

Resolution No.:	<u>20-85</u>
Introduced:	<u>January 31, 2023</u>
Adopted:	<u>March 14, 2023</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President at the Request of the County Executive

SUBJECT: Amendment to the FY23-28 Capital Improvements Program and Supplemental Appropriation #23-63 to the FY23 Capital Budget Montgomery County Government Office of Agriculture Ag Land Preservation Easements (No. 0788911), \$2,641,208

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 six Councilmembers. A supplemental appropriation for any other purpose that is approved before January 1 of any fiscal year requires an affirmative vote of seven 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>
Ag Land Preservation	0788911	Land	\$ 1,305,703	State Aid
		Land	<u>\$ 1,335,505</u>	Ag Transfer Tax
TOTAL			\$ 2,641,208	

4. This increase is needed because the Office of Agriculture received an FY23 State Rural Legacy Grant award in the amount of \$1,305,703 and the FY22 State Ag Transfer Tax amount collected was higher than projected in the amount of \$1,335,505. The recommended amendment is consistent with the criteria for amending the CIP because it leverages significant non-County sources of funds through the State Rural Legacy Grant award and the State Ag Transfer Tax. The Office of Agriculture has significant opportunities to acquire additional easements in the Ag Reserve which may be lost if not acted upon at this time.
5. The County Executive recommends an amendment to the FY23-28 Capital Improvements Program and a supplemental appropriation in the amount of \$2,641,208 for Ag Land Preservation Easements (No. 0788911) and specifies that the source of funds will be State Ag Transfer Tax and State Aid.
6. Notice of public hearing was given, and a public hearing was held.

Action

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

The FY23-28 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>
Ag Land Preservation	0788911	Land	\$ 1,305,703	State Aid
		Land	<u>\$ 1,335,505</u>	Ag Transfer Tax
TOTAL			\$ 2,641,208	

This is a correct copy of Council action.


 Judy Rupp, Clerk of the Council