



Committee: T&E
Committee Review: At a future date
Staff: Livhu Ndou, Legislative Attorney
Purpose: To introduce agenda item – no vote expected
Keywords: #CountySymbols #CountyTree

AGENDA ITEM #18A
December 14, 2021
Introduction

SUBJECT

Bill 48-21, General Provision – County Symbols – County Tree – Established

Lead Sponsor: Council President Albornoz at the request of the County Executive

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

N/A

DESCRIPTION/ISSUE

Bill 48-21 would officially designate a County tree.

SUMMARY OF KEY DISCUSSION POINTS

Bill 48-21 would designate *Nyssa sylvatica*, commonly known as black tupelo (also known as blackgum, sourgum, pepperidge, tupelo, and tupelo-gum) as the County tree.

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County Executive Memorandum	© 4
Fiscal Impact Statement	© 8

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M E M O R A N D U M

December 9, 2021

TO: County Council

FROM: Livhu Ndou, Legislative Attorney

SUBJECT: Bill 48-21, General Provision – County Symbols – County Tree – Established

PURPOSE: Introduction – no Council votes required

Bill 48-21, General Provision – County Symbols – County Tree - Established, with Lead Sponsor Council President Alborno at request of the County Executive, is scheduled to be introduced on December 14, 2021. A public hearing is scheduled for January 18, 2022.¹

Background

Bill 48-21 would designate a County tree alongside the already-designated County bird (the robin) and blossom (the dogwood). The Forest Conversation Advisory Committee (FCAC) and the Department of Environmental Protection (DEP) recommend *Nyssa sylvatica*, commonly known as black tupelo (also known as blackgum, sourgum, pepperidge, tupelo, and tupelo-gum). The black tupelo was chosen after discussions with various organizations, including Montgomery Parks, the Montgomery County Forestry Board, the municipalities, and public surveys. The black tupelo was chosen unanimously by the FCAC, who noted its adaptability, ecological value, and long life.

<u>This packet contains:</u>	<u>Circle #</u>
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¹#CountySymbols #CountyTree

Bill No. 48-21
Concerning: General Provision – County
Symbols – County Tree – Established
Revised: 12/1/2021 Draft No. 1
Introduced: December 14, 2021
Expires: June 14, 2023
Enacted: [date]
Executive: [date signed]
Effective: [date takes effect]
Sunset Date: [date expires]
Ch. [#], Laws of Mont. Co. [year]

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President Albornoz at the request of the County Executive

AN ACT to:

- (1) officially designate a County tree; and
- (2) generally revise County law regarding County symbols.

By amending

Montgomery County Code
Chapter 1, General Provisions
Section 1-405

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

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

Sec. 1. Section 1-405 is amended as follows:

1-405. County bird, [and] blossom, and tree.

The robin is the [county] County bird. The dogwood is the [county] County blossom. The black tupelo (also known as black gum, sourgum, pepperidge, tupelo, and tupelogum), *Nyssa sylvatica*, is the County tree.

Approved:

Gabe Albornoz, President, County Council

Date

Approved:

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

Selena Mendy Singleton, Esq., Clerk of the Council

Date

LEGISLATIVE REQUEST REPORT

Bill 48-21

General Provision – County Symbols – County Tree – Established

DESCRIPTION:	Bill XX-21 would specifically designate a County tree as well as generally revise County laws regarding County symbols.
PROBLEM:	There is no County tree.
GOALS AND OBJECTIVES:	Designate a County tree
COORDINATION:	Department of Environmental Protection (DEP)
FISCAL IMPACT:	Office of Management and Budget
ECONOMIC IMPACT:	To be requested.
EVALUATION:	To be researched.
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Livhu Ndou, Legislative Attorney
APPLICATION WITHIN MUNICIPALITIES:	Not applicable.
PENALTIES:	Not applicable.



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

M E M O R A N D U M

November 3, 2021

TO: Tom Hucker, President
County Council

FROM: Marc Elrich, County Executive

SUBJECT: Introduction of XX-21, County Tree Designation

I am transmitting the attached legislation, XX-21 Official Designation of a County Tree. The legislation modifies the County's current law to designate an official tree alongside the already designated County bird and blossom. The Forest Conversation Advisory Committee (FCAC) and the Department of Environmental Protection (DEP) recommend *Nyssa sylvatica*, commonly known as black tupelo (also known as blackgum, sourgum, pepperidge, tupelo, and tupelo-gum) be designated through the accompanied proposed amendment to Article 4 Section 1-405 of the County Code as a County Symbol for Montgomery County.

The black tupelo was unanimously supported by the FCAC to be designated as the official Montgomery County Tree. While the black tupelo is slightly less well known than Maryland's State Tree, the white oak, the designation of black tupelo will both celebrate the species and promote all trees. It is a highly adaptable species, growing about a foot each year in nearly all conditions. It will likely adapt well to changing climate conditions.

In the autumn, the black tupelo displays a range of brilliant orange, red, and purple colors. It produces a small cherry-like seed that is favored by wildlife. As the tree ages, its distinctive bark can resemble alligator hide.

The Maryland Big Tree Program and the Montgomery County 2021-2022 Register of Champion Trees show that the current county champion black tupelo is also the current state champion. It is located on private property in Cloverly.

I have attached a memorandum from our former Department of Environmental Protection (DEP)

Introduction of XX-21, County Tree Designation

November 3, 2021

Page 2 of 2

Director Adam Ortiz that provides more detailed information about the criteria used to make the tree selection.

I appreciate your prompt consideration of this action.

ME:ao



DEPARTMENT OF ENVIRONMENTAL PROTECTION


Marc Elrich
County Executive

Adam Ortiz
Director

M E M O R A N D U M

September 29, 2021

TO: Marc Elrich, County Executive

FROM: Adam Ortiz, Director 
Department of Environmental Protection

SUBJECT: Introduction of XX-21, Official County Tree Designation

The attached legislation, XX-21 Official Designation of a County Tree modifies the County's current law to designate an official tree alongside the already designated County bird and blossom. The Forest Conversation Advisory Committee (FCAC) and the Department of Environmental Protection (DEP) recommend *Nyssa sylvatica*, commonly known as black tupelo (also known as blackgum, sourgum, pepperidge, tupelo, and tupelo-gum) be designated through the accompanied proposed amendment to Article 4 Section 1-405 of the County Code as a County Symbol for Montgomery County. The process for selecting the County tree was led by FCAC, at the request of the DEP.

The FCAC completed the following steps to nominate the black tupelo as an official County Symbol:

- October 2020 – Held initial discussions regarding the request by DEP and agreed to act upon the opportunity to recommend a species to designate as the official county tree.
- November 2020 – Identified criteria to evaluate potential species, as well as several potential species.
- January 2021 – Identified organizations to engage and consult for input on criteria and species.
- February through May 2021 – Hosted meetings with representatives of the following groups. The individuals who participated provided deeply thoughtful comments that contributed significantly to the criteria and species considered.
 - o February – Montgomery Parks
- March – Montgomery County Forestry Board
- April – Municipalities in Montgomery County
- May – Montgomery Planning
- June 2021 – The following steps occurred during June:
 - o The criteria were finalized and include the following:
 - Available for purchase
 - High ecological value

- High likelihood of adapting to climate change
- Importance of local cultural uses
- A large-tree species
- A long-lived species
- A species native to the mid-Atlantic Piedmont
- To narrow the choices, the Committee members voted anonymously to rank the thirteen tree species recommended throughout the process. The top three species were, in order of most votes:
 - Black tupelo, *Nyssa sylvatica*
 - American sycamore, *Platanus occidentalis*
 - White oak, *Quercus alba*
- DEP presented two survey questions to the public designed to gain feedback about the criteria and top three species. The survey was promoted on all social media platforms during the Chesapeake Awareness Week. A total of 57 responses were received from the public. The public feedback was reviewed, discussed, and considered very positive. The Committee is available to review the feedback in detail at your convenience.
- The black tupelo, *Nyssa sylvatica*, was nominated and unanimously approved by the FCAC.

The black tupelo meets all the criteria identified and was unanimously supported by the FCAC. While the black tupelo is slightly less well known than Maryland's State Tree, the white oak, the designation of black tupelo will both celebrate the species and promote all trees. It is a highly adaptable species, growing about a foot each year in nearly all conditions. It will likely adapt well to changing climate conditions. In the autumn, the black tupelo displays a range of brilliant orange, red, and purple colors. It produces a small cherry-like seed that is favored by wildlife. As the tree ages, its distinctive bark can resemble alligator hide.

The Maryland Big Tree Program and the Montgomery County 2021-2022 Register of Champion Trees show that the current county champion black tupelo is also the current state champion. It is located on private property in Cloverly.

If you have any questions, please contact Frank Dawson at 240-777-7732 or via email at Frank.Dawson@montgomerycountymd.gov or Jason Mathias at 240-405-6499 or via email at Jason.Mathias@montgomerycountymd.gov.

AO:jm

Attachments

Fiscal Impact Statement
Bill XX-21 – Official County Tree Designation

1. Legislative Summary.

Bill XX-21 designates the blackgum tree, *Nyssa sylvatica*, as the official County tree.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

Bill XX-21 is not expected to have an impact on County revenues or expenditures.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

See response to Question #2.

4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.

Not applicable.

5. An estimate of expenditures related to County's information technology (IT) systems, including Enterprise Resource Planning (ERP) systems.

Not applicable.

6. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.

Not applicable. Bill XX-21 does not authorize future spending.

7. An estimate of the staff time needed to implement the bill.

No staff time is required to implement Bill XX-21.

8. An explanation of how the addition of new staff responsibilities would affect other duties.

Not applicable.

9. An estimate of costs when an additional appropriation is needed.

Not applicable.

10. A description of any variable that could affect revenue and cost estimates.

See response to Question #2.

11. Ranges of revenue or expenditures that are uncertain or difficult to project.

Not applicable.

12. If a bill is likely to have no fiscal impact, why that is the case.

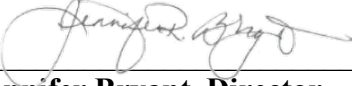
Bill XX-21 designates an official County tree, adding it to a list that includes the official County blossom and official County bird. There is no cost in making the designation nor will revenue be generated as a result.

13. Other fiscal impacts or comments.

Not applicable.

14. The following contributed to and concurred with this analysis:

Jason Mathias, Department of Environmental Protection
Richard H. Harris, Office of Management and Budget



Jennifer Bryant, Director
Office of Management and Budget

9/21/21

Date

Bill No. XX-21
Concerning: General Provision – County Symbols
Revised: [date] Draft No. 1
Introduced: [date]
Expires: [18 mos. after intro]
Enacted: [date]
Executive: [date signed]
Effective: [date takes effect]
Sunset Date: [date expires]
Ch. [#], Laws of Mont. Co. [year]

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Transportation & Environment Committee

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Approved:

Tom Hucker, President, County Council

Date

Approved:

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

Selena Mendy Singleton, Clerk of the Council

Date

Approved for form and legality



Office of the County Attorney