

Clerks Note: The amount of \$8,717,000 corrected to \$9,432,000 in background clause #5.
Recommended appropriation amount of \$8,942,000 corrected to \$8,932,000.

Resolution No.:	<u>19-1457</u>
Introduced:	<u>October 25, 2022</u>
Adopted:	<u>November 29, 2022</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President at the Request of the Parks Board

SUBJECT: Amendment to the FY23-28 Capital Improvements Program and
Special Appropriation #23-52 and Amendment to the FY23 Capital Budget
Maryland-National Capital Park and Planning Commission
Department of Parks
Bethesda Lots 10 – 24 Parks (No. P872302), \$9,432,000

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. 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. Section 18-108 of the Maryland Land Use Code provides that after adoption of the M-NCPPC budget by the Council, the budget may be amended by resolution by the Council on their initiative or at the request of the Commission. Before adopting a budget amendment, the Council must receive recommendations from the County Executive and hold a public hearing on reasonable notice to the public.
4. Section 18-115, Section 18-116, and Section 18-117 of the Maryland Land Use Code provide that the Council may amend, revise, or modify the M-NCPPC 6-year capital improvements program by an affirmative vote of six of its members. An amendment, revision, or modification made to the capital improvements program may not become final until at least 30 days after it is submitted to the Commission for written comment.

5. On October 13, 2022, the Department of Parks requested creation of the new Bethesda Lots 10 – 24 Parks Project funded at \$9,432,000 as follows:

<u>Project Name</u>	<u>Project Number</u>	<u>Cost Elements</u>	<u>Amount</u>	<u>Source of Funds</u>
Bethesda Lots 10 – 24 Parks	#P872302	Planning, Design, Supervision; Other	\$2,500,000	Bethesda Park Impact Payment (PIP)
			\$2,500,000	State Aid
			<u>\$4,432,000</u>	Intergovernmental
Total			\$9,432,000	

6. This new capital project will provide the public funding to a collaborative project among multiple government and private development entities that is necessary to create two public parks on a portion of Parking Lot District (PLD) Lot 24 and all of Lot 10 in downtown Bethesda.
7. The County Council declares this request is in the public interest, to be acted upon without delay, as provided for under special appropriation requirements described in Article 3, Section 308 of the Montgomery County Charter.
8. Notice of public hearing was given and a public hearing was held on November 15, 2022.
9. The Transportation and Environment Committee and the Planning, Housing and Economic Development Committee recommends an appropriation of \$8,932,000 and certain technical revisions to the project description form in the Capital Improvements Program.

Action

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

The FY23-28 Capital Improvements Program of the M-NCPPC Department of Parks is amended as reflected on the attached project description form and a special appropriation is approved as follows:

<u>Project Name</u>	<u>Project Number</u>	<u>Cost Elements</u>	<u>Amount</u>	<u>Source of Funds</u>
Bethesda Lots 10 – 24 Parks	#P872302	Planning, Design, Supervision; Other	\$2,000,000	Bethesda Park Impact Payment (PIP)
			\$2,500,000	State Aid
			<u>\$4,432,000</u>	Intergovernmental
Total			\$8,932,000	

This is a correct copy of Council action.


 Judy Rupp,
 Clerk of the Council