

Resolution No:	<u>16-962</u>
Introduced:	<u>May 21, 2009</u>
Adopted:	<u>May 21, 2009</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Approval of Amendments to the Approved FY 2009-2014 Capital Improvements Program, and Approval of and Appropriation for the FY 2010 Capital Budget of the Montgomery County Public School System

Background

1. As required by the Education Article, Sections 5-306, 5-101, and 5-102 of the Maryland Code, the Board of Education sent to the County Executive a FY 2010 capital budget and amendments to the approved FY 2009-2014 capital improvements program for the Montgomery County Public School system.
2. Section 302 of the County Charter requires the County Executive to send to the County Council by January 15 in each even-numbered calendar year a six-year capital improvements program, which the County Executive did on January 15, 2008 for the six year period FY 2009-2014. Section 302 requires the affirmative vote of at least 5 Councilmembers to approve or modify the Executive's Recommended Capital Improvements Program. On May 22, 2008, the Council approved a Capital Improvements Program for FY 2009-2014 in Resolution 16-569. After the Council approves a Capital Improvements Program, Section 302 permits the Council to amend it at any time with the affirmative vote of at least 6 Councilmembers.
3. Section 303 of the County Charter requires the County Executive to send to the County Council by January 15 in each year a recommended capital budget, which the County Executive did on January 15, 2009 for FY 2010. The Executive included certain projects from the Board of Education's requested amendments to the approved FY 2009-2014 Capital Improvements Program in his transmittal dated January 15, 2009.

4. As required by Section 304 of the County Charter, the County Council held a public hearing on February 10, 2009 and on April 14, 15, and 16, 2009 on the capital budget for FY 2010 and on requested amendments to the Approved Capital Improvements Program for FY 2009-2014.

Action

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

1. For FY 2010, the Council approves the capital budget of the Montgomery County Public Schools and appropriates the amounts by project which are shown in part I.
2. The expenditure of funds for each item in the capital budget must comply with all restrictions and requirements in the project description form for that item, as the form is contained in the approved Capital Improvements Program as amended by this resolution, and as the Capital Improvements Program is amended by the Council under Charter Section 302 after this resolution is adopted.
3. This resolution reappropriates the appropriations made in prior years for all capital projects:
 - a) except as specifically reflected elsewhere in this resolution;
 - b) in the amounts and for the purposes specified in the approved Capital Improvements Program for FY 2009-2014; and
 - c) to the extent that those appropriations are not expended or encumbered.
4. The Council approves those projects shown in Part II as amendments to the Approved FY 2009-2014 Capital Improvements Program.
5. The Council approves the close out of the projects in part III.
6. The Council approves the partial closeout of the projects in part IV.

This is a correct copy of Council action.


Linda M. Lauer, Clerk of the Council