>
<td>0</td>
<td>3,925</td>
<td>394</td>
<td>1,035</td>
<td>635</td>
<td>635</td>
<td>635</td>
<td>635</td>
</tr>
</tbody>
</table>

### FUNDING SCHEDULE ($000)

- **Program Open Space**
  - 3,806
  - FY04: 49
  - FY05: 3,759
  - FY06: 359
  - FY07: 1,000
  - FY08: 600
  - FY09: 600
  - FY10: 600
  - Beyond 6 Years: 0

- **Federal Aid**
  - 0
  - FY04: 0
  - FY05: 0
  - FY06: 0
  - FY07: 0
  - FY08: 0
  - FY09: 0
  - FY10: 0
  - Beyond 6 Years: 0

- **Park and Planning Bonds**
  - 529
  - FY04: 319
  - FY05: 210
  - FY06: 35
  - FY07: 35
  - FY08: 35
  - FY09: 35
  - FY10: 35
  - Beyond 6 Years: 0

- **WSSC Bonds**
  - 0
  - FY04: 0
  - FY05: 0
  - FY06: 0
  - FY07: 0
  - FY08: 0
  - FY09: 0
  - FY10: 0
  - Beyond 6 Years: 0

### ANNUAL OPERATING BUDGET IMPACT ($000)

- **Maintenance**
  - 0
  - FY04: 0
  - FY05: 0
  - FY06: 0
  - FY07: 0
  - FY08: 0
  - FY09: 0
  - FY10: 0
  - Beyond 6 Years: 0

- **Program-Staff**
  - 78
  - FY04: 13
  - FY05: 13
  - FY06: 13
  - FY07: 13
  - FY08: 13
  - FY09: 13
  - FY10: 13
  - Beyond 6 Years: 0

- **Program-Other**
  - 0
  - FY04: 0
  - FY05: 0
  - FY06: 0
  - FY07: 0
  - FY08: 0
  - FY09: 0
  - FY10: 0
  - Beyond 6 Years: 0

- **Net Impact**
  - 0
  - FY04: 0
  - FY05: 0
  - FY06: 0
  - FY07: 0
  - FY08: 0
  - FY09: 0
  - FY10: 0
  - Beyond 6 Years: 0

- **Workyears**
  - 0
  - FY04: 0
  - FY05: 0
  - FY06: 0
  - FY07: 0
  - FY08: 0
  - FY09: 0
  - FY10: 0
  - Beyond 6 Years: 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, as defined by the Park, Recreation, and Open Space (PROS) Plan. Acquisitions may include Piney Branch Road Urban Park, Airy Hill Local Park Addition, and Cross Creek Local Park addition. Other unspecified sites and additions to existing sites may be pursued if they become available and funds are available. To the extent possible, the Commission acquires parkland through dedication at time of subdivision; however, to meet all parkland needs, this method must be supplemented by a direct land purchase program.

### JUSTIFICATION

The Park, Recreation, and Open Space Master Plan (PROS): A Local Land Preservation and Recreation Plan, approved by the Montgomery County Planning Board in July 1999, and other adopted area master plans guide the local parkland acquisition program.

### Cost Change

Increase due to the addition of FY09 and FY10 to this ongoing project.

### STATUS

Ongoing.

### OTHER

Beginning in FY03, $25,000 covers annual onetime costs to secure properties, e.g., removing attractive nuisances, posting properties, cleaning up sites, etc. In FY05, building structures at Piney Branch Local Park and Airy Hill Local Park will be demolished. These costs are not projected for operating budget impact because the Department does not know when the negotiations for a particular property will be concluded or which Division’s operating budget will be affected.

*Expenditures will continue indefinitely.*

### FISCAL NOTE

FY06 SPECIAL APPROPRIATION AND AMENDMENT TO ADD $400,000 IN PROGRAM OPEN SPACE FUNDS.

After partial closeout, the FY04 cumulative appropriation for POS is $773. The FY05 POS allocation to this PDF is $359. The $773 FY04 appropriation is sufficient to cover the $359 new allocation from the state.

FY06 APPROPRIATION BY FUNDING SOURCE: $600,000 POS, $35,000 PARK AND PLANNING BONDS, AND $32,000 WSSC BONDS. NET FY06 APPROPRIATION: $603,000.

### APPROPRIATION AND EXPENDITURE DATA

<table>
<thead>
<tr>
<th>Date First Appropriation FY00</th>
<th>Initial Cost Estimate</th>
<th>First Cost Estimate Current Scope FY97</th>
<th>Last FY0's Cost Estimate FY98</th>
<th>Present Cost Estimate FY99</th>
<th>Appropriation Request FY04</th>
<th>Supplemental Appropriation Request FY99</th>
<th>Appropriation Transfer</th>
<th>Transfer</th>
<th>Cumulative Appropriation</th>
<th>Expenditures</th>
<th>Encumbrances</th>
<th>Unencumbered Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY03</td>
<td>10,702</td>
<td>10,702</td>
<td>10,702</td>
<td>10,702</td>
<td>10,702</td>
<td>10,702</td>
<td>0</td>
<td>0</td>
<td>794</td>
<td>16</td>
<td>778</td>
<td>778</td>
</tr>
</tbody>
</table>

### COORDINATION

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

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.