


**MEMORANDUM**

April 19, 2019

TO: County Council

FROM: Pamela Dunn, Senior Legislative Analyst 

SUBJECT: **Public Hearing: Amendment to the Maryland-National Capital Park and Planning Commission (MNCPPC) FY20 Capital Budget and FY19-24 Capital Improvements Program - \$2,500,000 reduction for Acquisition: Local Parks**

PURPOSE: To receive testimony regarding the County Executive's requested amendment to Acquisition: Local Parks.

**Background**

On April 2, 2019, amendments, including a supplemental appropriation to the FY19 Capital Budget and FY19-24 CIP and an amendment to the FY20 Capital Budget, were introduced by the Council President at the request of the County Executive. Attached on ©1-4 are the Executive's request and a draft resolution for the amendment to Acquisition: Local Parks as introduced. Attached on ©5-7 is the Planning Staff Report.

This amendment is needed to provide adequate appropriation to fund the acquisition of two properties along the Willett Branch Greenway to become part of the Westbard Urban Recreational Park by shifting \$2,500,000 in Program Open Space appropriation from the Acquisition: Local Parks project to the Acquisition: Non-Local Parks project.

If approved, this budget action and the following action on a supplemental appropriation for Acquisition: Non-Local Parks will amend the FY19-24 CIP accordingly and will provide the appropriation necessary to address the needs of the Acquisition: Non-local Parks capital project to secure land for the Westbard Urban Recreational Park.



OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Marc Elrich  
County Executive

MEMORANDUM

March 26, 2019

TO: Nancy Navarro, President, County Council

FROM: Marc Elrich, County Executive *Marc Elrich*

SUBJECT: Amendment to the FY19-24 Capital Improvements Program #10-A19-MNCPPC-1  
Maryland-National Park and Planning Commission  
Department of Parks  
Acquisition: Local Parks (No. 767828)

I am recommending an amendment to the FY19-24 Capital Improvements Program for Acquisition: Local Parks (No. 767828). Project changes will permit the acquisition of two properties along the Willett Branch greenway to become part of the Westbard Urban Recreational Park by shifting \$2,500,000 in Program Open Space appropriation from the Acquisition: Local Parks project to the Acquisition: Non-Local Parks project.

This amendment is needed to provide adequate appropriation to fund the acquisition of two properties along the Willett Branch greenway to become part of the Westbard Urban Recreational Park by shifting \$2,500,000 in Program Open Space appropriation from the Acquisition: Local Parks project to the Acquisition: Non-Local Parks project. The recommended amendment is consistent with the criteria for amending the CIP because it offers a significant opportunity, which will be lost if not taken at this time.

I recommend that the County Council approve this amendment to the FY19-24 Capital Improvements Program.

I appreciate your prompt consideration of this action.

ME: tl

Attachment: Amendment to the FY19-24 Capital Improvements Program #10-A19-MNCPPC-1

c: Michael F. Riley, Director, Department of Parks, M-NCPPC  
Richard S. Madaleno, Director, Office of Management and Budget  
Mary Beck, Capital Budget Manager, Office of Management and Budget

Resolution No.: \_\_\_\_\_  
Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By: Council President at the Request of the County Executive

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**SUBJECT:** Amendment to the FY19-24 Capital Improvements Program #10-A19-MNCPPC-1  
Maryland-National Park and Planning Commission  
Department of Parks  
Acquisition: Local Parks (No. 767828)

**Background**

1. 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.
2. The County Executive recommends this amendment to the FY19-24 Capital Improvements Program as shown on the attached project description form.
3. This amendment is needed to provide adequate appropriation to fund the acquisition of two properties along the Willett Branch greenway to become part of the Westbard Urban Recreational Park by shifting \$2,500,000 in Program Open Space appropriation from the Acquisition: Local Parks project to the Acquisition: Non-Local Parks project. The recommended amendment is consistent with the criteria for amending the CIP because it offers a significant opportunity that will be lost if not taken at this time.
4. The County Executive recommends an amendment to Acquisition: Local Parks (No. 767828).

**Action**

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

The FY19-24 Capital Improvements Program of the Montgomery County Government is amended as described above and as reflected on the attached project description form.

This is a correct copy of Council action.

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Megan Davey Limarzi, Esq.  
Clerk of the Council

## Acquisition: Local Parks (P767828)

Category  
SubCategory  
Planning Area

M-NCPPC  
Acquisition  
Countywide

Date Last Modified  
Administering Agency  
Status

05/02/18  
M-NCPPC  
Ongoing

Total	Thru FY17	Est FY18	Total 6 Years	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	Beyond 6 Years
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### EXPENDITURE SCHEDULE (\$000s)

Planning, Design and Supervision	811	138	73	600	100	100	100	100	100	-
Land	18,303	2,572	90	15,641	2,206	3,270	2,825	4,175	1,820	-
Other	228	53	25	150	25	25	25	25	25	-
<b>TOTAL EXPENDITURES</b>	<b>21,842</b>	<b>2,763</b>	<b>188</b>	<b>17,600</b>	<b>2,880</b>	<b>2,330</b>	<b>3,395</b>	<b>2,750</b>	<b>4,300</b>	<b>1,945</b>
	19,342			16,341	1,671					

### FUNDING SCHEDULE (\$000s)

Land Sale (M-NCPPC Only)	513	379	134	-	-	-	-	-	-	-
M-NCPPC Bonds	1,029	75	54	1,541	150	150	150	150	150	-
Program Open Space	17,800	2,309	0	15,491	2,738	2,180	3,245	2,800	4,160	1,785
<b>TOTAL FUNDING SOURCES</b>	<b>21,842</b>	<b>2,763</b>	<b>188</b>	<b>17,600</b>	<b>2,880</b>	<b>2,330</b>	<b>3,395</b>	<b>2,750</b>	<b>4,300</b>	<b>1,945</b>
	19,342			16,341	1,671					

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

Appropriation FY 19 Approp. Request	2,880	Year First Appropriation	
Appropriation FY 20 Approp. Request	(170)	Last FY's Cost Estimate	8,382
Cumulative Appropriation	4,242		
Expenditure / Encumbrances	730		
Unencumbered Balance	3,512		

### PROJECT DESCRIPTION

This project identifies capital expenditures and appropriations for parkland acquisitions that serve county residents on a neighborhood or community basis. The parks funded under this project include local, urban, neighborhood, and neighborhood conservation area parks. This project also includes funds for land surveys, appraisals, settlement expenses and other related acquisition costs. Acquisitions can include new parkland or additions to existing parks, and are pursued when they become available, if sufficient funds exist. To the extent possible, the Commission acquires parkland through dedication at the time of subdivision; however, to meet all parkland needs, this method must be supplemented by a direct land purchase program.

### COST CHANGE

Additional funding, including anticipated increases in Program Open Space, added to cover administration and one-time costs and the addition of FY23 and FY24 to this ongoing LOE. **FY19 amendment to shift \$2.5M in Program Open Space funding to Acquisition!**

### PROJECT JUSTIFICATION

2017 Park, Recreation, and Open Space (PROS) Plan, approved by the Montgomery County Planning Board, other adopted area master plans, and functional master plans guide the local parkland acquisition program. This PDF provides latitude to acquire properties consistent with master plans and Commission policies.

### OTHER

\$25,000 is budgeted annually to cover one-time costs to secure properties, e.g. removing attractive nuisances, posting properties, cleaning up sites, etc.

### FISCAL NOTE

Prior year partial capitalization of expenditures through FY16 totaled \$25,963,000. FY12 Supplemental Appropriation added \$1,059,000 from land sale proceeds. FY13 Supplemental Appropriation added \$600,000 in Program Open Space grant funding.

### DISCLOSURES

Expenditures will continue indefinitely. M-NCPPC 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

Acquisition: Non-Local PDF 998798, Legacy Open Space PDF 018710, ALARF: M-NCPPC PDF 727007



**MONTGOMERY COUNTY DEPARTMENT OF PARKS**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB Item#4  
March 7, 2019

**MEMORANDUM**

**DATE:** February 28, 2019

**TO:** Montgomery County Planning Board

**VIA:** Michael F. Riley, Director, Department of Parks  
Mitra Pedoeem, Deputy Director, Department of Parks *Mitra Pedoeem*  
John Nissel, Deputy Director, Department of Parks *JN*  
Patricia McManus, Acting Chief, Park Development Division (PDD) *PM*

**FROM:** Carl Morgan, CIP Manager, Park Development Division *CM*  
Brenda Sandberg, Real Estate Management Supervisor, Park Development Division

**SUBJECT:** Amendment to the to the FY19 Capital Budget, FY20 Capital Budget, and FY19-24 Capital Improvements Program, Acquisition: NL Parks (P998798) and Acquisition: Local Parks (P767828)

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**Staff Recommendation**

Transmit the attached materials to the Montgomery County Executive and the Montgomery County Council to amend as follows:

- Approved FY19 Capital Budget to include an additional \$2,853,000 in appropriation in the Acquisition: Non-local Parks (P998798) capital project
- Recommended FY20 Capital Budget to include a reduction of \$2,500,000 in appropriation in the Acquisition: Local Parks (P767828) capital project
- FY19-24 Capital Improvements Program (CIP)

**Background**

In the item preceding this one on the Planning Board's agenda, the Board will discuss the possible acquisition of two properties that will become part of the Westbard Urban Recreational Park along the Willett Branch greenway envisioned by the Westbard Sector Plan. This report focuses on the capital budget and Capital Improvement Program (CIP) amendments that would make this acquisition possible as well as the need for a minor budget and CIP amendment to receive developer contributions related to the Chanchien Acquisition of 2014.

### *Program Open Space (POS) and Contributions in the Acquisition Program*

The acquisition program includes two significant capital projects.

Acquisition Local Parks (P767828, "Acquisition LP") - This capital project allows the Parks Department to acquire land that serves county residents on a neighborhood or community basis.

Acquisition: Non-local Parks (P998798, "Acquisition NL") – This capital project allows the Parks Department to acquire land for non-local parks that include Regional, Recreational, Conservation, Stream Valley, Special, Historic, and Urban Parks of county-wide significance.

Both projects are primarily funded with Program Open Space (POS), a significant funding source from the State of Maryland's transfer tax dedicated to the planning, acquisition, and/or development of recreation land or open space areas. Occasionally, acquisitions are partially funded by developer contributions.

Revenues from POS and Contributions fluctuate and are often unpredictable. As such, the amount of appropriation (authority by resolution from the Council to spend revenues) rarely matches actual revenues. When programming these funds in the six-year CIP, the Department can only estimate the amount of appropriation based on revenue forecasts. After adoption of the capital budget and CIP, if actual revenues do not exceed appropriation, the Commission can spend or encumber the revenues in their entirety. However, there are times when appropriation is insufficient to allow spending or encumbering some revenue and it becomes necessary to amend the capital budget and CIP.

### *Program Open Space for Westbard Urban Recreational Park*

The Department has sufficient POS revenue to acquire the two parcels for the Westbard Urban Recreational Park, but the appropriation for those revenues is split between the two acquisition capital projects, Acquisition LP and Acquisition NL. In order to make the purchase, the Acquisition NL project needs an additional \$2.5 million of POS appropriation that is either transferred from the Acquisition LP project or is simply increased by way of a Supplemental Appropriation to the Acquisition NL project.

Staff at the County Council and the Office of Management and Budget (OMB) have requested that the Department pursue the transfer option. However, there is some disagreement among County staff regarding the ability of the Council to dis-appropriate funds of a current budget year. As an alternative, OMB recommends that the Department reduce the appropriation request for FY20 that the Department transmitted to the County in November 2018 (currently under review by the Council). Parks staff agrees with this approach. However, it means splitting the transfer into two procedural actions:

- Amending the existing FY19 Capital Budget to increase the appropriation for POS in Acquisition: NL Parks by \$2.5M. This involves a "Supplemental Appropriation" resolution that modifies the existing FY19 Capital Budget and CIP.
- Amending the FY20 Capital Budget Request to decrease the appropriation request for POS in Acquisition LP by \$2.5 M. Because the FY20 Capital Budget has not yet been

approved by the Council, this involves simply informing the County Council and the County Executive of the change.

#### *Contributions for the Chanchien Acquisition*

The Department recently received developer contributions for a portion of the Chanchien Acquisition of 2014 for a right-of-way that extends the master planned Snowden Farm Parkway west of Clarksburg Road. Currently, the capital budget and CIP have no appropriation for developer contributions. In order to spend this revenue, the capital budget and CIP need also to be amended by way of a supplemental appropriation. This has been added to the FY19 Supplemental Appropriation action discussed earlier.

#### Conclusion

Attached you will find documents for the two capital budget actions discussed above:

- FY19 Capital Budget Amendment
  - Draft Council resolution for a Supplemental Appropriation that Amends the FY19 Capital Budget and CIP to include additional appropriation of \$2,853,000 in the Acquisition NL capital project (\$2,500,000 Program Open Space, \$353,000 Contributions)
  - Revised Project Description Form for the Acquisition NL capital project that increases the appropriations in FY19 referenced above
- FY20 Capital Budget Amendment
  - Revised Project Description Form for the Acquisition LP capital project that reduces \$2,500,000 of expenditure of POS in FY18 and FY19 and modifies the FY20 appropriation request as per the reduced expenditures

If approved, these budget actions will also amend the FY19-24 CIP accordingly and will provide the appropriation necessary to address the needs of the Acquisition: Non-local Parks capital project. Upon approval, the attached materials will be forwarded to the County Executive and County Council.