

Resolution No: 15-1591

Introduced: July 11, 2006

Adopted: August 1, 2006

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: County Council

SUBJECT: Special Appropriation to Montgomery County Government's FY07 Capital Budget to Add \$1,800,000 Program Open Space (POS) Acquisition Funds to **Legacy Open Space, PDF 018710**

Background

1. Article 28, section 2-118(a)(6) of the Annotated Code of Maryland permits the County Council to amend the budget 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. The Maryland-National Capital Park and Planning Commission (M-NCPPC) requests the following capital project appropriation increase for **Legacy Open Space**:

Project Name	Project No.	Cost Element	Amount	Source of Funds
Legacy Open Space	018710	Land	\$1,800,000	Program Open Space

5. On May 2, 2006, the State of Maryland sent official notification of Montgomery County's FY07 POS apportionment, which is a significantly greater allocation than assumed in the Planning Board's requested FY07-12 CIP. This increase also allows M-NCPPC to substitute an additional \$1,800,000 in Program Open Space funds for GO Bonds which were appropriated in FY07.
6. The County Executive recommends a special appropriation in the amount of \$1,800,000 for Legacy Open Space, PDF 018710, and specifies that the source of funds will be Program Open Space.
7. Notice of 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 Montgomery County Government's FY07 Capital Budget as follows:

Project Name	Project No.	Cost Element	Amount	Source of Funds
Legacy Open Space	018710	Land	\$1,800,000	Program Open Space

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

Legacy Open Space -- No. 018710

PROPOSED

Category M-NCPPC
 Agency M-NCPPC
 Planning Area Countywide
 Relocation Impact None.

Date Last Modified
 Previous PDF Page Number
 Required Adequate Public Facility

July 7, 2006
 7-264 (04 App)
 NO

EXPENDITURE SCHEDULE (\$000)

Cost Element	Total	Thru FY05	Est. FY06	Total 6 Years	FY07	FY08	FY09	FY10	FY11	FY12	Beyond 6 Years
Planning, Design and Supervision											
Land	99,400	22,611	5,165	46,640	9,535	7,735	7,735	7,735	6,950	6,950	24,984
Site Improvements and Utilities											
Construction											
Other	600	23	77	300	50	50	50	50	50	50	200
Total	100,000	22,634	5,242	46,940	9,585	7,785	7,785	7,785	7,000	7,000	25,184

FUNDING SCHEDULE (\$000)

PAYGO	3,172	3,172	0	0	0	0	0	0	0	0	0
POS-Stateside (P&P only)	200	200	0	0	0	0	0	0	0	0	0
Program Open Space	4,080	480	0	3,600	3,600	0	0	0	0	0	0
G.O. Bonds	53,419	12,767	3,448	26,040	85	4,385	5,785	5,785	5,000	5,000	11,164
Contributions	21,020	400	100	9,000	1,500	1,500	1,500	1,500	1,500	1,500	11,520
Current Revenue: General	11,109	4,609	1,200	5,300	3,900	1,400	0	0	0	0	0
Park and Planning Bonds	7,000	1,005	494	3,000	500	500	500	500	500	500	2,500

ANNUAL OPERATING BUDGET IMPACT (\$000)

Maintenance				52	7	8	8	8	8	13	0
Program-Staff				181	41	28	28	28	28	28	0
Program-Other				61	23	10	7	7	7	7	0
Net Impact				294	71	46	43	43	43	48	0
Workyears				4.0	0.8	0.6	0.7	0.6	0.7	0.6	0.0

DESCRIPTION

The Legacy Open Space initiative identifies open space lands of countywide significance that should be acquired and interpreted because of exceptional natural or cultural value to current and future generations of Montgomery County residents. Legacy Open Space will acquire or obtain easements, or when necessary, make fee-simple purchase on open-space lands of countywide significance. In July 2001, the County Council adopted the Legacy Open Space Functional Master Plan to guide this program. The functional master plan sets forth procedures for selection of properties, setting priorities, and implementation of the program. Plan implementation and the need for CIP funding will extend beyond six years. Priorities will be updated with each new CIP, but will remain flexible enough to allow the Planning Board to address development threats and joint funding opportunities. The County Council encourages the Commission to seek supplemental appropriations if approved PDF funding is insufficient.

Non-County funding sources are expected to contribute significantly to the Legacy Open Space program. Some but not all contributions will appear in the PDF Expenditure and Funding Schedules depending on whether the contribution is actually spent by the County or Commission. For instance, matching donations from partners in cash or Program Open Space (POS) funds will be spent by the County or Commission and thus will be reflected in the schedules above, while donations of land or non-County funded payments that go directly to property owners will not be included. To date, a total of \$13.4 million in non-County funds have been contributed to implement the Legacy Open Space program. The combination of these non-County and County funds have resulted in the program successfully protecting over 3,000 acres of open space in the County, including 1,904 acres of in-fee acquisition and 1,166 acres of easements.

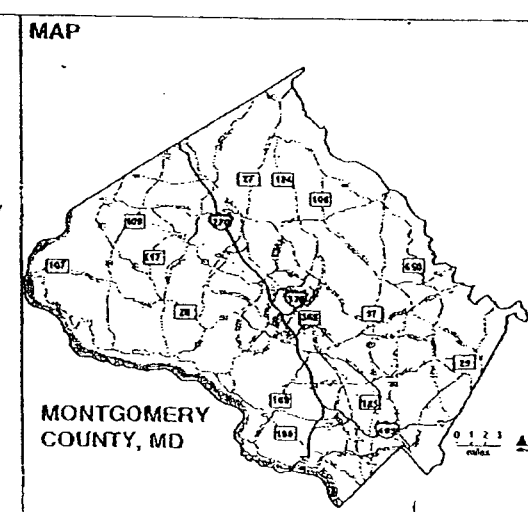
JUSTIFICATION

These exceptional lands are not well-protected and are threatened by the rapid pace of development. The public interest in the future availability of these lands for all County residents is best served if these lands are added to the public domain. The PROS Plan recommends placing priority on conservation of natural open spaces in and beyond the park system, protection of heritage resources, and expanded interpretation activities. Public demand for this initiative is strong as reflected in the results of the PROS public opinion surveys.

APPROPRIATION AND EXPENDITURE DATA		
Date First Appropriation	FY01	(\$000)
Initial Cost Estimate		100,000
First Cost Estimate		
Current Scope	FY01	100,000
Last FY's Cost Estimate		100,000
Present Cost Estimate		100,000
Appropriation Request	FY07	6,385
Appropriation Req. Est.	FY08	6,385
Supplemental	FY07	
Appropriation Request	FY06	1,800
Transfer		0
Cumulative Appropriation		29,676
Expenditures/		
Encumbrances		22,634
Unencumbered Balance		7,042
Partial Closeout Thru	FY04	0
New Partial Closeout	FY05	0
Total Partial Closeout		0

COORDINATION
 Acquisition: Local Parks PDF 767828
 Acquisition: Non-Local Parks PDF 998798
 ALARF: M-NCPPC PDF 727007
 Restoration of Historic Structures PDF 808494
 State of Maryland

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.



Plans and Studies

Legacy Open Space: Open Space Conservation in the 21st Century, approved by the Planning Board in October 1999. Legacy Open Space Functional Master Plan adopted by the County Council in July 2001.

Cost Change

Not applicable.

STATUS

Ongoing.

OTHER

Contributions to date that will be shown on this PDF include \$1.25 million from Chevy Chase Village and \$58,000 from Section 5 of the Village of Chevy Chase toward the Wohlfarth Property acquisition; \$110,000 from the City of Takoma Park for the Sligo Mill acquisition; and \$200,000 in Stateside POS funds for the Maiden's Fancy acquisition. The County and the Commission have entered into an Agreement with Chevy Chase Village to receive \$312,000 in POS allocation and \$938,000 in cash over 10 years. Another \$58,000 in POS funds were contributed to the Legacy Open Space program by Section 5 of the Village of Chevy Chase. The Commission has entered into an Agreement with the City of Takoma Park to receive \$110,000 from the City's POS allocation. The POS contributions are labeled as such in the Funding Schedule, including \$422,000 appropriated in FY03 (supplemental) and \$58,000 appropriated in FY05. The cash contributions from Chevy Chase Village are appropriated each year as payments are anticipated and are shown in the Contributions line of the Funding Schedule. \$500,000 has been received in cash to date and \$100,000 is being appropriated for each of FY07 and FY08 in anticipation of agreed payments.

In addition to the above contributions, many non-County funds have been used to protect several important Legacy Open Space sites that will not be reflected in the PDF schedules. One private contribution is a donation of land valued at \$400,000 for the Broad Run Stream Valley Park. Contributions from the State of Maryland in the form of direct payments to property owners include \$7.2 million in GreenPrint funds for the Hoyles Mill Conservation Park; \$3.7 million in Rural Legacy funds for an easement on the Hoyles Mill Diabase-North; and \$496,000 from the Maryland Agricultural Land Preservation Foundation (MALPF) for easements over two Legacy heritage sites (White/Carlin Farm and Friends Advice).

Continuing efforts begun in FY03, the Commission proposes to use UP TO \$50,000 from General Obligation Bonds to cover one time costs required to secure properties, e.g. removing attractive nuisances, posting properties, cleaning up sites, etc. These costs are not projected for the 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.

FISCAL NOTE

In FY07 and FY08, a portion of the funding will be Current Revenue instead of GO Bonds due to an anticipated purchase with the potential for a partnership for reuse. FY07 Special Appropriation to Increase funding by \$1,800,000 and replace GO Bonds with \$1,800,000 for Program Open Space Funding for anticipated purchase.