

OFFICIAL STATEMENT DATED JANUARY 19, 2000

NEW ISSUE: BOOK-ENTRY ONLY

Fitch IBCA: AAA  
Moody's Investors Service: Aaa  
Standard and Poor's: AAA  
(See "Ratings")

**\$130,000,000**  
**MONTGOMERY COUNTY, MARYLAND**  
**General Obligation Bonds**  
**Consolidated Public Improvement Bonds of 2000, Series A**

**Dated: January 1, 2000**

**Due: January 1, 2001 – 2020**

The \$130,000,000 Montgomery County, Maryland Consolidated Public Improvement Bonds of 2000, Series A (the "Bonds"), are issuable by Montgomery County, Maryland (the "County") in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The Bonds will bear interest from January 1, 2000, payable July 1, 2000 (six months), and semi-annually thereafter on January 1 and July 1 until maturity or earlier redemption. The County will perform the paying agency and registrar services described in this Official Statement; provided that if the book-entry only system is discontinued, the County will appoint a financial institution to perform such services on its behalf (the County and any paying agent/registrar subsequently appointed are hereinafter collectively referred to as the "Paying Agent/Registrar"). Except as otherwise governed by the procedures of The Depository Trust Company, New York, New York ("DTC"), principal of and premium, if any, on the Bonds will be payable to the registered holder when due upon presentation to the Paying Agent/Registrar.

The Bonds are available only in global book-entry form, registered in the name of Cede & Co., as nominee of DTC, acting as securities depository for the Bonds. So long as the Bonds are registered in the name of Cede & Co., payment of the principal of, premium if any and interest on the Bonds will be made by the County to DTC. DTC is required to remit such payments to DTC participants, who are required in turn to remit such payments to beneficial owners, as described in this Official Statement. **Purchasers of the Bonds will not receive certificates representing their ownership interest in the Bonds.**

Bonds maturing on or after January 1, 2011 are subject to redemption at the option of the County, prior to their stated maturities. (See "THE BONDS - Redemption Provisions" herein).

In the opinion of Bond Counsel, assuming continuous compliance with certain covenants in the Tax Certificate and Compliance Agreement to be executed and delivered by the County on the date of delivery of the Bonds, and subject to the conditions stated herein under "Tax Exemptions," under existing law, (a) the interest on the Bonds is excludable from gross income for Federal income tax purposes, and (b) the interest on the Bonds is not an enumerated preference or adjustment for purposes of the Federal alternative minimum tax imposed on individuals and corporations; however, such interest will be taken into account in determining adjusted current earnings for the purpose of computing the alternative minimum tax imposed on corporations, and may be subject to the branch profits tax imposed on foreign corporations engaged in a trade or business in the United States. As described herein under "Tax Exemptions," other Federal income tax consequences may arise from ownership of the Bonds. It is also the opinion of Bond Counsel that, under existing law of the State of Maryland, the interest on the Bonds and profit realized from the sale or exchange of the Bonds is exempt from income taxation by the State of Maryland or by any of its political subdivisions; however, the law of the State of Maryland does not expressly refer to, and no opinion is expressed concerning, estate or inheritance taxes, franchise taxes applicable to certain financial institutions, or any other taxes not levied directly on the Bonds or the interest thereon.

**DELIVERY:**

The Bonds are offered for delivery when, as and if issued, subject to the approving legal opinion of Venable, Baetjer and Howard, LLP, Baltimore, Maryland, Bond Counsel, and other conditions specified in the official Notice of Sale for the Bonds. It is expected that the Bonds in definitive form will be available for delivery through DTC in New York, New York, on or about February 2, 2000.

The date of this Official Statement is January 19, 2000.

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*THIS COVER PAGE CONTAINS CERTAIN INFORMATION FOR QUICK REFERENCE ONLY. IT IS NOT A SUMMARY OF THIS ISSUE. INVESTORS MUST READ THE ENTIRE OFFICIAL STATEMENT TO OBTAIN INFORMATION ESSENTIAL TO THE MAKING OF AN INFORMED INVESTMENT DECISION.*



## Maturity Schedule

<u>Maturity May 1,</u>	<u>Amount</u>	<u>Rate</u>	<u>Yield or Price</u>	<u>Maturity May 1,</u>	<u>Amount</u>	<u>Rate</u>	<u>Yield or Price</u>
2001	\$6,500,000	5.000%	4.09%	2011	\$6,500,000	5.200%	5.27%
2002	6,500,000	5.000%	4.45%	2012	6,500,000	5.250%	5.35%
2003	6,500,000	5.250%	4.68%	2013	6,500,000	5.300%	5.45%
2004	6,500,000	5.250%	4.78%	2014	6,500,000	5.500%	5.55%
2005	6,500,000	5.375%	4.88%	2015	6,500,000	5.500%	5.65%
2006	6,500,000	5.375%	4.90%	2016	6,500,000	5.600%	5.70%
2007	6,500,000	5.375%	4.98%	2017	6,500,000	5.750%	5.75%
2008	6,500,000	5.500%	5.05%	2018	6,500,000	5.750%	5.80%
2009	6,500,000	5.000%	5.12%	2019	6,500,000	5.750%	5.85%
2010	6,500,000	5.125%	5.19%	2020	6,500,000	6.000%	5.88%

**(Accrued interest from January 1, 2000 to be added)**

The rates shown above are the interest rates payable by the County resulting from the successful bid for the Bonds by a group of banks and investment banking firms at public sale on January 11, 2000. The yields or prices shown above were furnished by the successful bidders. Any additional information concerning the reoffering of the Bonds should be obtained from the successful bidders and not from the County.



**MONTGOMERY COUNTY, MARYLAND  
OFFICIAL ROSTER OF COUNTY OFFICIALS**

**COUNTY EXECUTIVE**

Douglas M. Duncan

**COUNTY COUNCIL**

Michael L. Subin	<i>President</i>
Blair Ewing	<i>Vice President</i>
Phil Andrews	
Derick P. Berlage	
Nancy Dacek	
Betty Ann Krahnke	
Isiah Leggett	
Marilyn J. Praisner	
Steven Silverman	

The terms of the Executive and all County Council members expire in December 2002.

**APPOINTED OFFICIALS**

Bruce Romer	<i>Chief Administrative Officer</i>
Charles W. Thompson, Jr.	<i>County Attorney</i>
Timothy L. Firestine	<i>Director, Department of Finance</i>
Robert K. Kendal	<i>Director, Office of Management and Budget</i>
Mary A. Edgar	<i>Clerk of the County Council</i>

**BOND COUNSEL**

Venable, Baetjer and Howard, LLP  
Baltimore, Maryland

**INDEPENDENT PUBLIC ACCOUNTANTS**

Arthur Andersen LLP  
Vienna, Virginia

**DEBT MANAGEMENT AND DISCLOSURE**

Department of Finance  
101 Monroe Street  
Rockville, MD 20850  
240/777-8860  
240/777-8857 (Fax)

**For more information, visit the Department of Finance Home Page at:  
<http://www.co.mo.md.us/services/finance/>**

## **INTRODUCTION TO THE OFFICIAL STATEMENT**

*The following information is qualified in its entirety by the detailed information contained in this Official Statement. This summary is only a brief description of the offering and potential investors should review this entire Official Statement. The Official Statement speaks only as of its date, and the information contained herein is subject to change.*

<b>Issuer:</b>	Montgomery County, Maryland
<b>Issue:</b>	\$130,000,000 Consolidated Public Improvement Bonds of 2000, Series A (the "Bonds").
<b>Dated Date:</b>	January 1, 2000.
<b>Security:</b>	The Bonds will be general obligation bonds to which the full faith and credit and unlimited taxing power of the County will be pledged.
<b>Purpose:</b>	The proceeds of the Bonds will be used to provide permanent financing for capital construction projects in the County as described herein (See "DESCRIPTION OF THE BONDS - Purpose").
<b>Authority of Issuance:</b>	The Bonds are issued under the provision of the Montgomery County Charter, Chapter 9 of the Laws of Montgomery County 1955, as amended, Chapter 34 of the Laws of Montgomery County 1991, Chapters 8 and 32 of the Laws of Montgomery County 1997, Chapter 19 of the Laws of Montgomery County 1998, and Chapter 18 of the Laws of Montgomery County 1999, and Orders of the County Executive of Montgomery County, Maryland, passed on December 13, 1999, as supplemented.
<b>Redemption:</b>	Bonds maturing on or after January 1, 2011, are subject to redemption prior to maturity, beginning January 1, 2010, at the option of the County, either as a whole or in part at any time thereafter. (See "DESCRIPTION OF THE BONDS - Redemption Provisions").
<b>Denominations:</b>	\$5,000 or integral multiples thereof.
<b>Paying Agent/Registrar:</b>	The County will perform the paying agency and registrar services described in this Official Statement; provided that, if the book-entry only system is discontinued, the County will appoint a financial institution to perform such services on its behalf (the County and any paying agent/registrar subsequently appointed are hereinafter collectively referred to as the "Paying Agent/Registrar").
<b>Principal Payments:</b>	Annually, January 1, 2001-2020.
<b>Interest Payments:</b>	Payable on July 1, 2000 (six months), and semi-annually thereafter on January 1 and July 1 until maturity or earlier redemption.
<b>Tax Status:</b>	Generally exempt from federal and state income taxes (see "THE BONDS - Tax Exemptions").
<b>Book-Entry Only:</b>	The Bonds will be issued as book-entry only securities through The Depository Trust Company, New York, New York.



## **DESCRIPTION OF THE BONDS**

### ***Purpose of the Bonds***

The proceeds of the Bonds will be used to finance the acquisition, construction and equipping of certain public facilities. Substantially all of the proceeds of the Bonds will be used to pay at maturity a portion of the County's Consolidated Commercial Paper Bond Anticipation Notes, 1995 Series.

The proceeds of the sale of the Bonds will be used to provide permanent financing of capital construction projects as follows: General County (\$25,500,000), to construct, renovate or replace public libraries, fire, police, and other public safety facilities, County-owned office space, parks, and County-owned recreation facilities, to include site preparation; Road and Storm Drainage (\$30,500,000), to construct, reconstruct and widen state and county roads and bridges and storm drainage facilities; Public Schools and Community College (\$72,000,000), to construct new elementary and secondary public schools or additions to existing public school buildings, to perform scheduled renovations of existing schools, and to renovate existing community college campus buildings and facilities to include modification for energy efficiency and handicapped access; and Mass Transit Facilities (\$2,000,000), to construct equipment maintenance and operation facilities, certain commuter parking facilities and stations, and to pay contributions under agreements with the Washington Suburban Transit District.

### ***Security for the Bonds***

The Bonds are general obligation bonds of the County and constitute an irrevocable pledge of its full faith and credit and unlimited taxing power. Such bonds are payable from ad valorem taxes, unlimited as to rate or amount, on all real, tangible personal and certain intangible property subject to taxation at full rates for local purposes in the County.

Additionally, Section 312 of the Charter of Montgomery County, Maryland provides as follows: "...If at any time the Council shall have failed to appropriate and to make available sufficient funds to provide for the timely payment of the interest and principal then due upon all County indebtedness, it shall be the duty of the Director of Finance to pay, or to make available for payment, to the holders of such indebtedness from the first revenues thereafter received applicable to the general funds of the County, a sum equal to such interest and principal."

### ***Authority for the Bonds***

The Bonds are consolidated pursuant to a Resolution of the County Council for Montgomery County, Maryland (the "County Council"), adopted on July 27, 1999, and effective on November 4, 1999, in accordance with the provisions of Section 2C of Article 31 of the Annotated Code of Maryland (1997 Replacement Volume and 1999 Cumulative Supplement).

The Bonds are issued under the provisions of the Montgomery County Charter, Chapter 9 of the Laws of Montgomery County 1955, as amended, Chapter 34 of the Laws of Montgomery County 1991, Chapters 8 and 32 of the Laws of Montgomery County 1997, Chapter 19 of the Laws of Montgomery County 1998, and Chapter 18 of the Laws of Montgomery County 1999, and are authorized to be issued by Orders of the County Executive of Montgomery County, Maryland, passed on December 13, 1999, as supplemented.



## ***Redemption Provisions***

**Optional Redemption.** The Bonds which mature on or before January 1, 2010, are not subject to redemption prior to their maturities. The Bonds which mature on or after January 1, 2011, are subject to redemption beginning January 1, 2010, as a whole or in part at any time thereafter, in any order of their maturities, at the option of the County, at a redemption price for each Bond redeemed expressed as a percentage of the principal amount of the Bond to be redeemed, set forth in the table below, together with interest accrued to the date fixed for redemption:

<u>Redemption Period</u> <u>(both dates inclusive)</u>	<u>Redemption</u> <u>Price</u>
January 1, 2010 to December 31, 2010	101.0%
January 1, 2011 to December 31, 2011	100.5%
January 1, 2012 and thereafter	100.0%

If less than all of the Bonds of any one maturity are called for redemption, the particular Bonds to be redeemed from such maturity shall be selected by the Paying Agent/Registrar by lot or other random means in such manner as the Paying Agent/Registrar in its sole discretion may determine. In selecting Bonds for redemption, the Paying Agent/Registrar shall treat each Bond as representing that number of Bonds which is equal to the principal amount of such Bond divided by \$5,000.

If the County elects to redeem all or a portion of the Bonds outstanding, it shall give a redemption notice to the registered owners of the Bonds to be redeemed by publication at least once, at least thirty (30) days prior to the date of redemption, in a newspaper of general circulation in the County and in a financial newspaper or journal circulating in the City of New York, New York. The County shall also give a redemption notice by letter mailed first class, postage prepaid, to the registered owners of the Bonds to be redeemed at their last addresses appearing on the registration books maintained by the Paying Agent/Registrar; provided, however, that the failure to mail such notice with respect to a particular Bond or any defect in such notice, or in the mailing thereof, shall not affect the sufficiency of proceedings for the redemption of any other Bond. So long as DTC or its nominee is the sole registered owner of the Bonds, any redemption notice shall be given only to DTC. From and after the date fixed for redemption, if notice has been duly and properly given and if funds sufficient for the payment of the redemption price and accrued interest are available on such date, the Bonds designated for redemption shall cease to bear interest.

Notwithstanding the foregoing, so long as the Bonds are maintained under a book-entry system, selection of the Bonds to be redeemed shall be made in the manner described below under "BOOK-ENTRY ONLY SYSTEM" and notice of redemption shall be mailed only to DTC.

### ***Book-Entry Only System***

*The information contained in the following paragraphs of this subsection "Book-Entry Only System" has been extracted from a schedule prepared by Depository Trust Company ("DTC") entitled "SAMPLE OFFERING DOCUMENT LANGUAGE DESCRIBING BOOK-ENTRY ONLY ISSUANCE." The County makes no representation as to the completeness or the accuracy of such information or as to the absence of material adverse changes in such information subsequent to the date hereof.*

DTC will act as securities depository for the Bonds. The Bonds will be issued as fully-registered securities registered in the name of Cede & Co. (DTC's partnership nominee). One fully-registered certificate will be issued for each annual maturity of the Bonds, each in the aggregate principal amount of such annual maturity, and such certificates will be deposited with DTC.

DTC is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered

pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds securities that its participants (“Participants”) deposit with DTC. DTC also facilitates the settlement among Participants of securities transactions, such as transfers and pledges, in deposited securities through electronic computerized book-entry changes in Participants’ accounts, thereby eliminating the need for physical movement of securities certificates. Direct Participants include securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations (“Direct Participants”). DTC is owned by a number of its Direct Participants and by the New York Stock Exchange, Inc., the American Stock Exchange, Inc., and the National Association of Securities Dealers, Inc. Access to the DTC system is also available to others such as securities brokers and dealers, banks, and trust companies that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly (“Indirect Participants”). The Rules applicable to DTC and its Participants are on file with the Securities and Exchange Commission.

Purchases of securities under the DTC system must be made by or through Direct Participants, which will receive a credit for the Bonds on DTC’s records. The ownership interest of each actual purchaser of each Bond (“Beneficial Owner”) is in turn to be recorded on the Direct and Indirect Participants’ records. Beneficial Owners will not receive written confirmation from DTC of their purchase, but Beneficial Owners are expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Bonds are to be accomplished by entries made on the books of Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in Bonds, except in the event that use of the book-entry system for the Bonds is discontinued.

To facilitate subsequent transfers, all Bonds deposited by Participants with DTC are registered in the name of DTC’s partnership nominee, Cede & Co. The deposit of Bonds with DTC and their registration in the name of Cede & Co. effect no change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Bonds; DTC’s records reflect only identity of the Direct Participants to whose accounts such Bonds are credited, which may or may not be the Beneficial Owners. The Participants will remain responsible for keeping account of their holdings on behalf of their customers.

Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time.

Redemption notices shall be sent to Cede & Co. If less than all of the Bonds within a maturity are being redeemed, DTC’s practice is to determine by lot the amount of the interest of each Direct Participant in such maturity to be redeemed.

Neither DTC or Cede & Co. will consent or vote with respect to Bonds. Under its usual procedures, DTC mails an Omnibus Proxy to the County as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.’s consenting or voting rights to those Direct Participants to whose accounts the Bonds are credited on the record date (identified in a listing attached to the Omnibus Proxy).

Principal and interest payments on the Bonds will be made to DTC. DTC’s practice is to credit Direct Participants’ accounts on the payable date in accordance with their respective holdings shown on DTC’s records unless DTC has reason to believe that it will not receive payment on the payable date. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in “street name,” and will be the responsibility of such Participant and not of DTC or the Paying Agent/Registrar, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of principal and interest to DTC is the responsibility of the County or the Paying Agent/Registrar, disbursements of such payments to Direct Participants shall be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners shall be the responsibility of Direct and Indirect Participants.

DTC may discontinue providing its services as securities depository with respect to the Bonds at any time by giving reasonable notice to the County or the Paying Agent/Registrar. Under such circumstances, in the event that a successor securities depository is not obtained, bond certificates are required to be printed and delivered.

The County may decide to discontinue use of the system of book-entry transfers through DTC (or a successor securities depository). In that event, bond certificates will be printed and delivered.

NEITHER THE COUNTY, NOR THE PAYING AGENT/REGISTRAR, WILL HAVE ANY RESPONSIBILITY OR OBLIGATION TO PARTICIPANTS, TO INDIRECT PARTICIPANTS OR TO ANY BENEFICIAL OWNER WITH RESPECT TO 1) THE ACCURACY OF ANY RECORDS MAINTAINED BY DTC, ANY DTC PARTICIPANT OR ANY INDIRECT PARTICIPANT; 2) THE PAYMENT BY DTC, ANY DTC PARTICIPANT OR ANY INDIRECT PARTICIPANT OF ANY AMOUNT WITH RESPECT TO THE PRINCIPAL OF, PREMIUM, IF ANY, OR INTEREST ON THE BONDS; 3) ANY NOTICE WHICH IS PERMITTED OR REQUIRED TO BE GIVEN TO BONDHOLDERS; 4) ANY CONSENT GIVEN BY DTC OR OTHER ACTION TAKEN BY DTC AS BONDHOLDER; OR 5) THE SELECTION BY DTC, ANY DTC PARTICIPANT OR ANY INDIRECT PARTICIPANT OF ANY BENEFICIAL OWNER TO RECEIVE PAYMENT IN THE EVENT OF A PARTIAL REDEMPTION OF BONDS.

DTC is currently supporting Year 2000 testing. A home page on the Internet has been established by DTC at [www.dtc.org](http://www.dtc.org) where notices and other information regarding DTC's Year 2000 project progress will be made available to Internet users regarding DTC Year 2000 issues.

## **RATINGS**

Rating reviews for this issue have been requested from Fitch IBCA, Moody's Investors Service, Inc., and Standard & Poor's Rating Group, respectively. A rating reflects only the view of the rating organization and explanations of the significance of such rating may be obtained from the rating agency furnishing the same. There is no assurance that such rating will continue for any given period of time or that it will not be revised downward or withdrawn entirely by such rating agency if, in the judgment of such rating agency, circumstances so warrant. Any such downward revision or withdrawal of such rating may have an adverse effect on the market price of the Bonds.

## **TAX EXEMPTIONS**

In the opinion of Bond Counsel, under existing law, the interest on the Bonds (a) is excludable from gross income for Federal income tax purposes, and (b) is not an enumerated preference or adjustment for purposes of the Federal alternative minimum tax imposed on individuals and corporations; however, such interest will be taken into account in determining adjusted current earnings for the purpose of computing the alternative minimum tax imposed on corporations, and may be subject to the branch profits tax imposed on foreign corporations engaged in a trade or business in the United States.

Under the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), there are certain requirements that must be met subsequent to the issuance of the Bonds in order for the interest on the Bonds to remain excludable from gross income for Federal income tax purposes, including restrictions that must be complied with throughout the term of the Bonds. Such restrictions include, among other things, limitations on the yield of investments acquired with gross proceeds of the Bonds and the periodic payment to the United States of specified portions of arbitrage profit derived from such investments.

In order to comply with the requirements of the Code, the County will execute and deliver a Tax Certificate and Compliance Agreement ("Tax Agreement") on the date of delivery of the Bonds. The covenants and agreements in the Tax Agreement are designed to satisfy the requirements of Section 103 and Sections 141 through 150,

inclusive, of the Code, and the income tax regulations issued thereunder. In the opinion of Bond Counsel, the covenants and agreements in the Tax Agreement are sufficient to meet the requirements (to the extent applicable to the Bonds) of Section 103 and Sections 141 through 150 of the Code. However, Bond Counsel assumes no responsibility for, and will not monitor, compliance with the covenants and agreements in the Tax Agreement. In the event of noncompliance with such covenants and agreements, the available enforcement remedies may be limited by applicable provisions of law and, therefore, may not be adequate to prevent interest on the Bonds from becoming includable in gross income for Federal income tax purposes retroactively to the date of issue.

Under the Code, in calculating corporate alternative minimum tax, a corporation is required to increase its alternative minimum taxable income by 75 percent of the amount by which its “adjusted current earnings” exceed its alternative minimum taxable income (computed without regard to this current earnings adjustment and the alternative tax net operating loss deduction). For this purpose, “adjusted current earnings” would include, among other items, interest on the Bonds. In addition, the Code imposes a branch-level tax on certain earnings and profits of foreign corporations operating branches in the United States, and such earnings and profits would include interest on the Bonds.

Other Federal income tax consequences may arise from ownership of the Bonds, and in connection therewith, attention is directed to the following provisions of the Code: (a) Section 265 of the Code denies a deduction for interest on indebtedness incurred or continued to purchase or carry the Bonds or, in the case of a financial institution, that portion of a holder’s interest expense allocated to interest on the Bonds, (b) with respect to insurance companies subject to the tax imposed by Section 831 of the Code, Section 832(b)(5)(B)(i) reduces the deduction for loss reserves by 15 percent of the sum of certain items, including interest on the Bonds, (c) Section 86 of the Code requires recipients of certain Social Security and certain Railroad Retirement benefits to take into account, in determining gross income, receipts or accruals of interest on obligations such as the Bonds, and (d) for S corporations having subchapter C earnings and profits, the receipt of certain amounts of passive investment income, which includes interest on the Bonds, may result in the imposition of income tax on such passive investment income and, in some cases, loss of S corporation status. The foregoing is only a general summary of certain provisions of the Code and does not purport to be complete; prospective purchasers and holders of the Bonds should consult their own tax advisors as to the effects, if any, of the Code in their particular circumstances.

The initial public offering price of some of the Bonds may be less than the amount payable on those Bonds at maturity. The excess, if any, of the amount payable at maturity of a Bond over the initial public offering price (plus accrued interest from January 1, 2000, to the date of initial delivery of the Bond) at which a substantial amount of the same maturity of the Bonds was sold constitutes original issue discount for Federal income tax purposes (“OID”). The full amount of OID will accrue over the term of a Bond in accordance with a constant yield method (using semi-annual compounding) which allocates smaller portions of OID to earlier semi-annual compounding periods and larger portions of OID to later semi-annual compounding periods. In the case of an original or a subsequent holder of a Bond, the amount of OID which is treated as having accrued with respect to such Bond during the period that the holder has held it (a) is not included in the gross income of the holder for Federal income tax purposes, and (b) is included in the cost basis of the holder in determining, for Federal income tax purposes, gain or loss upon its disposition (including its sale, redemption or payment at maturity). Holders of Bonds should consult their tax advisors with respect to the determination, for Federal income tax purposes, of OID accrued upon the sale, redemption or payment at maturity of such Bonds.

A Bond will be considered to have been issued at a premium if, and to the extent that, the holder’s tax basis in the Bond exceeds the amount payable at maturity (or, in the case of a Bond callable prior to maturity, the amount payable on the earlier call date). The holder will be required to reduce his tax basis in the Bond for purposes of determining gain or loss upon disposition of the Bond by the amount of amortizable bond premium that accrues (determined on a constant yield method) during the period of ownership. The amount of the amortizable bond premium offsets and reduces the amount of tax-exempt interest on the Bonds. No deduction (or other tax benefit) is allowable in respect of any amount of amortizable bond premium on the Bonds. Holders of Bonds should consult with their tax advisors with respect to the determination and treatment of premium for Federal income tax purposes.

Prospective purchasers of the Bonds should consider possible state and local excise or franchise tax consequences arising from OID and premium on the Bonds. In addition, prospective corporate purchasers of the Bonds should consider possible Federal income tax consequences arising from OID and premium on the Bonds under the alternative minimum tax and the branch profits tax described above.

Legislative proposals presently before Congress or that are introduced after issuance and delivery of the Bonds, if enacted, could alter or amend one or more of the Federal tax matters referred to above and/or adversely affect the market value of the Bonds. It cannot be predicted whether or in what form any such proposal may be enacted, and there can be no assurance that any such proposal would not apply to obligations issued prior to the enactment of such proposal. Accordingly, prospective purchasers of the Bonds should consult with their tax advisors as to the status and potential effect of such proposals.

In the opinion of Bond Counsel, under existing law of the State of Maryland, the interest on the Bonds and the profit realized from the sale or exchange of the Bonds is exempt from income taxation by the State of Maryland or by any of its political subdivisions; however, the law of the State of Maryland does not expressly refer to, and no opinion is expressed concerning, estate or inheritance taxes, franchise taxes applicable to certain financial institutions, or any other taxes not levied directly on the Bonds or the interest thereon.

### **LEGALITY OF THE BONDS**

The authorization, sale, issuance and delivery of the Bonds will be subject to legal approval by Venable, Baetjer and Howard, LLP, of Baltimore, Maryland, Bond Counsel, and copies of their unqualified approving legal opinion with respect to the Bonds will be delivered upon request, without charge, to the successful bidder for the Bonds. The opinion will be substantially in the form of the draft opinion attached to this Official Statement as Appendix C.

### **LITIGATION**

The County is currently processing numerous claims for damages and is also a defendant in a number of lawsuits which are expected to be paid, when applicable, through its self-insurance program. Management and legal counsel believe that the self-insurance program is adequately funded to cover such claims and lawsuits to be paid out of the program. In addition to (i) suits arising out of the County's self-insurance program and (ii) other suits in which claims for liability do not exceed \$250,000 each, and which are adequately and completely covered by commercial insurance, the County is currently a defendant in various suits involving tort claims, violations of civil rights, breach of contract, inverse condemnation, and other suits and actions arising in the normal course of business.

In the opinion of the County Attorney, the estimated total ultimate liability of the County arising from the aforementioned claims and suits should not exceed \$5,000,000; but, in any event, none of such claims and suits will materially affect the County's ability to perform its obligations to the holders of its bonds.

### **INDEPENDENT PUBLIC ACCOUNTANTS**

The audited general purpose financial statements of the County included in Appendix B to this Preliminary Official Statement have been audited by Arthur Andersen LLP ("AA"), independent public accountants, as indicated in their report with respect thereto. In said report, that firm states that with respect to certain of the County's component units, its opinion is based on the reports of other independent public accountants. Reference is made to said report, which includes explanatory paragraphs which state that AA did not audit certain identified supplementary information and expressed no opinion thereon. The audited general purpose financial statements of the County have been included herein in reliance upon the authority of said firm as experts in giving said report.

## **CERTIFICATE OF COUNTY OFFICIALS**

The Chief Administrative Officer and the Director of Finance of the County will furnish a certificate to the successful bidders for the Bonds to the effect that, to the best of their knowledge and belief, this Official Statement, as of the date of sale and the date of delivery of the Bonds, is true and correct in all material respects and does not contain an untrue statement of a material fact or omit to state a material fact, required to be stated or necessary to be stated, to make such statements, in the light of the circumstances under which they were made, not misleading.

## **CONTINUING DISCLOSURE UNDERTAKING**

In order to enable participating underwriters, as defined in Rule 15c2-12 of the Securities and Exchange Commission ("Rule 15c2-12") to comply with the requirements of paragraph (b)(5) of Rule 15c2-12, the County will execute and deliver a continuing disclosure agreement (the "Continuing Disclosure Agreement") on or before the date of issuance and delivery of the Bonds, the form of which is attached to this Official Statement as Appendix D. Potential purchasers of the Bonds should note that the definition of Reportable Events in Appendix D is intended to completely restate the events specified in Rule 15c2-12. It is noted that certain Reportable Events are expected to have no applicability to the Bonds, such as the possibility of unscheduled draws on debt service reserves and matters affecting collateral for the Bonds.

The County has not failed to comply with any prior continuing disclosure undertaking made pursuant to Rule 15c2-12.

## **INFORMATION IN OFFICIAL STATEMENT**

All quotations, summaries and explanations in this Official Statement of State and County laws and the Montgomery County Charter do not purport to be complete and reference is made to pertinent provisions of the same for complete statements. Any estimates or opinions herein, whether or not expressly so stated, are intended as such and not as representations of fact. The information and expressions of opinion herein are subject to change without notice and neither the delivery of this Official Statement nor any sale made hereunder shall, under any circumstances, create any implication that there has been no change in the affairs of the County since the date as of which such information is stated or the date hereof. This Official Statement shall not be construed as part of any contract between the County and the purchasers or holders of its bonds. The County has been advised by Venable, Baejter and Howard, LLP, of Baltimore, Maryland, Bond Counsel, in connection with legal statements contained in this Official Statement; however, Bond Counsel has not passed upon or assumed responsibility for the accuracy of the financial statements and economic data contained herein.

Any questions regarding this Official Statement or the Bonds should be directed to Mr. Timothy L. Firestine, Director, Department of Finance, Montgomery County, Maryland, 101 Monroe Street, 15th floor, Rockville, Maryland 20850, Telephone: (240) 777-8860.

## **YEAR 2000 READINESS DISCLOSURE**

Working jointly with the County's Emergency Management Group, the County's Emergency Operations Center (EOC) was activated for the actual year 2000 rollover. All County systems and services were formally monitored, tested and reported on before, during and after the transition to the new year. All County departments were required to test their applications, beginning with critical systems, on Saturday, January 1, 2000, completing their

testing and reporting satisfactory operations prior to the first regular business day on Monday, January 3, 2000. Monitoring and reporting continued through the first week in January. All County applications and services made the transition successfully, and no interruptions to service were reported. No problems were reported by any of the County's external business partners. Monitoring will continue, at least through the leap year transition on February 29, 2000.

For additional Year 2000 disclosure information, please refer to Note 18 (unaudited, required supplementary information) of the County's General Purpose Financial Statements (see Appendix B).

## **COUNTY DEBT SUMMARY**

### ***Overview***

The County Government, four of its agencies, and municipalities are authorized by State law and/or County Charter to issue debt to finance capital projects. Consistent with County fiscal policy, the County issues debt to finance a major portion of the construction of long-lived additions or improvements to the County's publicly-owned infrastructure. The County's budget and fiscal plan for these improvements is known as the Capital Improvements Program (CIP). Bonds are repaid to bondholders with a series of principal and interest payments over a period of years, known as debt service. In this manner, the initial high cost of capital improvements is absorbed over time and assigned to current and future citizens benefiting from the facilities. Due to various Federal, State, and local policies, interest rates are lower than in the private sector.

In addition to the issuance of general obligation or revenue bonds, the County initially finances the cost of long-term capital assets with short-term paper, known as Bond Anticipation Notes (BANs)/Commercial Paper, which the County intends to retire with the proceeds of long-term bonds. Additionally, the County from time to time enters into other long-term obligations, such as long-term loans, which are classified as long-term notes payable.

The various components of the County's debt described above are categorized as either direct or overlapping. Direct debt is the total bonded debt of the government, and constitutes the direct obligations of the County government that impact its taxpayers. Components of Montgomery County direct debt are its general obligation bonds, special obligation bonds, short-term paper which is planned to be retired with long-term general obligation bonds, long-term notes payable, and revenue bonds issued by the County.

Overlapping debt includes all borrowings of other County agencies, incorporated municipalities, and special taxing or development districts, which may impact those County tax- or rate-payers who are residents of those municipalities or special districts. More broadly, overlapping debt can help reveal the degree to which the total economy is being asked to support long-term fixed commitments for governmental facilities.

Certain direct and overlapping debt is additionally classified as Self-Supporting Debt. Such obligations are issued for projects that produce sufficient revenues to retire the debt. The bonds are not supported by the taxing power of the governmental entity issuing them.

The County's Net Direct and Overlapping Debt is derived by subtracting Self-Supporting Debt from the Total Direct and Overlapping Debt.

A summary statement of direct and overlapping debt for Montgomery County is provided in Table 1 on the following page. The components of the County's debt includes general obligation bonds, special obligation bonds, revenue bonds, mortgages payable, notes payable, certificates of participation, and bank loans. For additional discussion of particular elements of the County's debt, see the sections that follow.

**Table 1**  
**Statement of Direct and Overlapping Debt**  
**Projected to December 31, 1999 and Including Proposed General Obligation Bonds**

Direct Debt:		
General Obligation Bonds Outstanding	\$1,046,743,054	
Proposed General Obligation Bonds	130,000,000	
Short-Term BANs/Commercial Paper Outstanding*	70,000,000	
Long-Term Notes Payable	1,722,175	
Revenue Bonds Outstanding	<u>75,900,000</u>	
Total Direct Debt		\$1,324,365,229
Overlapping Debt (as of June 30, 1999):		
Gross Debt:		
Washington Suburban Sanitary Commission		
Applicable to Montgomery County	1,142,162,681	
Housing Opportunities Commission	648,064,334	
Montgomery County Revenue Authority	45,463,214	
Maryland-National Capital Park and Planning Commission		
Applicable to Montgomery County	51,876,843	
Kingsview Village Center Development District	2,410,000	
Towns, Cities and Villages within Montgomery County	<u>34,241,994</u>	
Total Overlapping Debt		<u>1,924,219,066</u>
Total Direct and Overlapping Debt		3,248,584,295
Less Self-Supporting Debt:		
County Government Revenue Bonds	75,900,000	
Washington Suburban Sanitary Commission		
Applicable to Montgomery County (as of June 30, 1999)	1,142,162,681	
Housing Opportunities Commission (as of June 30, 1999)	648,064,334	
Montgomery County Revenue Authority (as of June 30, 1999)	45,463,214	
Maryland-National Capital Park and Planning Commission		
Applicable to Montgomery County (as of June 30, 1999)	<u>17,331,843</u>	
Total Self-Supporting Debt		<u>(1,928,922,072)</u>
Net Direct and Overlapping Debt		<u>\$1,319,662,223</u>
Ratio of Debt to FY00 Estimated Assessed Valuation of:		\$32,042,000,000
Direct Debt		4.13%
Net Direct Debt **		3.90%
Direct and Overlapping Debt		10.14%
Net Direct and Overlapping Debt		4.12%
Ratio of Debt to FY00 Estimated Market Value of:		\$76,282,000,000
Direct Debt		1.74%
Net Direct Debt **		1.64%
Direct and Overlapping Debt		4.26%
Net Direct and Overlapping Debt		1.73%

\* Net of \$130,000,000 refunded with the proceeds of the proposed general obligation bonds.

\*\* Net Direct Debt of \$1,248,465,229 is derived by subtracting direct self-supporting debt, which consists only of County Government Revenue Bonds, from Total Direct Debt.



## ***Debt Affordability***

Once committed, debt service represents a major continuing claim on County resources that must be kept to affordable levels within the annual operating requirements of the County in order to avoid excessive pressures on operating budgets. To assure such affordable levels, the County's general obligation debt is subject to the following tests: 1) the self-imposed, but Charter-required, spending affordability guidelines and 2) the State Law-mandated Legal Debt Limit.

### **Spending Affordability Guidelines**

The County Council annually adopts spending affordability guidelines for the capital budget. The guidelines provide for the total amount of general obligation debt issued by the County and by the Maryland-National Capital Park and Planning Commission that may be planned for expenditure in the subsequent two fiscal years and for the six-year Capital Improvements Program. Consideration of the guidelines is based on a number of economic and financial factors or criteria for debt affordability. These criteria are described in the County's Fiscal Policy and provide a foundation for judgements about the County's capacity to issue debt and its ability to retire the debt over time. As part of the preparation of the Executive's Recommended Six-Year Capital Improvements Program, the County analyzes its debt capacity using the Fiscal Policy indicators as follows: 1) bonded debt as a percentage of full (market) value of taxable property; 2) debt service as a percentage of General Fund expenditures; 3) debt per capita; 4) debt per capita as a percentage of per capita income; and 5) rate of replacement of debt principal (payout ratio) in ten years. The results of these indicators are displayed in Table 2 below.

**Table 2**  
**General Bonded Debt Ratios**  
**1991 – 2000**

<u>Fiscal Year</u>	<u>Net Direct Debt to Market Value</u>	<u>Debt Service to General Fund Expenditures</u>	<u>Debt Per Capita</u>	<u>Debt Per Capita to Per Capita Income</u>	<u>Payout Ratio</u>
1991	1.33%	8.79%	\$ 1,029	3.08%	65.49%
1992	1.48	9.58	1,165	3.37	66.14
1993	1.43	8.29	1,242	3.46	68.06
1994	1.46	8.65	1,273	3.43	69.00
1995	1.34	8.78	1,164	3.00	70.00
1996	1.62	8.62	1,391	3.46	70.52
1997	1.47	8.57	1,279	3.04	71.39
1998	1.66	8.27	1,443	3.33	72.58
1999	1.56	8.01	1,387	3.10	72.33
2000 est.	1.64	8.05	1,460	3.16	72.06

### **Legal Debt Limit**

The Annotated Code of Maryland, Article 25A, Section 5(P), authorizes borrowing of funds and issuance of bonds up to a maximum of 15 percent of the assessed valuation of all real and personal property within the County. The legal debt limit for FY00 and including the effect of the proposed general obligation bonds is estimated to be \$4,806,300,000, based upon an estimated assessed valuation of \$32,042,000,000. Article 25A, Section 5(P) provides that obligations having a maturity not in excess of twelve months shall not be subject to, or be included in, computing the County's legal debt limitation. However, the County has included its BANS/Commercial Paper in such calculation because it intends to repay such notes with the proceeds of long-term debt to be issued in the near future. As of December 31, 1999 and including the effect of the proposed general obligation bonds, the County's projected outstanding net direct debt, as displayed in Table 3, is 3.90 percent of assessed valuation.

**Table 3**  
**Statement of Legal Debt Margin**  
**Projected to December 31, 1999 and Including Proposed General Obligation Bonds**

Estimated FY00 Assessed Valuation for FY00		\$32,042,000,000
Debt Limit (% of Assessed Valuation)		<u>15%</u>
Legal Limitation for the Borrowing of Funds and the Issuance of Bonds		4,806,300,000
Less Amount of Debt Applicable to Debt Limit:		
General Obligation Bonds Outstanding	\$1,046,743,054	
Proposed General Obligation Bonds for Refunding Bond Anticipation Notes	130,000,000	
Short-Term BANS/Commercial Paper	70,000,000	
Long Term Notes Payable	<u>1,722,175</u>	
Net Direct Debt		<u>1,248,465,229</u>
Legal Debt Margin		<u><u>\$3,557,834,771</u></u>
Net Direct Debt as a Percentage of Assessed Valuation		<u><u>3.90%</u></u>

***Direct Debt***

**General Obligation Bonds**

County general obligation bonds are secured by the full faith, credit and taxing powers of the County. Bonds are normally issued with a 20-year term, with five percent of the principal retired each year. This practice produces equal annual payments of principal over the life of the bond issue and declining annual payments of interest on the outstanding bonds. The Charter limits the term of any bond to 30 years.

Over the past three decades the composition of County general obligation debt has changed. As more general County bonding was shifted towards schools and roads, a related shift occurred away from general County facilities, parks, and mass transit. In addition, in recent years, general obligation debt has not been issued to finance parking lot district or solid waste projects. Such projects have been financed with revenue bonds or current revenues. The County's general obligation indebtedness by issue is presented in Table 4. Annual debt service payments for the County's debt, excluding the Proposed Bonds, is displayed in Table 5. Table 6 sets forth the amount of general obligation bonds authorized to be issued by the County projected to December 31, 1999.

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**Table 4**  
**General Obligation Debt of the County**  
**June 30, 1999 and**  
**Projected to December 31, 1999 and Including Proposed Bonds**

<u>Issue</u>	<u>Dated Date</u>	<u>Original Issue Size</u>	<u>Interest Rates</u>	<u>TIC*</u>	<u>Maturity</u>	<u>Principal Outstanding June 30, 1999</u>	<u>Principal Outstanding Projected to Dec. 31, 1999 and Including Proposed Bonds</u>
GO Bonds	05/01/70	\$ 34,990,000	0.10-7.50%	6.0996%	1971-00	\$ 720,000	\$ 720,000
GO Bonds	02/01/71	30,000,000	0.10-6.50	4.8651	1972-01	880,000	880,000
GO Bonds	11/01/71	30,000,000	0.10-6.50	4.3163	1973-02	1,770,000	1,180,000
GO Bonds	06/15/80	50,000,000	6.25-7.25	6.7347	1981-00	2,500,000	2,500,000
GO Bonds	05/01/83	50,000,000	7.00-9.00	7.8999	1984-03	10,000,000	10,000,000
GO Bonds	06/01/84	55,000,000	9.00-9.75	9.3989	1985-04	13,750,000	13,750,000
GO Bonds	05/01/85	65,000,000	7.60-8.60	8.2205	1986-05	19,500,000	19,500,000
GO Bonds	04/01/86	50,000,000	5.80-6.30	6.0956	1987-06	17,500,000	17,500,000
GO Bonds	11/01/89	75,000,000	6.75-6.80	6.7935	1990-99	3,750,000	--
GO Bonds	04/01/90	75,000,000	6.80-7.00	6.9314	1991-00	3,750,000	3,750,000
GO Bonds	10/01/90	75,000,000	6.80-7.10	6.9842	1991-00	7,500,000	3,750,000
GO Bonds	04/01/91	60,000,000	6.30-6.75	6.5230	1992-11	12,000,000	12,000,000
GO Bonds	10/01/91	70,000,000	5.75-6.12	5.9747	1992-11	17,500,000	14,000,000
GO Refunding Bonds	07/01/92	273,038,054	2.75-5.80	5.7431	1993-10	247,363,054	230,363,054
GO Bonds	10/01/92	115,000,000	5.00-5.75	5.4740	1993-12	46,000,000	40,250,000
GO Refunding Bonds	08/15/93	60,005,000	2.50-5.00	4.9908	1994-11	57,870,000	57,340,000
GO Bonds	10/01/93	100,000,000	4.40-4.90	4.6899	1994-13	75,000,000	70,000,000
GO Bonds	10/01/94	100,000,000	5.20-6.125	5.7958	1995-14	50,000,000	45,000,000
GO Bonds	03/15/96	120,000,000	5.10-5.50	5.2946	1997-16	102,000,000	102,000,000
GO Bonds	04/15/97	115,000,000	5.00-5.375	5.3226	1998-17	103,500,000	103,500,000
GO Refunding Bonds	01/01/98	69,510,000	3.90-5.25	4.6400	2003-15	69,510,000	69,510,000
GO Bonds	04/01/98	115,000,000	4.875	4.7607	1999-18	109,250,000	109,250,000
GO Bonds	04/01/99	120,000,000	4.00-5.00	4.4764	2000-19	120,000,000	120,000,000
GO Bonds	01/01/00	130,000,000	5.00-6.00	5.4853	2001-20	--	130,000,000
<b>Total</b>						<u>\$1,091,613,054</u>	<u>\$1,176,743,054</u>

\* True Interest Cost.

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**Table 5**  
**Summary of General Obligation Bond**  
**Debt Service Charges by Fiscal Year**  
**(Excludes Proposed Bonds)**  
**As of June 30, 1999**

Fiscal Year	General Obligation Bonds		
	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2000	\$ 89,780,000	\$ 56,414,089	\$ 146,194,089
2001	86,625,000	50,889,044	137,514,044
2002	86,030,000	46,172,065	132,202,065
2003	85,605,000	41,464,908	127,069,908
2004	83,120,000	36,646,440	119,766,440
2005	80,150,000	32,103,233	112,253,233
2006	76,670,000	27,817,298	104,487,298
2007	73,945,000	23,724,154	97,669,154
2008	73,720,000	19,924,795	93,644,795
2009	53,971,683	28,884,607	82,856,290
2010	50,772,086	22,388,954	73,161,040
2011	47,659,285	14,861,005	62,520,290
2012	43,135,000	10,006,540	53,141,540
2013	39,495,000	7,957,770	47,452,770
2014	33,625,000	5,991,630	39,616,630
2015	28,560,000	4,421,317	32,981,317
2016	23,500,000	2,974,062	26,474,062
2017	17,500,000	1,769,687	19,269,687
2018	11,750,000	880,312	12,630,312
2019	<u>6,000,000</u>	<u>300,000</u>	<u>6,300,000</u>
Total	<u>\$1,091,613,054</u>	<u>\$435,591,910</u>	<u>\$1,527,204,964</u>

*(The remainder of this page has been left blank intentionally.)*

**Table 6**  
**General Obligation Bonds Authorized - Unissued**  
**Projected to December 31, 1999**

<u>Purpose</u>	<u>Chapter</u>	<u>Act</u>	<u>Amount</u>	<u>Amount Unissued</u>	<u>Proposed Bonds</u>
General County, Parks, and Consolidated Fire Tax District	8	1997	\$ 3,800,000	\$ 1,085,000	\$ --
	32	1997	13,300,000	13,300,000	--
	19	1998	113,400,000	113,400,000	--
	18	1999	<u>33,500,000</u>	<u>33,500,000</u>	<u>--</u>
			<u>164,000,000</u>	<u>161,285,000</u>	<u>25,500,000</u>
Road & Storm Drainage and Urban Renewal	8	1997	19,300,000	2,215,000	--
	32	1997	22,200,000	22,200,000	--
	19	1998	77,000,000	77,000,000	--
	18	1999	<u>30,000,000</u>	<u>30,000,000</u>	<u>--</u>
			<u>148,500,000</u>	<u>131,415,000</u>	<u>30,500,000</u>
Public Schools and Community College	8	1997	99,400,000	11,963,000	--
	32	1997	80,800,000	80,800,000	--
	19	1998	3,800,000	3,800,000	--
	18	1999	<u>57,800,000</u>	<u>57,800,000</u>	<u>--</u>
			<u>241,800,000</u>	<u>154,363,000</u>	<u>72,000,000</u>
Mass Transit	34	1991	2,160,000	2,055,000	--
	19	1998	500,000	500,000	--
	18	1999	<u>400,000</u>	<u>400,000</u>	<u>--</u>
			<u>3,060,000</u>	<u>2,955,000</u>	<u>2,000,000</u>
Public Housing	17	1981	2,650,000	2,590,000	--
	13	1982	995,000	995,000	--
	8	1983	230,000	230,000	--
	20	1985	900,000	900,000	--
	13	1986	<u>855,000</u>	<u>855,000</u>	<u>--</u>
			<u>5,630,000</u>	<u>5,570,000</u>	<u>--</u>
Parking Districts: Silver Spring	9	1983	2,945,000	2,045,000	--
	6	1984	<u>1,220,000</u>	<u>1,220,000</u>	<u>--</u>
			<u>4,165,000</u>	<u>3,265,000</u>	<u>--</u>
Bethesda	19	1981	7,325,000	3,040,000	--
	14	1982	775,000	775,000	--
	10	1983	<u>1,050,000</u>	<u>1,050,000</u>	<u>--</u>
			<u>9,150,000</u>	<u>4,865,000</u>	<u>--</u>
Total Parking Districts			<u>13,315,000</u>	<u>8,130,000</u>	<u>--</u>
Total General Obligation Bonds			<u>\$576,305,000</u>	<u>\$463,718,000</u>	<u>\$130,000,000</u>

In addition to the above noted authority, the County has authority under the provisions of section 56-13 of the Montgomery County Code 1984, as amended, to issue County bonds, within statutory debt limits, to finance approved urban renewal projects.

## Short Term Bond Anticipation Notes/Commercial Paper

The County utilizes bond anticipation notes/commercial paper (BANs) for short-term capital financing of capital expenditures with the expectation that the principal amount will be refunded with the proceeds of long-term general obligation bonds. Interest costs incurred are usually at lower rates than with longer term financing. The County has BANs authorized, issued, and outstanding as financing sources for capital construction and improvements. BANs are issued at varying maturities to a maximum of 270 days, under a program that matures on June 30, 2002. The County reissues the notes upon maturity until they are refinanced with long-term bonds. Changes in BANs projected through December 31, 1999 and after the effect of the Proposed Bonds are presented in the table below.

**Table 7**  
**Bond Anticipation Notes Outstanding**  
**Projected to December 31, 1999 and**  
**After Effect of Proposed Bonds**

<u>Issue</u>	<u>Balance</u> <u>July 1, 1999</u>	<u>BANs Issued</u>	<u>Balance</u> <u>Dec. 31, 1999</u>	<u>BANs Retired</u> <u>With Proceeds of</u> <u>Proposed Bonds</u>	<u>Balance After</u> <u>Effect of</u> <u>Proposed Bonds</u>
BAN Series 1995-C	\$ 4,000,000	\$ --	\$ 4,000,000	\$ 4,000,000	\$ --
BAN Series 1995-D	26,000,000	--	26,000,000	26,000,000	--
BAN Series 1995-E	50,000,000	--	50,000,000	50,000,000	--
BAN Series 1995-F	--	80,000,000	80,000,000	48,000,000	32,000,000
BAN Series 1995-G	--	40,000,000	40,000,000	2,000,000	38,000,000
Total	<u>\$80,000,000</u>	<u>\$120,000,000</u>	<u>\$200,000,000</u>	<u>\$130,000,000</u>	<u>\$70,000,000</u>

## Long-Term Notes

In September 1998, the County entered into a \$1,800,000 long-term loan agreement with the Maryland Industrial and Commercial Redevelopment Fund (MICRF) pursuant to the provisions of Sections 5-501 through 5-507 of Article 83A of the Annotated Code of Maryland. The loan has been approved by the Maryland State Department of Business and Economic Development. In accordance with the terms of the loan, the proceeds of the loan have been reloaned to a private corporation, for purposes of relocation to and renovation of facilities in the County. If certain conditions are met, \$150,000 of the loan may be converted to a State grant. Although it is expected that the loan will be repaid by payments made by the private user, the loan is a full faith and credit obligation of the County.

## Revenue Bonds

County revenue bonds are bonds authorized by the County to finance specific projects such as parking garages and solid waste facilities, with debt service to be paid from pledged revenues received in connection with the projects. Proceeds from revenue bonds may be applied only to the costs of projects for which they are authorized. They are considered separate from general obligation debt, and do not constitute a pledge of the full faith and credit or unlimited taxing power of the County.

County revenue bonds have been used in the Bethesda and Silver Spring Parking Districts, supported by parking fees and fines, together with parking district property taxes. County revenue bonds have also been issued for County Solid Waste Management facilities, supported with the revenues of the Solid Waste Disposal System. County revenue bond indebtedness by issue is presented in Table 8. Annual debt service payments for the County's revenue bond debt is displayed in Table 9. Table 10 sets forth the amount of revenue bonds authorized to be issued by the County projected to December 31, 1999.

**Table 8**  
**Revenue Bond Debt of the County**  
**As of June 30, 1999 and Projected to December 31, 1999**

<u>Issue</u>	<u>Dated Date</u>	<u>Original Issue Size</u>	<u>Interest Rates</u>	<u>TIC*</u>	<u>Maturity</u>	<u>Principal Outstanding June 30, 1999</u>	<u>Principal Outstanding Dec. 31, 1999</u>
Parking Refunding Revenue Bonds	04/14/92	\$ 52,730,000	2.75%-6.25%	6.0966%	1992-09	\$ 35,460,000	\$ 35,460,000
Solid Waste System Revenue Bonds	03/15/93	50,680,000	3.50%-5.875%	6.1659%	1994-13	<u>40,440,000</u>	<u>40,440,000</u>
<b>Total</b>						<u>\$ 75,900,000</u>	<u>\$ 75,900,000</u>

\* True Interest Cost.

**Table 9**  
**Summary of Revenue Bond Debt Service Charges by Fiscal Year**  
**As of June 30, 1999**

<u>Fiscal Year</u>	<u>Revenue Bonds</u>		
	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2000	\$ 5,060,000	\$ 4,447,211	\$ 9,507,211
2001	5,335,000	4,172,757	9,507,757
2002	5,640,000	3,875,896	9,515,896
2003	5,975,000	3,556,367	9,531,367
2004	6,340,000	3,211,786	9,551,786
2005	6,730,000	2,843,611	9,573,611
2006	7,150,000	2,445,981	9,595,981
2007	7,605,000	2,014,094	9,619,094
2008	5,395,000	1,549,581	6,944,581
2009	5,750,000	1,223,831	6,973,831
2010	3,415,000	876,550	4,291,550
2011	3,620,000	675,919	4,295,919
2012	3,830,000	463,244	4,293,244
2013	<u>4,055,000</u>	<u>238,231</u>	<u>4,293,231</u>
<b>Total</b>	<u>\$ 75,900,000</u>	<u>\$ 31,595,059</u>	<u>\$107,495,059</u>

**Table 10**  
**Revenue Bonds Authorized - Unissued**  
**Projected to December 31, 1999**

<u>Purpose</u>	<u>Resolution No.</u>	<u>Year</u>	<u>Amount</u>	<u>Amount Unissued</u>	<u>Proposed Bonds</u>
Parking Lot Districts	11-1383	1989	\$ 51,163,000	\$ 42,088,000	--
Refuse	12-1010	1993	<u>56,935,000</u>	<u>6,255,000</u>	--
<b>Total Revenue Bonds</b>			<u>\$108,098,000</u>	<u>\$ 48,343,000</u>	--

## ***Overlapping Debt***

In addition to the direct indebtedness described above, certain portions of the debt of other governmental entities in the County are payable in whole or in part by the taxpayers of the County. The debt includes general obligation bonds, revenue bonds, mortgages payable, notes payable, commercial paper/bond anticipation notes, certificates of participation, and bank loans.

### **Washington Suburban Sanitary Commission**

The Washington Suburban Sanitary Commission (WSSC) issues general construction bonds to finance construction of small diameter water distribution and sewage collection lines, and required support facilities in Montgomery and Prince George's Counties. Generally, these are considered general obligation bonds because they are payable from unlimited ad valorem taxes upon all the assessable property in the WSSC district. They are actually paid through assessments on properties being provided service, and are considered to be overlapping debt rather than direct debt of the County. WSSC Water Supply and Sewage Disposal Bonds, which finance major system improvements, including large diameter water distribution and sewage collection lines, are paid from non-tax sources including user charges collected through water and sewer rates, which also cover all system operating costs. They are backed by unlimited ad valorem taxes upon all the assessable property within the WSSC district in addition to mandated rates, fees, and charges sufficient to cover debt service. Pursuant to Section 4-101 of Article 29 of the Annotated Code of Maryland (1997 Replacement Volume and 1999 Cumulative Supplement), the County must guarantee payment of principal and interest on WSSC bonds, unless the WSSC waives such guarantee requirement in accordance with Section 4-103 of Article 29. WSSC has waived such guarantee requirement with respect to all outstanding WSSC bonds.

### **Housing Opportunities Commission**

The Montgomery County Housing Opportunities Commission (HOC) issues revenue bonds for its Multi-Family Mortgage Purchase Program and its Single-Family Mortgage Purchase Program which are paid through mortgages and rents. A portion of this revenue bond debt is guaranteed by Montgomery County pursuant to Section 2-103 of Article 44A of the Annotated Code of Maryland. The County may by local law provide its full faith and credit as guarantee of bonds issued by HOC in principal amount not exceeding \$50,000,000. Section 20-32 of the Montgomery County Code provides the method by which the County has implemented the guarantee.

### **Montgomery County Revenue Authority**

The Montgomery County Revenue Authority has authority to issue revenue bonds and to otherwise finance projects through notes and mortgages with land and improvements serving as collateral. These are paid through revenues of the Revenue Authority's several enterprises, which include golf courses, an elderly rental housing project, and the Montgomery County Airpark. The County also uses the Revenue Authority as a conduit for alternative capital project funding arrangements. These include financing for several County aquatic facilities and the land for the Montgomery County Conference Center. For these projects, the Revenue Authority issues the bonds and the debt service is paid through revenues from long-term lease agreements with the County.

### **Maryland-National Capital Park and Planning Commission**

The Maryland-National Capital Park and Planning Commission (M-NCPPC) issues general obligation debt for the acquisition and development of local parks and certain special parks and advance land acquisition, with debt limited to that supportable within mandatory tax rates. The Commission also issues revenue bonds funded by its enterprise operations. Pursuant to Section 6-101 of Article 28 of the Annotated Code of Maryland (1997 Replacement Volume and 1999 Supplement), the County must guarantee payment of principal and interest on the debt of M-NCPPC that is not self-supporting.



## **Towns, Cities, and Villages**

The Towns of Brookeville, Poolesville, and Washington Grove, the Cities of Rockville and Takoma Park, and the Village of Chevy Chase are located wholly within Montgomery County and have issued long-term obligations to fund various public amenities such as road and sewer improvements.

## **Special Taxing Districts**

Two development districts have been created in accordance with Chapter 14 of the Montgomery County Code, the Montgomery County Development District Act enacted in 1994. The West Germantown Development District was created by Council Resolution 13-1135 during FY98 and the Kingsview Village Center Development District was created by Council Resolution 13-1377 in FY99. The creation of the development districts allows the County to provide financing, refinancing, or reimbursement for the cost of infrastructure improvements necessary for the development of land in areas of the County with high priority for new development or redevelopment.

Pursuant to the Development District Act, special taxes and/or special assessments may be levied to fund the costs of bonds or other obligations issued on behalf of the respective district. The County is authorized to issue \$4.5 million in special obligation bonds for the Kingsview Village Center Development District and \$20 million in special obligation bonds for the West Germantown Development District. See also “NEW CONSTRUCTION – Development Districts” in Appendix A.

The bond issue for the Kingsview Village Center Development District was finalized on December 22, 1999. The County and developers are currently engaged in preparations associated with the issuance of special obligation bonds for the West Germantown Development District.

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## ***County Lease Obligations***

### **Operating Leases**

Commitments for FY00 lease agreements for facilities and equipment provide for annual rental payments of approximately \$10,410,000. Lease agreements typically provide for automatic termination on July 1 of any year in which funds to meet rental payments are not appropriated. Long-term leases with the Montgomery County Revenue Authority are subject to annual appropriations, but are related to the debt service on bonds that the Revenue Authority issued on the County's behalf.

Following is a listing of facilities with annual rental payments greater than \$100,000:

<u>Payee</u>	<u>Location</u>	<u>Use</u>	<u>Total Rent For FY00</u>
Rockville Center, Inc.	255 Rockville Pike, Rockville	Various Agencies	\$2,059,355
Montgomery County Revenue Authority	Indoor Swim Centers	Recreation	1,443,650
Montgomery County Revenue Authority	Rockville Pike at White Flint Metro	Conference Center (Land)	1,250,000
Montgomery County Revenue Authority	1301 Piccard Drive, Rockville	Health & Human Services	609,340
Rockville Business Center	110 N. Washington Street, Rockville	Various Agencies	533,097
SBI Management	1335 Piccard Drive, Rockville	Health Center	453,917
The Gudelsky Co.	8630 Fenton Street, Silver Spring	Health Center	389,486
Washington Real Estate Investment Trust	51 Monroe Street, Rockville	Various Agencies	257,141
Town of Chevy Chase	4301 Willow Lane, Chevy Chase	Leland Community Center	238,880
McShea Gaither Road Limited Partnership	9125 Gaither Road, Rockville	Police/S.O.D.	211,928
Beall Avenue Limited Partnership	255 N. Washington Street, Rockville	Commission for Women, False Alarm Reduction Unit	205,640
Shady Grove Associates II	9210 Corporate Boulevard, Rockville	Police/S.I.D.	204,526
Sidney & B.M. Kramer	13434 New Hampshire Avenue, Colesville	East County Regional Services Center	144,060
Fotis Kostaris	164 Rollins Avenue, Rockville	Human Relations Commission	137,541
Milford Mill Limited Partnership	19627 Fisher Avenue, Poolesville	Library	126,260
Spring Street Associates, L.P.	1109 Spring St., Silver Spring	Various Agencies	118,464
Betty B. Casey Trust	8516 Anniversary Circle, Rockville	Warehouse	104,498
Betty B. Casey Trust	8536 Anniversary Circle, Rockville	Records Center	104,498
G.B., L.L.C.	12120 Plum Orchard Dr., Silver Spring	Police/R.A.F.I.S.	102,684
TrizecHahn Silver Spring Metro Plaza	8401 Colesville Rd., Silver Spring	Commuter Services	100,500

### **Equipment Purchase Contracts**

The County will make equipment purchase contract payments totaling \$592,270 in FY00. Most of the lease agreements involve the acquisition of equipment. The following table is a schedule by year of future minimum payments and the present value of net minimum payments as of June 30, 1999, for equipment purchase contracts.

<u>Fiscal Year Ending June 30</u>	<u>General Fund</u>	<u>Special Revenue Funds</u>	<u>Total</u>
2000	\$550,983	\$41,287	\$592,270
2001	92,845	19,681	112,526
2002	13,758	19,681	33,439
2003	<u>--</u>	<u>--</u>	<u>--</u>
Total minimum payments	657,586	80,649	738,235
Less: Amount representing interest	<u>(34,395)</u>	<u>(6,285)</u>	<u>(40,680)</u>
Present value of net minimum contract payments	<u>\$623,191</u>	<u>\$74,364</u>	<u>\$697,555</u>

***State Assumption - Certain Mass Transit Capital Costs***

The regional Metro Rapid Rail System, originally approved in 1968, is a planned 103-mile system of subway, surface and elevated tracks embracing Washington, D.C. and the Maryland and Virginia suburbs. The system includes 18.4 miles and 12 stations within Montgomery County, all of which are now in service.

The most recently approved (November 1990) Federal authorization of \$1.3 billion over eight years for the Federal share of Metro rail construction is sufficient to construct the final segment of the regional system to Branch Avenue in Prince George’s County, Maryland. This segment is scheduled to be completed in March 2001. A Fifth Interim Capital Contribution Agreement was executed in January 1992 to commit the amounts and time tables for \$780 million in non-Federal funds to match the new \$1.3 billion Federal authorization on a 62.5 percent Federal - 37.5 percent local match basis. Of this amount, \$147 million has been provided by Maryland DOT on behalf of the County, between FY92 and FY00.

As a result of a succession of State legislative actions between 1972 and 1998, all County obligations for allocable costs of WMATA’s capital construction, debt service, and capital equipment replacement programs are now met by the State of Maryland, relieving the County of all such obligation.

**AUTHORIZATION OF PRELIMINARY OFFICIAL STATEMENT**

The execution of this Preliminary Official Statement and its delivery have been duly authorized by the County. This Preliminary Official Statement is hereby deemed final for the purposes of Rule 15c2-12 of the Securities and Exchange Commission.

\_\_\_\_\_  
Bruce Romer  
Chief Administrative Officer

\_\_\_\_\_  
Timothy L. Firestine  
Director, Department of Finance

**APPENDIX A**

**ANNUAL INFORMATION STATEMENT OF THE COUNTY**

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## **INTRODUCTION TO THE COUNTY**

Appendix A contains certain general information concerning Montgomery County, Maryland (the "County"). The Appendix presents information on the 1) County government, organizational structure and services, 2) County accounting and financial reporting, 3) County budget, 4) results of fiscal years 1995-1999, 5) County retirement system, 6) County property taxes, and 7) selected demographic and economic statistics, information including population, employment and income.

The County's audited general purpose financial statements for the fiscal year ended June 30, 1999, prepared in conformity with generally accepted accounting principals (GAAP) for governments as prescribed by the Government Accounting Standards Board, have been included as Appendix B.

The County's 1999 Comprehensive Annual Financial Report (CAFR), which includes the audited general purpose financial statements will be filed with each nationally recognized municipal securities information repository (NRMSIR).

For further information regarding the County, visit the Department of Finance's Internet home page at:

<http://www.co.mo.md.us/services/finance/>

or contact the County's Department of Finance, 101 Monroe Street, Rockville, MD 20850 (240-777-8860, 240-777-8857 facsimile).

## **GENERAL INFORMATION ABOUT COUNTY GOVERNMENT, ORGANIZATION AND SERVICES**

### ***Location***

Montgomery County is located adjacent to the nation's capital, Washington, D.C., and includes 497 square miles of land area. The topography is rolling with small hills. Elevations range from 52 feet above sea level at the junction of the Potomac River and the District Line, to 850 feet in the northern portion of the County near Damascus. Bordering the County are Howard County to the northeast, Prince George's County to the southeast, Frederick County to the northwest, the District of Columbia to the south, and Virginia to the southwest.

### ***History***

Montgomery County was established by the State Convention in 1776, and from its establishment until 1948, the Montgomery County Government functioned under the County Commission system. In 1948, the voters adopted a charter giving the County home rule and a council-manager form of government. In 1968, the voters approved a new charter providing for separate legislative and executive branches of government, with the legislative power vested in an elected County Council and executive power in an elected County Executive. The new charter became fully implemented with the election of the County Executive and the County Council in November 1970. The Council is composed of nine members, four of whom are nominated and elected by the qualified voters of the entire County. Each of the five other members of the Council must, at the time of their election, reside in a different one of five Councilmanic districts of the County and each of these five members shall be nominated and elected by the qualified voters in their respective districts.

Populations of the Councilmanic districts are substantially equal. The County Executive, who must have been a qualified voter of the County for the five years preceding his or her election and who may not be less than thirty years of age, is elected by the qualified voters of the entire County at the same time as the Council. Both the County Executive and the County Council members serve a four-year term.

## ***County Officials***

### **County Executive - Douglas M. Duncan**

Douglas M. Duncan was elected Montgomery County's fifth County Executive on November 8, 1994. He was re-elected to his second term on November 3, 1998, and sworn in on December 7, 1998. A lifelong Rockville resident, Mr. Duncan graduated from St. John's College High School. He went on to attend Columbia University and, in three years, earned a Bachelor of Arts degree, with a double major in Psychology and Political Science (1976). Mr. Duncan worked for the County's Criminal Justice Coordinating Commission before joining AT&T in 1981. He held several positions during his 13-year career at the company, culminating with his assignment as National Account Manager for AT&T Integrated Solutions.

Mr. Duncan's political career began with his election in 1982 to the Rockville City Council, where he served three two-year terms. In 1987, he was elected Mayor of Rockville, a post he maintained for three two-year terms. During Mr. Duncan's tenure as Mayor of Rockville, the City won national and regional awards for governmental excellence, fiscal responsibility, community policing, and environmental achievements. Mr. Duncan bypassed a run for a fourth term as Rockville Mayor in order to pursue his successful bid for the County Executive's post in 1994.

### **President, County Council - Michael L. Subin**

Michael L. Subin was elected to the Montgomery County Council in 1986 and was recently named Council President by his colleagues. He is Chair of the Council's Education Committee and a member of the Public Safety Committee.

Mr. Subin received a Bachelor of Arts Degree in International Affairs, and Master's Degrees in Public Administration and Legislative Affairs from the George Washington University. He received his Juris Doctor from the Washington College of Law at American University in 1998. Mr. Subin has recently been admitted to the Maryland Bar and to the United States Court for the District of Maryland. He also serves on the boards of directors of numerous community social service agencies and organizations, and as a Captain in the United States Naval Reserve.

### **Chief Administrative Officer - Bruce Romer**

Bruce Romer has served as Chief Administrative Officer since January 17, 1995. Prior to Mr. Romer's appointment, he served for six years as City Manager for the City of Rockville, Maryland. His thirty-year career in professional local government management has included the positions of City Administrator for the City of Davenport, Iowa; and City Manager in Sidney, Ohio and in Brighton, Michigan.

Mr. Romer holds a Bachelor of Arts Degree in Political Science and Business Administration from Wittenburg University and a Master of Government Administration Degree from The Wharton Graduate School, University of Pennsylvania. Mr. Romer currently serves as Chair of the Chief Administrative Officer's Committee of the Metropolitan Washington Council of Governments. He is past president of the Maryland City and County Management Association; is a member of the International City/County Management Association (ICMA); and has served on the ICMA Executive Board as Vice President, representing the Northeast Region. Mr. Romer also serves on the Board of Directors of the District of Columbia Water and Sewer Authority and Urban Consortium Steering Committee of Public Technology, Incorporated.

### **County Attorney - Charles W. Thompson, Jr.**

Charles W. Thompson, Jr. was appointed County Attorney on February 9, 1995, and was confirmed on March 7, 1995. For the prior 17 years, Mr. Thompson served as County Attorney for Carroll County, Maryland. From 1975 to 1978, Mr. Thompson was an assistant state's attorney in Carroll County. In the mid-seventies, Thompson served as a law clerk for the Honorable Kenneth C. Proctor, associate judge, Circuit Court, Baltimore County. He

was also an administrative specialist with the Maryland Real Estate Commission. Prior to that time he was an administrator for the Maryland State Board of Censors where he managed the administrative and inspections staff of the Maryland Board of Motion Picture Censors.

Mr. Thompson received a bachelor's degree in history from Virginia Military Institute and earned his Juris Doctor from the University of Baltimore School of Law. In addition to serving as president of the Carroll County Bar Association, Mr. Thompson has been active with the Montgomery County Bar Association and the Maryland State Bar Association. He is a member of the Board of Directors of the International Municipal Lawyers Association, serving as Chairman of the Board of the State and Local Government Law Section of the Maryland State Bar Association from 1981 - 1997. Mr. Thompson also served on the Board of Directors and as President of the County Civil Attorneys group in the Maryland Association of Counties.

#### **Director, Department of Finance - Timothy L. Firestine**

Timothy L. Firestine was appointed Director, Department of Finance on July 26, 1991 and was confirmed on August 6, 1991. Prior to his appointment, Mr. Firestine served as Chief of the Budgets Division, Chief of Interagency Analysis and Review, Budget and Planning Program Manager and Senior Management and Budget Specialist in the County Office of Management and Budget. Before coming to the County, Mr. Firestine was the Budget Officer for the Allegheny County, Pennsylvania, Controller's Office.

Mr. Firestine received his Bachelor of Arts Degree from Albright College and his Master of Public Administration Degree from the University of Pittsburgh. Mr. Firestine is a member of the Board of Investment Trustees for the Employees' Retirement System of Montgomery County. He is a member of the Government Finance Officers Association and serves on its Committee on Debt and Fiscal Policy. Mr. Firestine is a member of the Executive Board of the Maryland Public Finance Officers Association and is a trustee for Suburban Hospital in Bethesda, Maryland, and chairs its Finance Committee.

#### **Director, Office of Management and Budget - Robert K. Kendal**

Robert K. Kendal was appointed Director of the Office of Management and Budget on July 17, 1987. Prior to this appointment, Mr. Kendal served as Chief of the Budgets Division, and for the 12 years prior, served as Assistant Chief Administrative Officer for the County. In his present position, Mr. Kendal is responsible for the annual preparation and administration of the six-year Public Services Program, the Operating and Capital Budgets, and the biennial preparation of the six-year Capital Improvements Program. Both six-year programs and both budgets cover all major agencies of the County.

Mr. Kendal began his government career in 1968 as Director of Finance for the City of Bowie, Maryland, and became a budget analyst for the County three years later. Mr. Kendal received his Bachelor of Arts Degree in Economics from Duke University and did graduate work in public affairs at the University of Pittsburgh. He served in the Peace Corps for two years as an English teacher in Tunisia. Mr. Kendal serves on the County Government's Labor Relations Committee and is Chair of the Board of Investment Trustees for the Employees' Retirement System of Montgomery County.

### ***County Employees***

The County government work force consists of approximately 7,626 full- and part-time employees. Of this number, 5,509 employees are included in designated bargaining units under the County's collective bargaining laws. The County negotiates with three unions, which have representation rights for four bargaining units. The County bargains with all three unions over wages, fringe benefits, and working conditions. The table below summarizes the current status of County labor agreements.



**Table A-1  
County Bargaining Units**

<u>Bargaining Unit</u>	<u>Number of Employees</u>	<u>Contract Expiration Date</u>
Service, Labor & Trades	1,080	June 30, 2001
Office, Professional & Technical	2,993	June 30, 2001
Non-supervisory police officers	836	June 30, 2001
Non-supervisory fire/rescue workers	600	June 30, 2002

Public school teachers in the County are not County government employees, but are employed by the Montgomery County Board of Education (the "Board"). The Board employs approximately 18,066 full and part-time employees. This number includes 535 executive and administrative, 9,497 instructional, 274 other professional, and 7,760 supporting services personnel. The Board bargains collectively with employees on matters concerning wages, hours and other conditions of employment. There are three bargaining units, which are comprised of teachers, professional/administrative and support/maintenance employees presented in the table below.

**Table A-2  
Board of Education Bargaining Units**

<u>Bargaining Unit</u>	<u>Number of Employees</u>	<u>Contract Expiration Date</u>
Teachers	9,190	June 30, 2001
Professional/Administrative	476	June 30, 2000
Support Services	7,559	June 30, 2000

***County-Provided Services***

**Culture and Recreation**

The County Department of Recreation provides a wide range of programs for children and youth, including teen programs, high adventure activities, youth sports, camps, and summer playgrounds. The Department also operates 15 community centers that facilitate leisure activity, social interaction, family participation, and neighborhood civic involvement. Four additional community centers are planned for development within the next six years. There are presently six large public outdoor swimming pools and three indoor pools operated by the County. Three indoor aquatic complexes include weight and exercise rooms, meeting rooms, and changing facilities. The Recreation Department also sponsors a number of major special events drawing thousands of residents, such as the Ethnic Heritage Festival, an Oktoberfest, a 4th of July celebration, "First Night Montgomery," and a variety of community festivals.

The Strathmore Hall Arts Center, located in the historic Corby Mansion, houses the Strathmore Hall Foundation and the Montgomery County Arts Council. The center has undergone a \$3 million addition and renovation, and is used for art shows, concerts, and dramatic readings. An additional \$5 million was approved in FY99 for the planning and design of a multi-disciplinary education and performance center on a five-acre site adjacent to the Center. The Performance Hall will be capable of supporting large-scale (2,000 seat) musical presentations including, but not limited to, major choral, orchestral, and popular entertainments.

**Economic Development**

*Department of Economic Development*

The mission of the Montgomery County Department of Economic Development (DED) is to develop and implement strategies and programs aimed at expanding the County's economic base and promoting business growth that will generate employment opportunities and tax revenues.

To achieve this mission, DED provides services to help existing businesses expand, assists small and minority-owned businesses to grow, promotes high technology development, attracts foreign investments, expands the County's export base, preserves farmland, and enhances the viability of the agricultural industry. DED's responsibilities also include initiatives to enhance the presence of higher education, develop a County-owned biotechnology research park, the Shady Grove Life Sciences Center, and operate the County technology business incubator center. In addition, DED oversees the County training and employment programs operated by the Workforce Development Corporation, tourism promotion programs operated by the Montgomery County Conference and Visitor's Bureau, and the financial program for small businesses operated by the Montgomery County Bankers' Small Business Loan Fund.

Existing and prospective new businesses receive professional assistance from DED. This assistance can take the form of site searches, information on zoning, comparative tax data, socioeconomic statistics, available office, R&D, and production space, and development authorization expediting. DED maintains an inventory listing of available office, R&D and industrial space in the County. A Small Business Guide is also available to assist business start-ups and expansions in the County. DED teamed up with the Small Business Development Center (SBDC) in 1993 to provide specialized counseling services to small and start-up businesses in the County. SBDC is a joint partnership among the State of Maryland, the County, and the Small Business Administration.

#### *Economic Development Fund*

Businesses seeking to either establish a presence or expand facilities in the County may qualify for assistance through the County's Economic Development Fund. Established in 1995, the Economic Development Fund provides assistance to private employers who will either retain jobs in the County or create new jobs through the expansion of current businesses or location of new businesses to the County. In addition to the original Economic Development Grant and Loan Program, three new programs have been added. The Technology Growth Program was developed to facilitate the growth of technology-based companies located or desiring to locate in the County. The Program is aimed at leveraging private sector financing and State Challenge and Equity Investment funds. The Small Business Revolving Loan Program will augment a grant from the Maryland Industrial Land Act to finance economic development projects that can not be financed from traditional private and public sources due to non-priority industry sectors and/or transaction site. Through these programs, DED works to develop offers of assistance, frequently in close cooperation and coordination with the State of Maryland, and frequently leveraging additional offers of assistance from State sources. The Demolition Loan Program is administered by the Department of Housing and Community Affairs. This innovative program provides assistance to owners of obsolete, underutilized commercial buildings to demolish buildings and clear the land to ready it for redevelopment. The Economic Development Fund is administered by the Department of Finance.

As of November 1, 1999, 99 of 139 offers for grants and loans totaling \$10.98 million had been accepted. The economic impact of these transactions is estimated to include: 25,134 jobs retained or gained; over \$684 million in private investment; and an annual net revenue return of almost \$19.5 million.

#### *Economic Advisory Council (EAC)*

This 24-member blue ribbon group advises the County Government on important economic development policies, as well as on fiscal, budgetary, and management issues. Comprised of business, education, and community group representatives, the EAC helps DED evaluate economic trends and develop strategies related to the County's employment base and the attraction, retention, and growth of businesses; and organize teams of specialists to assist County Government with particular management issues.

#### *Shady Grove Life Sciences Center*

The Shady Grove Life Sciences Center (the "Center") is an advanced research technology park exclusively oriented to the needs of bio-technology firms and health care businesses. It is also home to Montgomery County campuses of the University of Maryland and The Johns Hopkins University. The Center is owned, developed and operated by the County. DED has the lead responsibility for coordinating the development and operation of the Center.

The Center's first bio-technology tenant, Otsuka Pharmaceutical Company, a major Japanese firm, leased land at the Center and completed construction of a 25,000 square foot research facility that opened in 1985. Since then, Otsuka has leased 70,000 square feet of office space off-site and is currently completing a 30,000 square foot addition to their research facility. BioReliance Corporation, formerly Microbiological Associates, occupies 80,000 square feet of research and development space and recently occupied a new 50,000 square foot headquarters facility. Their gene therapy division is now occupying a new 60,000 square foot manufacturing facility.

In 1988, Montgomery County concluded the sale of 11.4 acres at the Center for phased development of Key West Research Center. This site includes 250,000 square feet of speculative laboratory space for small and mid-sized bio-technology firms. All of the buildings on the site have been constructed and are 100% leased to several bio-technology operations, including Human Genome Sciences, EntreMed, Large Scale Biology, and the National Institutes of Health. Life Technologies Inc. ("LTI"), entered into a lease-purchase agreement for a 19-acre parcel and moved into its new 150,000 square foot R&D facility training center in February 1997. A 50,000 square foot headquarters facility attached to the existing building was completed in mid-1998. The University of Maryland, in December 1996, dedicated its second education building, which includes conference and laboratory space. An 80,000 square foot expansion of the Center for Advanced Research in Biotechnology was completed in the summer of 1997.

The Maryland Technology Development Center opened in December 1998, and serves as the permanent home for the County technology incubator providing office and lab space for start-up infotech and biotech companies. The Johns Hopkins University is constructing a second campus building, to be completed in late 1999. The newest addition to the Center is ATTO Instruments, who will construct a 40,000 square foot headquarters and instrumentation facility on the last available parcel in the park.

### **Facilities and Services**

The Division of Facilities and Services, in the Department of Public Works and Transportation, provides facility and administrative services to all departments of the County government. Facility services include design and construction management for capital improvements; leasing support; space planning and alterations; maintenance and operations; physical security; facility engineering support; and parking operations. Administrative services include document duplication and mail operations; recycling; warehousing; food services; and archives. In FY00 the Division has a general fund operating budget of \$22.1 million and staff of 182; and an internal services fund budget of \$3.5 million and staff of 28.

### **Libraries**

There are 21 libraries located throughout the County. Four of these -- Bethesda, Wheaton, Rockville, and Gaithersburg -- are regional libraries with collections of 130,000 to 200,000 items, and are open 57 hours per week plus Sundays during the school year. Two weekly bookmobile routes provide limited book selections to 34 communities. A library is also operated at the County Detention Center. Total circulation was ten million in FY99. Per capita circulation of 11.8 books is among the highest in Maryland and nationally.

### **Liquor Control**

A County monopoly on the sale of all alcoholic beverages was established by State legislation effective in December, 1933. The Liquor Control Board, established in 1933, was abolished on July 1, 1951, and the Montgomery County Department of Liquor Control was established. It is the only county-operated liquor distribution system in the nation.

The Department's responsibilities include the operation of 25 County retail liquor stores and a County liquor warehouse, with distribution of alcoholic beverages from the warehouse to the County stores and to approximately 800 licensees, including beer and wine stores, restaurants, and clubs. Currently, four private contractors operate County stores. The Department, with 214 full-time and 23 part-time employees, is a self-supporting business enterprise. All operating requirements are included in the Department's annual budget, and income in excess of departmental needs is transferred to the General Fund to finance other governmental operations.

## **Public Safety**

### *Fire Departments*

Fire and volunteer rescue services in the County are provided by 19 independent corporations, which operate 33 fire and rescue stations. The Montgomery County Fire and Rescue Service carries out overall planning, fire prevention programs, operation of a centralized dispatch service, and training, and acts as a liaison between fire departments and other agencies. There are 873 uniformed career employees who man the fire departments in the County, as well as 800 trained volunteer firefighters, and 66 trained volunteer paramedics.

### *Police Department*

The Montgomery County Police Department is a highly trained merit system force consisting of an authorized strength of 1,032 sworn officers and 496 civilian employees. The Department, which is accredited by the Commission for the Accreditation of Law Enforcement Agencies, is currently reviewing and validating the Workload Analysis Formula developed to determine the number of patrol officers needed to staff beats. Workload analyses are being developed to determine the number of staff (sworn and civilian) needed to perform functions assigned to other units. Since FY94, the Police Department has received \$10.9 million in Federal and State funding to defray the cost of additional sworn officers during the term of the grants.

The Police Department is completing the development of a Facilities Plan designed to identify short- and long-term facilities needs. The recommendations of the Plan will serve as the basis for the Department's Capital Improvement Program, and future Capital Budgets. In FY00, the Police Department is establishing a substation in the Gaithersburg/Montgomery Village area, which will initiate the effort toward establishing a sixth police district. It is anticipated that the sixth district will be fully operational within six to seven years. In coordination with other County agencies, the Department is participating in the replacement of the existing County radio system with an 800Mhz system that will accommodate both voice and data transmissions.

### *Department of Correction and Rehabilitation*

The Department of Correction and Rehabilitation provides progressive and comprehensive correctional services through a variety of detention and supervision programs. The department operates several facilities including the Montgomery County Detention Center (MCDC) and a Pre-Release Center. The MCDC, located in Rockville, houses men and women serving sentences up to 18 months, or awaiting trial or sentencing. In FY98 the local inmate average daily population was 660. This population is projected to grow to over 1,000 inmates by the year 2020. To meet this need, the County's Approved (with amendments) FY99-04 CIP includes \$78.0 million for the construction of a new detention center, and planning dollars for the renovation and re-use of the MCDC.

## **Solid Waste Management**

The County has implemented a comprehensive solid waste management program to handle waste generated in the County. The basic elements of the program are source reduction, recycling, resource recovery and landfill maintenance.

The County has established aggressive goals to achieve a source reduction and recycling rate of 50 percent by FY00. The program includes curbside collection of yardwaste, newsprint and glass, and metal and plastic containers from 196,000 single-family households. County collection of mixed paper from these households is being added during the period of March 1999 to August 2000. Municipal collection at another 32,000 single-family homes is expected to contribute mixed paper by the end of that period. Under a contract with the County, the Maryland Environmental Service ("MES") constructed and operates two facilities for the processing and marketing of the materials. MES operates a 42-acre composting facility located in the northwest part of the County which processes yard trimming materials collected in conjunction with a ban prohibiting disposal of yard waste effective January 1, 1994. A Materials Recovery Facility, located mid-County, is operated by MES and is

capable of processing 200 tons per day of recyclable containers. It also receives up to 280 tons per day of newsprint which are transferred to market. On December 16, 1998, the County entered into a long-term agreement with Office Paper Systems (OPS) to develop a mixed-paper processing facility. Until that new facility is completed, OPS will process mixed paper at an interim facility. The County has also enacted mandatory multi-family and commercial recycling regulations and works with such properties to design and operate recycling programs.

The County's non-recycled waste is accepted at the County's Shady Grove Transfer Station and transported by rail to the County's mass burn Resource Recovery Facility ("RRF") adjacent to the Potomac Electric Power Company ("PEPCO") power plant near Dickerson, Maryland. The facility, with a capacity of 1,800 tons per day, is operated by Ogden Martin Systems of Montgomery Inc., and began commercial operations in August 1995. The RRF generates electricity which is sold under a long term contract to PEPCO. A new landfill (known as Site 2), located approximately two miles from the RRF, is being permitted with adequate capacity for the disposal of all ash, by-pass, and non-processible waste. Under County Council Resolution 13-514, adopted May 7, 1996, the County will continue its permitting efforts, but will not develop the Site 2 landfill unless economic conditions or changes in law render out-of-county waste disposal infeasible. The County began the export of ash, by-pass products, and non-processible waste on October 20, 1997. The Oaks Landfill was closed on October 22, 1997.

## **Transportation**

### *Roads*

The Department of Public Works and Transportation's objective is to ensure full, continuous, and safe use of the County's highway system by performing routine, preventive, and emergency maintenance to roads, bridges, sidewalks, curbs and gutters, and storm drainage systems. This section has 292 full-time and 12 part-time positions with a FY00 budget of \$21.3 million.

During FY99, the County was responsible for maintaining: 2,471 miles of roads and streets; 999 miles of sidewalk; 2,020 miles of curb and gutter; 865 miles of storm drainage; and 185 bridges.

### *Ride-On Bus System*

The County-operated Ride-On bus system operates on 78 routes throughout Montgomery County. All Ride-On buses serve one or more of the 12 Metrorail Red Line Stations in the County. It is anticipated that 20 million passenger trips (including transfers) will occur in the County's system during 1999. The Bethesda-Silver Spring Ride-On consists of 97 buses on 27 routes, and provides 21 hours of service per day Monday through Saturday, and 20 hours on Sunday. The Gaithersburg-Rockville Ride-On consists of 83 buses on 27 routes, for 20 hours of service Monday through Friday, 19 hours on Saturday, and 18 hours on Sunday. The entire fleet consists of 240 vehicles to meet service demands. In addition, a contractor provides 63 vehicles to service 24 routes with fewer riders.

As a part of a comprehensive fleet management program to reduce the average fleet age and provide capacity for planned service expansion, the County plans for the purchase of 20 replacement buses annually. The replacement is accomplished through direct purchase of buses using Mass Transit Special Revenue Fund current revenues each year.

### *Parking Districts*

There are four parking lot districts in the major commercial areas of the County. Prior to 1987, general obligation bonds were issued by the County to finance the construction of parking facilities in these areas. In 1987, the County began using parking revenue bonds. A special ad valorem tax is levied on certain commercial property located within each district to service debt used to finance parking facilities within the district, the maintenance and operation of such facilities, and capital construction projects within each district. Other significant sources of revenue used to finance the parking program are meter collections, fees from off-street lots and parking garages,

and parking fines. The County has issued parking revenue bonds in the amount of \$55 million for land acquisition, construction, repair and renovation of parking facilities. The four districts collectively have 15 garages with a total of 14,375 parking spaces; 28 surface lots with 2,327 spaces; and 2,135 on-street metered spaces. Two new parking garages, totaling 3,200 new spaces, are planned to be under construction in Silver Spring in FY00.

***Other Services***

**Education**

The 1990 Census indicated that County residents, on average, continue to be more highly educated than the rest of the nation or the State. The proportion of County residents 25 years old or over completing four or more years of college increased from 33.2 percent in 1970 to 51.9 percent in 1990, compared with 26.5 percent in Maryland. This proportion continued to increase to 59.2 percent in 1997 as indicated by the Maryland-National Capital Park and Planning Commission (M-NCPPC) Census Update Survey. Over thirty percent of the adult population has advanced degrees. In 1990, high school graduates accounted for 90.3 percent of the County population aged 18 and over, considerably above the 79.5 percent proportion in 1970, the 87.3 percent in 1980 and the 78.4 percent in 1980 State-wide and nationally. The M-NCPPC Census Update Survey indicated in 1997 that high school graduates accounted for 91.6 percent of the adult County population.

Within a 40-mile radius of Montgomery County, there are 32 colleges and universities offering degrees in various disciplines. Many of those institutions also offer advanced degree programs in engineering, medical, business, and computer sciences. The following table lists selected schools within, or near, the County and shows the student enrollment and offered degrees for each institution.

**Table A-3  
Secondary Education**

<u>School</u>	<u>Student Enrollment</u>	<u>Types of Degrees Offered</u>
American University	10,949	4-year, professional
Catholic University	5,600	4-year, professional
Hood College	1,790	4-year, professional
Howard University	10,248	4-year, professional
Johns Hopkins University	16,000	4-year, professional
Montgomery College	42,753	2-year*
University of Maryland	32,925	4-year, professional

\* Articulation agreements with 4-year institutions are available.  
Note: Most current data available for each institution.

***Montgomery County Public Schools***

The Montgomery County Public Schools (MCPS) is governed by an elected Board of Education comprised of eight members, including one student member. The Board, which was created by State law, appoints the Superintendent and all other employees. Currently the 11<sup>th</sup> fastest growing school district in the nation, the system operates 185 elementary and secondary schools, and one career center. The operating budget is \$1.106 billion for FY00, a 6.9 percent increase over the prior year, with 76 percent of the budget dedicated to student instruction. The emphasis that County residents place on education is reflected in per pupil operating expenditures of \$8,419 in FY00, and in the high percentage of high school graduates who continue formal education.

In FY00, enrollment is 131,330 students, 2.6 percent above the previous year. Between 1985 and 1999, 38 schools were built or reopened in response to increasing enrollments. In addition, three new middle schools and one elementary school opened in September 1999.

## **Financial Institutions**

There are 22 national banks and 10 federal savings and loan associations, operating 273 branch bank locations throughout the County. This represents 17% of the total branch locations within the State of Maryland. Of those 273 branches, 199 (73%) are located in the Silver Spring, Bethesda, Rockville, and Gaithersburg areas of the County. Chevy Chase Bank, F.S.B., is the largest bank in Montgomery County, with 48 locations, \$3.0 billion in deposits, and a 23.6% market share in the County. Other large banks operating in the County are Crestar, with 40 locations, deposits of \$2.2 billion, and a 17.5% market share; Bank of America (formerly NationsBank), with 30 locations, deposits of \$2.0 billion, and a 15.6% market share; and First Union National Bank, with 27 locations, deposits of \$1.2 billion, and a 9.8% market share. These four banks have total deposits of \$8.4 billion, or 14.6% of the \$57.4 billion in deposits within the State. In addition, the County has 22 federal credit unions operating 25 branch locations. The above data were compiled as of June 30, 1998.

## **Healthcare**

Five accredited hospitals are located within the County: Holy Cross Hospital in Silver Spring, Suburban Hospital in Bethesda, Washington Adventist Hospital in Takoma Park, Shady Grove Adventist Hospital, near Gaithersburg, and Montgomery General Hospital in Olney. One military hospital, Bethesda Naval Hospital, has a facility in the County, and the National Institutes of Health in Bethesda operates one of the world's foremost centers of medical research. Also accessible to the County are Frederick Memorial Hospital in Frederick County; Laurel Regional Hospital and Prince George's Hospital Center, in Prince George's County; Walter Reed Army Medical Center, and 10 other hospitals in the District of Columbia; and 11 hospitals in Northern Virginia.

## **Parks**

The Maryland-National Capital Park and Planning Commission administers more than 28,818 acres of parkland in the County. This includes 12 developed and four undeveloped regional and recreational parks, each consisting of over 200 acres, with a total of 351 different park and open space areas, most locations serving as local and neighborhood parks. These parks feature 636 acres of lakes including Lake Frank, Lake Needwood, Little Seneca Lake, and a small lake at Wheaton Regional Park. Additionally, the 1,865-acre Seneca Creek State Park is located in the heart of the County. The National Park Service provides additional park facilities including the C & O Canal National Park and Great Falls National Park.

## **Transportation**

### *Air Transportation*

The County is well served by three major airports located within 35 miles of Rockville, the County seat. These airports provide high levels of short, long, and international flight services.

**Ronald Reagan Washington National Airport** (Reagan National) is located in Arlington County, Virginia across the Potomac River from Washington, D.C. Reagan National is accessible to Montgomery County by Metro's Red Line (via a transfer to either the Yellow or Blue Lines). A significant renovation of the airport was completed in 1997, including a new Main Terminal and Middle/North Parking garage. The airport serves approximately 44,000 passengers per day (nearly 16 million passengers a year) with flights that provide commercial, general aviation and commuter service. Serving as a "short-haul" airport, Reagan National offers non-stop service to destinations no more than 1,250 miles from Washington, D.C.

**Dulles International Airport** (Dulles) is located in adjacent Fairfax/Loudoun counties, Virginia. Dulles serves almost 43,000 passengers a day, with approximately 995 flights that include commercial, general aviation and commuter service. Over 15 million passengers fly into and out of Dulles each year, with 3.1 million of those passengers on international flights. The 16-mile Dulles Access Highway provides two dedicated lanes in each direction and a direct connection to Interstate 66 and the Beltway. A major expansion of the main terminal has been completed, doubling the original terminal in length, and the construction of midfield terminals is underway.

**Baltimore-Washington International Airport (BWI)** is located in Anne Arundel County, Maryland. Passenger traffic at BWI increased during the first half of 1999 to 45,200 passengers daily (16.5 million a year). Also recently renovated and improved, BWI is accessible from the County via the Beltway and either Interstate 95 or the Baltimore/Washington Parkway.

#### *Metrorail Transit System*

Services of the Washington Metropolitan Area Transit Authority are the backbone of the County's transit system. Twelve rapid rail stations, with 12,000 parking spaces and served by 150 Metrobuses, provide service to County residents, workers, and visitors. With the opening of the final Metrorail station in the County (Glenmont) in July 1998, there are now 19.5 miles of rail service operating in the County. County residents make approximately 137,000 Metrorail trips each weekday.

Metro is a planned 103-mile regional network connecting Washington, D.C. with the expanding Maryland and Virginia suburbs. It includes 38.3 miles of rapid transit services in the District of Columbia, 35.3 miles in Maryland and 29.4 miles in Virginia. The completed system will utilize subway, surface tracks and aerial structures. Partial service within all three jurisdictions, comprising 77 stations and 97 miles, is currently in operation. The final five stations and six miles are under construction and will be completed in 2001.

#### *Other Mass Transit*

Another significant element in the mass transit system is Metrobus, which carries 15 million passengers annually on major trunk lines such as East-West Highway, Georgia Avenue, and Colesville Road. Approximately 150 Metrobuses operate on 39 routes in the County. In addition, the Maryland Mass Transit Administration operates MARC commuter rail service with ten stations in the County. County residents make approximately 2,500 trips on MARC each weekday. There are also privately operated commuter bus services into Montgomery County from Hagerstown, Frederick, and Columbia, Maryland, subsidized by the Maryland Department of Transportation, connecting to Metrorail stations in the County.

### **Travel and Tourism**

Travel and tourism generated approximately \$800 million in related expenditures, \$227 million in payroll and 13,000 jobs in the County during 1997. Average annual employment in tourism that year was 14 percent of the State's total tourism employment. Average local tax receipts in 1997 were in excess of \$26 million; state tax receipts generated were in excess of \$42 million.

The Conference and Visitors Bureau of Montgomery County is a public-private non-profit membership organization dedicated to the promotion of travel and tourism to the County. On behalf of its membership, the Bureau participates in travel industry trade shows across the country, sponsors familiarization tours for tour operators, travel agents and travel writers, and manages a Visitors Information Center minutes off the I-270 corridor. The Bureau has been instrumental in helping to establish the Montgomery County Conference Center, an executive-level, state-of-the-art meeting facility to be located adjacent to the White Flint Metro station.

### **Utilities**

Potomac Electric Power Company (PEPCO) serves the major portion of the County, with additional service from the Baltimore Gas and Electric Company (BGE), and Allegheny Power Company. Three natural gas transmission pipeline companies (Columbia Gas Transmission, CNG Transmission, and Transcontinental Gas Pipeline Corporation) traverse the County, supplying it with Appalachian and Southwest natural gas. Washington Gas distributes this natural gas.



In early 1999 the Maryland General Assembly enacted The Electric Customer Choice and Competition Act of 1999 that effectively deregulates the market for electric power generation. Under a companion act (Senate Bill 344 / House Bill 366), the General Assembly restructured the tax laws affecting the electric industry to ensure that Maryland companies are not put at a competitive disadvantage in relation to out-of-state electric generators. The tax law restructuring accounted for potential revenue losses at both the State and local level, and effectively mitigated any adverse tax impact to county and municipal governments.

### **Water and Sewer Service**

Operation and maintenance of the water and sewer system in the County (exclusive of the City of Rockville) is the responsibility of a bi-county agency, the Washington Suburban Sanitary Commission (WSSC). WSSC operates under State law and is governed by a six-member Commission. The county executives of Montgomery County and Prince George's County each appoint three members, subject to confirmation by the respective county councils. The FY99 approved operating budget for WSSC totals \$445.9 million.

Two major sources, the Potomac and Patuxent Rivers, provide the raw water supply. WSSC has 14 billion gallons of water supply storage and an effective filtration capacity of 320 million gallons per day ("MGD"). Most of the WSSC sewage flows through a gravity trunk line system for treatment at the Blue Plains Wastewater Treatment Plant in Washington, D.C. The District of Columbia has initiated a major project to increase wastewater treatment capacity through the expansion and upgrading of the Blue Plains Wastewater Treatment Plant from 309 MGD to 370 MGD.

Maintenance of WSSC property is the function of the Systems Maintenance, Facilities Maintenance, and Maintenance Reconstruction Divisions, which are responsible for systems maintenance, systems reconstruction, electrical/mechanical maintenance, instrumentation/communications, and utilities. These Divisions operate 24 hours each day. WSSC contracts annually for cleaning, removing debris, and mortar lining of several miles of water main. There is a routine fire hydrant inspection program, and an extensive, expanding preventive maintenance effort is currently under way.

The City of Rockville operates its own water and wastewater system, which serves approximately 90% of the City. The City's Sandy Landing Road Water Treatment Plant draws raw water from the Potomac River. The City's sewage is treated at the Blue Plains Wastewater Treatment Plant. Average daily demand for water during the City's fiscal year 1998 was 5.1 MGD. The City's allotted capacity at Blue Plains is 9.3 MGD.

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## **FINANCIAL INFORMATION**

### ***Accounting System***

The accounts of the County are organized on the basis of funds or account groups, each of which is considered a separate accounting entity. The operations of each fund are accounted for with a separate set of self-balancing accounts that comprise its assets, liabilities, fund balance/retained earnings, revenues, and expenditures/expenses, which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations.

The Montgomery County Comprehensive Annual Financial Reports (“CAFR”) for all fiscal years since 1972, and as early as 1951, have been awarded the Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association of the United States and Canada (“GFOA”). The Certificate of Achievement is a prestigious national award recognizing conformance with the highest standards for preparation of state and local government financial reports. In order to be awarded a Certificate of Achievement, a government must publish an easily readable and efficiently organized comprehensive annual financial report. The report must satisfy both generally accepted accounting principles and applicable legal requirements. A Certificate of Achievement is valid for a period of one year only. The County believes the Fiscal Year 1999 CAFR continues to meet the Certificate of Achievement Programs requirements, and has submitted it to the GFOA to determine its eligibility for another certificate.

### ***Reporting Entity***

The County reporting entity is determined by criteria set forth in promulgations of the Governmental Accounting Standards Board. The reporting entity includes the fiscal activities of Montgomery County Government, as the primary government, and Montgomery County Public Schools, Montgomery Community College, Montgomery County Revenue Authority, the Housing Opportunities Commission of Montgomery County, and the Bethesda Urban Partnership, Inc., as component units. Not included within the reporting entity are the Montgomery County portion of Maryland-National Capital Park and Planning Commission (the “M-NCPPC”, a bi-county agency), Washington Suburban Sanitary Commission, Washington Suburban Transit Commission, Washington Metropolitan Area Transit Authority, Metropolitan Washington Council of Governments, and the Northeast Maryland Waste Disposal Authority. These entities are considered joint ventures and disclosure of the County’s participation in these joint ventures is presented as a footnote to the County’s financial statements included in its General Purpose Financial Statements (see Appendix B).

### ***Basis of Accounting***

The financial operations of the Governmental Funds (i.e., General, Special Revenue, Debt Service, and Capital Projects) and the Expendable Trust and Agency funds are maintained on the modified accrual basis of accounting. Under the modified accrual basis of accounting, revenues are recorded when susceptible to accrual (i.e., both measurable and available). Available means collectible within the current period or soon enough thereafter to be used to pay liabilities of the current period. Expenditures are recorded when the related fund liabilities are incurred, except for principal and interest on long-term debt which are recorded when due. In addition, an encumbrance system is employed in the Governmental Funds to account for expenditure commitments resulting from approved purchase orders and contracts.

The financial operations of the Proprietary Funds (i.e., Enterprise Funds and the Internal Service Funds) and Pension and Non-expendable Trust Funds are maintained on the accrual basis of accounting, in which all revenues are recorded when earned, expenses are recorded at the time liabilities are incurred, and allocations of interest and depreciation/amortization are recorded for the fiscal period.

## **ANNUAL BUDGETS**

### ***Operating Budget and Tax Rates***

On May 27, 1999 the County Council approved the FY00 operating budget comprising the County Government, MCPS, the College, M-NCPPC and the various fire departments aggregating \$2.077 billion. This budgetary level represents an increase of 6.5 percent over the adopted budget for FY99. It provides the greatest share (48.4 percent) of total resources to Montgomery County Public Schools, including funding necessary for an estimated 3,098 new students in grades K-12. Funds for Montgomery College are included for an increase greater than enrollment growth. In addition, public safety and criminal justice, health and human services, public works, recreation, parks, arts, and library programs are funded for important improvements in FY00, as well as technology and compensation improvements.

The approved FY00 budget provided for an undesignated surplus of \$66.2 million in the General Fund and \$77.8 million across all tax supported funds. The County has taken appropriate actions to address the Year 2000 computer problem, including cumulative appropriations of \$47.2 million for assessment, remediation, and completion of critical systems. These actions address this problem for all agencies of the County government.

For FY00, the Council approved a \$0.027 rate reduction in the County-wide property tax rate to \$2.551 per \$100 of assessed valuation. Real property in Maryland is assessed at 40 percent of full market value, while personal property is assessed at 100 percent of full market value. In addition, the County income tax rate was reduced from 60 percent to 58 percent of the pre-1998 Maryland State tax, effective tax year 2000, while the wireless component of the telephone tax became exempt from taxation, effective FY00.

### ***Capital Budget/Capital Improvements Program (CIP)***

The County Council approved Amendments to the Capital Improvements Program for the County Government and the required agencies, except for WSSC, aggregating \$1.59 billion for FY99-04. This approved program provided for County bond funding aggregating \$786.4 million over the amended six-year period FY99-04. The Council approved a Capital Improvements Program for WSSC totaling \$801 million for FY00-05, after adjustment for inflation.

### ***Legal Framework for Budgeting***

As required by the County Charter, the County Executive submits to the County Council, not later than January 15, a comprehensive six-year Capital Improvements Program ("CIP") in each even numbered year, and a Capital Budget each year. In addition, the County Executive, not later than March 15 of each year, submits an annual Operating Budget, a six-year Public Services Program ("PSP"), and Fiscal Policy.

The Capital Improvements Program includes a statement of the objectives of capital programs and the relationships of capital programs to the County's long-range development plans; recommends capital projects and a construction schedule; and provides an estimate of costs, a statement of anticipated revenue sources, and an estimate of the impact of the program on County revenues and the operating budget. The capital improvements program, to the extent authorized by law, includes all capital projects and programs of all agencies for which the County sets tax rates or approves budgets or programs.

The fiscal program shows projections of revenues and expenditures for all functions, recommends revenue and expenditure policies for the program and analyzes the impact of tax and expenditure patterns on public programs and the economy of the County.

As part of the six-year CIP and PSP programs, the County Executive includes the proposed capital and operating budgets containing recommended levels of expenditures and sources of revenue for the ensuing fiscal year. In addition, a summary is submitted containing an analysis of the fiscal implications for the County of all available budgets of all agencies for which the County Council sets tax rates, makes levies, and approves programs or budgets. These other agencies include the Montgomery County Public Schools, Montgomery College, the Maryland-National Capital Park and Planning Commission, the Housing Opportunities Commission of Montgomery County, the Montgomery County Revenue Authority, the Washington Suburban Sanitary Commission (a bi-county agency), the Washington Suburban Transit Commission (a bi-county agency), and the 19 independent Fire and Rescue Corporations.

The County Council must hold public hearings on the proposed budgets and six-year programs commencing not earlier than twenty-one days following their receipt. The County Council may add to, delete from, increase or decrease any appropriation item in the operating or capital budget. The Council also approves the budget, as amended, and appropriates the funds not later than June 1 of the year in which it is submitted. By June 30th of each year the County Council makes the tax levies deemed necessary to finance the budgets for the ensuing fiscal year beginning July 1. Pursuant to a Charter amendment adopted in the November 1990 general election, the County Council may not levy an ad valorem tax on real property to finance the budgets that will produce total revenue that exceeds the total revenue produced by the tax on real property in the preceding fiscal year plus a percentage of the previous year's real property tax revenues that equals any increase in the Consumer Price Index unless approved by the affirmative vote of seven council members. This limit does not apply to revenue from 1) newly constructed property, 2) newly rezoned property, 3) property that, because of a change in State law, is assessed differently than it was assessed in the previous tax year, 4) property that has undergone a change in use, and 5) any development district tax used to fund capital improvement projects.

The Charter requires that certain County capital improvement projects must be individually authorized by local law, which would be subject to referendum upon timely petition of five percent of the County's registered voters. The Charter also requires approval of the aggregate operating budget by the affirmative vote of six council members, as opposed to a simple majority, when it exceeds the budget for the preceding year by a percentage which is greater than the percentage increase in the Consumer Price Index for all urban consumers for the Washington-Baltimore combined metropolitan statistical area (CMSA) for the twelve months preceding December 1 of each year, as published by the U.S. Department of Labor. In addition, a Charter amendment adopted at the November 1990 general election requires the County Council to annually adopt spending affordability guidelines for the capital and operating budgets, including guidelines for the aggregate capital and operating budgets. Any aggregate capital budget or aggregate operating budget that exceeds the guidelines then in effect requires the affirmative vote of seven of the nine council members for approval.

### ***Major Sources of Revenue***

The local property tax remains the largest revenue source when measured by all Funds, and is the second largest source of revenue when measured by General Fund revenues. For FY99, the general County property tax, levied on all assessable property in the County at the rate of \$1.923 per \$100 of assessed valuation, generated \$593.1 million, or approximately 38 percent of the total County General Fund operating revenue requirements – down from a 46 percent share three years ago.

For FY99, the largest revenue source in the General Fund is the local income tax. This tax, which is levied by the County Council and administered by the State, generated \$689.2 million in FY99 or greater than 44 percent of the total County General Fund operating revenue requirements – up from a 38 percent share three years ago. This increase is due to strong economic growth, employment expansion, and strong equity market returns.

Prior to 1998, the County income tax was computed as a simple percentage of the State income tax, and was therefore known as the “piggyback” tax. Starting in tax year 1998, the State reduced the income tax rate and increased the exemption amount. However, local jurisdictions were held harmless from this change in the Tax

Law, by a requirement that the piggyback computation be based upon the State rate prior to the law change. Due to the complexity of this system, which effectively required taxpayers to compute their 1998 taxable income twice, effective with tax year 1999 local income tax will be based on taxable income, using an income tax rate equivalent to what the “old” piggyback system would have derived. Hence, instead of using 60 percent of the State’s 5 percent rate, the new rate will be 3 percent of taxable income. Additionally, effective tax year 2000, the Montgomery County rate is reduced to roughly 2.9 percent (i.e., equivalent to a 58 percent piggyback tax).

### ***Status of the General Fund***

Montgomery County concluded the fiscal year ended June 30, 1999 with a General Fund balance of \$211.3 million, an increase of \$62.7 million from the balance of the previous fiscal year. This amount was \$139.2 million higher than the estimated budget amount of 72.1 million. Contributing factors for the positive variance from the budgeted fund balance are described below.

#### **General Fund Revenues**

General Fund revenues totaled \$1,554.8 million in FY99 and were 8.1 percent above the budget estimate. Revenues reflect a 6.3 percent growth over the prior fiscal year. Compared to the budget estimate, the largest contributor to the revenue growth occurred in the tax category. In fact, collections from all taxes exceeded the budget estimate by \$107.6 million (8.2 percent), representing close to 93 percent of the excess revenues for the year. The County income tax, fueled by a strong economy and financial market performance, contributed the majority of the excess tax collections, as receipts came in \$80.6 million (13.2 percent) higher than the budget estimate. The booming real estate market resulted in an unprecedented jump in transfer and recordation tax receipts, with a combined \$25.0 million (36.8 percent) excess revenue stream for the year. Higher than expected receipts from the combined income tax and real estate taxes explain 91 percent of the variability between the budgeted General Fund revenues and actual receipts. Other categories that contributed to the higher General Fund revenues were Investment income, Intergovernmental, Fines and Forfeitures, and Sundry revenues.

The County income tax received a substantial boost from higher capital gains income due to the booming stock market, as well as stock options, corporate bonuses, and commissions from an expanding economy over the past three fiscal years. Revenues jumped more than 14 percent in FY99 – the third year with double-digit growth rates.

Because of Montgomery County’s high concentration of wealthy taxpayers, the County receives a large share of non-wage income, amounting to roughly 30 percent of taxable income. An additional factor that contributed to the strong FY99 income tax collections is employment growth. The number of jobs in the County jumped almost 4 percent in 1998, with a more than 4.5 percent growth in private sector jobs. Combined with average wage growth of close to 5 percent, reflecting the tight labor market in the County, the expanding employment base provided a further boost to FY99 income tax receipts. As a result of income tax liability growth in non-wage and wage categories, both estimated payments and withholdings jumped more than 10 percent in both 1997 and 1998. Similar to the FY97 and FY98 experiences, receipts again increased due to significant growth in late-filer collections from taxpayers who had underestimated their 1997 tax liability, which the County otherwise would have received in fiscal year 1998. As a result of these trends, collections were \$689.2 million, or \$80.6 million above the original budget estimate.

Property tax collections of \$593.1 million exceeded the budget estimate by only one-tenth of one percent, and contributed \$0.5 million to the excess collections in the General Fund. Although growth in the assessable base was slightly stronger than expected, a modest downward revision in the collection factor contributed to an overall “on target” forecast. Property tax revenues were higher than expected because of increases in prior year receipts, and penalties and interest. Primarily due to significant growth in new construction, the real property tax base grew 2.3 percent in fiscal year 1999. New construction occurred mainly in the residential sector, and reflected the sharpest jump in construction activity in the post-1990 recession period in Montgomery County. Reflecting the robust economy, personal property grew a healthy 2.9 percent in FY99. Due to growth in both real and personal property, the assessable base grew 2.4 percent in FY99.

The third major tax category in the General Fund is the combined transfer and recordation taxes. Following a 40 percent jump in receipts in FY98, this tax category experienced a further 12 percent increase in FY99. However, in contrast to FY98 when revenues grew from an exceptionally strong residential and commercial real estate market, only the residential portion continued to grow in FY99, while the commercial sector fell 29 percent below the prior year. Total FY99 receipts for these two taxes were \$93.0 million, which was \$25.0 million, or 36.8 percent, above the budget estimate. Even though the projected decline in the commercial market occurred in FY99, the robust residential market continued to exceed projections of national and regional housing sales. Since the residential sector represents more than 80 percent of this tax category, the exceptional strength in this sector of the real estate market explains the excess revenues in FY99. The exceptional jump in average commercial taxes in FY98, which increased to its highest level in more than a decade, was, as projected, unsustainable in FY99. Burdened by credit tightening and higher financing costs, the commercial sector was especially susceptible to changes in financial conditions. Thus far, however, higher mortgage interest rates have not yet adversely impacted the residential real estate market. The outlook is for a return to lower levels of real estate activity, and specifically for the residential sector to be in line with the moderate population growth trend for the County.

The remaining General Fund tax sources – consisting of the hotel/motel, fuel-energy, telephone, and admissions taxes – came in only \$1.5 million (3.5 percent) above the combined budget estimate of \$43.7 million in FY99. Reflecting strong revenue growth, investment income increased substantially and was \$5.4 million above the FY99 budget estimate.

### **General Fund Appropriations and Transfers**

FY99 expenditure savings amounted to \$9.5 million. Savings occurred in both departmental expenditures (\$5.0 million) and non-departmental expenditures (\$4.5 million). Even though all departmental and non-departmental units recognized savings this year, the majority of the savings occurred in lower than projected operating costs for the Department of Health and Human Services (\$1.8 million) and the Year 2000 Project (\$4.0 million).

Offsetting the increased General Fund revenue and expenditure savings was a mandatory transfer to the Revenue Stabilization Fund of \$5.5 million at the close of FY99. Generally, half of General Fund receipts from the income tax, transfer and recordation taxes, and investment income above the budget estimate must be transferred to the Revenue Stabilization Fund. Stronger than projected receipts in all categories contributed to this mandatory transfer.

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**Table A-4**  
**Montgomery County, Maryland**  
**Schedule Of General Fund Revenues, Expenditures, & Transfers In (Out)**  
**(Budgetary, Non-GAAP Basis)**

	Fiscal Year Actual				Fiscal Year
	1996 <sup>(1)</sup>	1997	1998	1999	Budget 2000
Revenues:					
Taxes:					
Property, including interest & penalty	\$ 588,863,403	\$ 600,935,772	\$ 607,196,112	\$ 593,103,639	\$ 590,807,090
Transfer tax and recordation tax	55,522,922	59,215,610	82,969,763	93,009,575	69,600,000
County income tax	480,813,128	544,258,411	602,825,620	689,203,638	678,670,000
Other taxes	<u>36,200,297</u>	<u>41,279,872</u>	<u>42,751,420</u>	<u>45,183,618</u>	<u>42,999,580</u>
Total Taxes	<u>1,161,399,750</u>	<u>1,245,689,665</u>	<u>1,335,742,915</u>	<u>1,420,500,470</u>	<u>1,382,076,670</u>
Licenses and permits	10,596,600	4,181,237	4,284,392	4,338,599	4,401,580
Intergovernmental revenue <sup>(2)</sup>	48,823,200	74,642,772	87,994,220	93,255,279	94,052,790
Charges for services <sup>(2)</sup>	10,637,506	7,810,748	8,319,726	7,337,927	8,804,820
Fines and forfeitures	3,316,680	3,263,302	3,042,264	3,188,275	2,900,100
Investment income	13,306,184	12,582,267	15,735,564	18,155,871	16,900,000
Miscellaneous	<u>8,123,967</u>	<u>5,946,647</u>	<u>7,071,441</u>	<u>8,061,519</u>	<u>7,289,770</u>
Total Revenues	<u>1,256,203,887</u>	<u>1,354,116,638</u>	<u>1,462,190,522</u>	<u>1,554,837,940</u>	<u>1,516,425,730</u>
Expenditures (including encumbrances):					
General County:					
General government	114,428,847	112,378,368	130,541,248	139,868,204	146,936,832
Public safety	122,434,755	136,433,359	145,807,258	149,815,388	161,106,875
Transportation and public works	39,842,811	31,312,287	29,303,085	36,671,572	33,074,757
Health and human services <sup>(3)</sup>	78,567,922	94,760,788	106,850,279	115,372,553	126,626,465
Culture and recreation	24,424,191	25,626,419	27,699,078	34,407,208	37,566,231
Housing and community development	2,394,809	2,294,894	2,484,460	2,883,758	4,187,998
Environment	<u>10,218,124</u>	<u>2,194,314</u>	<u>2,365,887</u>	<u>3,197,837</u>	<u>3,616,737</u>
Total Expenditures	<u>392,311,459</u>	<u>405,000,429</u>	<u>445,051,295</u>	<u>482,216,520</u>	<u>513,115,895</u>
Operating Transfers In (Out) <sup>(4)</sup> :					
Operating Transfers In:					
Special Revenue Funds	8,398,600	8,017,031	9,139,096	9,091,019	10,059,590
Enterprise Funds	13,443,260	13,349,780	16,864,000	17,042,960	17,248,580
Trust Funds	--	--	--	--	--
Internal Service Funds	6,000,000	8,700,000	--	--	--
Component Units	<u>--</u>	<u>149,705</u>	<u>100,295</u>	<u>110,000</u>	<u>88,950</u>
Total Operating Transfers In	<u>27,841,860</u>	<u>30,216,516</u>	<u>26,103,391</u>	<u>26,243,979</u>	<u>27,397,120</u>
Operating Transfers Out:					
Special Revenue Funds	(15,721,903)	(22,384,306)	(25,908,256)	(11,590,135)	(5,659,360)
Debt Service Fund	(119,330,720)	(124,574,439)	(127,342,718)	(136,484,729)	(137,971,430)
Capital Projects Fund	(17,000,872)	(13,669,207)	(14,501,913)	(14,189,353)	(63,382,047)
Enterprise Funds	(1,661,571)	(1,459,644)	(4,736,579)	(3,903,074)	(5,921,270)
Internal Service Funds	(656,000)	(1,798,050)	(1,031,750)	(1,410,500)	(478,100)
Component Units	<u>(772,426,399)</u>	<u>(788,678,833)</u>	<u>(833,422,826)</u>	<u>(883,972,417)</u>	<u>(942,669,204)</u>
Total Transfers Out	<u>(926,797,465)</u>	<u>(952,564,479)</u>	<u>(1,006,944,042)</u>	<u>(1,051,550,208)</u>	<u>(1,156,081,411)</u>
Net Operating Transfers In (Out)	<u>(898,955,605)</u>	<u>(922,347,963)</u>	<u>(980,840,651)</u>	<u>(1,025,306,229)</u>	<u>(1,128,684,291)</u>
Excess of revenues and operating transfers in over (under) expenditures, encumbrances and operating transfers out	<u>(35,063,177)</u>	<u>26,768,246</u>	<u>36,298,576</u>	<u>47,315,191</u>	<u>(125,374,456)</u>
Fund Balances, July 1 as previously stated	89,857,232	63,860,831	101,680,857	148,530,451	211,266,962
Adjustment for previous year encumbrances	<u>9,066,776</u>	<u>9,733,700</u>	<u>10,565,018</u>	<u>15,211,912</u>	<u>20,625,655</u>
Fund Balances, July 1 restated	98,924,008	73,594,531	112,245,875	163,742,363	231,892,617
Equity transfers in (out)	<u>--</u>	<u>1,318,080</u>	<u>(14,000)</u>	<u>209,408</u>	<u>--</u>
Budgetary Fund Balance, June 30	<u>\$ 63,860,831</u>	<u>\$ 101,680,857</u>	<u>\$ 148,530,451</u>	<u>\$ 211,266,962</u>	<u>\$ 106,518,161</u>

(1) Restated to reflect FY97 functional/departmental reorganizations.

(2) Revenues from FY96 and FY97 restated for reclassification of certain items from intergovernmental to charges for services.

(3) Includes increased amounts related to the transfer of Department of Social Services functions from the State to the County, effective October 1, 1996.

(4) Transfers from FY96 and FY97 restated from net to gross basis.

(5) Estimated.

Note: Actual and budget amounts are for fiscal years ended June 30.

**Table A-5  
General Fund  
Schedule Of Budgetary Fund Balance to  
GAAP Fund Balance Reconciliation**

	Fiscal Year 1996	Fiscal Year 1997	Fiscal Year 1998	Fiscal Year 1999
Budgetary to GAAP Reconciliation:				
Budgetary Fund Balance as noted above	\$63,860,831	\$101,680,857	\$148,530,451	\$211,266,962
Plus encumbrances outstanding	10,611,489	11,764,967	17,704,489	20,625,655
Plus prior year grant encumbrances	--	--	--	--
Adjustment for prior year encumbrances	(2,995,798)	(1,119,264)	(1,199,949)	(2,492,577)
Net differences between beginning fund balances	<u>3,187,182</u>	<u>1,069,173</u>	<u>854,683</u>	<u>857,295</u>
GAAP Fund Balance as Reported	<u>\$74,663,704</u>	<u>\$113,395,733</u>	<u>\$165,889,674</u>	<u>\$230,257,335</u>
Elements of GAAP Fund Balance:				
Reservations	\$ 12,577,708	\$ 14,054,407	\$ 19,915,257	\$ 22,947,323
Designated for CIP Transfers	19,933,865	17,961,237	14,842,202	31,294,410
Designated for subsequent years expenditures	350,272	21,095,763	57,916,816	85,527,972
Unreserved/Undesignated	<u>41,801,859</u>	<u>60,284,326</u>	<u>73,215,399</u>	<u>90,487,630</u>
	<u>\$74,663,704</u>	<u>\$113,395,733</u>	<u>\$165,889,674</u>	<u>\$230,257,335</u>

Note: All amounts are for fiscal years ended June 30.

**REVENUE STABILIZATION FUND**

The State of Maryland, during the 1992 State legislative session, enacted legislation authorizing political subdivisions in Maryland to establish "rainy day" or reserve funds to accommodate future funding shortfalls. Pursuant to this State law, the County established a Revenue Stabilization Fund, effective July 1, 1994.

The Revenue Stabilization Fund (the "Fund") supplements the reserve or operating margin the County annually sets aside. The County's Charter, Section 310, sets a five percent annual limit on General Fund surplus. The State law authorizing counties to set up rainy day funds expressly prevails over any contrary County charter provision. Revenues in the Fund are allowed to go as high as ten percent of the aggregate revenue from certain sources in the preceding three fiscal years. This equates to four percent of General Fund revenues in FY99 above the five percent maximum in the Charter (a total of nine percent of General Fund revenues). The Revenue Stabilization Fund provides a mechanism to level out the revenue stream and adjusts for year-to-year fluctuations beyond a certain baseline level. County law requires that 50 percent of the growth above the average of the six preceding fiscal years in certain taxes (income, property transfer, recordation, but not the property tax) and General Fund investment income, be set aside in a restricted fund. Also, 50 percent of the annual revenue from these sources in excess of the Council's original projection in the budget resolution go to the Fund.

The Council, on the Executive's recommendation, may release up to half the balance in the Fund only if certain recessionary economic conditions occur. Two of the following three conditions must be met: 1) the Director of Finance estimates that total General Fund revenues will fall more than 2 percent below the original projected revenues; 2) resident employment in the County has declined for six consecutive months compared to the same period in the previous year; and 3) a local index of leading economic indicators has declined for three consecutive months. Amounts released from the Fund can only be used for appropriations that have become unfunded.



As the result primarily of higher than estimated income tax and transfer and recordation tax revenues, a mandatory transfer of \$5.5 million was made to this fund at the end of FY99. This third mandatory transfer is combined with the mandatory contribution in FY97 (\$18.7 million) and FY98 (\$21.4 million), and the discretionary transfers made in FY95 (\$10 million) and FY96 (\$4.5 million). With earned interest, the Revenue Stabilization Fund reached its maximum allowable fund size of \$62.2 million at the closing of FY99. Since the fund reached more than half of its maximum size in FY99, according to the County law that established the Fund, interest earned from the fund must be transferred to PAYGO. The interest transfer in FY99 was \$3.0 million; a similar transfer of earned interest (\$1.9 million) to PAYGO was made in FY98.

## **CASH AND INVESTMENT MANAGEMENT**

Montgomery County maintains an active and sophisticated cash and investment management program. The primary objectives of the program are the preservation of capital, providing liquidity to meet County financial obligations, and maximization of the investment yield on the County's short-term working capital.

Working capital is managed pursuant to the Annotated Code of Maryland, the County Code, and the County's short-term investment policy, as approved by the County Council. The County is authorized to invest in obligations for which the United States has pledged its full faith and credit for the payment of principal and interest, in obligations that a federal agency issues in accordance with an act of Congress, or in repurchase agreements that any of the foregoing listed obligations secure. Cited statutes also authorize investments in bankers acceptances, secured certificates of deposit issued by Maryland banks, commercial paper of the highest investment grade, and in money market funds whose portfolio is operated consistent with Securities and Exchange Commission Rule 2a-7. The County requires that these money market funds invest only in obligations of a federal agency or instrumentality issued in accordance with an act of Congress, and repurchase agreements collateralized by an obligation of the United States, its agencies, or instrumentalities. The average maturity of the working capital portfolio is generally less than six months.

At June 30, 1999, the investment balance of the County's portfolio was \$648.1 million. During FY99 the County earned investment income of \$40.4 million.

## **RISK MANAGEMENT**

On July 1, 1978, County Code Section 20-37 was enacted to establish the Montgomery County Self-Insurance Program. Since that time, the County has self-insured such exposures as workers' compensation, commercial general liability, automobile liability, professional/public official liability, certain property, and other selected risks which require treatment.

An Inter-Agency Insurance Panel comprised of the County and member agencies, and chaired by the County's Finance Director, provides overall direction, formulates insurance policy, reviews claims, and evaluates the effectiveness of the loss control program. Claims against the agencies are handled under a contract with a third party claims administrator. Legal services are provided by the Office of the County Attorney.

The County Finance Department, Division of Risk Management operates the Self-Insurance Program for the County and other participating agencies: Montgomery County Public Schools, Montgomery College, M-NCPPC, various independent fire Corporations, City of Rockville, Montgomery County Revenue Authority, Housing Opportunities Commission of Montgomery County, Housing Authority of the City of Rockville, Town of Somerset, Village of Martin's Additions, City of Gaithersburg, and the Bethesda Urban Partnership.

In addition to the self-insured coverage, Risk Management coordinates the purchase of commercial insurance for such coverage as All Risk Property Insurance, Boiler and Machinery, Public Official and Employee Bonds, Electronic Data Processing, and others. Beginning August 1, 1997, Risk Management purchased commercial excess liability coverage with limits of \$10 million above a \$2 million retention.

A summary of FY99 operations of the program is outlined below:

	<u>(\$000's)</u>
Revenues:	
Contributions from participating agencies	\$17,919
Interest on investments	3,304
Recovered losses	414
Miscellaneous revenue	<u>    --</u>
Total Revenues	<u>21,637</u>
Expenses:	
Claims payments and reserves	12,865
Claims administration, loss control, external insurance, and other administrative expenses	<u>5,865</u>
Total Expenses	<u>18,730</u>
Net income (loss)	2,907
Retained earnings, July 1, 1998	13,268
Contributed capital, June 30, 1999	<u>271</u>
Unencumbered balance, June 30, 1999	<u>\$16,446</u>

By State law effective July 1, 1987, local government entities such as the County, City of Rockville and several other entities in the self-insurance program are protected by the Local Government Tort Claims Act. Under this legislation, the liability of local governments for common law torts, such as negligence, is limited to \$200,000 for an individual claim, and \$500,000 for all claims arising from one occurrence. This act, combined with the law limiting the public school system's liability to \$100,000, significantly decreases the exposure of the program to large losses.

The County is also self-insured for unemployment benefits and maintains a minimum premium funding arrangement for employee health insurance. The FY99 operations for these two elements of the insurance program are not reflected above.

### **EMPLOYEES' RETIREMENT SYSTEMS**

The Employees' Retirement Systems (Systems) consist of two pension programs sponsored by the County: a single-employer defined benefit plan and a defined contribution plan (initiated in FY94). Other agencies or political subdivisions have the right to elect participation. Substantially all employees of the Montgomery County Government, the Montgomery County Revenue Authority, the Housing Opportunities Commission of Montgomery County, the independent fire/rescue corporations, the Town of Chevy Chase, the Strathmore Hall Foundation, Inc., the Washington Suburban Transit Commission, certain employees of the State Department of Assessments and Taxation, and the District Court of Maryland are provided retirement benefits under the Systems. The Systems, established under Chapter 33 of the County Code, are contributory plans with employees contributing a percentage of their base annual salary depending on their group classification, which determines retirement eligibility. The payroll for employees covered by the Systems for the year ended June 30, 1999 was approximately \$320.6 million. The total payroll for Montgomery County Government was \$362.2 million.

All covered full-time employees of the County and participating agencies must become members of the Systems as a condition of employment. All covered career part-time employees of the County and participating agencies may become members on an individual basis. Non-public safety employees hired on or after October 1, 1994 enroll in the defined contribution plan. All other employees enroll in the defined benefit plan. At FY99 year-end, the defined benefit plan covered approximately 6,225 active participants and 4,032 retirees and inactive participants, with total liabilities amounting to approximately \$1.82 billion. At FY99 year-end, the defined contribution plan had 1,510 participants with liabilities totaling \$12.8 million.

Legislation enacted by the County Council in November 1999 requires the Chief Administrative Officer to establish Deferred Retirement Option Plans, or DROP plans, that allow any employee who is a member of a specified membership group or bargaining unit, and who meets certain eligibility requirements, to elect to "retire" but continue to work for a specified time period, during which pension payments are deferred. When the member's participation in the DROP Plan ends, the member must stop working for the County, draw a pension benefit based on the member's credited service and earnings as of the date that the member began to participate in the DROP Plan, and receive the value of the DROP Plan payoff. These DROP plans are to be effective March 1, 2000.

The Board of Investment Trustees is responsible for investing the Systems' assets, which amounted to approximately \$2.03 billion as of June 30, 1999. The defined benefit plan assets are invested in a diversified portfolio of equities, bonds, real estate and short-term instruments. The defined contribution plan assets are invested in a diversified group of mutual funds pursuant to participant direction.

For additional information concerning the County's retirement plan, see Appendix B, "Notes to Financial Statements" Note 17, Pension Plan Obligations.

## **PROPERTY TAX INFORMATION**

The County levies real and personal property taxes on all taxable property within its boundaries. Annual payments of taxes are due in full on July 1 and become delinquent on the following October 1. Partial payments of real property taxes (currently due September 30 and January 31) are permitted only for certain residents of owner-occupied residential real estate, and is generally referred to as the semi-annual property tax payments system. While this system is optional for eligible residents through FY00, recently adopted legislation in Maryland makes semi-annual payments the standard in FY01, unless taxpayers opt out of the system and remain in the annual payment cycle. Additionally, effective FY01, the second payment will be due December 31 instead of January 31 as required under the previous semi-annual system. Finally, also effective FY01, interest of 1.5 percent per month plus an administrative fee of 0.15 percent per month will be charged after September 30. This rate and fee schedule is lower than what has been levied under the semi-annual system in effect through FY00. Property tax bills issued after September 30 may be paid within 30 days without interest or penalty. Tax sales to recover delinquent real property taxes are held on the second Monday in June in the fiscal year taxes are due and payable. Legal action may be taken to enforce payment of both real and personal property taxes.

### **Property Tax Assessments**

The assessment of all real and tangible personal property for purposes of property taxation by State and local governmental units is the responsibility of the State Department of Assessments and Taxation. Assessment records and tax rolls are maintained in each county seat and in Baltimore City. Real property is valued at market value (full cash value) and assessed in each year at a percentage of market value. Effective July 1, 1991, real property is assessed at 40 percent of its full cash value. One-third of the real property base is physically inspected and revalued once every three years. Any increase in full cash value arising from such reassessment is phased in over the ensuing three taxable years in equal annual installments, although a decline in assessed valuation becomes fully effective in the first year.

The assessable base in the County is skewed towards properties at the high-end of the real estate market, with more than half of the assessments coming from properties with an estimated market value of more than \$450,000. Based on recent data (July 1999) from 215,154 residential properties, the overall average County assessment per improved residential account of \$100,530 equates to an estimated market value of \$251,325.

Because of growth in new construction and improved value of properties, the real property taxable base increased almost ten percent in the last five years, measured through 1999. Due to an expanding economy and growing number of taxable accounts, growth in the personal property base increased 12 percent in the last five years, bringing the overall increase in the base to ten percent during this period.

**Table A-6**  
**Assessed Value of All Taxable Property**  
**By Class and Fiscal Year**

<u>Fiscal Year</u>	<u>Real Property</u>	<u>Personal Property</u>	<u>Total Assessed Value</u>	<u>Ratio of Assessment to Full Market Value</u>
2000 est.	\$28,332,000,000	\$3,710,000,000	\$32,042,000,000	42.00%
1999	27,906,079,996	3,758,546,555	31,664,626,551	42.09
1998	27,274,641,135	3,654,450,970	30,929,092,105	42.40
1997	26,603,652,341	3,789,223,680	30,392,876,021	42.17
1996	26,057,528,520	3,517,475,970	29,575,004,490	42.13

Source: Montgomery County Department of Finance, Comprehensive Annual Financial Reports and FY 2000 Approved Budget.

Tax-exempt properties are excluded from the above figures. In FY99, such exemptions for real property owned by Federal, State, County, and other governmental units, churches, schools, fraternal organizations, cemeteries, disabled veterans, and the blind totaled \$3,503,766,050. Tax-exempt real property constitutes approximately 11 percent of the total gross real property base, with almost 78 percent of the tax-exempt property in the combined Federal, State, Local government sectors. The State Department of Assessments and Taxation grants exemptions from property taxes, pursuant to State law.

The ratio of total assessed value to total full market value is based on studies conducted by the State Department of Assessments and Taxation. The ratio in the above table typically exceeds 40 percent, due to the assessment of personal property at 100 percent of full cash value, in contrast to the 40 percent assessment rate for real property.

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**Table A-7**  
**FY00 Assessable Base Data Improved Residential Property Accounts**  
**by Assessment Class**

<u>Assessment Class</u>	<u>Total Assessments</u>	<u>Number of Accounts</u>	<u>Percent of Total Assessments</u>	<u>Percent of Total Accounts</u>
\$0-5,000	\$ 59,480	116	0.0%	0.1%
\$5,001-15,000	339,070	36	0.0	0.0
\$15,001-25,000	6,321,120	298	0.0	0.1
\$25,001-50,000	1,348,012,070	31,623	6.2	14.7
\$50,001-75,000	4,537,650,760	73,359	21.0	34.1
\$75,001-100,000	3,760,483,510	43,532	17.4	20.2
Over \$100,000	<u>11,976,537,000</u>	<u>66,190</u>	<u>55.4</u>	<u>30.8</u>
Total	<u>\$21,629,403,010</u>	<u>215,154</u>	<u>100.0%</u>	<u>100.0%</u>

Source: State Department of Assessments and Taxation, Assessment Data Base Distribution Reports as of July 17, 1999.

**Table A-8**  
**Tax Levies and Collections**

<u>Fiscal Year</u>	<u>General County (including Education)</u>	<u>Current Year's Taxes Collected During Year</u>	<u>Percentage of Levy Collected During Year</u>	<u>Prior Year's Taxes Collected (Refunded) During Year</u>	<u>Total Collections</u>	<u>Ratio of Total Collections to Tax Levy</u>	<u>Accumulated Delinquent Taxes</u>	<u>Ratio of Accumulated Delinquent Taxes to Current Year's Tax Levy</u>
1999	\$596,405,657	\$580,432,881	97.32%	\$4,577,340	\$585,010,221	98.09%	\$29,352,083	4.92%
1998	606,876,834	600,148,816	98.89	23,888,503	624,037,319	102.83	20,643,793	3.40
1997	604,170,465	590,358,703	97.71	(9,350,991)	581,007,712	96.17	51,026,107	8.45
1996	590,169,499	584,950,923	99.12	4,439,199	589,390,122	99.87	19,254,658	3.26
1995	564,588,398	556,044,458	98.49	1,686,480	557,730,938	98.79	22,769,396	4.03

Source: Montgomery County Department of Finance, Division of Treasury.

**Table A-9**  
**Tax Rates and Tax Levies, By Purpose**

<u>Fiscal Year</u>	<u>General County (including Education)</u>		<u>Transit</u>		<u>State</u>		<u>Total</u>	
	<u>Rate</u>	<u>Levy</u>	<u>Rate</u>	<u>Levy</u>	<u>Rate</u>	<u>Levy</u>	<u>Rate</u>	<u>Levy</u>
1999	\$1.923	\$596,405,657	\$.102	\$32,297,945	\$.21	\$60,227,585	\$2.235	\$688,931,187
1998	1.962	606,876,834	.091	28,155,852	.21	59,093,497	2.263	694,126,183
1997	1.990	604,170,465	.078	23,704,917	.21	57,564,804	2.278	685,440,186
1996	1.998	590,169,499	.077	22,765,618	.21	56,326,281	2.285	669,261,398
1995	1.937	564,588,398	.108	31,506,822	.21	55,692,779	2.255	651,787,999

Notes: In addition to the tax rates shown above, other special area rates are applicable in certain geographic areas of the County. In FY99, such rates included: municipalities (ranging from \$.08 to \$1.58); M-NCPPC (\$.218); fire districts (\$.263); recreation (\$.062); storm drainage (\$.010); noise abatement (\$.40); and the urban districts (ranging from \$.04 to \$.075). Commercial property without adequate parking facilities located within the four central business districts is subject to a parking lot district tax ranging from \$.30 to \$.70. Rates per \$100 of assessed value.

**Table A-10**  
**FY99 Ten Highest Commercial Property Taxpayers Assessable Base**

<u>Taxpayer</u>	<u>Total</u>	<u>Real Property</u>	<u>Personal Property</u>	<u>Ratio: Taxpayer Base to Total Assessable Base</u>
Potomac Electric Power Co.	\$ 996,240,780	\$ 23,625,540	\$ 972,615,240	3.15%
Bell Atlantic	656,382,670	24,114,980	632,267,690	2.07
Washington Gas Light Co.	172,029,460	6,540,830	165,488,630	0.54
International Business Machines	91,778,710	16,649,680	75,129,030	0.29
May Department Stores	80,543,280	27,444,780	53,098,500	0.25
Montgomery Mall	78,371,130	78,371,130	--	0.25
Bryant F. Foulger, Trustee	56,683,540	56,683,540	--	0.18
Albert & R. Abramson, et al	51,945,040	51,945,040	--	0.16
Westfield Shoppingtown Wheaton	46,182,510	46,182,510	--	0.15
Marbeth Partnership	<u>45,274,990</u>	<u>45,274,990</u>	<u>--</u>	<u>0.14</u>
Total	<u>\$ 2,275,432,110</u>	<u>\$376,833,020</u>	<u>\$1,898,599,090</u>	<u>7.18%</u>
Assessable Base (June 30, 1999)	<u>\$31,664,626,551</u>			

Sources: State of Maryland, Department of Assessments and Taxation; and Montgomery County Department of Finance, Division of Treasury.

### ***Impact Tax***

Significant development has occurred in outlying areas placing great demands on the County for provision of major highways, public schools and other public facilities. Pursuant to Sections 52-47 through 52-59 of Chapter 49A, "Development Impact Taxes for Major Highways" of the Montgomery County Code, two impact fee areas were established in Germantown and Eastern Montgomery County. These impact fee (now impact tax) areas are a means of transferring some portion of the costs of additional major highway improvements to the new development that is primarily responsible for creating this need. Presently unprogrammed major highways (not in the Capital Improvements Program or in the State Consolidated Transportation Program) are to be funded through a combination of County general obligation bonds and development impact taxes in these affected areas. The tax is imposed prior to the issuance of a building permit for development in an impact tax area. Impact taxes in the two areas yielded \$1.47 million in FY94, \$1.20 million in FY95, \$0.8 million in FY96, \$1.3 million in FY97 and \$1.02 million in FY98.

### ***Expedited Development Approval Excise Tax***

In an effort to spur development in the County, the County Council on October 28, 1997, approved Bill 34-97, Development Impact Tax Expedited Development Approval Excise Tax. This bill provides that a developer may choose to pay an Expedited Development Approval Excise Tax (EDAET) in return for the right to proceed with development without having to go through the Adequate Public Facilities Ordinance (APFO) process. Developments proceeding under EDAET would not be subject to Policy Area Review or Local Area Transportation Review, and no other transportation conditions could be imposed. EDAET currently applies to non-residential projects in all areas of the County that are eligible. There is no limit on the amount of development that can be approved. EDAET sunsets in four years, and includes a time limit on validity of approval. A subdivision plan must be recorded within two years of approval. Building permits for all development (buildings and dwelling units) must be pulled within 2 years after recordation. Non-refundable payment of 10 percent of the applicable fee is payable at subdivision approval, the remaining 90 percent is paid at building permit.

## DEMOGRAPHIC AND ECONOMIC INFORMATION

### *Population*

The population of the County, according to the 1990 Census, was 757,027. The Maryland-National Capital Park and Planning Commission (M-NCPPC) revised population estimate shows 855,000 for the County on January 1, 2000. This includes approximately 5,000 from the Takoma Park section in Prince George's County, which transferred to Montgomery County on July 1, 1997.

**Table A-11**  
**Population of Montgomery County**

	<u>Number</u>	<u>Percent Change from Prior Census</u>
1/1/2000 (M-NCPPC est.)	855,000	12.9%
1/1/1999 (M-NCPPC est.)	846,000	11.8
1/1/1994 (M-NCPPC est.)	798,000	5.4
1990 (U.S. Census)	757,027	30.7
1980 (U.S. Census)	579,053	10.8
1970 (U.S. Census)	522,809	53.3
1960 (U.S. Census)	340,928	107.4
1950 (U.S. Census)	164,401	--

Note: Data are for total population, with forecasts in 1994, 1999 and 2000 derived from the Demographic Forecast Model from M-NCPPC (Round 6.1). The next U.S. Census is scheduled for the year 2000.

**Table A-12**  
**Median Age**

<u>Age</u>	<u>1970</u>	<u>1977</u>	<u>1980</u>	<u>1987</u>	<u>1990</u>	<u>1997</u>
Median Age	27.9	30.3	32.1	34.5	34.1	36.0

Source: M-NCPPC Montgomery County Department of Park and Planning, Research and Technology Center.

## Employment

The County's economic structure reveals a diversified economy with strong service and manufacturing sectors. The service sector (service, finance, insurance, real estate and retail trade) employs 60 percent of the workforce. Manufacturing firms employ four percent of the workforce. The following tables present the County's employment by sector.

**Table A-13**  
**At-Place Employment in Montgomery County**

	County Business Patterns			Difference Est. 1999/1990	
	1980	1990	Est. 1999	Number	Percent
<b>PRIVATE EMPLOYMENT:<sup>(1)</sup></b>					
Agricultural Services	1,334	3,639	4,440	801	22.01%
Construction	27,131	35,263	23,600	(11,663)	-33.07
Manufacturing	17,570	20,020	20,130	110	0.55
Retail Trade	51,240	72,288	73,050	762	1.05
Wholesale Trade	8,626	15,743	16,890	1,147	7.29
Finance, Insurance and Real Estate	21,622	36,521	34,220	(2,301)	-6.30
Services	79,150	152,189	196,000	43,811	28.79
Transportation, Communication & Public Utilities	8,458	14,407	14,230	(177)	1.23
Mining and Nonclassifiable	<u>1,575</u>	<u>1,429</u>	<u>200</u>	<u>(1,229)</u>	-86.00
<b>SUBTOTAL:</b>	216,706	351,499	382,760	31,261	8.89%
Self-Employed <sup>(2)</sup>	<u>18,714</u>	<u>31,961</u>	<u>36,650</u>	<u>4,689</u>	14.67
<b>TOTAL PRIVATE SECTOR:</b>	<u>235,420</u>	<u>383,460</u>	<u>419,410</u>	<u>35,950</u>	9.38%
<b>GOVERNMENT EMPLOYMENT<sup>(2)</sup></b>					
Federal <sup>(3)</sup>	45,258	49,083	46,340	(2,743)	-5.59
State and Local <sup>(2)</sup>	<u>30,084</u>	<u>33,427</u>	<u>37,250</u>	<u>3,823</u>	11.44
<b>TOTAL GOVERNMENT</b>	<u>75,342</u>	<u>82,510</u>	<u>83,590</u>	<u>1,080</u>	1.31%
<b>GRAND TOTAL</b>	<u>310,762</u>	<u>465,970</u>	<u>503,000</u>	<u>37,030</u>	<u>7.95%</u>

Notes:

(1) U.S. Department of Commerce, Bureau of the Census, "County Business Patterns," 1980, 1990.

(2) M-NCPPC Montgomery County Department of Park and Planning, Research and Technology Center.

(3) Federal employment includes military.

(\*) Estimated 1999 computed by Montgomery County Department of Finance, using total estimate from M-NCPPC and "County Business Patterns" data from the U.S. Department of Commerce.



**At-Place Employment Shares by Industry in Montgomery County**

<u>Employment Category</u>	<u>1990</u>	<u>Estimated 1999</u>
PRIVATE EMPLOYMENT: <sup>(1)</sup>		
Agricultural Services	0.8%	0.9%
Construction	7.6	4.7
Manufacturing	4.3	4.0
Retail Trade	15.5	14.5
Wholesale Trade	3.4	3.4
Finance, Insurance and Real Estate	7.8	6.8
Services	32.6	39.0
Transportation, Communication & Public Utilities	3.1	2.8
Mining and Nonclassifiable	<u>0.3</u>	<u>0.0</u>
SUBTOTAL:	75.4%	76.1%
Self-Employed <sup>(2)</sup>	<u>6.9</u>	<u>7.3</u>
TOTAL PRIVATE SECTOR:	<u>82.3%</u>	<u>83.4%</u>
GOVERNMENT EMPLOYMENT <sup>(2)</sup>		
Federal <sup>(3)</sup>	10.5	9.2
State and Local <sup>(2)</sup>	<u>7.2</u>	<u>7.4</u>
TOTAL GOVERNMENT	<u>17.7%</u>	<u>16.6%</u>
GRAND TOTAL	<u>100.0%</u>	<u>100.0%</u>

During the first eight months of 1999, the County's unemployment rate averaged 2.0%. This average rate is the lowest in the County's recent history. The following table presents the County's labor force, employment and unemployment for the years 1994 through 1998.

**Table A-14  
Montgomery County's Resident Labor Force  
Employment & Unemployment 1994-1998**

	<u>Labor Force</u>	<u>Employment</u>	<u>Unemployment</u>	<u>Unemployment Rate</u>
1998	467,000	456,080	10,920	2.3%
1997	469,277	457,143	12,134	2.6
1996	474,872	462,338	12,534	2.6
1995	463,112	449,487	13,625	2.9
1994	462,202	448,800	13,402	2.9

Source: State of Maryland, Department of Labor, Licensing and Regulation.

## ***Federal Employers***

The County is home to 23 Federal agencies in which nearly 60,000 civilians are employed, including a significant number of non-Federal employees working as consultants or researchers. These agencies comprise a virtual “Who’s Who” list of prestigious Federal research facilities. The National Institutes of Health in Bethesda (part of the Department of Health and Human Services) is one of the nation’s great centers of medical research. The following is a partial list of Federal agencies in the County and their estimated employment.

Department of Health and Human Services	30,463
National Institutes of Health	
Food and Drug Administration	
Other	
Department of Defense	14,598
David Taylor Model Basin	
Naval Medical Command	
Defense Mapping Agency	
Army Laboratory Center	
Walter Reed Army Institute of Research	
Other	
Department of Commerce	8,940
National Institute of Standards & Technology	
National Oceanic & Atmospheric Administration	
Department of Energy	2,372
Nuclear Regulatory Commission	2,012
Consumer Product Safety Commission	473
Department of Treasury	264
Department of Justice	190
Other Federal Employees in leased space	420

Source: M-NCPPC Montgomery County Department of Park and Planning, Research and Technology Center (February 1999 data).

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## ***Private Employers***

There are several thousand private employers in Montgomery County. Below is a listing of the County's largest employers. The employee numbers listed are best estimates taken from various sources, including first-hand research by the County's Department of Economic Development, and publications such as the *D&B Million Dollar Directory 1999* and *Ward's Business Directory*.

<u>Name of Firm</u>	<u>Est. No. of Employees</u>
Adventist Healthcare*	6,000
Giant Food Corp.	5,250
Chevy Chase Bank	4,500
Lockheed Martin Corporation	4,200
Marriott International, Inc. (headquarters)	3,500
Bell Atlantic	3,000
IBM	3,000
May Department Store Co.	2,625
Hughes Network Systems	2,600
Holy Cross Hospital	2,330
Sears Roebuck & Co.	2,100
Bureau of National Affairs	1,600
Comsat Corporation	1,600
Mid-Atlantic Medical Services, Inc.	1,600
Safeway Stores Inc.	1,575
Suburban Hospital	1,550
Aspen Systems	1,500
CSC Professional Services	1,500
Discovery Communications, Inc.	1,500
Government Employees Insurance Company	1,500
Marriott (Host and Sodexo)	1,500
Kaiser Foundation Health Plan	1,430
AT&T/Lucent Technologies	1,400
National Association of Securities Dealers	1,330
CTA, Inc.	1,250
Montgomery General Hospital	1,200
Phillips Publishing International	1,200
Orbital Sciences Corporation	1,100
ACS Government Solutions, Inc. (CDSI)	1,000
BAE SYSTEMS (Marconi)	1,000
General Electric Information Services	1,000
Hangar Orthopedics	1,000
Miller & Long Co.	1,000

\* Includes Shady Grove and Washington Adventist Hospitals

## **PERSONAL INCOME**

Revised personal income of County residents reached more than \$34 billion in 1997, and is projected to total \$39.5 billion in 2000. Income in calendar years 1997 through 1999 is estimated to have experienced stronger growth resulting from the excellent performance of the national and regional economies. Stronger economic growth resulted in additional new businesses and higher proprietor's income, while the tight labor market continues to boost wage earnings. The strong equity market and corporate profit growth increased income from stock options, corporate bonuses, and dividend earnings. Growth in 2000 is projected to come in at 4.3 percent.

The County, which accounts for just over 16 percent of the State’s population, accounts for almost 24 percent of the State’s total personal income. As data in the following table show, personal income in the County, as a share of the State, has remained relatively constant in this decade, reflecting improved regional and statewide economic conditions.

**Table A-15**  
**Total Personal Income**  
**(\$ millions)**

<u>Calendar Year</u>	<u>Montgomery County</u>	<u>Maryland</u>	<u>U.S.</u>	<u>Montgomery County as Percent of Maryland</u>
2000 (est.)	\$39,520	\$167,700	\$7,828,900	23.6%
1999 (est.)	37,910	160,876	7,446,700	23.6
1998 (est.)	36,230	153,753	7,139,057	23.6
1997	34,414	146,060	6,770,709	23.6
1996	32,471	138,173	6,408,990	23.5
1995	30,832	131,290	6,060,138	23.5
1994	29,365	126,277	5,741,050	23.3
1993	27,904	120,033	5,469,485	23.2

- Notes: (1) All actual data were revised in May 1999.  
 (2) Estimates for Montgomery County (1998-2000) by Montgomery County Department of Finance.  
 (3) Estimates for Maryland and United States (1999-2000) by State of Maryland, Bureau of Revenue Estimates.

Source: U.S. Department of Commerce, Bureau of Economic Analysis (“Survey of Current Business”).

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## *Average Household and Per Capita Personal Income*

The County is projected to rank eighth nationwide in 1999 – and first in the Washington metropolitan area -- measured among similar major suburban counties, in estimated average household income. The County's estimated 1999 household income of \$120,730 ranks first in the State and exceeds the Washington MSA estimated average (\$96,960) by 25 percent, the Maryland metropolitan average (\$85,660) by 41 percent, and the U.S. average (\$77,970) by 55 percent.

**Table A-16**  
**Comparison of Estimated Per Capita and Average Household Income, 1999**  
**Montgomery County and 19 Other Major Affluent Counties**

<u>County</u>	<u>Per Capita Income</u>	<u>County</u>	<u>Average Household Income</u>
Fairfield, Conn.	\$54,390	Fairfield, Conn.	\$147,100
Marin, Calif.	50,630	Westchester, N.Y.	134,260
Westchester, N.Y.	49,190	Morris, N.J.	130,330
Bergen, N.J.	46,520	Lake, Ill.	128,010
Morris, N.J.	46,290	Nassau, N.Y.	127,890
Arlington, Va.	44,990	Marin, Calif.	127,410
<b>MONTGOMERY, MD.</b>	<b>44,810</b>	Bergen, N.J.	124,320
Lake, Ill.	43,430	<b>MONTGOMERY, MD.</b>	<b>120,730</b>
Montgomery, Pa.	43,420	Fairfax, Va.	118,890
San Mateo, Calif.	43,140	San Mateo, Calif.	118,130
Fairfax, Va.	43,100	DuPage, Ill.	116,350
Nassau, N.Y.	42,820	Rockland, N.Y.	115,190
Oakland, Mich.	41,980	Montgomery, Pa.	112,510
DuPage, Ill.	41,880	Oakland, Mich.	108,990
Palm Beach, Fla.	41,830	Norfolk, Mass.	107,100
Norfolk, Mass.	40,380	Middlesex, Mass.	107,010
Middlesex, Mass.	40,270	Hamilton, Ind.	105,760
Johnson, Kan.	39,750	Johnson, Kan.	101,950
Hamilton, Ind.	38,960	Waukesha, Wis.	101,750
Rockland, N.Y.	37,070	Palm Beach, Fla.	99,150

- (1) A major affluent suburban county is defined as a county in either a Metropolitan Statistical Area or a Primary Metropolitan Statistical Area with a population of at least 115,000 where income levels are considerably higher than in the central city and other jurisdictions in the area. These counties are primarily suburban in nature; no city or town accounts for 40 percent or more of the total population.
- (2) Estimates of 1999 per capita income were based on trending forward experience during 1995-97.
- (3) Estimated average 1999 household income was derived by multiplying the estimated 1999 per capita income by the average number of persons per household.

Source: U.S. Department of Commerce, Bureau of Economic Analysis ("Survey of Current Business" May 1999) for Personal Income data; Sales and Marketing Management "1999 Survey of Buying Power" for household data.

## **NEW CONSTRUCTION**

Following a low point in FY94, new construction in FY95 improved for the first time in seven years with a modest five percent increase. The trend continued in subsequent years, reaching a growth rate of well over 14 percent FY99. Moreover, projections for FY00 suggest an acceleration of this trend, primarily due to exceptionally strong growth in residential new construction. Following this recent robust growth, estimates for out years indicate a return to a more historical growth trend in line with projected new household formation and property replacement or improvement.

The 12 percent growth in building permits over the past five years understates the dramatic growth in the value of new construction in Montgomery County in that period. Over the past five years the total value of new construction jumped 48 percent, while the distribution of new construction reflects broad-based growth. The two largest categories – residential and commercial/industrial – increased 34 percent and 93 percent, respectively. Even though the multi-family category jumped an impressive 600 percent, at \$3.5 million in FY99 it remains well below the more than \$88 million of new apartment construction a dozen years ago. Projections for FY00 indicate that new construction will continue to expand in the commercial/industrial category.

**Table A-17**  
**New Construction Added to Real Property Tax Base**  
**Montgomery County**  
**(\$ millions)**

<u>Fiscal Year</u>	<u>Number*</u>	<u>Residential</u>	<u>Apartments</u>	<u>Condominiums</u>	<u>Commercial/ Industrial</u>	<u>All Other</u>	<u>Total</u>
1998-99	15,130	\$ 263.9	\$ 3.5	\$22.6	\$ 76.9	\$ 4.1	\$ 371.0
1997-98	14,162	245.0	1.2	14.7	56.6	6.7	324.2
1996-97	13,837	258.9	2.4	19.2	34.6	5.4	320.5
1995-96	12,677	242.0	2.9	15.9	31.2	8.4	300.4
1994-95	13,500	<u>196.8</u>	<u>0.5</u>	<u>14.6</u>	<u>39.8</u>	<u>(0.9)</u>	<u>250.8</u>
5-Year Summary		\$1,206.6	\$10.5	\$87.0	\$239.1	\$23.7	\$1,566.9
Categories as Percent of Total		77.0%	0.7%	5.5%	15.3%	1.5%	100.0%
Percent Change FY99/FY98		7.7%	181.1%	53.8%	35.9%	-39.4%	14.4%

\* Indicates total number of all types of building permits.

Source: Montgomery County Department of Environmental Protection (\*), and Maryland State Department of Assessments and Taxation.

Full year new construction levies assessed and notices sent on June 1; three-quarter year levies on September 1; half-year levies on December 1; and quarter-year levies on March 1. Partial-year bills are due thirty days after the mailing of the bill.

### **Development Districts**

In 1994, the County Council enacted the Development District Law, which allows the County to create development districts and to provide financing, refinancing, or reimbursement for the cost of infrastructure improvements necessary for the development of land in areas of the County of high priority for new development or redevelopment. Special assessments and/or special taxes may be levied to fund the issuance of bonds or other obligations created from the construction or acquisition of infrastructure improvements.

As a result of a petition by property owners and the subsequent review and analysis of the feasibility of the proposed development district, the County Council, in January 1998, created the County's first development district, West Germantown. Encompassing approximately 671 acres in an unincorporated area of Montgomery County, the District consists of two residential developments, which would provide for the construction of 1,283 single-family and 102 multi-family units. A second district, Kingsview Village Center, was created on July 28, 1998. This district consists of a 112,000 square foot retail shopping center, and 236 multi-family housing units. The proceeds of the bonds would be used to fund certain road, park, and sewer infrastructure improvements supporting development within the districts.

## **ECONOMIC DEVELOPMENT INITIATIVES**

In an effort to stimulate employment growth and create additional new investment, the County initiates programs and promotes the strengths of each of its local employment centers.

### **Technology Corridors**

The I-270 Technology Corridor is a nationally known high technology center. It is home to over 500 high technology companies. Lockheed Martin, Life Technologies, COMSAT Corporation, Marriott International, Inc., Orbital Sciences Corporation, Hughes Network Systems, Pulse Electronics, and Hewlett-Packard are some of the well-known companies located on I-270. The corridor has more than 30 million square feet of commercial and industrial space approved and ready for new development. The U.S. Route 29 Corridor in Eastern Montgomery County is another high tech center, housing nearly 100 major employers, including Bell Atlantic, Gannett Communication, Silicon Graphics, and Kaiser Permanente.

### **Central Business Districts**

The County is devoted to stimulating new investment in its Central Business Districts (CBD). The County's four CBDs in Silver Spring, Wheaton, Bethesda, and Friendship Heights are served by the region's longest extensions of the metro rail system, and are centers for major business activity and medium- to high-density residential development in close proximity to the Metro stations.

#### *Silver Spring*

Downtown Silver Spring has become a new and vibrant focal point of Montgomery County. 1999 has been a year of grand opening announcements and relocations. The office vacancy rate has dropped significantly since the beginning of the year. Ninety-seven percent of the 3 million square feet of Class A office space in Silver Spring is now leased, as is 85 percent of the 1.6 million square feet of Class B office space.

The County's investment of \$128 million into the downtown redevelopment project was launched with the signing of a General Development Agreement with PFA Silver Spring LC. The project will be comprised of one-half million square feet of retail, restaurant and entertainment space, 240,000 square feet of office space, a hotel, and a community facility. The first phase began in Spring 1999 with the construction of local serving retail, anchored by a 35,000 square foot Fresh Fields (Whole Foods) grocery store and including a hardware store. The second phase, a restaurant/entertainment center, a 25,000-volume bookstore, and an 18-screen theater complex with 5,000 seats, will begin in Summer 2000. Hotel construction will begin late in the year.

Corporate announcements and relocation plans have spawned other initiatives in the CBD. Discovery Communications' announcement of its intention to locate its world headquarters to a 650,000 square foot, \$150 million complex, adjacent to the Metro station, was spurred by the re-location of the American Film Institute (AFI) to Silver Spring. AFI, based at the Kennedy Center in Washington, D.C., announced its intention to operate and fully program the historic Silver Theater, capping off an \$18 million County renovation investment.

In addition, Montgomery College announced its expansion plans, which include the purchase of land for more building space and a collaborative partnership with AFI to offer classes in film directing and related subjects. Easter Seals plans to build a 35,000 square foot adult and child day care facility with its regional headquarters. New housing has come to Silver Spring. Ground has been broken on an executive townhouse development of 57 units near the Metro station which are 80 percent sold as of December 1999. The Metro station itself is in the final phase of expansion plans, providing a one-stop multi-level Transit Center for Metro, Metrobus, Ride-On, MARC rail, intercity bus and the Georgetown Branch transitway, at an estimated total cost of \$40 million.

The State of Maryland's designation of Silver Spring as an Enterprise Zone has provided special financial incentives for new investment and job creation in the CBD. As of December 1999, the Silver Spring Enterprise Zone had received 106 applications, representing 67 firms, 703 new jobs, and \$18.5 million of new capital investment.

### *Wheaton*

The Wheaton CBD was designated an Enterprise Zone by the State of Maryland in 1998, and more than \$16 million of County, State and Federal funds have been committed for the Wheaton Commercial Revitalization Area.

The final section of the Metro rail was completed and opened at the Glenmont station in Wheaton in July 1998. The National Trust for Historic Preservation's Main Street Program has just finished an analysis of Wheaton and submitted recommendations to the County. The County Executive has identified the Wheaton CBD as the County's next focus area for urban redevelopment.

### *Bethesda*

The major reinvestment program that changed the skyline of the Bethesda CBD continues. A comprehensive planning program for the CBD was completed in 1984 with a focus on the Bethesda Metro Center station, and much of the development associated with that program has been constructed. The final major project approved in that plan is the 306,000 square foot Francis G. Newlands building, with retail and plaza amenities to be completed by the end of 1999. Additional projects that are underway include a 200,000 square foot office building that has been pre-leased to U. S. Generating, and a 650,000 square foot office complex being built by Chevy Chase Bank for its headquarters. Also in the design and approval stages are two high rise residential buildings, one containing 187 dwelling units along with a public garage containing 640 spaces, and the other planned for 149 units. Both garages are planned to be under construction by the end of 1999.

Downtown Bethesda has become a major urban business and entertainment center in the Washington region, due to the presence of almost 200 restaurants along with the density of both high-rise office and residential buildings. Federal Realty Investment Trust has completely renovated and reconstructed the streetscape of an area that covers over two blocks, greatly increasing the mix of retail offerings in Bethesda. This area is adjacent to the Capital Crescent Trail, an abandoned railway right-of-way that was purchased by the County and turned into a popular recreational hiker-biker trail running from Silver Spring to the Georgetown area of Washington, D.C.

### *Friendship Heights*

The Friendship Heights CBD is located at the Montgomery County-Washington, D.C. border, with the Metrorail station at Wisconsin and Western Avenues at its center. Comprising or adjacent to the Friendship Heights CBD are multiple smaller jurisdictions and developments, including the Village of Friendship Heights special taxing district, the Town of Somerset, the Brookdale neighborhood, and the Somerset House complex.

The Friendship Heights Sector Plan concentrates new growth in the Metro-served area while preserving the surrounding neighborhoods. The Plan provides opportunities for additional development on the Hecht's, Chevy Chase Land Company, and GEICO sites, totaling over 1.4 million net additional square feet of office and retail space. Additional housing opportunities for an estimated 635 dwelling units are provided on the Hecht's and GEICO sites. The Plan also affirmed the approved site plan for the Barlow Property, which provides for over 226,000 square feet of office and 23,645 square feet of retail space.

### **Existing Office/R&D Space**

As of October 15, 1999, Montgomery County has over 62 million square feet of office and flex space (the total of Classes A, B, and C) and a weighted vacancy rate of 6.13 percent, down from 6.36 percent at the beginning of the year.

Most of this office space is located in three geographic areas: Bethesda (including North Bethesda), Rockville (including North Rockville), and Silver Spring. The Rockville market encompasses a wide geographic area including part of the I-270 Corridor (Research Boulevard and Piccard Drive). The total office market for the Rockville area is over 19.2 million square feet. This total includes more than one million square feet in the Parklawn building, the largest office building in the County, which is leased to the U.S. Department of Health and Human Services.



**Table A-18**  
**Office/Flex Space Availability by Submarket**  
**As of October 15, 1999**

	<u>Total Inventory</u> <u>(Square Feet)</u>	<u>Total Vacant</u> <u>(Square Feet)</u>	<u>Vacancy Rate</u> <u>w/Sublet</u>	<u>Vacancy Rate</u> <u>w/o Sublet</u>
<b>Montgomery County Office Market</b>				
Bethesda CBD/Chevy Chase	9,749,077	536,368	5.50%	3.83%
North Bethesda	10,092,714	276,590	2.74	2.74
Gaithersburg	8,711,849	633,729	7.27	6.68
Germantown	2,404,329	213,878	8.90	6.18
Rockville	10,447,559	615,265	8.04	6.97
North Rockville	8,729,921	702,167	8.04	6.97
Silver Spring (CBD)	6,199,432	934,647	15.08	14.09
N. Silver Spring/US 29	4,280,058	285,767	6.68	6.18
Kensington/Wheaton	<u>1,702,462</u>	<u>117,481</u>	6.90	6.77
Total County	<u>62,317,401</u>	<u>4,315,892</u>	6.93%	6.13%

Note: These figures are provided by CoStar, the County's current source for commercial real estate information.

### **AGRICULTURE**

Agricultural activities occupy nearly thirty percent of Montgomery County's land area. The majority of Montgomery County farms are family-run operations, many going back several generations, employing in total over 10,000 residents. This diverse industry – 526 farms and 350 horticultural enterprises – produces more than \$284 million in economic contribution from farm products and operations:

**Table A-19**  
**Agriculture's Annual Contribution to County Economy**

<u>Activity</u>	<u>Amount</u>
Traditional Agriculture	\$ 28,563,000
Horticultural Industry	125,330,000
Equine Industry	<u>130,700,000</u>
Total County	<u>\$ 284,593,000</u>

Over half of the 93,000-acre agriculture reserve is preserved through transfer of development rights or easement purchase initiatives:

**Table A-20**  
**Farmland Preservation**

<u>Program</u>	<u>Acres Protected</u>
Montgomery County Agricultural Easement Program (AEP)	5,130
Montgomery County Transfer of Development Rights (TDR)	40,583
Maryland Environmental Trust (MET)	1,959
Maryland Agricultural Land Preservation Foundation (MALPF)	<u>2,074</u>
Total County	<u>49,746</u>

## **OFFICE/INDUSTRIAL PROJECTS**

### *Irvington Centre (King Farm)*

One Irvington Centre, the first office building on the planned 430-acre King Farm urban village in Rockville, is slated for delivery in December 1999. This six-story, 150,000 square foot Class A office building is experiencing a great deal of pre-leasing activity. To date, pre-leased tenants include Aronson, Fetridge & Weigle; Artesia Technologies; and Powerscan. The Irvington Centre business campus comprises over 90 acres and will ultimately include over 3 million square feet of office space.

### *Seneca Meadows Corporate Center*

This site is being developed as a light industrial park in Germantown. It will offer prospective tenants and built-to-suit owners a campus-style community of low rise, multi-function buildings to accommodate a variety of permitted uses. The site, which contains approximately 156 acres, has adequate public facility entitlements for the development of approximately 1,660,000 square feet of office space.

### *Francis G. Newlands Building*

Located in the heart of downtown Bethesda, this 16-story, 306,000 square foot state of the art Class A office building is ideally located on top of the Bethesda Metro station and is within walking distance of downtown Bethesda's famous restaurants and shopping establishments. As of the fall 1999, the building is 92% pre-leased and will be ready for occupancy in early 2000. McCormick and Schmick's restaurant opened on the ground level of the building in September 1999, and other prominent tenants will include Discovery Communications, Mellon Bank, US Web, CoStar Group, and Hangar Orthopedic.

### *Silver Triangle Office Center*

Located in the heart of the downtown Silver Spring revitalization area, this project will include over 3.5 million square feet of office space, including the new corporate headquarters for Discovery Communications. The area will also include over 10,000 public parking spaces and convenient access to the retail, restaurant, and performing arts projects planned for the area.

### *Rockville Metro Plaza / Rockville Center*

This 3.6-acre project in downtown Rockville will feature three Class A office buildings with a total of 620,000 square feet, as well as over 3,000 structured parking spaces. The project also includes a 120,000 square foot retail pavilion, which includes a Regal Cinemas movie theater, and restaurants.

### *Tower Oaks Corporate Park*

This 200-acre site prominently located on I-270 in Rockville represents the last large development project in lower Montgomery County. The development will include over 2 million square feet of Class A office space, as well as plans for retail, restaurants, and a hotel. Road improvements on the site already exist, including Tower Oaks Boulevard which connects Montrose Road to Wooten Parkway and has an interchange onto I-270. Speculative office construction is slated to begin in the first quarter of 2000 and many potential tenants have already expressed interest in locating in the park.

### *Gateway 270 Business Center*

Located upcounty at I-270 and Route 121 in Clarksburg, this 100-acre industrial park is zoned for office and light manufacturing uses. All main roads, utilities, and other infrastructure are in place, and over one million square feet of commercial and industrial space has been approved. The first phase of the project, 200,000 square feet of warehouse space, is slated for a fall 1999 delivery.

### *Washingtonian Center*

The most prominent development in Gaithersburg features 210 acres and a mix of Class A office space, retail, restaurants, and entertainment centers. In 1999, Sodexo Marriott held its grand opening in Washingtonian Center, and many major retailers recently opened for business on the site, including Target, Galyans, Kohl's, and Barnes and Noble. Over one million square feet of additional office space will be constructed in the next five years.

### *Westfarm*

Located at U.S. Route 29 and Randolph Road in Eastern Montgomery County, this 247-acre site is capable of accommodating three million square feet of development. The mixed-use development plans at Westfarm include retail, office, light industrial and R&D. When complete, the capital investment in the project will total more than \$200 million, and an estimated 12,000 jobs will be based there. Current corporate tenants include Gannett and Kaiser Permanente.

## **NEW BUSINESS ADDITIONS AND EXPANSIONS**

### *Discovery Communications, Inc.*

The Bethesda-based diversified media company, whose assets include the popular Discovery Channel, has committed to building a consolidated corporate headquarters in downtown Silver Spring. The 650,000 square foot project is the cornerstone for the revitalization efforts in this important county CBD. The new facility will employ nearly 1,100 and is scheduled for delivery in 2001.

### *Softmed Systems*

This Bethesda-based information technology company announced in 1999 its intent to expand its headquarters facility by 21,000 square feet and create over 200 new jobs by the end of 2001. This expansion has a positive annual economic impact for Montgomery County of nearly \$500,000 in capital investment and income tax revenues over the course of the agreement.

### *BAE SYSTEMS (Marconi North America)*

In 1999, the County and the State of Maryland successfully attracted this New Jersey-based defense, electronics, communications, and engineering company to Montgomery County. This is expected to ultimately result in the creation of nearly 1,000 jobs in the County. The company has relocated its corporate headquarters to a building on Research Boulevard in Rockville.

### *Choice Hotels*

The world's second largest hotel company decided to accept a financial incentive package from Montgomery County and the State of Maryland to construct a 15,000 square foot Learning Center in Silver Spring. This Learning Center, which will be fully functional by early 2000, will bring over 2,000 trainees to Montgomery County each year. The direct economic impact from this Center will be over \$5 million in annual revenue.

### *GE Information Services, Inc. (GEIS)*

In early 1999, this pioneer of information management announced its relocation to the former Manor Care site in Gaithersburg. Formerly located in Rockville, GEIS will occupy 341,000 square feet in its new facility, retaining over 1,000 jobs in Montgomery County.

### *Marriott International*

In March 1999, Marriott International Inc. accepted a package of incentives from Montgomery County and the State of Maryland in exchange for a commitment by the company to remain and expand in Montgomery County. In September 1999, the company formally announced its intent to renovate its current 775,000 square foot Bethesda headquarters facility as well as construct a new 250,000 square foot building in the county to facilitate the company's rapid growth. Currently, over 3,500 people are employed at the headquarters site, and the company plans on adding 700 more jobs in Montgomery County by 2009.

Marriott's expansion plans will result in approximately \$100 million in additional county revenues from the newly created jobs and direct capital investment by the company over the 19-year term of the agreement. Based on this positive economic impact, the company will receive a total incentive package from the State and the County of \$31.7 million over the same term. This total includes a combination of direct financial assistance, property tax credits, and highway improvements near the headquarters facility. The County portion of the incentive package consists of a \$3 million payment from its Economic Development Fund, and real and personal property tax credits valued at between \$3.6 and \$7.2 million over the term of the agreement.

### *Sodexo/Marriott*

In February 1999 Sodexo/Marriott held its grand opening of new corporate headquarters at the Washingtonian Center in Gaithersburg. This leading food management and service contractor occupies over 80,000 square feet and will employ over 350 people in the County in the next three years.

### *National Association of Security Dealers, Inc. (NASD)*

NASD, which operates the Nasdaq Stock Market – comprised largely of high-technology stocks – is ideally located in Rockville along the I-270 Technology Corridor. The expansion of its operations at the 450,000 square foot facility will eventually include the creation of nearly 1,000 jobs.

### *The Institute for Genomic Research (TIGR)*

A current tenant at the county-developed Shady Grove Life Sciences Center, TIGR has just exercised an option to expand its facility at the Center by 30,000 square feet. This large biotech firm employs over 200 people and anchors Montgomery County as a leading center for the biotech industry in the nation.

### *Celera Genomics*

A spin-off of TIGR, Celera is currently expanding into a 200,000 square foot facility in Rockville. The expansion has resulted in over \$100 million in capital investment by the company and will ultimately create over 200 high-paying jobs.

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## FEDERAL SPENDING

Federal spending remains an important contributor to the Washington area's economy. In fact, according to a George Washington University study, total federal spending accounts for over a third of the metropolitan Washington gross regional product. Hence, the success of the region's economy is closely linked to the federal economy, and the federal government remains, either directly as an employer or indirectly through federal spending, the primary source of regional economic growth.

While federal spending is important throughout the nation, its impact is even more significant in this region. For example, while total federal spending amounted to \$1.484 trillion nationwide, the Washington MSA received \$64.7 billion – a 4.4 percent share. This share has not materially changed in at least a dozen years. However, even though the overall share of regional compared to national spending remains constant over time at just over 4 percent, in some categories the region's share is far more significant. For example, the region receives 12 percent of all spending on (i) salaries and wages, and (ii) services and goods in the private sector through the procurement process. While growth in total federal spending is robust for all categories, by far the strongest growth is in procurement. This category grew 11 percent nationwide, measured over the past ten years, but in excess of 112 percent in the Washington MSA. As the table below shows, even over the past five years, growth in the region was close to 37 percent, compared to only 6 percent nationwide. These data also show that federal procurement spending in Montgomery County has achieved significant gains in that period, closely tracking growth in the region as a whole.

**Table A-21**  
**Federal Procurement Trends**  
**Fiscal Years 1994-1998**  
**(in \$ billions)\***

<u>Fiscal Year</u>	<u>Montgomery County</u>	<u>Washington MSA</u>	<u>U.S.</u>
1998	\$3.5	\$24.4	\$209.3
1997	3.2	22.0	193.0
1996	3.1	21.1	200.5
1995	3.3	19.7	202.2
1994	2.8	17.9	198.0
Percent Change 1994-98	27.1%	36.6%	5.7%

\* Amounts shown in current dollars (not adjusted for inflation).

Source: U.S. Bureau of the Census, Consolidated Federal Funds Report, FY 1994-1998.

## RETAIL SALES

The State of Maryland continues to improve in retail sales, measured by sales tax data collected for the first eight months of 1999. Improved retail sales reflect the stronger regional economy, strong consumer confidence, a robust real estate market, strong residential construction, low unemployment, and rising incomes – fueled by wage gains, corporate bonuses, and strong equity market gains. The net result is that statewide retail sales jumped more than 8 percent in 1999 to date. Compared to retail sales activity in prior years, final receipts for calendar year 1999 may be well above 1996 (3.0 percent), 1997 (5.3 percent), and 1998 (3.9 percent). Retail sales in Montgomery County closely match the statewide numbers, as sales tax receipts grew 7.5 percent through August 1999 – more than double the retail sales growth in calendar 1998. Retail sales in Maryland and Montgomery County also compare well to national figures, which show that seasonally unadjusted retail sales grew 8.6 percent through August 1999.

Even though retail sales are strong this year, there is considerable variation between the components. Statewide, the most significant categories, in terms of share of total retail sales, are (i) food and beverages, (ii) general merchandise, (iii) furniture and appliances, and (iv) building and industrial supplies. In fact, these four categories combined represent close to two-thirds of total retail sales. However, while most categories have healthy growth this year, above average growth occurred in four out of nine categories – notably the categories that represent the robust real estate and residential construction market (furniture & appliances, and building supplies). In Montgomery County, retail sales followed the statewide trend in terms of categorical distribution. Recent trends, however, show that while retail sales growth in the County strengthened in such areas as food & beverage and general merchandise compared to growth in 1998, it weakened in some areas compared to statewide sales activity – notably furniture & appliances, which grew at only one-third the rate of statewide sales. However, except for the smallest category (hardware, machinery and equipment), 1999 retail sales growth in the County is broad-based.

**Table A-22  
Sales & Use Tax Receipts  
By Principal Business Activity**

	Maryland				Montgomery County			
	1998		Jan.-Aug. 1999		1998		Jan.-Aug. 1999	
	Annual Growth(1)	Share of Total	Annual Growth(2)	Share of Total	Annual Growth(1)	Share of Total	Annual Growth(2)	Share of Total
Food and Beverages	2.9%	20.3%	5.0%	20.5%	3.2%	22.2%	6.8%	23.0%
Apparel	7.2	4.9	8.6	4.6	12.4	7.2	8.8	6.9
General Merchandise	0.9	18.4	7.4	16.7	3.5	18.8	13.4	17.8
Automotive	5.0	6.4	6.8	6.6	-2.9	6.3	6.4	6.7
Furniture & Appliances	0.6	13.0	10.4	13.1	-3.0	15.8	3.6	15.2
Building & Industrial Supplies	15.8	13.2	10.9	13.8	48.5	9.2	9.5	9.9
Utilities & Transportation	2.0	6.7	19.4	7.5	-6.4	5.4	6.0	5.7
Hardware, Machinery & Equipment	-10.7	2.9	5.5	3.0	-23.8	1.8	-4.6	1.8
Miscellaneous	7.7	13.5	7.0	13.6	2.4	12.7	7.8	12.4
Other	-22.6	0.7	-19.6	0.6	-36.2	0.6	-14.9	0.6
Total Retail Sales Tax	3.9%	<u>100.0%</u>	8.2%	<u>100.0%</u>	3.6%	<u>100.0%</u>	7.5%	<u>100.0%</u>

Notes: (1) Growth between 1997 and 1998.

(2) Growth between the period January through August 1998, and the same period in 1999.

Source: Maryland Comptroller of the Treasury, Revenue Administration Division.

### MAJOR RETAIL CENTERS

Montgomery County is served by four regional shopping centers. They are Lakeforest Mall in Gaithersburg, Montgomery Mall in Bethesda, Westfield Shoppingtown Wheaton in Silver Spring, and White Flint Mall in North Bethesda.

Lakeforest Mall, located along Maryland Route 355 and Montgomery Village Avenue near I-270, opened during 1978. This 1.1 million square foot mall features 162 stores including four major department stores: Hecht Company, JC Penney, Lord & Taylor, and Sears Roebuck & Co.

Montgomery Mall, which opened in 1968, covers 1.6 million square feet of space. It features Nordstrom's, Hecht Company, JC Penney, and Sears Roebuck & Co. department stores, 119 other stores, and three parking garages, and is served by a Montgomery County Transit Center.

A third large retail center is Westfield Shoppingtown Wheaton, formerly known as Wheaton Plaza, and the surrounding area. Located adjacent to the Wheaton Metro Center at the intersection of Georgia Avenue and Veirs Mill Road in the Wheaton CBD, this was the County's first shopping mall (opened in 1960) and was enclosed and remodeled in 1987. Department stores include Hecht Company, JC Penney, and Montgomery Ward.

White Flint Mall, which is located east of Rockville Pike in North Bethesda close to the White Flint Metro Station, opened in 1977 and features three enclosed levels and luxury department stores such as Lord & Taylor and Bloomingdale's. The 900,672 square foot mall also features a five-auditorium cinema and Border's Bookstore.

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**APPENDIX B**

**GENERAL PURPOSE FINANCIAL STATEMENTS**



To receive a copy of Montgomery County's General Purpose Financial Statements, please contact the County's Department of Finance at 240-777-8801 (fax: 240-777-8825).

**APPENDIX C**

**DRAFT APPROVING OPINION OF BOND COUNSEL**

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**DRAFT APPROVING OPINION OF BOND COUNSEL**

**(Letterhead of Venable, Baetjer and Howard, LLP)**

(Closing Date)

County Executive and County Council for  
Montgomery County, Maryland  
Rockville, Maryland

Ladies and Gentlemen:

We have acted as bond counsel to Montgomery County, Maryland (the "County") in connection with the issuance of its \$130,000,000 Montgomery County, Maryland Consolidated Public Improvement Bonds of 2000, Series A (the "Bonds"). In such capacity, we have examined such laws and such certified proceedings and other documents as we have deemed necessary to render this opinion.

The Bonds are issued under the provisions of the Montgomery County Charter (the "Charter") and Chapter 9 of the Laws of Montgomery County 1955, as amended, Chapter 34 of the Laws of Montgomery County 1991, Chapters 8 and 32 of the Laws of Montgomery County 1997, Chapter 19 of the Laws of Montgomery County 1998, and Chapter 18 of the Laws of Montgomery County 1999 (the "Acts"). The Bonds are consolidated pursuant to a Resolution of the County Council for Montgomery County, Maryland, adopted on July 27, 1999 (the "Resolution"), in accordance with the provisions of Section 2C of Article 31 of the Annotated Code of Maryland (1997 Replacement Volume and 1999 Cumulative Supplement), and are authorized to be issued and awarded by Orders of the County Executive of the County passed on December 13, 1999 (the "Orders"). The terms of the Bonds are as set forth in the Bonds, the Acts, the Resolution and the Orders.

This opinion is given as of the date hereof and we assume no obligation to update or supplement this opinion to reflect any facts or circumstances that may hereafter come to our attention or any change in law that may hereafter occur.

As to questions of fact material to our opinion, without undertaking to verify the same by independent investigation, we have relied upon the certified proceedings of the County and certifications by public officials.

We do not express any opinion herein regarding any law other than the law of the State of Maryland and the federal law of the United States of America.

We express no opinion as to the accuracy, adequacy or completeness of the Official Statement relating to the Bonds.

Based on the foregoing, it is our opinion that, under existing law:

(a) The Bonds have been duly authorized and legally issued in accordance with the Constitution and Public Laws of the State of Maryland, the Charter, the Acts, the Resolution and the Orders.

(b) The Bonds are valid and legally binding general obligations of the County to which its full faith and credit are pledged, and for the payment of which the County is empowered and directed to

levy ad valorem taxes, without limitation of rate or amount, upon all real, tangible personal and certain intangible property subject to taxation by the County.

(c) To provide for the payment of the principal of and interest on the Bonds, the County, by adoption of the Acts and passage of the Orders, has covenanted to levy said ad valorem taxes in each fiscal year in which provision must be made for the payment of such principal and interest.

(d) Under existing law, the interest on the Bonds (i) is excludable from gross income for Federal income tax purposes, and (ii) is not an enumerated preference or adjustment for purposes of the Federal alternative minimum tax imposed on individuals and corporations; however, such interest will be taken into account in determining adjusted current earnings for the purpose of computing the alternative minimum tax imposed on corporations, and may be subject to the branch profits tax imposed on foreign corporations engaged in a trade or business in the United States.

In rendering the opinion expressed above in this paragraph (d), we have assumed continuing compliance with the covenants and agreements set forth in the Tax Certificate and Compliance Agreement of even date herewith executed and delivered by the County (the "Tax Agreement"), which covenants and agreements are designed to satisfy the requirements of the Internal Revenue Code of 1986, as amended (the "Code"), and the income tax regulations issued thereunder (the "Regulations") that must be satisfied subsequent to the issuance of the Bonds in order that the interest thereon be, or continue to be, excluded from gross income for federal tax purposes. In our opinion, the covenants and agreements in the Tax Agreement are sufficient to meet such requirements (to the extent applicable to the Bonds) of the Code and Regulations. However, we assume no responsibility for, and will not monitor, compliance with the covenants and agreements in the Tax Agreement. In the event of noncompliance with such covenants and agreements, the available enforcement remedies may be limited by applicable provisions of law and, therefore, may not be adequate to prevent interest on the Bonds from becoming includible in gross income for Federal income tax purposes, retroactive to the date of issuance of the Bonds.

(e) Under existing law of the State of Maryland, the interest on the Bonds and profit realized from the sale or exchange of the Bonds is exempt from income taxation by the State of Maryland or by any of its political subdivisions; however, the law of the State of Maryland does not expressly refer to, and no opinion is expressed concerning, estate or inheritance taxes, franchise taxes applicable to certain financial institutions, or any other taxes not levied directly on the Bonds or the interest thereon.

Other than as set forth in the preceding paragraphs (d) and (e), we express no opinion regarding the federal or state income tax consequences arising with respect to the Bonds.

It is to be understood that the rights of the owners of the Bonds and the enforceability of the Bonds may be limited by bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting creditors' rights generally and by equitable principles, whether considered at law or in equity.

Very truly yours,

[to be signed "Venable, Baetjer and Howard, LLP"]

**APPENDIX D**

**PROPOSED FORM OF  
CONTINUING DISCLOSURE AGREEMENT**

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## CONTINUING DISCLOSURE AGREEMENT

This Continuing Disclosure Agreement dated as of [closing date] (the “Disclosure Agreement”) is executed and delivered by MONTGOMERY COUNTY, MARYLAND (the “County”) in connection with the issuance of its \$130,000,000 Montgomery County, Maryland Consolidated Public Improvement Bonds of 2000, Series A (the “Bonds”). The County, intending to be legally bound hereby and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby covenant and agree as follows:

**SECTION 1: Purpose of the Disclosure Agreement.** This Disclosure Agreement is being executed and delivered by the County for the benefit of the owners of the Bonds, including beneficial owners, and in order to assist the Participating Underwriters in complying with Securities and Exchange Commission Rule 15c2-12(b)(5). The County’s obligations hereunder shall be limited to those required by written undertaking pursuant to the Rule.

**SECTION 2: Definitions.** In addition to the definitions set forth above, which apply to any capitalized term used in this Disclosure Agreement, the following capitalized terms shall have the following meanings:

“MSRB” shall mean the Municipal Securities Rulemaking Board, or any successor organization. The current address of the MSRB is:

MUNICIPAL SECURITIES RULEMAKING BOARD  
Continuing Disclosure Information System  
1640 King Street, Suite 300  
Alexandria, Virginia 22314-2719  
(202) 223-9503 (phone)  
(703) 683-1930 (fax)

“National Repository” shall mean any Nationally Recognized Municipal Securities Information Repository recognized by the Securities and Exchange Commission for purposes of the Rule. Currently, the following are National Repositories:

BLOOMBERG MUNICIPAL REPOSITORIES  
Attn: Municipal Dept.  
P.O. Box 840  
Princeton, NJ 08542-0840  
(609) 279-3225 (phone)  
(609) 279-5962 (fax)  
E-mail: [MUNIS@Bloomberg.com](mailto:MUNIS@Bloomberg.com)

DPC DATA, INC.  
One Executive Drive  
Fort Lee, NJ 07024  
(201) 346-0701 (phone)  
(201) 947-0107 (fax)  
E-mail: [nrmsir@dpcdata.com](mailto:nrmsir@dpcdata.com)

THOMSON NRMSIR  
Attn: Municipal Disclosure  
395 Hudson Street, 3rd Floor  
New York, New York 10014  
(212) 807-5001 (phone)  
OR (800) 689-8466 (phone)  
(212) 989-2078 (fax)  
E-mail: [Disclosure@tfn.com](mailto:Disclosure@tfn.com)

STANDARD & POOR’S J.J. KENNY  
REPOSITORY  
55 Water Street  
45th Floor  
New York, New York 10041  
(212) 438-4595 (phone)  
(212) 438-3975 (fax)

“Participating Underwriter” shall mean any of the original underwriters of the Bonds required to comply with the Rule in connection with offering of the Bonds.

“Reportable Event” shall mean any of the events listed in Section 4a. of this Disclosure Agreement.

“Repository” shall mean each National Repository and the State Depository.



“Rule” shall mean Rule 15c2-12(b)(5) adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time, any successor provisions of similar import promulgated by the Securities and Exchange Commission in the future, and any applicable no-action letters and other authoritative interpretations of Rule 15c2-12 released by the Securities and Exchange Commission including, by way of example, the staff guidance dated June 23, 1995 to the National Association of Bond Lawyers (“NABL”) from Robert L. D. Colby, Deputy Director, and the staff guidance dated September 19, 1995, to NABL from Catherine McGuire, Chief Counsel.

“State Depository” shall mean any public or private repository or entity designated by the State of Maryland as a state information depository for purposes of the Rule. As of the date of this Disclosure Agreement, there is no State Depository.

*SECTION 3. Provision of Annual Financial Information, Operating Data and Audited Information.*

a. The County shall provide to each Repository, the following annual financial information and operating data, such information and data to be updated as of the end of the preceding fiscal year and made available within 275 days after the end of the fiscal year, commencing with the fiscal year ending June 30, 2000:

(i) Statement of Direct and Overlapping Debt; (ii) General Bonded Debt Ratios; (iii) Assessed Value of All Taxable Property By Class; (iv) Property Tax Levies and Collections; (v) Property Tax Rates and Tax Levies, By Purpose, and (vi) Schedule of General Fund Revenues, Expenditures and Transfers In (Out).

b. The County shall provide to each Repository annual audited financial statements for the County, such information to be made available within 275 days after the end of the County’s fiscal year, commencing with the fiscal year ending June 30, 2000, unless the audited financial statements are not available on or before such date, in which event said financial statements will be provided promptly when and if available. In the event that audited financial statements are not available within 275 days after the end of the County’s fiscal year (commencing with the fiscal year ending June 30, 2000), the County will provide unaudited financial statements within such time period.

c. The presentation of the financial information referred to in paragraph a. and in paragraph b. shall be made in accordance with the same accounting principles as utilized in connection with the presentation of applicable comparable financial information included in the final official statement for the Bonds.

d. If the County is unable to provide the annual financial information and operating data within the applicable time periods specified in a. and b. above, the County shall send in a timely manner a notice of such failure to each National Repository or to the MSRB and to the State Depository.

e. The County hereby represents and warrants that it has not failed to comply with any prior disclosure undertaking made pursuant to the Rule.

*SECTION 4. Reporting of Significant Events.*

a. This Section 4 shall govern the giving of notices of the occurrence of any of the following Reportable Events with respect to the Bonds, each of which shall constitute a Reportable Event for purposes hereof:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;

- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions or events affecting the tax-exempt status of the Bonds;
- (7) Modifications to rights of owners of the Bonds;
- (8) Bond calls;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the Bonds; or
- (11) Rating changes.

b. Whenever the County obtains knowledge of the occurrence of a Reportable Event, the County shall as soon as possible determine if such event would constitute material information for owners of Bonds, in accordance with the applicable “materiality” standard under then-current securities laws.

c. If the County has determined that a Reportable Event is material, the County shall file in a timely manner a notice of such occurrence with the National Repositories or the MSRB and the State Depository.

SECTION 5. *Termination of Reporting Obligations.* The County’s obligations under this Disclosure Agreement shall terminate upon the payment in full of all of the Bonds either at their maturity or by early redemption. In addition, the County may terminate its obligations under this Disclosure Agreement if and when the County no longer remains an obligated person with respect to the Bonds within the meaning of the Rule.

SECTION 6. *Amendments.*

a. The County may provide further or additional assurances that will become part of the County’s obligations under this Disclosure Agreement. In addition, this Disclosure Agreement may be amended by the County in its discretion, provided that:

- (1) the amendment is being made in connection with a change of circumstances that arises from a change in legal requirements, change in law, change in the identity, nature or status of the County as the obligated person with respect to the Bonds, or type of business conducted by the County;
- (2) this Disclosure Agreement, as amended, would, in the opinion of nationally recognized bond counsel, have complied with the requirements of the Rule at the time of the issuance of the Bonds, after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances; and
- (3) the amendment does not materially impair the interests of owners of the Bonds, including beneficial owners, as determined by bond counsel selected by the County or by an approving vote of at least 25% of the outstanding principal amount of the Bonds.

b. The reasons for the County agreeing to provide any further or additional assurances or for any amendment and the impact of the change in the type of financial information or operating data being provided will be explained in narrative form in information provided with the annual financial information containing the additional or amended financial information or operating data.

SECTION 7. *Additional Information.* Nothing in this Disclosure Agreement shall be deemed to prevent the County from disseminating any other information, using the means of dissemination set forth in this Disclosure Agreement or any other means of communication, or including disclaimers or any other information in any disclosure made pursuant to Section 3a. or 3b. hereof or notice of occurrence of a Reportable Event, in addition to that which is required by this Disclosure Agreement. If the County chooses to include any information in any

disclosure made pursuant to Section 3a. or 3b. hereof or notice of occurrence of a Reportable Event in addition to that which is specifically required by this Disclosure Agreement, the County shall have no obligation under this Disclosure Agreement to update such information or include it in any future disclosure made pursuant to Section 3a. or 3b. hereof or notice of occurrence of a Reportable Event.

SECTION 8. *Limitation on Remedies and Forum.*

a. The County shall be given written notice at the address set forth below of any claimed failure by the County to perform its obligations under this Disclosure Agreement, and the County shall be given 15 days to remedy any such claimed failure. Any suit or other proceeding seeking further redress with regard to any such claimed failure by the County shall be limited to specific performance as the adequate and exclusive remedy available in connection with such action. Written notice to the County shall be given to Director of Finance, 15th Floor, Executive Office Building, 101 Monroe Street, Rockville, Maryland 20850, or at such alternate address as shall be specified by the County in disclosures made pursuant to Section 3a. or 3b. hereof or a notice of occurrence of a Reportable Event.

b. Any suit or proceeding seeking redress with regard to any claimed failure by the County to perform its obligations under this Disclosure Agreement must be filed in the Circuit Court for Montgomery County, Maryland.

SECTION 9. *Beneficiaries.* This Disclosure Agreement shall inure solely to the benefit of the owners from time to time of the Bonds, including beneficial owners, and shall create no rights in any other person or entity.

SECTION 10. *Relationship to Bonds.* This Disclosure Agreement constitutes an undertaking by the County that is independent of the County's obligations with respect to the Bonds. Any breach or default by the County under this Disclosure Agreement shall not constitute or give rise to a breach or default under the Bonds.

SECTION 11. *Severability.* In case any section or provision of this Disclosure Agreement or any covenant, stipulation, obligation, agreement, or action, or any part thereof, made, assumed, entered into or taken under this Disclosure Agreement, or any application thereof, is for any reason held to be illegal or invalid or is at any time inoperable, such illegality, invalidity or inoperability shall not affect the remainder thereof or any other section or provision of this Disclosure Agreement, or any other covenant, stipulation, obligation, agreement, act or action, or part thereof, made, assumed, entered into or taken under this Disclosure Agreement, which shall at the time be construed and enforced as if such illegal or invalid or inoperable portion were not contained therein.

SECTION 12. *Entire Agreement.* This Disclosure Agreement contains the entire agreement of the County with respect to the subject matter hereof and supersedes all prior arrangements and understandings with respect thereto; provided, however, that this Disclosure Agreement shall be interpreted and construed with reference to and in pari materia with the Rule.

SECTION 13. *Captions.* The captions or headings herein shall be solely for convenience of reference and shall in no way define, limit or describe the scope or intent of any provisions or sections hereof.

SECTION 14. *Governing Law.* This Disclosure Agreement and any claim made with respect to the performance by the County of its obligations hereunder shall be governed by, subject to and construed in accordance with the federal securities laws, where applicable, and the laws of the State of Maryland, without reference to the choice of law principles thereof.

IN WITNESS WHEREOF, the County has caused this Disclosure Agreement to be duly executed as of the day and year first above written.

MONTGOMERY COUNTY, MARYLAND

By: \_\_\_\_\_  
Director of Finance