

**Public Hearing**

**MEMORANDUM**

April 2, 2010

TO: County Council

FROM: Amanda Mihill, Legislative Analyst *A. Mihill*

SUBJECT: **Public Hearing:** Expedited Bill 8-10, Finance – Public Facilities – Agricultural Easements

Expedited Bill 8-10, Finance – Public Facilities – Agricultural Easements, sponsored by the Planning, Housing, and Economic Development Committee and Councilmember Leventhal, was introduced on March 16, 2010. A Planning, Housing, and Economic Development Committee worksession is tentatively scheduled for April 21.

Bill 8-10 would amend the definition of public facility to explicitly include the purchase of agricultural easements as defined in Article 3 of Chapter 2B (the County Agricultural Easement Program (AEP)). Under current practice, the AEP is funded by Agricultural Transfer Taxes. At its March 4 worksession on the Agricultural Land Preservation Easements project in the CIP, the PHED Committee expressed an interest in allowing general obligation bonds to be used to purchase agricultural easements. However, the Committee was advised by the Department of Finance that G.O. bonds could not be used to purchase easements because in the Department's view, easements were not included in the definition of "public facilities" in Chapter 20. Bill 8-10 would not create a new easement program, but enable the use of a different type of funding in addition to the Agricultural Transfer Taxes for an easement program that is already in operation.

This packet contains:

Expedited Bill 8-10  
Legislative Request Report

Circle

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Expedited Bill No. 8-10  
Concerning: Finance – Public Facilities –  
Agricultural Easements  
Revised: 3/16/2010 Draft No. 2  
Introduced: March 16, 2010  
Expires: September 16, 2011  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Planning, Housing, and Economic Development Committee and Councilmember Leventhal

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**AN EXPEDITED ACT** to:

- (1) amend the definition of public ~~[[facility]]~~ facilities to include the purchase of certain agricultural easements; and
- (2) generally amend the county finance law.

By amending

Montgomery County Code  
Chapter 20, Finance  
Section 20-14

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<b>[Single boldface brackets]</b>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<b>[[Double boldface brackets]]</b>	<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 20-14 is amended as follows:**

**20-14. Definition of "public facilities."**

As used [herein, the term "public facilities" shall mean the following] in this Chapter, public facilities means:

\* \* \*

(g) The planning, acquisition, construction, improvement, repair, and extension of water systems and facilities and sewerage systems and facilities[.]; and

(h) The purchase of agricultural easements as defined in Article 3 of Chapter 2B.

**Sec. 2. Expedited Effective Date.**

The Council declares that this legislation is necessary for the immediate protection of the public interest. Section 20-14(h), as amended by Section 1 of this Act, takes effect on the date on which it becomes law.

*Approved:*

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Nancy Floreen, President, County Council Date

*Approved:*

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Isiah Leggett, County Executive Date

*This is a correct copy of Council action.*

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Linda M. Lauer, Clerk of the Council Date

## LEGISLATIVE REQUEST REPORT

Expedited Bill 8-10,

*Finance – Public Facilities – Agricultural Easements*

**DESCRIPTION:** Expedited Bill 8-10 amends the definition of public facilities in Chapter 20 to include the purchase of agricultural easements as defined in Article 2 of Chapter 2B.

**PROBLEM:** Under the current interpretation of County law, the definition of public facilities in Section 20-14 precludes the County from issuing general obligation bonds to purchase agricultural easements.

**GOALS AND OBJECTIVES:** To clarify County law such that the use of general obligations bonds can be used to purchase agricultural easements.

**COORDINATION:** Departments of Finance and Economic Development

**FISCAL IMPACT:** To be requested.

**ECONOMIC IMPACT:** To be requested

**SOURCE OF INFORMATION:** Amanda Mihill, Legislative Analyst, 240-777-7815

**APPLICATION WITHIN MUNICIPALITIES:** To be researched.

**PENALTIES:** None.