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# WHEATON URBAN DISTRICT ADVISORY COMMITTEE (WUDAC)

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NEW MEMBER ORIENTATION HANDBOOK

May 2024



**WHEATON URBAN DISTRICT ADVISORY COMMITTEE  
(WUDAC)**

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## **Section 1:**

### *Background Information & History*

## **Purpose of Regional Service Offices**

### **Mission**

The Regional Service Offices (RSOs) are the local offices of the Montgomery County Government. Beginning in 1975, the Council charged the Regional Offices with leading interagency efforts to:

- Strengthen communication between the community and various agencies of the County Government
- Coordinate necessary interagency action with respect to each local area
- And recommend programs and policies tailored to the local community
- Each Regional Office offers many ways to get involved in local government including advisory committees, volunteer opportunities, educational opportunities, public meetings, open houses, and more.

### **Goals**

The RSOs accomplish their mission by:

#### Improving Access to Services

- Improving access to and information about County services.
- Serving as ambassadors for information sharing and problem-solving.
- Creating gathering places – virtual and physical for communities.
- Assuring the delivery of responsive, accessible government services that recognize the special characteristics, needs, and resources of each distinct region.

#### Empowering Communities

- Becoming focal points for collaboration with stakeholders including neighborhoods, individuals, businesses, nonprofits, schools, and County agencies.
- Building stakeholder group capacity.
- Developing and maintain partnerships for local service delivery and stewardship.
- Providing problem-solving assistance.

#### Improving the Organization

- Building skills and knowledge within government.
- Identifying future service needs.
- Integrating community intelligence into decision-making.



## A BRIEF HISTORY OF THE MID-COUNTY REGIONAL SERVICES OFFICE



The Mid-County Regional Services Office (MCRSO) is one of five regional offices designed to bring direct services to the public and to enhance communication between citizens and their government. The MCRSO provides information on County programs and services and assistance with solving government-related and community problems.

### HISTORY

The Mid-County Regional Services Office (formerly known as the Mid-County Regional Center and the Wheaton Government Service Center) opened in May 1978 as Montgomery County's second full-service satellite county government office. The MCRSO was constructed with County funds that matched a federal grant from the then US Department of Health, Education, and Welfare (HEW) to bring mental health services to localities.

Programs originally housed in the MCRSO included the Community Psychiatric Clinic, and various County Departments such as mental health, recreation, and English classes for speakers of other languages. As the needs of the community changed, so too did the various types of programs housed in the MCRSO.

Over the years, the MCRSO has helped to develop many public-private partnership programs for the benefit of the citizens and businesses located throughout the 99-square-mile area that now makes up the service area for the Mid-County Regional Office. There were formally 9 separate programs housed in the MCRSO ranging from health and human services for individuals and families to economic and community development for small and large businesses.

In 1992, the County expanded the service jurisdiction of the MCRSO to include Olney, Brookeville, and Sandy Spring. In 1997, the County added the Upper Rock Creek Planning Area to the MCRSO's expanding service areas. In 2001, the MCRO served a population of approximately 220,000 individuals and businesses in an area that extends from the Beltway to Howard County and includes such communities as Ashton, Aspen Hill, Brookeville, Capital View, Derwood, Forest Glen, Glenmont, Kemp Mill, Kensington, Layhill, Norbeck, Olney, Sandy Spring, Upper Rock Creek, and Wheaton.

The first Director of the MCRSO was Meg Riesett (1978-1985) who was succeeded by Freda J. Mauldin (1985-1994), followed by Natalie Cantor who served from (1994-2011) and was succeeded by Ana Lopez van Balen (2011-2015). Most recently Luisa Montero-Diaz (2015-2021) was succeeded by Luisa F. Cardona, who began serving in August 2021.

COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND

By: County Council

SUBJECT: Official Establishment of the Wheaton Center Citizens Advisory Board and Confirmation of County Executive's Appointments to this Board

WHEREAS, on September 2, 1975, by Resolution No. 8-449, the County Council recommended that the County Executive establish area Citizens Advisory Boards for centers similar to the Silver Spring Center when such centers were established in the future; and

WHEREAS, the County Council recommended that the Citizens Advisory Board be large enough that it could be divided into area subcommittees as necessary; and

WHEREAS, the Board should be constituted as to reflect the varying points of view within the community but not be an advocate for a majority position; and

WHEREAS, the Council further recommended that the geographical area to be covered should be determined after discussions with the community;

WHEREAS, the County Executive has forwarded to the Council appointments for the Wheaton Center Citizens Advisory Board;

NOW, THEREFORE, BE IT RESOLVED by the County Council for Montgomery County, Maryland that -

The Wheaton Center Citizens Advisory Board is established officially.

AND BE IT FURTHER RESOLVED that the following County Executive's appointments to the Wheaton Center Citizens Advisory Board are hereby confirmed:

Roger Arnold  
Wheaton Woods Baptist Church  
13200 Arctic Avenue  
Wheaton

Milton Zall  
606 Kenbrook Drive  
Silver Spring 20902

Susan Mannina  
12431 Littleton Street  
Silver Spring 20906

Stanley Valadez  
2330 Georgian Woods Place  
Wheaton 20902

Ellen-Jane Pairo  
2704 Blueridge Avenue  
Wheaton 20902

Peter Marken  
13410 Tangier Place  
Rockville 20853

Sylvia Simpson  
3918 Mertford Street  
Kensington 20795

Walter Petzold  
14113 Chadwick Lane  
Rockville 20853

Shirley Stephens  
9808 Crosby Place  
Silver Spring 20910

Milton Popeck  
11503 Lambertson Court  
Silver Spring

A True Copy

ATTEST:



Anna P. Spates, Secretary  
of the County Council for  
Montgomery County, Maryland

Introduced: September 2, 1975

Adopted: September 2, 1975

## COUNTY COUNCIL

FOR MONTGOMERY COUNTY, MARYLAND

By: County Council

Subject: Dissolution of the TESS Commission

WHEREAS, by Resolution No. 6-2049 dated April 29, 1969, the Montgomery County Council, in agreement with the City Council of Takoma Park, created the Takoma-East Silver Spring Commission to coordinate inter-governmental efforts towards the alleviation of social and environmental problems prevailing in the area; and

WHEREAS, by the same resolution, the County Council created a Takoma-East Silver Spring Advisory Council to advise the TESS Commission; and

WHEREAS, through the efforts of the TESS Commission and the Advisory Council, much has been accomplished by the County and City Governments working in conjunction with the community to meet the needs of the area in the form of facilities, programs, and policies; and

WHEREAS, in particular, the County Government has established the Silver Spring and TESS multi-service Community Service Centers for the continued coordination of improved governmental services; and

WHEREAS, it is the judgement of the County Council that interagency coordination should be broadened to include all parts of the County;

NOW, THEREFORE, BE IT RESOLVED that the TESS Commission and the TESS Citizens Advisory Council are hereby dissolved as of September 2, 1975 with the sincere appreciation of the County Council for a job well done over the past six years; and

BE IT FURTHER RESOLVED that there is hereby created a new Interagency Commission, the membership of which shall consist of a representative of the County Executive who shall be the chairperson, a member of the County Council, a member of the Planning Board, and a member of the Board of Education. On those occasions when the Interagency Commission is considering matters in a part of the County which includes a municipality, the appropriate municipal officials shall be invited to participate in the sessions with the Commission. The Commission shall meet at least twice yearly, including once in the Takoma-East Silver Spring area, and at other times upon the request of any member with the approval of the County Executive and the County Council. Administration support for the Commission shall be provided as necessary by the County Executive. The Commission's function shall be to coordinate necessary interagency action on major problems or opportunities confronting the County as a whole or a particular community thereof.

BE IT FURTHER RESOLVED that the County Council hereby recommends to the County Executive that a senior level staff body be created at the Silver Spring Center, membership of which should consist of the Director of the Silver Spring Center as chairperson, and the appropriate senior staff representatives from the City of Takoma Park, the County Council, the Board of Education, and the Montgomery County Planning Board. Functions of this staff body should include strengthening communication between the community and the various agencies of the County government, coordinating necessary interagency action with regard to Silver Spring, and recommending programs and policies tailored to the Silver Spring area.

BE IT FURTHER RESOLVED that the County Council hereby recommends that the County Executive establish a Silver Spring area Citizens Advisory Board

the Silver Spring Center (and for each such center established in the future) membership to be appointed by the County Executive and confirmed by the County Council. The Council recommends that the Citizens Advisory Board be large enough that it can be divided into area subcommittees as necessary and that it be so constituted as to reflect the varying points of view within the community but not be an advocate for a majority position. The Council further recommends that the geographical area to be covered by the Silver Spring Citizens Advisory Board should generally be that area bounded by the District of Columbia Line on the South, the Rock Creek Park on the West, the Beltway on the North, and the Prince George County Line on the East. Final determination of the boundaries should be made after discussions with the community.

BE IT FURTHER RESOLVED that the County Government reaffirms its support of the Montgomery-Georgetown Health Clinic at the Piney Branch Middle School and the TESS Center at the Flower Avenue Shopping Center.

BE IT FURTHER RESOLVED that the County Council, on behalf of the County, extends its sincere and deep appreciation to the TESS Commission, TCAC and the various supporting staffs for the outstanding contribution to public interests in the community.

A True Copy.

ATTEST:

*Anna P. Spates*

Anna P. Spates, Secretary  
of the County Council for  
Montgomery County, Maryland

## Chapter 68A. Montgomery County Urban Districts.

§ 68A-1. Definitions.

§ 68A-2. Findings; general intent.

§ 68A-3. Creation of urban districts; purposes.

§ 68A-4. Funding.

§ 68A-5. Advisory committee.

§ 68A-6. Maintenance agreements.

§ 68A-7. Budget preparation.

§ 68A-8. Urban district boundaries.

§ 68A-9. Urban District Corporations.

§ 68A-10. Board of Directors of Corporation; Employees; Other Organizational Matters.

§ 68A-11. Urban District Corporation-Powers.

§ 68A-12. Urban District Corporations-Budget, Finances, and Administration.

§ 68A-13. Termination of Urban District Corporation; Dissolution.

### **Sec. 68A-1. Definitions.**

For purposes of this Chapter, the following terms have the meanings indicated:

- (a) *Board of directors* means the board of directors of an urban district corporation.
- (b) *Class 1 property* means real property used or intended to be used for residential use categories under Chapter 59.
- (c) *Class 2 property* means real property used or intended to be used for commercial or industrial use categories under Chapter 59.
- (d) *Corporation* means an urban district corporation.
- (e) *Department* means a County department, principal office, or other office that the County Executive designates to perform functions under this Chapter. Department does not include an urban district corporation.
- (f) *Maintaining streetscape amenities* means cleaning, repairing rehabilitating, or replacing streetscape amenities.
- (g) *Maintaining the streetscape* includes cleaning sidewalks, driveways, streets, and other public areas; collecting trash; and caring for trees and other plantings. *Maintaining the streetscape* includes streetscaping of the medians and street sweeping, but does not include maintaining the road or the curbs.
- (h) *Off-site amenity* means a streetscape amenity installed by an optional method developer on a public right-of-way.
- (i) *On-site amenity* means a streetscape amenity installed by an optional method developer on property owned by the optional method developer or on private property not owned by an optional method developer.

(j) *Optional method development* means property for which the owner has agreed with the Maryland-National Capital Park and Planning Commission to be responsible for installing and maintaining both on-site and off-site improvements.

(k) *Streetscape amenity* includes such items as bulletin boards and electronic displays; communication systems; containers for growing things; fountains and pools; drinking fountains; functional and decorative lighting; outdoor seating; restrooms; seating and other street furniture; shelters for pedestrians and persons using public transportation; non-standard paving; sidewalks; trees and other plantings; trash containers; vending booths and kiosks; works of art; any outdoor item that an optional method developer agreed to install and maintain as a condition of site plan approval; and other items of a similar character or purpose.

(l) *Urban district corporation* means a corporation created under Section 68A-9. (1987 L.M.C., ch. 2, § 2; 1993 L.M.C., ch. 16, § 1; 2023 L.M.C., ch. 14, § 1.)

### **Sec. 68A-2. Findings; general intent.**

(a) Certain areas of Montgomery County have become, or may in the future become, intensely developed communities containing diversified commercial, institutional, and residential development. In order to maintain and enhance these areas as prosperous, livable urban centers, and to avoid blight, the County should:

- (1) increase the maintenance of the streetscape and its amenities;
- (2) provide additional public amenities such as plantings, seating, shelters, and works of art;
- (3) promote the commercial and residential interests of these areas; and
- (4) program cultural and community activities.

(b) Urban districts are created as special taxing districts to provide an administrative and financial framework through which to accomplish these goals. (1987 L.M.C., ch. 2, § 2; 1993 L.M.C., ch. 16, § 1.)

### **Sec. 68A-3. Creation of urban districts; purposes.**

(a) Urban districts are created in the business districts of Wheaton, Bethesda, Silver Spring, and Friendship Heights as described in Section 68A-8.

(b) Except as provided in subsection (c), the department may provide the public services and facilities necessary to implement the following purposes of an urban district:

- (1) maintaining the streetscape and streetscape amenities on:
  - (A) public rights-of-way; and
  - (B) any property that is used by the general public;
- (2) promoting and programming public interest activities that benefit both residential and commercial interests of an urban district (and which may incidentally benefit neighboring communities), or neighboring jurisdictions if the neighboring jurisdictions share a common economic interest with the subject urban district);
- (3) providing additional streetscape amenities and facade improvements;
- (4) monitoring activities to enhance the safety and security of persons and property in public areas; and
- (5) providing any capital project that promotes the economic stability and growth of the district.

(c) In an urban district with an urban district corporation, the department is not responsible for streetscaping of the medians and streetsweeping inside the curbs. The department is responsible for other maintenance inside, and including, the curbs. Outside of the curbs, the department is only responsible for repair of standard concrete sidewalks. The urban district corporation is responsible for brick or other non-standard sidewalk maintenance. This allocation of functions may be altered by written agreement between the department and the corporation.

(d) Urban districts are created to provide public services and facilities that are:

(1) primarily of benefit to the property and persons within the urban district rather than to the County as a whole; and

(2) in addition to services and facilities that the County provides generally.

(e) The Department may provide a service or facility outside the boundaries of an urban district if the service or facility will primarily benefit businesses or residents in the urban district. (1987 L.M.C., ch. 2, § 2; 1993 L.M.C., ch. 16, § 1; 1997 L.M.C., ch. 7, §§ 1 and 2; 1998 L.M.C., ch. 14, §1; 1999 L.M.C., ch. 22, § 1; 2023 L.M.C., ch. 14, § 1.)

#### **Sec. 68A-4. Funding.**

(a) *General.* Each urban district is funded through:

(1) Urban District Tax.

(A) Except as provided in paragraph (7), each tax year the County Council may levy against all the assessable real and personal property in an urban district a sum not greater than 30 cents on each \$100 of assessable property.

(B) The urban district tax is levied and collected as other county taxes are levied and collected by law.

(C) The urban district tax has the same priority, bears the same interest and penalties, and in every respect must be treated the same as other county taxes.

(D) The urban district tax rate may differ from one urban district to another.

(2) Parking Lot District fees.

(A) The County Council may transfer revenue from parking fees to the fund of the urban district in which the fees are collected.

(B) The amount of revenue from parking fees transferred to an urban district must not exceed the amount calculated by multiplying:

(i) The number of parking spaces in the urban district by

(ii) The number of enforcement hours per year by

(iii) 20 cents.

(C) The amount of revenue from parking fees may differ from one urban district to another.

(3) Maintenance charge on optional method developments.

(A) The County Executive may charge each optional method development for the cost of maintaining off-site amenities for that development, including the County's cost of liability insurance.

(B) The County Executive may collect a maintenance charge under this section in the same way that the County collects taxes.

(C) A maintenance charge under this section has the same priority and bears the same interest and penalties as county taxes.

(4) Commercial district charge.

(A) Except as provided in paragraph (7), each tax year the County Council may levy a commercial district charge on each owner of real property within the district used by commercial or residential tenants, computed as:

(i) for Class 2 Properties, excluding hotels and motels, the amount of \$0.165 per square foot for each net rentable square foot;

(ii) for hotels or motels, the amount of \$120 per hotel or motel room; and

(iii) for Class 1 Properties that contain 5 or more residential units, available for rental for non-transient residential dwelling purposes, \$120 per unit.

(B) Except as provided under paragraph (4)(A), Class 1 Properties and residences are exempt from the commercial district charge under this paragraph.

(C) Residential units restricted by law to households earning 100 percent of the area median income or less are exempt from the commercial district charge under this paragraph.

(D) The Director must collect the charge in the same manner as County real property taxes, apply the same interest, penalties, and other remedies (including tax sale) if the charge is not paid, and generally treat the charge for collection and administration purposes as if it were a County real property tax. The Director may treat any unpaid charge as a lien on the property to which the charge applies.

(E) The Director may require each property owner within the district to report annually, on a form provided by the Director and by a deadline specified by the Director:

(i) the number of Class 2, hotel or motel, or Class 1 square footage or units, as applicable, subject to the charge;

(ii) the amount of charge required by this Section to be collected; and

(iii) any other information the Director requires to assure that the proper charge will be remitted to the County.

(5) Transfer from the General Fund. The Council may transfer revenues from the County general fund to an urban district. The transfer may be subject to repayment as specified in the Council resolution approving the district's annual operating budget.

(6) Miscellaneous Revenue. All other revenues collected by an urban district, including charges for services and private contributions, must remain in the respective urban district fund, and, subject to appropriation, may be used to fund the urban district budget.

(7) Exclusivity of urban district tax or commercial district charge. Within a single urban district, the Council may levy under this Section either an urban district tax or a commercial district charge, but not both.

(b) *Urban district fund; surplus balances.*



(1) The Director of Finance must establish a separate fund for each urban district.

(2) Monies in an urban district fund and not appropriated for use by an urban district corporation under Section 68A-11 may be appropriated by the County Council for use by County departments, subject to the limitations of subsection (d). If in any fiscal year a balance remains in an urban district fund, the Director of Finance must maintain this balance for use in funding the budget of that urban district in later years.

(c) *Additional funding restrictions.*

The proceeds from either the urban district tax or parking fees transferred into an urban district fund must not exceed 90 percent of their combined total.

(d) *Use of funds.* The County government must use funds obtained under this section only:

(1) for the urban district in which they are obtained; and

(2) for the purposes of an urban district specified in Section 68A-3. (1987 L.M.C., ch. 2, § 2; 1993 L.M.C., ch. 16, § 1; 1997 L.M.C., ch. 7, §§ 1 and 2; 1998 L.M.C., ch. 14, §1; 2023 L.M.C., ch. 14, § 1.)

### **Sec. 68A-5. Advisory committees.**

(a) *Composition.* Each urban district must have an advisory committee, or an urban district corporation board of directors, whose members are appointed by the County Executive and confirmed by the County Council.

(1) The Wheaton Urban District Advisory Committee has 13 members if there are 2 or more optional method developments; 12 members if there is only one optional method development; and 11 members if there are no optional method developments. The Executive must strive to appoint the members so that:

(A) two members represent the Wheaton-Kensington Chamber of Commerce;

(B) two members represent businesses that employ fewer than 10 individuals;

(C) four members represent residential communities in the urban district or within 2 miles of the urban district;

(D) one member represents a residential community in or outside of the urban district and is a member of the Mid County Citizens Advisory Board;

(E) two members represent businesses that employ 10 or more individuals; and

(F) the remaining members represent optional method developers.

(2) The Bethesda Urban District Advisory Committee has 8 members. The County Executive must strive to appoint the members so that:

(A) two members are persons nominated by the Bethesda Chamber of Commerce;

(B) three members represent optional method developers;

(C) one member represents a business that employs fewer than 10 employees;

(D) one member represents a residential community in the urban district; and

(E) one member represents a residential community in or outside of the urban district and is a member of the Western Montgomery County Citizens Advisory Board.

(3) The Silver Spring Urban District Advisory Committee has 11 members. The County Executive must strive to appoint the members so that:

(A) two members are persons nominated by the Greater Silver Spring Chamber of Commerce;

(B) three members represent optional method developers;

(C) three members represent a business that employs fewer than 25 employees;

(D) two members represent a residential community in the urban district; and

(E) one member represents a residential community in or outside of the urban district and is a member of the Silver Spring Citizens Advisory Board.

(4) The Friendship Heights Urban District Advisory Committee has 5 members. The County Executive must strive to appoint the members so that:

(A) two members are commercial property owners in the district nominated by the Friendship Heights Alliance;

(B) one member is a resident renter in the district;

(C) one member is a residential property owner in the district; and

(D) one member is a business representative nominated by the Greater Bethesda Chamber of Commerce.

(5) The County Executive may reject a person nominated to serve on an advisory committee and request additional nominations from the same source.

(b) *Term.*

(1) Committee members serve for a period of 3 years beginning July 1. However, when an advisory committee is first formed, the following members serve for only 2 years:

a. one member nominated by the Chamber of Commerce;

b. one member who represents the optional method developers; and

c. one member who represents a business that employs fewer than 10 persons.

(2) The County Executive may reappoint committee members.

(c) *Duties.*

(1) An urban district advisory committee may advise the County government on all aspects of the program, management, and finances of the urban district.

(2) An urban district advisory committee should:

a. by July 15 each year, advise the department on the program and budget of the urban district;

b. by September 15 each year, review the urban district budget and submit comments to the department; and

c. by October 1 each year, meet with the head of the department to resolve areas of disagreement regarding the budget.

(d) *Compensation.*

(1) The County does not compensate members of urban district advisory committees for their services.

(2) Committee members are exempt from the requirements of the County Financial Disclosure Law, Sections 19A-17 through 19A-20.

(e) *Procedures and attendance.* An urban district advisory committee may establish its own rules of procedure. A committee may adopt a rule that provides for removal of a member because of failure to attend meetings.

(f) *Termination.* When an urban district corporation is created in a district, the advisory committee for that district ceases to exist. (1987 L.M.C., ch. 2, § 2; 1993 L.M.C., ch. 16, § 1; 1999 L.M.C., ch. 14, § 1; [2005 L.M.C., ch. 24](#), § 1; [2006 L.M.C., ch. 33](#), § 1; 2023 L.M.C., ch. 14, § 1.)

#### **Sec. 68A-6. Maintenance agreements.**

The County and an optional method developer may enter into an agreement for:

- (1) the County to maintain streetscape amenities on private property; or
- (2) an optional method developer to maintain streetscape amenities on public rights-of-way. (1987 L.M.C., ch. 2, § 2; 1993 L.M.C., ch. 16, § 1.)

#### **Sec. 68A-7. Budget preparation.**

- (a) For each urban district where an urban district corporation has not been created, the department must prepare a budget and, except for the first budget, should submit the budget to the appropriate urban district advisory committee by August 15 of each year.
- (b) Except for the first budget, the head of the department must submit the proposed budget for review to the urban district advisory committee and meet with the committee to attempt to resolve any areas of disagreement.
- (c) The department must include the budget of each urban district in its departmental budget submission to the Office of Management and Budget. The County Executive must include the budget of each urban district as modified by the Executive in the budget recommended to the County Council. (1987 L.M.C., ch. 2, § 2; 1993 L.M.C., ch. 16, § 1.)

#### **Sec. 68A-8. Urban district boundaries.**

- (a) *Bethesda Urban District.* The Bethesda Urban District is all land in the seventh election district of the county within the area described as follows:
  - (1) Beginning at a point on the east right-of-way line of Wisconsin Avenue at the northwest corner of Lot 47, Block 1, in the Resubdivision of Lots 1, 2, and 3 of Rosedale Park, as recorded January 9, 1939, in Plat Book 16, Plat 1038, among the land records of Montgomery County, Maryland;
  - (2) Then in an easterly direction along the north line of Lot 47 and 48 to the northeast corner of Lot 48 as shown in Plat Book 16, Plat 1038, recorded January 9, 1939, among the land records of Montgomery County, Maryland, which is also the north line of Block 1 of the Rosedale Park subdivision, as recorded August 5, 1908, in Plat Book 1, Plat 92, among the land records of Montgomery County, Maryland;
  - (3) Then in an easterly direction along the north line of Block 1 in the Rosedale Park subdivision to the northeast corner of Lot 5, Block 1, Rosedale Park, as shown in Plat Book 1, Plat 92, recorded August 5, 1908, among the land records of Montgomery County, Maryland;
  - (4) Then in a southerly direction along the common lot line, which is the east line of Lot 5 and the west line of Lot 6, Block 1, Rosedale Park, to its intersection with the north right-of-way line of Chestnut Street, as shown in Plat Book 1, Plat 92, recorded August 5, 1908, among the land records of Montgomery County, Maryland;
  - (5) Then crossing Chestnut Street to the northwest corner of Lot 7, Block 3, Rosedale Park, as shown in Plat Book 1, Plat 92, recorded August 5, 1908, among the land records of Montgomery County, Maryland;
  - (6) Then in a southerly direction along the west line of Lot 7, Block 3, Rosedale Park, to the northwest corner of Lot 16, Block 3, Rosedale Park, as shown in Plat Book 1, Plat 92, recorded August 5, 1908, among the land records of Montgomery County, Maryland;
  - (7) Then along the west line of Lot 16, Block 3, Rosedale Park, to its intersection with the north right-of-way line of Rosedale Avenue;

- (8) Then crossing Rosedale Avenue to the northwest corner of Lot 7, Block 7, Rosedale Park, as shown in Plat Book 1, Plat 92, recorded August 5, 1908, among the land records of Montgomery County, Maryland;
- (9) Then in a southerly direction along the west line of Lot 7, Block 7, Rosedale Park, to the northwest corner of Lot 15, Block 7, Rosedale Park, as shown in Plat Book 1, Plat 92, recorded August 5, 1908, among the land records of Montgomery County, Maryland;
- (10) Then in a southerly direction along the west line of Lot 15, Block 7, Rosedale Park, to its intersection with the north right-of-way line of Maple Avenue;
- (11) Then along the north right-of-way line of Maple Avenue to its intersection with the west right-of-way line of Tilbury Street;
- (12) Then in a southerly direction along the west right-of-way line of Tilbury Street, crossing Maple Avenue and Highland Avenue to the south line of Highland Avenue;
- (13) Then in a westerly direction along the south right-of-way line of Highland Avenue to its intersection with the northeast corner of Lot 8, Block 5, West Chevy Chase Heights subdivision, as recorded April 31, 1916, in Plat Book 2, Plat 186, among the land records of Montgomery County, Maryland;
- (14) Then in a southerly direction along the common lot line, which is the east line of Lot 8 and the west line of Lot 9, Block 5, West Chevy Chase Heights subdivision, as shown in Plat Book 2, Plat 186, recorded April 31, 1916, among the land records of Montgomery County, Maryland, crossing a public alley to the northwest corner of Lot 18, Block 5, West Chevy Chase Heights subdivision, as shown in Plat Book 2, Plat 186, recorded April 31, 1916, among the land records of Montgomery County, Maryland;
- (15) Then in an easterly direction along the north line of Lot 18, Block 5, to the northeast corner of Lot 18, Block 5, West Chevy Chase Heights subdivision, as shown in Plat Book 2, Plat 186, recorded April 31, 1916, among the land records of Montgomery County, Maryland;
- (16) Then in a southerly direction along the common lot line, which is the east line of Lot 18 and the west line of Lot 19, Block 5, to its intersection with the north right-of-way line of West Virginia Avenue, as shown in Plat Book 2, Plat 186, recorded April 31, 1916, among the land records of Montgomery County, Maryland;
- (17) Then in an easterly direction along the north right-of-way line of West Virginia Avenue to its intersection with a northern extension of the west lot line of Lot 15, Block 9, West Chevy Chase heights subdivision, as shown in Plat 2, Plat 186, recorded April 31, 1916, among the land records of Montgomery County, Maryland;
- (18) Then in a southerly direction along that extension, crossing West Virginia Avenue to the northwest corner of Lot 15, Block 9, West Chevy Chase Heights, as shown in Plat Book 2, Plat 186, recorded April 31, 1916, among the land records of Montgomery County, Maryland;
- (19) Then in a southerly direction along the common lot line, which is the west line of Lot 15 and the east line of Lot 14, to the southwest corner of Lot 15, Block 9, West Chevy Chase Heights subdivision, as shown in Plat Book 2, Plat 186, recorded April 31, 1916, among the land records of Montgomery County, Maryland;
- (20) Then crossing a 10-foot-wide alley that is dedicated in Plat Book 2, Plat 186, recorded April 31, 1916, among the land records of Montgomery County, Maryland, to the northeast corner of Lot 22, Block 9, West Chevy Chase Heights subdivision, as shown in Plat Book 2, Plat 186, recorded April 31, 1916, among the land records of Montgomery County, Maryland;
- (21) Then in a southerly direction along the common lot line, which is the east line of Lot 22 and Lot 23, Block 9, West Chevy Chase Heights subdivision, to its intersection with the north right-of-way line of Chase Avenue, as shown in Plat Book 2, Plat 186, recorded April 31, 1916, among the land records of Montgomery County, Maryland;
- (22) Then crossing Chase Avenue to the northwest corner of Outlot "A," Block 1, Westboro subdivision, as recorded July 12, 1937, in Plat Book 12, Plat 839, among the land records of Montgomery County, Maryland;

(23) Then in a southerly direction along the common line, which is the east line of a 20-foot public alley and the west line of Outlot "A," Block 1, Westboro subdivision, to its intersection with the north right-of-way line of Cheltenham Drive, as shown in Plat Book 12, Plat 839, recorded July 12, 1937, among the land records of Montgomery County, Maryland;

(24) Then in an easterly direction along the north right-of-way line of Cheltenham Drive to its intersection with the west right-of-way line of Tilbury Street;

(25) Then in a southerly direction along the west right-of-way line of Tilbury Street crossing Cheltenham Drive and along an extension of that right-of-way line of Tilbury Street to its intersection with the north line of Rabner's Subdivision, as recorded May 11, 1936, in Plat Book 9, Plat 675, among the land records of Montgomery County, Maryland;

(26) Then in an easterly direction along the north line of Rabner's Subdivision to the northeast corner of Lot 6, Rabner's Subdivision, as shown in Plat Book 9, Plat 675, recorded May 11, 1936, among the land records of Montgomery County, Maryland;

(27) Then in a southerly direction along the common lot line, which is the east line of Lot 6 and the west line of Lot 7, Rabner's Subdivision, to its intersection with the north right-of-way line of Middleton Lane, as shown in Plat Book 9, Plat 675, recorded May 11, 1936, among the land records of Montgomery County, Maryland;

(28) Then in a westerly direction along the north right-of-way line of Middleton Lane to its intersection with a northern extension of the common lot line, which is the east line of Lot 2 and the west line of Lot 3, Mae S. Middleton's Subdivision, as recorded December 31, 1935, in Plat Book 8, Plat 639, among the land records of Montgomery County, Maryland;

(29) Then in a southerly direction along the common lot line between Lot 2 and Lot 3, Middleton's Subdivision, as shown in Plat Book 8, Plat 639, recorded December 31, 1935, among the land records of Montgomery County, Maryland, to its intersection with the north line of the George G. Bradley Subdivision, as recorded December 31, 1935, in Plat Book 8, Plat 635, among the land records of Montgomery County, Maryland;

(30) Then in a westerly direction along the north line of the George G. Bradley Subdivision to the northwest corner of Lot 5, George G. Bradley Subdivision;

(31) Then in a southerly direction along the west line of Lot 5, George G. Bradley Subdivision, to its intersection with the north right-of-way line of Avondale Street, as shown in Plat Book 8, Plat 635, recorded December 31, 1935, among the land records of Montgomery County, Maryland;

(32) Then crossing Avondale Street to the northwest corner of Lot 22, George G. Bradley Subdivision, as shown in Plat Book 8, Plat 635, recorded December 31, 1935, among the land records of Montgomery County, Maryland;

(33) Then in a southerly direction along the west line of Lot 22 to its intersection with the southern line of the George G. Bradley Subdivision, as shown in Plat Book 8, Plat 635, recorded December 31, 1935, among the land records of Montgomery County, Maryland;

(34) Then in an easterly direction along the south line of the George G. Bradley Subdivision to the southeast corner of Lot 14, George G. Bradley Subdivision, which is also the intersection of the east and south lines of the George G. Bradley Subdivision as shown in Plat Book 8, Plat 635, recorded December 31, 1935, among the land records of Montgomery County, Maryland, and also the northeast corner of Parcel A, Waverly House, as recorded November 12, 1976, in Plat Book 101, Plat 11383, among the land records of Montgomery County, Maryland;

(35) Then in a southerly direction along the east line of Parcel A, Waverly House, as shown in Plat Book 101, Plat 11383, recorded November 12, 1976, among the land records of Montgomery County, Maryland, to its intersection with the north right-of-way line of East-West Highway;

(36) Then in an easterly direction along the north line of East-West Highway to its intersection with the east right-of-way line of Pearl Street;

(37) Then in a northerly direction along the east right-of-way line of Pearl Street to its intersection with the northwest corner of Lot 1, Block A, subdivision of part of Charles W. Pafflow's property, as recorded April 24, 1926, in Plat Book 4, Plat 329, among the land records of Montgomery County, Maryland;

(38) Then in an easterly direction along the north lot line of Lots 1, 2, 3, and 4 to its intersection with the east line of Block A, as shown in Plat Book 4, Plat 329, recorded April 24, 1926, among the land records of Montgomery County, Maryland;

(39) Then in a northerly direction along the east line of Block A to the northeast corner of Block A, as shown in Plat Book 4, Plat 329, recorded April 24, 1926, among the land records of Montgomery County, Maryland;

(40) Then in an easterly direction along the north line of the lot recorded by deed dated July 1, 1919, which is part of the boundary of the Bethesda Chevy Chase High School property, to the northwest corner of Lot 1, East-West Apartment site, as recorded August 10, 1957, in Plat Book 60, Plat 4987, among the land records of Montgomery County, Maryland;

(41) Then in an easterly direction along the north line of Lot 1 of the East-West Apartment site to its northeast corner, as shown in Plat Book 60, Plat 4987, recorded August 10, 1957, among the land records of Montgomery County, Maryland;

(42) Then in a southerly direction along the east line of Lot 1 of the East-West Apartment site to its intersection with the north right-of-way line of East-West Highway, crossing East-West Highway along a southerly extension of that lot line to its intersection with the south right-of-way line of East-West Highway;

(43) Then in an easterly direction along the south right-of-way line of East-West Highway crossing Montgomery Avenue to its intersection with the north right-of-way line of the B & O Railroad;

(44) Then in a southwesterly direction with the north right-of-way line of the B & O Railroad to its intersection with the east line of Pearl Street;

(45) Then in a southerly direction crossing the B & O Railroad right-of-way along an extension of the east right-of-way line of Pearl Street to its intersection with the south right-of-way line of the B & O Railroad;

(46) Then in a westerly direction along the south right-of-way line of the B & O Railroad right-of-way to its intersection with the northwest corner of Lot 2, Block L, Section 8-B, Chevy Chase Subdivision, as recorded July 29, 1926, in Plat Book 4, Plat 336, among the land records of Montgomery County, Maryland;

(47) Then in a southerly direction along the common lot line, which is the west line of Lot 2 and the east line of Lot 1, Block L, Section 8-B, Chevy Chase Subdivision, as shown in Plat Book 4, Plat 336, recorded July 29, 1926, among the land records of Montgomery County, Maryland, to its intersection with the north right-of-way line of Elm Street;

(48) Then in a westerly direction along the north right-of-way line of Elm Street to its intersection with a northerly extension of the west right-of-way line of 47th Street;

(49) Then in a southerly direction along that extension crossing Elm Street and continuing in a southerly direction along the west right-of-way line of 47th Street, crossing Willow Lane to the south right-of-way line of Willow Lane;

(50) Then in an easterly direction along the south right-of-way line of Willow Lane to its intersection with the west right-of-way line of 46th Street;

(51) Then in a southerly direction along the west right-of-way line of 46th Street, crossing Leland Street and Walsh Street to its intersection with the south right-of-way line of Walsh Street;

(52) Then in an easterly direction along the south right-of-way line of Walsh Street to its intersection with the west right-of-way line of West Avenue;

(53) Then in a southerly direction along the west right-of-way line of West Avenue, crossing Stanford Street, to its intersection with the north right-of-way line of Bradley Lane;

(54) Then in a westerly direction along the north right-of-way line of Bradley Lane to its intersection with the east right-of-way line of Wisconsin Avenue;

(55) Then crossing Wisconsin Avenue to the southeast corner of Lot 3, Block 2, Section 1, Bradley Hills - Bethesda Subdivision, as recorded August 10, 1957, in Plat Book 60, Plat 4990, among the land records of Montgomery County, Maryland;

(56) Then in a northwesterly direction along the north right-of-way line of Bradley Boulevard to its intersection with a southern extension of the east right-of-way line of Strathmore Street;

(57) Then in a northerly direction along the east right-of-way line of Strathmore Street, crossing Leland Street to the north right-of-way line of Leland Street at the southwest corner of Lot 2, Block 1, Plat of Section One, George P. Sack's Subdivision Bethesda, as recorded November 24, 1931, in Plat Book 5, Plat 435, among the land records of Montgomery County, Maryland;

(58) Then in a northerly direction along the common lot line, which is the west line of Lot 2 and the east line of Lot 3, Block 1, George P. Sack's Subdivision, to its intersection with the north line of George P. Sack's Subdivision as shown in Plat Book 5, Plat 435, recorded November 24, 1931, among the land records of Montgomery County, Maryland;

(59) Then in a westerly direction along the north line of George P. Sack's Subdivision to the northwest corner of Lot 11, Block 1, George P. Sack's Subdivision, as shown in Plat Book 5, Plat 435, recorded November 24, 1931, among the land records of Montgomery County, Maryland;

(60) Then in a westerly direction along the north line of George P. Sack's Subdivision to its intersection with the south right-of-way line of the Metropolitan and Southern Branch of the Baltimore & Ohio Railroad;

(61) Then in a westerly direction along the extension of that subdivision line to its intersection with the north right-of-way line of the Metropolitan and Southern Branch of the Baltimore & Ohio Railroad;

(62) Then in a southerly direction along the north line of the Metropolitan and Southern Branch of the Baltimore & Ohio Railroad right-of-way, crossing Bradley Boulevard, to its intersection with a southern extension of the west line of Parcel "EYE," Bradley Hills, Section 2, as recorded December 16, 1954, in Plat Book 50, Plat 3893, among the land records of Montgomery County, Maryland;

(63) Then in a northerly direction along the west line of Parcel "EYE," Bradley Hills Section 2 Subdivision, to its intersection with the south right-of-way line of Bradley Boulevard, as shown in Plat Book 50, Plat 3893, recorded December 16, 1954, among the land records of Montgomery County, Maryland;

(64) Then in a northerly direction, crossing Bradley Boulevard, to the southwest corner of Parcel B, Bradley Hills Subdivision, as recorded December 30, 1948, in Plat Book 25, Plat 1582, among the land records of Montgomery County, Maryland;

(65) Then in a northerly direction along the west line of Parcel B, Bradley Hills Subdivision, as shown in Plat Book 25, Plat 1582, recorded December 30, 1948, among the land records of Montgomery County, Maryland, to its intersection with the southern boundary of Miller's Addition to Bethesda Subdivision, as recorded October 23, 1946, in Plat Book 29, Plat 1823, among the land records of Montgomery County, Maryland;

(66) Then in a westerly direction along the southern boundary of Miller's Addition to Bethesda Subdivision to its intersection with the east line of Lot Pt 6, Block E, Miller's Addition to Bethesda Subdivision, as recorded by deed dated September 2, 1948, and described as Parcel No. 1 in Liber 1185, Folio 513, among the land records of Montgomery County, Maryland;

(67) Then in a northerly direction along the east line of Lot Pt 6, Block E, to its intersection with the south right-of-way line of Bethesda Avenue;

(68) Then crossing Bethesda Avenue to the intersection of the north right-of-way line of Bethesda Avenue and the east line of Lot Pt 6, Block D, Miller's Addition to Bethesda Subdivision, as recorded by deed dated September 2, 1948, and described as Parcel No. 2 in Liber 1185, Folio 513, among the land records of Montgomery County, Maryland;

(69) Then in a northerly direction along that east line of Lot Pt 6, Block D, Miller's Addition to Bethesda Subdivision, as recorded by deed dated September 2, 1948, and described as Parcel No. 2 in Liber 1185, Folio 513, among the land records of Montgomery County, Maryland, to its intersection with the south line of another Lot Pt 6, Block D, Miller's Addition to Bethesda Subdivision, as recorded by deed dated July 14, 1949, in Liber 1274, Folio 367, among the land records of Montgomery County, Maryland;

(70) Then in an easterly direction along the south line of the same Lot Pt 6, Block D, Miller's Addition to Bethesda Subdivision, as recorded by deed dated July 14, 1949, in Liber 1274, Folio 367, among the land records of Montgomery County, Maryland to the southwest corner of Lot Pt 8, Block D, as recorded by deed dated July 14, 1949, in Liber 1274, Folio 367, among the land records of Montgomery County, Maryland;

(71) Then in an easterly direction along the south line of the same Lot Pt 8, Block D, to the southeast corner of the same Lot Pt 8, Block D;

(72) Then in a northerly direction along the east line of the same Lot Pt 8, Block D, to its intersection with the south right-of-way line of Elm Street;

(73) Then in an easterly direction along the south right-of-way line of Elm Street, crossing Arlington Road, to its intersection with the east right-of-way line of Arlington Road;

(74) Then in a northerly direction along the east right-of-way line of Arlington Road, crossing Elm Street and Hampden Lane, to its intersection with the north right-of-way line of Hampden Lane;

(75) Then in an easterly direction along the north right-of-way line of Hampden Lane to the southeast corner of Lot 9, Block 24D, Edgemoor Subdivision, as recorded June 4, 1935, in Plat Book 7, Plat 573, among the land records of Montgomery County, Maryland, which is also on the west line of a public alley running between Hampden Lane and Montgomery Lane, and also the proposed western right-of-way line for Woodmont Avenue;

(76) Then in a northerly direction along the west line of that alley to its intersection with the south right-of-way line of Montgomery Lane;

(77) Then crossing Montgomery Lane to the intersection of the north right-of-way line of Montgomery Lane and the west right-of-way line of Woodmont Avenue;

(78) Then in a northerly direction along the west right-of-way line of Woodmont Avenue, crossing North Lane and Edgemoor Lane to the south right-of-way line of Middlesex Lane;

(79) Then in a westerly and northwesterly direction along the south right-of-way line of Middlesex Lane to its intersection with the south right-of-way line of Moorland Lane;

(80) Then in a westerly direction along the south right-of-way line of Moorland Lane to its intersection with the east right-of-way line of Arlington Road;

(81) Then in a northerly direction along the east right-of-way line of Arlington Road to its intersection with the southwest right-of-way line of Old Georgetown Road;

(82) Then in a northwesterly direction along the southwest right-of-way line of Old Georgetown Road, crossing Arlington Road, to its intersection with the north right-of-way line of Wilson Lane;



(83) Then in a westerly direction along the north right-of-way line of Wilson Lane, crossing Cordell Avenue, to its intersection with the west right-of-way line of Cordell Avenue;

(84) Then in a northerly direction along the west right-of-way line of Cordell Avenue to its intersection with the common lot line, which is the north line of Lot 5 and the south line of Lot 4, Block L, Section 2, Battery Park Subdivision, as recorded July 24, 1925, in Plat Book 4, Plat 304, among the land records of Montgomery County, Maryland;

(85) Then in a westerly direction along the common lot line of Lots 4 and 5 as shown in Plat Book 4, Plat 304, recorded July 24, 1925, among the land records of Montgomery County, Maryland, to its intersection with the east line of Lot 6, Block L, Section 2, Battery Park Subdivision, as shown in Plat Book 4, Plat 304, recorded July 24, 1925, among the land records of Montgomery County, Maryland;

(86) Then in a northerly direction along the east line of Lot 6 to the southernmost corner of Lot 21, Block L, Section 2, Battery Park Subdivision, as recorded November 30, 1951, in Plat Book 41, Plat 2973, among the land records of Montgomery County, Maryland;

(87) Then in a northwesterly direction along the southwest lines of Lots 21, 20 and 1, Block L, Section 2, Battery Park Subdivision, as shown in Plat Book 41, Plat 2973, recorded November 30, 1951, among the land records of Montgomery County, Maryland, to its intersection with the south right-of-way line of Del Ray Avenue;

(88) Then in a westerly direction along the south right-of-way line of Del Ray Avenue to its intersection with the common lot line dividing Lot 16 and Lot 17, Block L, Section 2, Battery Park Subdivision, as recorded August 24, 1923, in Plat Book 3, Plat 261, among the land records of Montgomery County, Maryland;

(89) Then crossing Del Ray Avenue to the southwest corner of Lot 8, Block K, Section 2, Battery Park Subdivision, as recorded February 26, 1962, in Plat Book 70, Plat 6614, among the land records of Montgomery County, Maryland;

(90) Then in a northerly direction along the west line of Lot 8, Block K, Section 2, Battery Park Subdivision to the southwest corner of Lot 29, Block K, Section 2, Battery Park Subdivision, as shown in Plat Book 70, Plat 6614, recorded February 26, 1962, among the land records of Montgomery County, Maryland;

(91) Then in a northwesterly direction along the southern lot lines of Lots 7, 6, and 5, Block K, Section 2, Battery Park Subdivision, as recorded August 24, 1923, in Plat Book 3, Plat 261, among the land records of Montgomery County, Maryland, to the southwest corner of Lot 5, Block K, Section 2, Battery Park Subdivision, as shown in Plat Book 3, Plat 261, recorded August 24, 1923, among the land records of Montgomery County, Maryland;

(92) Then in a northwesterly direction along the southern line of Lot 35, Block K, Section 2, Battery Park Subdivision, to its intersection with the southern right-of-way line of Glenbrook Road, as recorded June 6, 1980, in Plat Book 111, Plat 12996, among the land records of Montgomery County, Maryland;

(93) Then in a northeasterly direction along the southern right-of-way line of Glenbrook Road to the southwest right-of-way line of Old Georgetown Road;

(94) Then crossing Old Georgetown Road to the intersection of the northeast right-of-way line of Old Georgetown Road and the southeast right-of-way line of Glenbrook Road;

(95) Then in a northeasterly direction along the southeast right-of-way line of Glenbrook Road to the northeast corner of Lot 1, Block A, Samuel T. Robertsons Addition to Bethesda Subdivision, as recorded January 9, 1930, in Plat Book 5, Plat 407, among the land records of Montgomery County, Maryland;

(96) Then in a southeasterly direction along the northeast line of Lots 1 and 2, Block A, Samuel T. Robertsons Addition to Bethesda Subdivision, to its intersection with the southeast boundary line for Samuel T. Robertsons Addition to Bethesda Subdivision, as shown in Plat Book 5, Plat 407, recorded January 9, 1930, among the land records of Montgomery County, Maryland, which is also being the common subdivision

boundary with Woodmont Subdivision as recorded November 13, 1894, in Plat Book 1, Plat 4, among the land records of Montgomery County, Maryland;

(97) Then in a northeasterly direction along the common subdivision boundary line between Samuel T. Robertsons Addition to Bethesda and Woodmont Subdivisions to its intersection with the southwest right-of-way line of Norfolk Avenue;

(98) Then in a northerly direction along the common subdivision boundary line between Samuel T. Robertsons Addition to Bethesda and Woodmont Subdivisions, crossing Rugby Avenue to its intersection with the southern boundary line of Northwest Park Subdivision, as recorded October 10, 1910, in Plat Book 2, Plat 134, among the land records of Montgomery County, Maryland;

(99) Then in an easterly direction along the common subdivision boundary line between Northwest Park and Woodmont Subdivisions to its intersection with the westernmost line of Lot 633, Woodmont Subdivision, as recorded October 8, 1982, in Plat Book 119, Plat 14027, among the land records of Montgomery County, Maryland;

(100) Then in a northerly direction along the westernmost line of Lot 633, Woodmont Subdivision, to its intersection with the northernmost line of Lot 633, Woodmont Subdivision, as shown in Plat Book 119, Plat 14027, recorded October 8, 1982, among the land records of Montgomery County, Maryland;

(101) Then in an easterly direction along the northernmost line of Lot 633, Woodmont Subdivision, to its intersection with the east line of Lot 633, Woodmont Subdivision, which is also the west line of Lot 45, Block 1, Northwest Park Subdivision, as recorded October 10, 1910, in Plat Book 2, Plat 134, among the land records of Montgomery County, Maryland;

(102) Then in a southerly direction along the common lot line of Lot 633, Woodmont Subdivision and Lot 45, Block 1, Northwest Park Subdivision, to its intersection with the northern boundary line of the Woodmont Subdivision as shown in Plat Book 2, Plat 134, recorded October 10, 1910, among the land records of Montgomery County, Maryland;

(103) Then in an easterly direction along the northern boundary of the Woodmont Subdivision as recorded November 13, 1894, in Plat Book 1, Plat 4, among the land records of Montgomery County, Maryland, to its intersection with the west line of the Montgomery County Public Parking Facility No. 35 site as recorded in Liber 2388, Folio 521;

(104) Then in a northerly direction along the west line of Public Parking Facility No. 35 to its intersection with the north line of Public Parking Facility No. 35;

(105) Then in an easterly direction along the north line of Public Parking Facility No. 35 to its intersection with the western right-of-way line of Woodmont Avenue;

(106) Then in a northerly direction along the western right-of-way line of Woodmont Avenue to its intersection with the southern right-of-way line of Battery Lane;

(107) Then in a northerly direction, crossing Battery Lane, to the northern right-of-way line of Battery Lane at the southeast corner of Lot 47, Block 2, Northwest Park Subdivision, as recorded October 10, 1910, in Plat Book 2, Plat 134, among the land records of Montgomery County, Maryland;

(108) Then in a northerly direction along the east line of Lot 47, Block 2, Northwest Park Subdivision, which is also the west line of Lot 20, Block 2, Northwest Park Subdivision, to its intersection with the northern boundary line for the Northwest Park Subdivision, as shown in Plat Book 2, Plat 134, recorded October 10, 1910, among the land records of Montgomery County, Maryland;

(109) Then in an easterly direction along the northern boundary line of the Northwest Park Subdivision to its intersection with the west right-of-way line of Wisconsin Avenue;

(110) Then in an easterly direction, crossing Wisconsin Avenue, to the point of beginning; and

(111) Any lot that is partially within and partially outside of the areas under paragraphs (1) through (110).

(b) *Silver Spring Urban District*. The Silver Spring Urban District is all land in the thirteenth election district of the county within the area described as follows:

(1) Beginning at a point on the Maryland-District of Columbia boundary line at the intersection of the west right-of-way of Georgia Avenue with the Maryland-District of Columbia boundary line, and running in a northwesterly direction along the Maryland-District of Columbia boundary line, and crossing Sixteenth Street along an extension of that boundary line to its intersection with the west right-of-way line of Sixteenth Street;

(2) Then in a northerly direction along the west right-of-way line of Sixteenth Street, crossing East-West Highway to its intersection with a southwesterly extension of the northerly right-of-way line of Spring Street;

(3) Then in a northeasterly direction along that extension crossing Sixteenth Street to its intersection with the east right-of-way line of Sixteenth Street;

(4) Then in a northeasterly direction along the northern right-of-way line of Spring Street, crossing Second Avenue, First Avenue, Georgia Avenue, and Alton Parkway, then southeasterly to its intersection with the northwest right-of-way line of Fairview Road;

(5) Then in a northeasterly direction approximately 390 feet along the northwest right-of-way line of Fairview Road to its intersection with the westward extension of the southwest line of Lots 1 and 2, Block B, Section 4, Woodside Park, as recorded January 30, 1923, in Plat Book 3, Plat 244, among the land records of Montgomery County, Maryland;

(6) Then crossing Fairview Road in a southeasterly direction along the southwest line of Lots 1 and 2, Block B, Section 4, Woodside Park, to its intersection with the southwest right-of-way line of Noyes Drive;

(7) Then in a southeasterly direction along the southwest right-of-way line of Noyes Drive to its intersection with the northwest right-of-way line of Colesville Road;

(8) Then crossing Colesville Road in a southeasterly direction to the intersection of the southeast right-of-way line of Colesville Road and the southwest line of the Silver Spring Public Library site, Parcel No. P959;

(9) Then along that line to the southeast right-of-way line of Ellsworth Drive;

(10) Then in a southwesterly direction along the southeast right-of-way line of Ellsworth Drive to its intersection with the common line of the Academy of the Holy Names site and the northeast line of Evanswood Sec. 1 Subdivision, also shown as the common lot line of Lot 9 and Lot 10, Evanswood Section One, as recorded March 2, 1932, in Plat Book 5, Plat 439 among the land records of Montgomery County, Maryland;

(11) Then in a southeasterly direction along the northeast lot lines of Lots 1 through 9 as shown in Plat Book 5, Plat 439, recorded March 2, 1932, among the land records of Montgomery County, Maryland, crossing Pershing Drive along an extension of that line to its intersection with the southeast right-of-way line of Pershing Drive;

(12) Then in a southwesterly direction along the southeast right-of-way line of Cedar Street;

(13) Then in a southeasterly direction along the northeast right-of-way line of Cedar Street, crossing Wayne Avenue, to its intersection with the southeast right-of-way line of Wayne Avenue;

(14) Then in a southwesterly direction along the southeast right-of-way line of Wayne Avenue for approximately 750 feet, to its intersection with the east lot line of Lot 24, Block 4, in Jordan's and Smith's Addition to Silver Spring Park, as recorded June 2, 1925, in Plat Book 4, Plat 301, among the land records of Montgomery County, Maryland;

(15) Then in a southeasterly direction along the east line of Lot 24 to the southeast corner of Lot 24;

(16) Then in a southwesterly direction approximately 15 feet to the northeast corner of Lot 14, Block 4, Jordan's and Smith's Addition to Silver Spring Park, as shown in Plat Book 4, Plat 301, recorded June 2, 1925,

among the land records of Montgomery County, Maryland;

(17) Then in a southeasterly direction along the east line of Lot 14, as shown in Plat Book 4, Plat 301, recorded June 2, 1925, among the land records of Montgomery County, Maryland, to the northwest right-of-way line of Bonifant Street;

(18) Then in a southerly direction crossing Bonifant Street to the intersection of the southeastern right-of-way line of Bonifant Street and the northeast corner of Lot 5, Block U, Silver Spring Park, as shown in Plat Book 1, Plat 99, recorded April 4, 1909, among the land records of Montgomery County, Maryland, which is also the same as the northeast corner of Montgomery County Public Parking Facility 29;

(19) Then in a southerly direction along the common lot line, which is the east line of Lot 5 and the west line of Lot 6 as shown in Plat Book 1, Plat 99, recorded April 4, 1909, among the land records of Montgomery County, Maryland, crossing Easley Street along the southern extension of that line to its intersection with the south right-of-way line of Easley Street;

(20) Then in a westerly direction along the south right-of-way line of Easley Street approximately 50 feet to its intersection with the common lot line, which is the west line of Lot 7 and the east lot line of Lot 28, Block P, Silver Spring Park, as shown in Plat Book 1, Plat 99, recorded April 4, 1909, among the land records of Montgomery County, Maryland;

(21) Then in a southerly direction along the common line of Lot 7 and Lot 28, Block P and the common line of Lot 18 and Lot 19, Block P, Silver Spring Park, as shown in Plat Book 1, Plat 99, recorded April 4, 1909, among the land records of Montgomery County, Maryland, crossing Thayer Avenue to the intersection of the south right-of-way line of Thayer Avenue and the common lot line which is the east lot line of Lot 5 and the west lot line of Lot 6, Block G, as shown on a "Map of Building Sites for Sale at Silver Spring," as recorded May 23, 1904, in Plat Book 1, Plat 54, among the land records of Montgomery County, Maryland;

(22) Then in a southerly direction along the common lot line of Lot 5 and Lot 6, Block G, and with an extension of that line to the south right-of-way line of a 20-foot alley dividing Block G and Block H, as shown on the "Map of Building Sites for Sale at Silver Spring;"

(23) Then in a westerly direction approximately 50 feet along the south line of that alley to its intersection with the common lot line, which is the east line of Lot 4 and the west line of Lot 5, Block H, as shown on the "Map of Building Sites for Sale at Silver Spring;"

(24) Then in a southerly direction along the common lot line of Lot 4 and Lot 5, Block H, to its intersection with the northern right-of-way line of Silver Spring Avenue;

(25) Then crossing Silver Spring Avenue to the intersection of the southern right-of-way line of Silver Spring Avenue and the common lot line, which is the east line of Lot 4 and the west line of Lot 5, Block I, as shown on the "Map of Building Sites for Sale at Silver Spring;"

(26) Then in a southerly direction along the common lot line of Lot 4 and Lot 5, Block I, crossing a 20-foot alley dividing Block I and Block J, as shown on the "Map of Building Sites for Sale at Silver Spring," to its intersection with the south right-of-way line of that alley and the common lot line, which is the east line of Lot 4 and the west line of Lot 5, Block J, as shown on the "Map of Building Sites for Sale at Silver Spring;"

(27) Then in a southerly direction along the common lot line of Lot 4 and Lot 5, Block J, to its intersection with the northern right-of-way line of Sligo Avenue;

(28) Then along a southern extension of that common lot line of Lot 4 and Lot 5, Block J, to its intersection with the southern right-of-way line of Sligo Avenue;

(29) Then in a northwesterly direction along the southern right-of-way line of Sligo Avenue to its intersection with the northeast corner of Lot 19, Block A, shown on a plat of Blair Section 1, recorded June 7, 1922, in Plat Book 3, Plat 229 among the land records of Montgomery County, Maryland;

(30) Then in a southerly direction along the east line of Lot 19, Block A, to its intersection with the remainder of Lot 25, Block A, as shown on the plat of Blair Section 1, recorded June 7, 1922, in Plat Book 3, Plat 229, among the land records of Montgomery County, Maryland;

(31) Then in an easterly direction approximately 15 feet to its intersection with the northwest corner of Lot 51, Block A, as shown on a plat of Blair Section 1, recorded November 16, 1935, in Plat Book 8, Plat 626, among the land records of Montgomery County, Maryland;

(32) Then in a southerly direction along the west line of that Lot 51 to its intersection with the northern right-of-way line of Gist Avenue;

(33) Then along a southerly extension of the west line of that Lot 51 to the southern right-of-way line of Gist Avenue;

(34) Then in a westerly direction along the southern right-of-way line of Gist Avenue to its intersection with the eastern right-of-way line of Fenton Street;

(35) Then in a southerly direction along the eastern right-of-way line of Fenton Street crossing Philadelphia Avenue, Isington Street, and New York Avenue to its intersection with the corporated limit line of the City of Takoma Park;

(36) Then in a southwesterly direction with the corporate limit line of the City of Takoma Park crossing the northeast right-of-way line of the B & O Railroad to its intersection with the southwest right-of-way line of the B & O Railroad;

(37) Then in a southeasterly direction with the southwest right-of-way line of the B & O Railroad to its intersection with the northeast right-of-way line of Blair Road;

(38) Then in a northwesterly direction along the northeast right-of-way line of Blair Road to its intersection with an extension of the southeast line of Parcel One, Yost's Addition to Silver Spring, as shown in Plat Book 85, Plat 8874, recorded March 13, 1968, among the land records of Montgomery County, Maryland;

(39) Then in a southwesterly direction along that line to its intersection with the northeast line of Eastern Avenue, which is also the Maryland-District of Columbia boundary line;

(40) Then in a northwesterly direction along the Maryland-District of Columbia boundary line to the point of beginning; and

(41) Any lot that is partially within and partially outside of the areas under paragraphs (1) through (40).

(c) *Wheaton Urban District.* The Wheaton Urban District is all land in the thirteenth election district of the county within the area described as follows:

(1) Beginning on the west right-of-way line of Amherst Avenue at the southeast corner of Parcel A, Wheaton Place, as recorded February 26, 1965, in Plat Book 77, Plat 7696, among the land records of Montgomery County, Maryland;

(2) Then in a westerly direction along the south line of the same Parcel A to its intersection with the east right-of-way line of Georgia Avenue, as shown in Plat Book 77, Plat 7696, recorded February 26, 1965, among the land records of Montgomery County, Maryland;

(3) Then crossing Georgia Avenue along a westerly extension of the south line of the same Parcel A to its intersection with the west right-of-way line of Georgia Avenue;

(4) Then in a northerly direction along the west right-of-way line of Georgia Avenue to its intersection with the southern line of Parcel 4, Wheaton Plaza, as recorded August 11, 1960, in Plat Book 66, Plat 6037, among the land records of Montgomery County, Maryland;

(5) Then in a westerly and then northerly direction along the southern and western lines of Parcel 4, Wheaton Plaza, to its intersection with the south right-of-way line of University Boulevard West, as shown in

Plat Book 66, Plat 6037, recorded August 11, 1960, among the land records of Montgomery County, Maryland;

(6) Then crossing University Boulevard West to the southwest corner of Lot Pt 8, Block G, Kensington View subdivision, as recorded July 10, 1925, in Plat Book 4, Plat 303, among the land records of Montgomery County, Maryland, which is also the northeast intersection of University Boulevard West and Midvale Road;

(7) Then in a northerly direction along the west line of the same Lot Pt 8 to its intersection with the north line of the same Lot Pt 8;

(8) Then in an easterly direction along the north lines of Lots 1 through 8, Block G, Kensington View, to its intersection with the west line of East Avenue, as shown in Plat Book 4, Plat 303, recorded July 10, 1925, among the land records of Montgomery County, Maryland;

(9) Then in a northerly direction along the west line of East Avenue, crossing Upton Drive and Kensington Boulevard to the north line of Kensington Boulevard;

(10) Then in an easterly direction along the north line of Kensington Boulevard, including its planned extension, to its intersection with the west line of Viers Mill Road;

(11) Then crossing Viers Mill Road to the west corner of Lot 1, Block B, Triangle Park as shown in Plat Book No. 4, on Plat No. 338, recorded among the land records of Montgomery County, Maryland;

(12) Then with the southerly side of Kensington Boulevard in an easterly direction and crossing Wheaton Hill Road to a point on the easterly side of the same Wheaton Hill Road, which is also the north corner of Lot 16, Block A, as shown on the plat of Triangle Park in PlatBook 4, on Plat No. 338, recorded among the land records of Montgomery County, Maryland;

(13) Then running with the easterly side of Wheaton Hill Road northeast to the south side of Blueridge Avenue, which is also the P.T. of Fillet curve No. 4 and generally the northwest corner of Lot 1, Block 44, as shown on Plat No. 9, Wheaton Hills, recorded in Plat Book 32, on Plat 2058, among the land records of Montgomery County, Maryland;

(14) Then with the southerly side of Blueridge Avenue, with the arc of a curve to the left in a general easterly direction, to the east side of Grandview Avenue;

(15) Then with the east side of Grandview Avenue north to the common front corner of Lots 19 and 20, Block 27, as shown on Plat No. 9, Wheaton Hills, recorded in Plat Book 32, on Plat 2058, among the land records of Montgomery County, Maryland;

(16) Then leaving the east side of Grandview Avenue and running with the dividing line of the same Lots 19 and 20, and Lots 9 and 10, Block 27, as shown on Plat No. 9, Wheaton Hills, recorded in Plat Book 32, on Plat 2058, among the land records of Montgomery County, Maryland, east to the west side of Georgia Avenue;

(17) Then with the west side of Georgia Avenue and running south, approximately 200 feet;

(18) Then leaving the west side of Georgia Avenue, crossing Georgia Avenue, and running east with the northerly subdivision limits of Villa Verde Subdivision as shown in Plat Book No. 4, on Plat No. 388, recorded among the land records of Montgomery County, Maryland, to the northeast corner of Lot 8, Villa Verde;

(19) Then in a southerly direction along the east line of the same Lot 8, Villa Verde, and crossing Blueridge Avenue to the intersection of the extension of the east line of Lot 8, Villa Verde and the south line of Blueridge Avenue;

(20) Then along the south line of Blueridge Avenue to approximately 125 feet east of the east line of Amherst Avenue, which is a point on the dividing line between Lot 1, Block 1, Wheaton Manor, and the property occupied by Columbia Broadcasting Company as shown in Plat Book 45, on Plat No. 3390, recorded among the land records of Montgomery County, Maryland;

(21) Then in a southerly direction along that line to its intersection with the northerly line of Lot 3, Block 1, Wheaton Manor;

(22) Then in an easterly direction along that northerly line of Lot 3, Block 1, Wheaton Manor, to its intersection with the easterly line of the same Lot 3, Block 1;

(23) Then in a southerly direction along that easterly line of Lot 3, Block 1 to the intersection of the extension of that line with the southerly line of University Boulevard West (formerly Old Bladensburg Road);

(24) Then in a northeasterly direction along that southerly line of University Boulevard West to its intersection with the west line of Amherst Avenue (formerly Vernosia Place);

(25) Then in a southerly direction along that west line of Amherst Avenue, crossing Reddie Drive and Prichard Road to the point of beginning; and

(26) Any lot that is partially within and partially outside of the areas under paragraphs (1) through (25).

(c) The Friendship Heights Urban District is all the land within the area described as follows:

(1) Beginning at the centerline intersection of Belmont Avenue and Oliver Street;

(2) Then in a southeasterly direction along the centerline of Belmont Avenue until the centerline intersection of Belmont Avenue and Park Street;

(3) Then in a southeasterly direction continuing along the right of way for Belmont Avenue Trail;

(4) Then in a northeasterly direction continuing along the right of way for Belmont Avenue Trail;

(5) Then in a southeasterly direction to the westernmost corner of Lot 20, Block 5 on Plat 349, recorded among the land records of Montgomery County, Maryland;

(6) Then in a southeasterly direction to the southernmost corner of Lot 8, Block 5 on Plat 349, recorded among the land records of Montgomery County, Maryland;

(7) Then in a southeasterly direction to the centerline of Western Avenue;

(8) Then in a southwesterly direction along the centerline of Western Avenue;

(9) Then in a northwesterly direction to the southernmost corner of Parcel A on Plat 5074, recorded among the land records of Montgomery County, Maryland;

(10) Then in a southwesterly direction along the western boundary of Parcel A on Plat 7074, recorded among the land records of Montgomery County Maryland;

(11) Then in a northwesterly direction along the western boundary of Parcel A on Plat 5074, recorded among the land records of Montgomery County, Maryland;

(12) Then in a northwesterly direction along the western boundary of Parcel A on Plat 5074, recorded among the land records of Montgomery County, Maryland;

(13) Then in a northeasterly direction along the western boundary of Parcel A on Plat 5074, recorded among the land records of Montgomery County, Maryland;

(14) Then in a northwesterly direction along the western boundary of Parcel A on Plat 5074, recorded among the land records of Montgomery County, Maryland;

(15) Then in a southwesterly direction along the western boundary of Parcel A on Plat 5074, recorded among the land records of Montgomery County, Maryland;

(16) Then in a northwesterly direction along the western boundary of Parcel A on Plat 5074, recorded among the land records of Montgomery County, Maryland;

- (17) Then in a northeasterly direction along the western boundary of Parcel A on Plat 5074, recorded among the land records of Montgomery County, Maryland;
- (18) Then in a northwesterly direction along the western boundary of Parcel A on Plat 5074, recorded among the land records of Montgomery County, Maryland;
- (19) Then in a northwesterly direction along the western boundary of Parcel A on Plat 5074, recorded among the land records of Montgomery County, Maryland;
- (20) Then in a northwesterly direction along the western boundary of Parcel A on Plat 5074, recorded among the land records of Montgomery County, Maryland;
- (21) Then in a northwesterly direction along the western boundary of Parcel A on Plat 5074, recorded among the land records of Montgomery County, Maryland;
- (22) Then in a northwesterly direction along the western boundary of Parcel A on Plat 5074, recorded among the land records of Montgomery County, Maryland;
- (23) Then in a northwesterly direction along the western boundary of Parcel A on Plat 5074, recorded among the land records of Montgomery County, Maryland;
- (24) Then in a northeasterly direction along the western boundary of Parcel A on Plat 5074, recorded among the land records of Montgomery County, Maryland;
- (25) Then in a northwesterly direction along the western boundary of Parcel A on Plat 5074, recorded among the land records of Montgomery County, Maryland;
- (26) Then in a southwesterly direction along the western boundary of Parcel A on Plat 5074, recorded among the land records of Montgomery County, Maryland;
- (27) Then in a northwesterly direction along the western boundary of Parcel A on Plat 5074, recorded among the land records of Montgomery County, Maryland;
- (28) Then in a northeasterly direction along the western boundary of Parcel A on Plat 5074, recorded among the land records of Montgomery County, Maryland;
- (29) Then in a northwesterly direction along the western boundary of Parcel A on Plat 5074, recorded among the land records of Montgomery County, Maryland;
- (30) Then in a southwesterly direction along the western boundary of Parcel A on Plat 5074, recorded among the land records of Montgomery County, Maryland;
- (31) Then in a northwesterly direction to the westernmost corner at the Willard Avenue right of way of Parcel A on Plat 5074, recorded among the land records of Montgomery County, Maryland;
- (32) Then in a northwesterly direction to the centerline of the Willard Avenue right of way;
- (33) Then in a northeasterly direction along the centerline of the Willard Avenue right of way;
- (34) Then in a northeasterly direction along the centerline of the Willard Avenue right of way to the intersection of North Park Avenue;
- (35) Then in a southeasterly direction along the centerline of the Willard Avenue right of way to the intersection of Friendship Boulevard;
- (36) Then in a northeasterly direction along the centerline of Friendship Boulevard;
- (37) Then in a northwesterly direction along the centerline of Friendship Boulevard to the intersection of South Park Avenue;



(38) Then in a northeasterly direction along the centerline of South Park Avenue to the intersection of The Hills Plaza;

(39) Then in a northwesterly direction along the centerline of The Hills Plaza;

(40) Then in a northeasterly direction to the northernmost corner of Lot 20, Block 1 of Plat 8963;

(41) Then in a northeasterly direction to the centerline of Wisconsin Avenue;

(42) Then in a northwesterly direction along the centerline of Wisconsin Avenue to the centerline intersection of Oliver Street;

(43) Then in a northeasterly direction along the centerline of Oliver Street to the point of beginning; and

(44) Any lot that is partially within and partially outside of the areas under paragraphs (1) through (44). (1987 L.M.C., ch. 2, § 2; 2023 L.M.C., ch. 14, § 1.)

### **Sec. 68A-9. Urban District Corporations.**

(a) *General.* An urban district corporation may be created under this Section for the benefit of each urban district. An urban district corporation created under this Section is a public instrumentality of the County and is a commercial district management authority for that urban district. An urban district corporation is not within the Executive or Legislative branches of County government, is separate and distinct from the County, and is an independent entity. To the extent not inconsistent with this Section or Article 25A, Section 5(FF) of the Maryland Code, an urban district corporation may exercise all powers and is subject to all requirements applicable to non-stock corporations under the Corporations and Associations Article of the Maryland Code. An urban district corporation performs tasks of benefit to the government.

(b) *Services.* An urban district corporation may provide the following services to benefit residents and businesses in the district (and which may incidentally benefit neighboring communities):

(1) promotion, organization, and support of cultural, recreational, and business activities;

(2) specialized transportation services, including jitney service;

(3) subject to Section 68A-3, enhancement and maintenance of streetscape and provision of additional streetscape amenities; and

(4) other initiatives to advance the business and residential environment and sense of community through such measures as enhanced security, coordination of retail marketing and signage, facade improvements, business retention services, community initiatives, and similar activities.

A Corporation may provide a service outside the boundaries of an urban district if the service will primarily benefit businesses or residents in the urban district. A Corporation may also provide any authorized service to another Corporation or urban district.

(c) *Creation.*

(1) An urban district corporation may be created by the adoption of a resolution by the County Council that is approved by the County Executive or, if disapproved by the Executive, is readopted by a vote of 6 Councilmembers. The public must be given at least 30 days to comment on the proposed articles of incorporation and by-laws before the Council adopts the resolution. The resolution must approve articles of incorporation that state the:

a. name of the corporation;

b. names, addresses, and terms of office of the first directors of the corporation;

c. location of the principal office of the corporation;

d. purposes for which the corporation is formed; and

e. powers of the corporation, subject to the restrictions or limitations on the powers of the corporation in this Section and in Article 25A, Section 5(FF) of the Maryland Code.

(2) The resolution adopted under paragraph (1) must also approve proposed by-laws for the corporation that include provisions required under Section 68A-10(h).

(3) The County Executive, or any other person designated in the resolution adopted under paragraph (1), must execute and file the articles of incorporation for recording with the State Department of Assessments and Taxation. When the articles of incorporation are accepted for recording by the Department of Assessments and Taxation, the corporation becomes a body corporate, lawfully and properly created and authorized to exercise its powers.

(4) The County Council may amend the articles of incorporation by adopting a resolution approved by the County Executive or, if the resolution is disapproved by the Executive, readopting it by a vote of 6 Councilmembers. Any amendment must be filed and recorded with the State Department of Assessments and Taxation. A copy of the articles of incorporation and any amendment must be filed with the County Executive. (1987 L.M.C., ch. 2, § 2; 1993 L.M.C., ch. 16, § 1; 1999 L.M.C., ch. 22, § 1; [2000 L.M.C., ch. 26](#), § 1.)

### **Sec. 68A-10. Board of Directors of Corporation; Employees; Other Organizational Matters.**

(a) *Appointment and Confirmation of Board of Directors.* Except as otherwise provided in the resolution creating an urban district corporation, the board of directors of the corporation has 11 members. Members are appointed by the County Executive and confirmed by the County Council. The County Executive must appoint the members of the board of directors so that:

- (1) an ex-officio, nonvoting member is the County Executive or the Executive's designee;
- (2) 2 members are persons nominated by the chamber of commerce of that urban district;
- (3) 3 members are, or represent, owners of an optional method development;
- (4) one member is an owner, partner, proprietor, or corporate officer of a small business;
- (5) one member lives in the urban district;

(6) one member lives in a residential community outside of, but in close proximity to, the urban district, who must be appointed by the County Executive from among three candidates nominated by the County Council;

(7) one member lives in a residential community within the planning area in which the urban district is located and is nominated by the citizens advisory board serving that area after the board has solicited interest from the public and interviewed potential nominees; and

(8) one member is a resident member of the citizen advisory board who is nominated by the board, or if no member of the board is able to serve, a resident of the planning area in which the urban district is located who is nominated by the citizens advisory board.

(b) *Rejection of nominations to board of directors.* The County Executive may reject any person nominated to serve on the board of directors and request additional nominations from the body that nominated the person.

(c) *Term; Removal.*

(1) Each member of the board of directors serves for a period of 3 years. However, when the board of directors is first formed, any member of the district's Urban District Advisory Committee who consents to do so serves as a member of the board for the remainder of that person's term.

(2) The County Executive may reappoint a member to the board of directors for one additional term, but a member must not serve more than 2 consecutive terms on the board.

(3) The County Executive may remove a member of the board of directors for malfeasance, misfeasance, or nonfeasance or other reason specified in the bylaws for the corporation.

(d) *Duties.* The board of directors directs all aspects of the program, management, and finances of the corporation.

(e) *Compensation; Relation to County retirement system.*

(1) A member of the board of directors serves without compensation.

(2) A member of the board of directors is not eligible to receive benefits under the County retirement system for service rendered as a board member.

(f) *Procedures, attendance, and ethics.*

(1) The board of directors may establish its own rules of procedure. These rules may be included in the bylaws of the corporation. The board may adopt a rule that allows for removal of a member by the County Executive, upon recommendation of the board, because of failure to attend meetings or other reasons.

(2) A member of the board of directors is not subject to Chapter 19A (Ethics) but must comply with all bylaws pertaining to ethical conduct by the board of directors approved by the County Council and County Executive under subsection (g).

(g) *Bylaws.*

(1) At the organization meeting of the board of directors required under Section 2-109 of the Corporations and Associations Article of the Maryland Code, the board must adopt the bylaws approved by the County Council and Executive under Section 68A-9. Any later amendment to the bylaws must be submitted to the County Council and County Executive for approval at least 60 days before the board of directors takes final action on the amendment. All bylaws must be filed with the County Executive within 5 working days of adoption.

(2) The bylaws may contain any provision not inconsistent with law or the articles of incorporation of the corporation to regulate and manage the affairs of the corporation. The bylaws must contain provisions that:

a. protect against any conflict of interest or similar impropriety by members of the board of directors or the Executive Director or any other employees, including self-dealing and collusive practices. This requirement includes a provision for the disclosure of a financial or similar interest of any person in any matter before the corporation and the establishment of conditions under which that person is disqualified from participating in decisions or other actions in which there is a conflict between the person's official duties and private interests. Appropriate remedies against violation, including removal or termination must be provided;

b. provide for competitive procurement for goods and services with reasonable public notice;

c. provide for surety bonds or similar instruments to protect against misappropriation of funds by employees of the corporation responsible for the handling of corporation funds;

d. specify how the corporation will comply with the state open meetings law and, in addition, provide that all meetings of the board of directors must be open to the public except when closed on a recorded vote of the board for a reason expressly listed in the bylaws; and

e. specify how the corporation will comply with the state public records law.

(h) *Committees.* The board of directors should be supported by committees, each chaired by a board member, which oversee the management and other functions of the corporation. Membership on committees must be open to persons other than board members.

(i) *Executive director; agents and employees.* The board of directors should engage an executive director with substantial experience managing downtown districts or in a related field. The board may employ, or contract with, other persons to assist in carrying out the corporation's functions. An employee of the corporation is not a

County employee under Chapter 33 (Personnel) nor a public employee for purposes of Chapter 19A (Ethics). An employee must not participate in or receive benefits from the County retirement system for service as an employee with the corporation.

(j) *Insurance.* An urban district corporation must secure reasonable and appropriate insurance for its activities. The corporation and its employees are eligible to participate in the County's comprehensive insurance and self insurance programs in accordance with Section 20-37.

(k) *Publicity.* An urban district corporation may publicize its activities through newsletters or other media. It may sell advertising in its publications. (1987 L.M.C., ch. 2, § 2; 1993 L.M.C., ch. 16, § 1.)

### **Sec. 68A-11. Urban District Corporation-Powers.**

(a) *Powers.* To further its statutory purposes, but subject to the limitations in subsection (b), an urban district corporation may:

- (1) acquire, hold, and use both real and personal property and other property rights necessary to achieve its purposes, including acquisition by purchase or lease;
- (2) make contracts, including employment contracts and contracts for goods and services;
- (3) sue and be sued;
- (4) accept grants, gifts, or other contributions;
- (5) establish commercial bank accounts, with any earnings on funds inuring to the corporation; and
- (6) take other necessary or convenient actions.

(b) *Limitations.* An urban district corporation must not:

- (1) pledge the full faith and credit of the County;
- (2) issue bonds or notes;
- (3) exercise any police or general power of the County, except those expressly authorized by law;
- (4) exercise the power of eminent domain;
- (5) lease any property as tenant for a term of years beyond the date of termination of the corporation;
- (6) purchase, sell, construct, or, as a landlord, lease office or retail space; or
- (7) except as otherwise authorized under this Chapter, compete with the private sector.

(c) *Maintenance agreements.* An urban district corporation and an optional method developer may enter into an agreement for:

- (1) the corporation to maintain streetscape amenities on private or public property; or
- (2) an optional method developer to maintain streetscape amenities on public rights-of-way.

(d) *Applicability of County Procurement Policies.*

(1) The requirements of Chapter 11B (Procurement) do not apply to procurement by an urban district corporation. However, the corporation must make a good faith effort to meet the minority, female, and disabled business procurement goals that apply to County government under Chapter 11B. Similarly, the corporation must make a good faith effort to achieve procurement goals for the purchase of recycled goods that apply to County government under Chapter 11B. The corporation must submit a report to the Chief Administrative Officer by September 1 of each year describing achievement of those goals in the prior fiscal year.

(2) An urban district corporation should participate in the County cooperative purchasing program to the fullest extent possible. To the extent practicable and cost effective, the corporation must utilize the County's centralized purchasing system by purchasing goods under County requirement contracts with vendors or using existing County inventories.

*(e) County not liable; Suits by corporation against County prohibited; styling of suits by or against the corporation; County Attorney.*

(1) The County is not liable, in contract or tort, for any obligation, act, or omission of an urban district corporation or its agents or employees. Any contract executed by an urban district corporation must state that the County is not liable for any obligation of the corporation under the contract.

(2) An urban district corporation must not sue the County as plaintiff.

(3) As a commercial district management authority, each corporation is a "local government" as that phrase is used in the Local Government Tort Claims Act. A lawsuit brought by or against an urban district corporation must name the urban district and the corporation as follows: "(geographic area) Urban District Corporation for the benefit of the (geographic area) urban district, a special taxing district of Montgomery County, Maryland." The special taxing district should be considered the real party in interest under Maryland Rules of Procedure and for purposes of the Local Government Tort Claims Act.

(4) The County Attorney is the legal advisor to each urban district corporation and must be notified of any legal action brought by or against the corporation. This paragraph does not prohibit a corporation from hiring additional legal counsel approved by the County Attorney. (1987 L.M.C., ch. 2, § 2; 1993 L.M.C., ch. 16, § 1; 1993 L.M.C., ch. 24, § 1.)

## **Sec. 68A-12. Urban District Corporations-Budget, Finances, and Administration.**

*(a) Budget preparation, review, and action.*

(1) Each urban district corporation must annually prepare and submit a budget to the Office of Management and Budget for review in accordance with the procedures and schedule established by the Office of Management and Budget.

(2) The Office of Management and Budget should meet with the board of directors to attempt to resolve any area of disagreement.

(3) The County Council considers and acts on the County Executive's recommended budget for the urban district corporation in accordance with the budget adoption procedures of the County Charter. The Council may consider any non-County funding available to the corporation in deciding the amount of County funding to approve. Unencumbered County funds estimated to remain in the corporation at the end of the fiscal year must be applied to the next annual corporation budget approved by the Council.

*(b) Distribution; use of urban district funds.*

(1) After the County Council has approved the urban district's budget, the Director of Finance must transfer those monies appropriated for use by an urban district corporation to the corporation in accordance with Section 11B-42(d)\*. The transfer of funds to, and expenditure of funds by, the corporation is subject each year to the execution of an agreement between the County and the urban district corporation. This Chapter and any agreement executed under this subsection do not create or imply any continuing right of a corporation to public funding. The County in its discretion may terminate or refuse to renew any such agreement at the end of any fiscal year.

\* **Editor's note**—Chapter 11B was amended. See Sec. 11B-14(a)(4).

(2) An urban district corporation must use funds transferred under this Section only:

a. for the urban district from which they are obtained;

b. for the purposes of the urban district as set forth in this Chapter; and

c. in accordance with its articles of incorporation and bylaws and the agreement between the corporation and the County.

(3) The agreement between the County and the urban district corporation may provide for the County to provide goods or services to the corporation.

(c) *Start-up funding.* Any start-up funding that cannot be accommodated in the normal County budget cycle may be funded by a supplemental or emergency appropriation in accordance with law.

(d) *Annual report and audit.* An urban district corporation must maintain its books, accounts, and records and file with the Director of Finance an annual report. The books, accounts, and records must be open to inspection by the County during reasonable working hours. The corporation must also provide the County an annual independent audit by a certified public accountant, including a copy of any accompanying management letter. The time for submission of the annual report and audit must be stated in the agreement between the urban district corporation and the County.

(e) *Evaluation.* At least one year before an urban district corporation is scheduled to terminate under Section 68A-12, the Office of Legislative Oversight must evaluate the performance of the corporation. This evaluation should include a survey of property owners, businesses, and residents located in and around the urban district served by the corporation. (1987 L.M.C., ch. 2, § 2; 1993 L.M.C., ch. 16, § 1; 1993 L.M.C., ch. 24, § 1.)

### **Sec. 68A-13. Termination of Urban District Corporation; Dissolution.**

(a) Except as provided in subsection (b), an urban district corporation exists for 5 years after its articles of incorporation are accepted for recording by the State Department of Assessments and Taxation.

(b) The existence of an urban district corporation may be extended for an unlimited number of additional 5-year terms by a resolution adopted by the County Council and approved by the County Executive or, if disapproved by the Executive, by a vote of 6 Councilmembers. Amended articles of incorporation must be filed and recorded with the State Department of Assessments and Taxation. A copy of the amended articles of incorporation must be filed with the County Executive.

(c) When an urban district corporation terminates, all contracts and services must terminate unless expressly assumed and maintained by the County. The County must then maintain any property it would otherwise maintain but for the existence of the corporation.

(d) Dissolution of an urban district corporation is governed by Section 5-208 of the Corporations and Associations Article of the Maryland Code. Any assets remaining after all liabilities and obligations of the corporation are satisfied must be distributed to the County.

(e) Notwithstanding subsection (a) or (b), an urban district corporation may be terminated at any time after adoption of a resolution by the County Council that is approved by the County Executive or, if disapproved by the Executive, is readopted by a vote of 6 Councilmembers if the urban district corporation has been operated in an ultra vires manner, or in the event of misfeasance, malfeasance, or nonfeasance by the board of directors. Termination and dissolution is governed by subsections (c) and (d). (1987 L.M.C., ch. 2, § 2; 1993 L.M.C., ch. 16, § 1; 1993 L.M.C., ch. 24, § 1.)

**Editor's note**—Under Council Res. No. 16-786, the Council approved an addition 5-year term of the Bethesda Urban Partnership, Inc., commencing February 1, 2009, and concluding January 31, 2014.

## **PB Description Form**

### **Dept Mission Statements and Program Descriptions**

*28-Oct-15*

#### **Urban Districts**

##### **Mission Statement:**

Urban Districts maintain and enhance the County's downtowns (Bethesda, Silver Spring, and Wheaton) as prosperous, livable urban centers, increasing maintenance of the streetscape and its amenities; providing additional public amenities such as plantings, seating, shelters, and works of art; promoting the commercial and residential interests of these areas; and programming cultural and community activities.

##### **Promotion of Community and Business Activities**

This program enhances the quality of life in the Urban Districts and surrounding communities; fosters a strong, vibrant business climate within each Urban District; and creates a positive image and a sense of identity for the Districts.

These goals are accomplished through sponsorship of community events, that may include festivals, concerts, and parades; the installation of seasonal banners, unique signs, holiday decorations, and other amenities to give each District a sense of place; and the development and distribution of newsletters, brochures, and other promotional material highlighting the Districts.

##### **Sidewalk Repair**

This program provides for the removal and replacement of deteriorated concrete and brick walks and curbs in the Urban Districts.

##### **Streetscape Maintenance**

This program provides maintenance of, and improvement to the streetscape amenities within each Urban District. Various service levels include litter collection, sidewalk maintenance, trash receptacle service at least three times a week, mowing and snow removal as needed, lighting maintenance, maintenance of planted/landscaped areas, and street sweeping.

##### **Tree Maintenance**

This program provides pruning, planting, fertilization, necessary spraying, replacement, watering, mulching, and tree base cleaning in the Urban Districts.

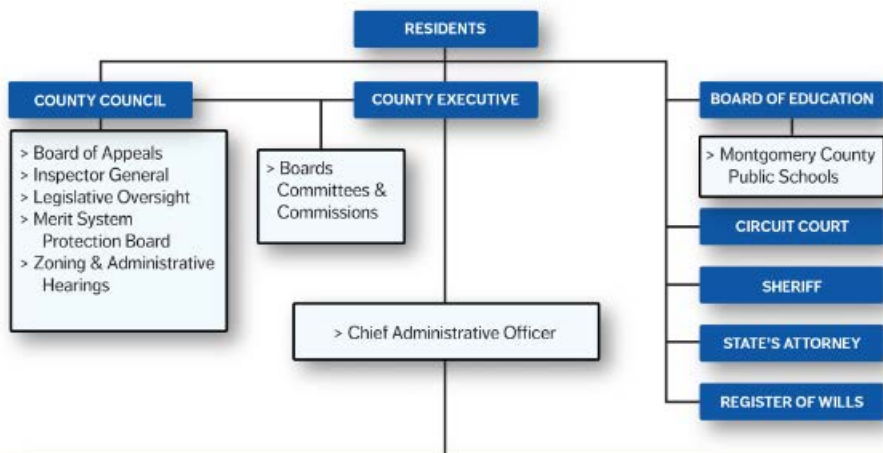
##### **Enhanced Security**

This program provides safeguards against property theft, vandalism, and personal security in the Silver Spring and Wheaton Urban Districts. The goal of the program is to provide an enhanced level of protection and reduce the perception of crime through the use of the Safe Team as the eyes and ears of County Police and as a uniformed visual presence to create a safe and secure environment. Safe Team members also act as "ambassadors" providing information, directions, first aid and CPR, and roadside assistance to residents, visitors, and the business community.

**Administration**

This program provides staff support for contract administration, Urban District Advisory Committees and for the administration of Urban District corporations. This program also provides for budget preparation and monitoring, payment authorization, records maintenance, and the Bethesda Circulator contract.





## Operational Departments

- Animal Services
- Alcohol Beverage Services
- Community Engagement Cluster
- Community Use of Public Facilities
- Consumer Protection
- Correction & Rehabilitation
- County Executive's Office
- Environmental Protection
- Fire & Rescue Service
- Food Systems Resilience Office
- Health & Human Services
- Housing & Community Affairs
- Human Rights
- Libraries
- Permitting Services
- Procurement
- Police
- Racial Equality and Social Justice office
- Recreation
- Regional Services Center
- Transportation
- Women, Commission for

## Administrative Departments

- County Attorney
- Ethics
- Finance
- General Services
- Human Resources
- Intergovernmental Relations
- Management & Budget
- Public Information
- Technology and Enterprise Business Solutions

## Other Agencies

- Board of Elections
- District Court
- District of Columbia Water & Sewer Authority
- Housing Opportunities Commission
- Montgomery College
- Maryland-National Capital Park & Planning Commission
- Revenue Authority
- Washington Metropolitan Area Transit Authority
- Washington Suburban Sanitary Commission



# How to Read the Budget

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## INTRODUCTION

The County Executive's Recommended Capital Budget and Capital Improvements Program (CIP) contains a comprehensive picture of the Executive's recommendations for the budget year beginning July 1, including new and existing capital projects. This document is published biennially and transmitted to the County Council by January 15 as required by the County Charter and is available on the County's web site at [montgomerycountymd.gov/omb/](http://montgomerycountymd.gov/omb/).

## OPEN BUDGET

Montgomery County, Maryland offers a comprehensive Open Data Budget Publication that takes the very complex and detailed data found in the traditional budget publication and transforms it into an intuitive, accessible, and shareable format. Features included are:

- Interactive charts, tables, maps, and videos;
- A custom Google search engine;
- Archiving previous years' data and content;
- Unlimited sharing / discovery of data, tables, and visualizations;
- Mobile (works on smartphones, tablets, and desktops);
- American with Disabilities Act (ADA) compliant; and
- Instantly translatable into 90+ languages.

For more, please visit the County's Open Budget Website at [montgomerycountymd.gov/openbudget](http://montgomerycountymd.gov/openbudget)

## CONTENTS OF THE CAPITAL BUDGET/CIP DOCUMENT

### **County Executive's Budget Message and Highlights**

The County Executive's budget message conveys policy issues, major highlights of the budget, and the Executive's recommended expenditure priorities for the upcoming year and six-year period. The highlights provide an overview of new initiatives and major changes to existing projects, summarize expenditures and funding, and compare figures from the previous capital budgets and CIP.

### **Capital Budget Process**

This section provides a brief introduction to the County government, the budget process, and the structure and contents of the budget document. This section also contains a discussion of those elements or aspects of capital projects which have an effect on annual operating budgets, including a definition of the components and their impacts, as well as a description of the County's charter-mandated special projects legislation requirements.

### **CIP Planning**

This section provides a description of the components of CIP planning and other related activities and concepts which contribute to CIP planning, and explains how these elements relate to the CIP as a budget and fiscal plan for capital improvements.

### **Public Input**

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This section summarizes the process for soliciting community input through the five Regional Services Center Citizens Advisory Boards (CABs) and provides demographic data over time for the five regions of the County.

### **Fiscal Policy**

This section provides a description of the tenets of the County Executive's recommended fiscal policy, including the various types of funding used to support CIP projects, along with a discussion of debt capacity. It describes the policies of Montgomery County Government with respect to the Capital Improvements Program (CIP) which focuses on the acquisition, construction, and renovation of public facilities and on the funding of such activities, with special attention to both long-term borrowing, and increasingly, short-term debt.

### **Department/Agency Budgets**

Sections 7-1 through 36-1 contain Executive program and agency budget summaries for all projects within the recommended six-year program, including a Project Description Form (PDF) for each project. The contents of these sections are described in the Department/Agency Budget Presentations section below.

### **Municipalities**

This section provides information on other local municipal governments within Montgomery County, including information on budgeting by the City of Gaithersburg, City of Rockville, City of Takoma Park, and Town of Poolesville.

### **State of Maryland**

This section provides a discussion of how the State supports the County's CIP, including new and on-going projects in the areas of education, transportation, health & human services, culture and recreation, public safety, and stormwater management.

### **Budget Summary Schedules**

The Countywide Interagency Summaries provide integrated expenditure and funding data for County government program categories and all other agencies.

### **Glossary**

A glossary of budget and other technical terms and acronyms commonly used in the CIP is provided for the reader.

### **Index of Capital Projects**

Indices sorted by project name, project number, and geographical planning area are provided.

## **DEPARTMENT/AGENCY BUDGET PRESENTATIONS**

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The following pertains to sections 7-1 through 36-1. These sections contain Budget Summary Schedules, Program Narratives, and a Project Description Form (PDF) for each active or changed project by program category and subcategory. Some sections may contain additional tables, charts, and maps.

### **Program Narrative**

The narrative preceding the individual PDFs for each program or agency is organized into the following sections: Description and Objectives; Highlights; Program Contacts; Capital Program Review; and Statutory Authority (for non-County government agencies). Other relevant topics to the program or agency, as well as charts, may be included as appropriate.

If the narrative describes the program of an agency not managed by the County Executive (e.g., schools, college, and parks), the discussion highlights both the Agency's request and the Executive's recommendations with regard to that request, and issues affecting the program as a whole. The narrative is, in all cases, the product of the Executive Branch.

### **Program Description and Objectives**

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This section provides information useful in understanding what types of facilities are provided and how these relate to the delivery of programs and services. Overall, departmental or agency objectives which are relevant to the capital program are also presented.

### **Highlights**

This section provides a list of major initiative changes, including new projects.

### **Program Contacts**

This section provides names and telephone numbers of department contacts related to the program.

### **Capital Program Review**

The capital program review provides a statement of the overall cost of the recommended six-year program and its relationship to the currently adopted six-year program; a discussion of the sources of funding for the program, including significant changes in funding from the currently adopted program; and a list of projects with changes in program direction and funding since the adoption of the previously approved CIP. Discussion of major changes in scope, timing, direction, or cost of existing (ongoing) projects is contained on the individual Project Description Form (PDF).

### **Statutory Authority**

The statutory authority is provided in agency sections and contains information on the principal Local, State, and Federal statutes, regulations, and other guidelines by which an agency is established and under which it operates.

### **Project Description Form (PDF)**

Project Description Forms (PDFs) for every proposed capital project with expenditures in the six-year period follow the Program Narratives for Montgomery County Government, the Housing Opportunities Commission (HOC), and Revenue Authority. For Montgomery County Public Schools (MCPS), Maryland-National Capital Park and Planning Commission (M-NCPPC), Montgomery College, and WSSC Water, PDFs are only included when the Executive recommendation differs from the agency request. Each of these PDFs is preceded by an Executive Recommendation Brief summarizing the changes, as the Executive does not change the actual agency-submitted PDFs without agency concurrence.

The PDF provides the following information: project number, title, and other identifiers (e.g., category, subcategory, administering agency, status, planning area, and relocation impact); estimated expenditure and funding schedules; annual operating budget impact; appropriation, expenditure, and encumbrances; description, justification, and other explanatory text, including: coordination and planning information required with and by other agencies; and location. If a project has been identified by the Planning Board as a Required Adequate Public Facility to support planned and approved development in a particular area, a "YES" is shown in this area. PDFs for Revenue Authority projects will portray all the information previously listed with exception of actual and estimated expenditures prior to the six-year period.

Most of the columns in the PDF represent information on project expenditures or cash outlays for a project. The expenditure schedule is a reasonable approximation of the timing of work on the project.

The middle section of the PDF provides data on past and proposed appropriations, which are authorizations for expenditures. An appropriation is the permission - not a requirement - to perform work and expend money. Therefore, if proposed expenditures are acceptable, then sufficient appropriation should be granted to permit contracts to be signed and work to be performed in the upcoming fiscal year.

Depending on the project, expenditure estimates beyond the first year can include inflation, other extraordinary adjustments such as an anticipated rise in price for energy or steel, and contingencies. A project status of "Ongoing" indicates that the project is likely to continue indefinitely at a similar annual amount in future years (e.g., sidewalk repair).

### **Budget Summary Schedules**

Summary Schedules are provided for expenditure, funding, and appropriation data for Montgomery County Government and all other agencies. In addition, a schedule is included containing capital projects that are fully completed (e.g. Closeout Projects).

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## HOW TO FIND A SPECIFIC PROJECT

If you are interested in information about a specific project, locate the section for the Project Description Form (PDF) in one of the three indices at the back of the publication. Indices are sorted alphabetically by project name, numerically by project number, and geographically by planning area. In addition, the latest approved PDF can be found in the Master List of Most Current CIP Projects on the County's website at <https://apps.montgomerycountymd.gov/BASISCAPITAL/Common/ProjectMeta.aspx?ID=0&TYPE=PROJ>



# Capital Budget Process

## INTRODUCTION

This section provides a brief introduction to Montgomery County Government and the capital budget process. The purpose of this section is to acquaint the reader with the organization of this document and to familiarize the reader with the Capital Improvements Program (CIP) budget document. A glossary of budget terms and concepts, including acronyms, is contained elsewhere in this publication.

## THE BUDGET PROCESS

### **Authority**

The Montgomery County Charter, approved by the voters in 1968 and implemented in 1970, provides for a County Council/Executive form of government. Under this form of government, the Executive develops and recommends budget proposals, and the Council then authorizes expenditures and sets property tax rates. The Charter also provides for an annual six-year Public Services Program (PSP), Operating Budget, and Capital Budget, and a biennial six-year Capital Improvements Program (CIP). These budgets and related fiscal and programmatic plans provide the basis for understanding, coordinating, and controlling County government programs and expenditures.

Requirements for submission of, and action on, County budgets are contained in Article 3 of the County Charter. Copies of the Charter are available at Council offices and can also be found on the County website at <http://www.montgomerycountymd.gov/mcg/countycode.html>.

State laws govern budgeting practices for Montgomery County Public Schools (MCPS), Montgomery College (MC), Maryland-National Capital Park and Planning Commission (M-NCPPC), and WSSC Water, and provide for an annual CIP for WSSC Water.

### **Fiscal Year**

The 12-month period used to account for revenues and expenditures in Montgomery County commences on July 1 of each year and ends on June 30 of the following year. A Budget Process Flowchart timeline appears later in the section, which displays the relationships between the Capital Budget/CIP, Operating Budget/PSP, and Growth Policy processes across the year.

### **Operating and Capital Budgets**

Under the Charter (Section 303), the County Executive's Recommended Budget includes the Capital Improvements Program (CIP), published by January 15 in even-numbered calendar years; the Capital Budget, published annually by January 15; and the Public Services Program (PSP)/Operating Budget, published annually by March 15. The Charter was amended in 1996 to change the annual requirement for a CIP to a Capital Budget each year and a CIP for periods beginning in odd-numbered fiscal years.

The proposed budgets must identify all recommended expenditures and the revenues used to fund the budgets. For further information about the PSP/Operating Budget process, please refer to the Operating Budget Process section of the most recent County Executive's Recommended Public Services Program.

The Charter (Section 305) places restrictions on increases in annual budgets, excluding the operating budgets of non-tax supported Enterprise Funds, WSSC Water, the bi-county portion of the Maryland-National Capital Park and Planning Commission, and Washington Suburban Transit Commission (WSTC). The aggregate budget cannot grow more than the Consumer Price Index-Urban

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(CPI-U) for all urban consumers in the Washington-Metropolitan area from November to November without at least seven votes of the County Council.

Other sections of the Charter prohibit expenditure of County funds in excess of available unencumbered appropriations and the use of long-term debt to fund current operating expenses.

## **Spending Affordability Process**

The spending affordability process for the Capital Improvements Program is required by Section 305 of the County Charter and Chapter 20 of the Montgomery County Code and begins by September of each odd-numbered calendar year.

The County Charter was amended in 2020 to include a cap on the annual increase in the weighted property tax rate. The weighted real property tax rate may not exceed the weighted tax rate on real property approved for the previous year, unless all current Councilmembers vote to exceed that cap. In addition, the County Council must adopt annual spending affordability guidelines for both the operating and capital budgets which can only be exceeded prior to setting appropriations by an affirmative vote of eight Councilmembers for approval.

By the first Tuesday in October and after a public hearing, the County Council must set Spending Affordability Guidelines (SAG) for the bonds planned for issue (both general obligation and Park and Planning bonds) for years one and two of the six-year program and for the total six-year program. In adopting SAG, the Council considers, among other relevant factors:

- growth in the assessable base and estimated revenues from the property tax;
- other estimated revenues;
- Countywide debt capacity;
- relative tax burden on County taxpayers;
- the level of inflation and inflation trends;
- demographic trends, including population and education enrollment;
- commercial construction, housing, and other building activity; and
- employment levels.

By the first Tuesday in February, the Council may increase, by up to ten percent, or decrease the guidelines to reflect a significant change in conditions by a simple majority vote.

If the final Capital Improvements Program budget exceeds the guidelines then in effect, seven affirmative votes are required.

## **Citizens Advisory Board Budget Forums**

The Executive sponsors forums to give County residents an opportunity to provide input on the County's Capital Budget and Capital Improvements Program priorities, have their voices heard, contribute ideas that could be used in the development of the budget, as well as learn about the County's capital budget and get answers to their questions.

## **Capital Budget/CIP Preparation and Executive Review**

Departments and agencies prepare budget requests within guidelines established by the Executive (for the departments) and by law (for other government agencies). These are submitted on scheduled dates for analysis by the Office of Management and Budget (OMB) and are reviewed by the Executive during the period September - December. The review process culminates in final decisions and Executive recommendations in the budget document are submitted to the Council by January 15.

## **Racial Equity & Social Justice**

During the FY25 Capital Budget development season, the County continued to use a racial equity lens to assess how CIP projects are

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likely to impact racial disparities and other inequities in the County. Incorporating lessons learned from previous budget development seasons, the Office of Racial Equity and Social Justice's (ORESJ) Director and policy analysis staff developed a tool and guidance manual, in addition to providing training and technical assistance, to support the use of a racial equity lens throughout the project and budget development process. These resources support the County's implementation of the Racial Equity and Social Justice Act and bring into focus how the budget impacts racial disparities and inequities in the County.

The FY25 Capital Budget development season included the use of the [Capital Budget Equity Tool \(CBET\)](#) by departments and ORESJ. The CBET makes applying a racial equity lens concrete by providing a structured approach for identifying, analyzing, and interpreting data about historical and current racial disparities and inequities in the County.

For the FY25 budget development season, the CBET included seven questions organized into the following three steps that build towards demonstrating how the proposed project responds to racial disparities, inequities, and unintended consequences:

STEP 1: Establish the context and need for the project.

STEP 2: Apply a racial equity lens to the issues the project seeks to address.

STEP 3: Explain how the project responds to the information generated from using a racial equity lens.

Responses to the tool and analysis of those responses provided decisionmakers with new insights and pathways for allocating resources in ways that contribute to reducing and ultimately eliminating racial disparities and inequities in the County.

ORESJ will continue its forward momentum in the following activities:

- conduct Racial Equity Impact Assessments of supplemental and special appropriation requests;
- train all Montgomery County employees on racial equity and social justice;
- guide County departments' examination of policies, procedures, and practices to determine if they create or exacerbate racial disparities in the County;
- build capacity across departments to disaggregate data by race and ethnicity; and
- develop metrics to measure the success of County government programs, and short-term and long-term goals.

During the budget development season, the Office of Management and Budget carried out the following activities:

- OMB and ORESJ developed criteria and selected projects that are either new or in a phase of development where the application of a racial equity analysis will be most impactful;
- worked to include projects likely to advance racial equity;
- when considering projects to defer, sought to limit negative impacts on projects assessed to advance racial equity;
- considered what population demographics tend to be served by different types of facilities when that data exists; and
- used mapping tools to analyze some of the issues above.

## **Climate Change**

During the FY25 Capital Budget development season, the County Executive, the Office of Management and Budget (OMB), the County's Climate Change Officer (CCO), the Department of Environmental Protection (DEP), and relevant departments integrated considering climate change into the process. This consideration included addressing climate change by reducing greenhouse gas emissions, and how projects are adapted to a changing climate. Climate change questions within the budget system facilitated consideration as recommendations were developed, and before decisions were made.



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Departments were asked to include the following in their budget submission:

- indicate a project's impact on greenhouse gas emissions;
- identify how a project would increase the use or generation of renewable energy;
- identify aspects of a project that would help the County withstand future impacts of climate change (e.g., high heat days, severe storms, flooding, and high winds);
- indicate if a project is pursuing or has earned a green building certification; and
- identify their Climate Change Ambassador, who will help mobilize staff to green their department's day-to-day operations, improve resiliency, advance climate justice, and work as a team with other department Ambassadors to facilitate deep emission reductions across all departments.

## **Public Hearings**

Citizen participation is essential to a fair and effective budget process. Many citizens and advisory groups work with specific departments to ensure that their concerns are addressed in departmental requests. The County Charter requires the Council to hold a public hearing not earlier than 21 days after receipt of the budget from the Executive. For further information and dates of the Council's public hearings on the County Executive's Recommended Capital Budget/CIP, contact the Legislative Information Office at 240.777.7900. Hearings are held in the Council Hearing Room of the Stella B. Werner Council Office Building, unless otherwise specified.

Public hearings are advertised in County newspapers. Speakers must register with the Council Office to testify at the public hearings ([www.montgomerycountymd.gov/council](http://www.montgomerycountymd.gov/council)). Persons wishing to testify should call the Council Office to register at 240.777.7803. If it is not possible to testify in person at the hearings, written, audio, or video testimony is acceptable and can be submitted online.

## **Council Budget Review**

After receiving input from the public, the Council begins its review of the Executive's Recommended Capital Budget/CIP. Each category area and agency program is reviewed by a designated Council committee. Agency and OMB representatives meet with these committees to provide information and clarification concerning the recommended budget and six-year plan for each project. In April and May, the full Council meets in regular session, reviews the recommendations of its committees, and takes final action on each project.

## **Operating and Capital Budget Approval**

The Charter requires that the Council approve and make appropriations annually for the operating and capital budgets by June 1. In even-numbered calendar years, the Council also approves a six-year Capital Improvements Program. Prior to June 30, the Council must set the property tax levies necessary to finance the budgets.

## **Amending the Approved Operating and Capital Budgets**

The operating and capital budgets may be amended at any time after adoption by the Council. The following terms are included in the glossary contained elsewhere in this document:

**Supplemental appropriations** are recommended by the County Executive, specify the source of funds to finance the additional expenditures, and generally occur after January 1 of the fiscal year. Supplemental appropriations that comply with, avail the County of, or put into effect the provisions of Federal, State, or local legislation or regulations that are approved after January 1 requires a vote of six Councilmembers. Supplemental appropriations approved before January 1 of any fiscal year must be approved by an affirmative vote of seven Councilmembers.

**Special appropriations** are recommended by either the County Executive or County Council and are used when it is necessary to meet an unforeseen emergency or disaster or act without delay in the public interest. The Council may approve a special appropriation

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after a public notice by news release, and each special appropriation must be approved by not less than seven Councilmembers.

**Transfers of appropriation** which do not exceed ten percent of the original County Council appropriation. For the Capital Improvements Program, Executive transfers of original appropriation may be accomplished by the County Executive, where transfers are within or between divisions of the same department, or they may be made within the same category of expenditures. The County Council may accomplish transfers that are between departments or expenditure categories. No transfer shall be made between the operating and capital budget appropriation.

Other sections of the Charter provide for Executive veto or reduction of items in the budget approved by the Council and the accumulation of surplus revenues.

**Amending the Approved CIP** may be done by the County Council at any time for either new projects or changes to existing projects which require appropriation and meet one or more of the following criteria:

- Project leverages significant non-County sources of funds (for example, Federal aid for bridges, State aid for schools);
- Project is needed to comply with effects of a new law;
- Project is needed to address an *urgent* health or safety concern;
- Project is needed to address an *urgent* school capacity need (for example, adjustment to assure current project meets scheduled September opening or a new project for a newly identified need);
- Project offers the opportunity to achieve *significant* savings or cost avoidance or to generate *significant* additional revenue (for example, the bid has come in lower than budget, allowing funds to be redirected; operating budget savings are documented; fees collected will increase);
- Project is needed to keep transportation or school projects on approved growth policy schedule;
- Project supports *significant* economic development initiatives, which in turn will strengthen the fiscal capacity of the County government;
- Project offers a *significant* opportunity, which will be lost if not taken at this time;
- Project scope adjustment is needed on inter-jurisdictional projects due to changed conditions;
- Project is delayed for policy reasons;
- Project has validated extraordinary inflation (as seen in bids);
- Project must be amended for technical reasons (for example, to implement policy or recognize extraordinary cost increases);
- Project expenditures can be/must be delayed to provide fiscal capacity, given changes in conditions since the Approved CIP was adopted; and
- Project or subproject is proposed to increase: relatively by at least 10 percent and absolutely by at least \$1,000,000 from the last adopted CIP; or absolutely by at least \$2,000,000 from the last adopted CIP.

## CAPITAL IMPROVEMENTS PROGRAM AND CAPITAL BUDGET

The CIP covers construction of all public buildings, roads, and other facilities planned by County public agencies over a six-year period. The CIP is an integrated presentation, including capital expenditure estimates, funding requirements, capital budget requests, and program data for all County departments and agencies. The capital budget includes required appropriation expenditures and funding for the forthcoming fiscal year, the first year of the six-year program. An estimate of required appropriations for the second year of the six-year program is also included.

In addition to these documents, the County publishes a growth policy to provide guidance to agencies of government and to citizens on matters concerning land use development; growth management; and related environmental, economic, and social issues. The growth policy serves as a major tool in managing the County's development, and as such, provides significant guidance in the preparation of the CIP and the commitment of resources in the six-year PSP.

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## WHY CAPITAL PROGRAMMING?

A coordinated program for the planning, implementation, and financing of public facilities and other physical infrastructure is essential to meet the needs of a County with diverse populations and resources. Capital improvements are those which, because of expected long-term usefulness, size, and cost, require large expenditures of capital funds usually programmed over more than one year and result in a durable capital asset. The largest single source of capital project financing is tax-exempt bonds. The bonds are issued as general obligations of the County, by a self-supporting agency, or as an obligation of the revenues supporting a specific project. The debt service on these bonds—the repayment of principal and interest over the life of the bonds—becomes one of the items in the annual operating budget and a factor in the annual tax rate. Also, the County's fiscal policy sets certain limits on the total amount of debt that can be incurred in order to maintain fiscal stability and the highest available quality rating for County bonds, thereby obtaining the lowest interest rate. It is, therefore, critical that the CIP be both cost-conscious and balanced over the six-year period so that the fiscal impact will not weigh too heavily in any single year.

The objectives of the CIP may be summarized as:

- To build those facilities required to support the County's PSP objectives.
- To support the physical development objectives incorporated in approved County plans, especially land use master plans as controlled by the County's General Plan, growth policy, and Adequate Public Facilities Ordinance.
- To assure the availability of public improvements to provide opportunities to accommodate and attract private development consistent with approved developmental objectives.
- To improve financial planning by comparing needs with resources, estimating future bond issues, plus debt service and other current revenue needs, and, thus, identifying future operating budget, tax rate, and debt capacity implications.
- To establish priorities among projects so that limited resources are used to the best advantage.
- To identify, as accurately as possible, the impacts of public facility decisions on future operating budgets, in terms of energy use, maintenance costs, and staffing requirements.
- To provide a concise, central source of information on all planned public construction for citizens, agencies, and other interest groups.
- To provide a basis for effective public participation in decisions related to public facilities and other physical improvements.

While the County's planning and programming process is established, the CIP is improved and refined from year to year in order to seek the most effective means of providing needed public facilities in a timely and fiscally-responsible manner.

## CIP IMPACTS ON THE OPERATING BUDGET

The CIP impacts the operating budget in several ways:

**Debt Service.** The annual payment of principal and interest on general obligation bonds and other long-term debt used to finance roads, schools, and other major projects is included in the operating budget as a required expenditure.

**Current Revenue Funding.** Selected CIP projects are funded directly with County current revenues in order to avoid costs of borrowing. These amounts are included in the operating budget as specific transfers to individual projects within the capital projects fund.

**Pay-As-You-Go (PAYGO) Financing.** An additional amount may be included in the operating budget as a direct bond offset to reduce the amount of borrowing required for project financing.

**Operating Budget Impacts.** The construction of government buildings and facilities usually results in new annual costs for maintenance, utilities, and additional staffing required for facility management and operation. Whenever a new or expanded facility involves program expansion, as with new school buildings, libraries, or fire stations, the required staffing and equipment (principals,

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librarians, fire apparatus) represent additional operating budget expenditures. The Executive's Recommended CIP includes analysis of these operating budget impacts to aid in review and decisions relative to the timing of public facilities and to more clearly show what a new building or road will cost in addition to its construction costs and any required debt service.

**Public Facilities Planning.** Planning for capital improvements projects is tied to the County's continuing development and growth in population, numbers of households, and businesses. Land use master plans and sector plans for the County's geographic planning areas anticipate needs for roads, schools, and other facilities required by new or changing population. Functional plans anticipate needs for government functions and services ranging from provision of water and sewerage to recycling and resource management, libraries, and fire and rescue services. Other studies assess future educational, health, and human services needs of the County. These plans are analyzed for likely new facilities or service delivery requirements and their potential operating costs which will eventually add to annual operating budgets. Each year, the County continues its efforts to improve the linkages between the CIP, the PSP, and County planning activities.

## CIP CATEGORIES

One of the features of Montgomery County's capital programming is the classification of County government projects and other agency programs into the categories listed below. These categories classify the activities of local government on a functional basis which is closely related to the County's computerized accounting system. The published CIP documents are organized by categories for County government departments and by agency for organizations outside the Executive Branch departments.

The six-year PSP/Operating Budget also uses a similar category structure to describe functional operating services of the County government and other County agencies. With both the six-year PSP and CIP utilizing these categories as an overall organizational framework, relationships between public facilities and public services can be seen.

### **CIP Categories/Subcategories**

#### General Government

- County Offices and Other Improvements
- Economic Development
- Other General Government
- Technology Services

#### Public Safety

- Correction and Rehabilitation
- Fire and Rescue Services
- Other Public Safety
- Police

#### Transportation

- Highway Maintenance
- Mass Transit/Wmata
- Parking
- Pedestrian Facilities/Bikeways
- Roads, Bridges, and Traffic Improvements

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## Recycling and Resource Management

- Recycling and Resource Management

## WSSC Water

- Sewerage (Bi-County)
- Sewerage (Montgomery County)
- Water (Bi-County)
- Water (Montgomery County)

## Health and Human Services

### Culture and Recreation

- Public Libraries
- Recreation
- Golf Courses (Under Revenue Authority)
- Miscellaneous Revenue Authority Projects

## Conservation of Natural Resources

- Agricultural Land Preservation
- Storm Drains
- Stormwater Management
- Parks Acquisition (under M-NCPPC)
- Parks Development (under M-NCPPC)

## Community Development and Housing

- Community Development
- Housing
- Housing - HOC

## Education

- Countywide (MCPS)
- Individual Schools (MCPS)
- Higher Education (Montgomery College)

## SPECIAL PROJECTS LEGISLATION

In November 1978, the County Charter was amended to require certain County funded special capital improvement projects to be individually authorized by law. The County Executive and County Council have fulfilled this obligation each year, affording citizens of Montgomery County greater opportunity to participate in the capital budget process and to petition projects to referendum at the next

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scheduled election.

Section 302 of the County Charter and Section 20-1 of the County Code require that all capital improvement projects which meet any of the following criteria be individually authorized by law: all capital projects, except those excluded by law, which are in excess of the annually revised cost criterion; all capital projects which are determined by the County Council to possess unusual characteristics; or any capital project which is determined to be of sufficient public importance to warrant special legislation.

Section 20-1 of the County Code applies special capital improvement project requirements to all buildings, roads, utilities, parks, and related improvements which are proposed for development on a single, unified site, are identifiable as separate facilities, and meet one of the three County Charter criteria described above.

The cost criterion used to determine whether a project needs special legislation is revised each year by Executive Order and reflects the annual change in the published composite cost index established by the U.S. Department of Commerce. The cost criterion applicable to projects in the FY25 Capital Budget and the FY25-30 Capital Improvements Program is \$24,314,000.

The Status of Special Capital Improvements Projects Legislation report in this chapter's appendices shows the capital improvement projects for which special authorization is requested and some projects that are not subject to authorization, but which exceed the cost limit.

Public hearings, as required by law for all legislation, will be conducted in the spring, and any special capital improvement authorization enacted by the County Council is valid for five years after the authorization becomes law. The Council may reauthorize a project before or after an existing authorization expires. An authorized project need not be reauthorized if a contract for construction of the project is executed before the authorization expires. These requirements do not apply to projects financed with Revenue Bonds.

## GOVERNMENT STRUCTURE

Montgomery County includes several organizational components and joint ventures, including:

**Montgomery County Government (MCG)**, which includes Executive departments (such as Recreation, Transportation, Police) and offices (such as County Attorney), the County Council's legislative offices and boards, the Circuit Court, and judicial offices;

**Montgomery County Public Schools (MCPS)**, under the authority of the Board of Education (BOE);

**Montgomery College (MC)**, the County's two-year community college, under the authority of its Board of Trustees;

**Maryland-National Capital Park and Planning Commission (M-NCPPC)**, a bi-county agency which manages public parkland and provides land use planning, with administration shared with Prince George's County;

**WSSC Water (WSSC)**, a bi-county agency which provides water and sewer service to Montgomery and Prince George's Counties;

**Housing Opportunities Commission (HOC)**, the County's public housing authority;

**Montgomery County Revenue Authority**, a public corporation for self-supporting enterprises of benefit to the County; and

**Bethesda Urban Partnership**, a not-for-profit organization, which executes contracts for the benefit of one of the primary Government's special taxing districts (Bethesda Urban District).

Along with M-NCPPC and WSSC Water, the following organizations are also considered joint ventures of the County: Washington Suburban Transit Commission (WSTC), Washington Metropolitan Area Transit Authority (WMATA), Metropolitan Washington Council of Governments (COG), and Northeast Maryland Waste Disposal Authority (NEMWDA).

An organization chart is included at the back of this section to help the reader understand the relationship between the Executive's Recommended Budget and the several government agencies in Montgomery County.

## OPEN BUDGET

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found in the traditional budget publication and transforms it into an intuitive, accessible and shareable format. Features included are:

- Interactive charts, tables, maps and videos
- A Custom Google Search Engine
- Archiving Previous Years' Data / Content
- Unlimited Sharing/Discovery of data, tables, and visualizations
- Mobility (works on smartphones, tablets, and desktops)
- American with Disabilities Act (ADA) Compliance
- Instantly translatable into 90+ languages

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## APPENDICES TO THIS SECTION

### **Status of Special Capital Improvements Projects Legislation**

The table provides the status of Special Capital Improvements legislation for projects that exceed specific cost criteria described previously in this section.

### **Montgomery County Map**

This map displays the major roads in the County, and the County's location in the State of Maryland.

### **Montgomery County Government Public Documents**

This table contains a list of all budget-related public documents, including the approximate dates of publication and how they may be obtained.

### **Budget Process Flow Chart**

This chart follows the Capital/CIP and Operating/PSP budget process from the start of the process in August to the final approval of the budgets in June for all agencies.

### **Montgomery County Functional Organization Chart**

This chart displays the organizational structure of departments and agencies for the County government.

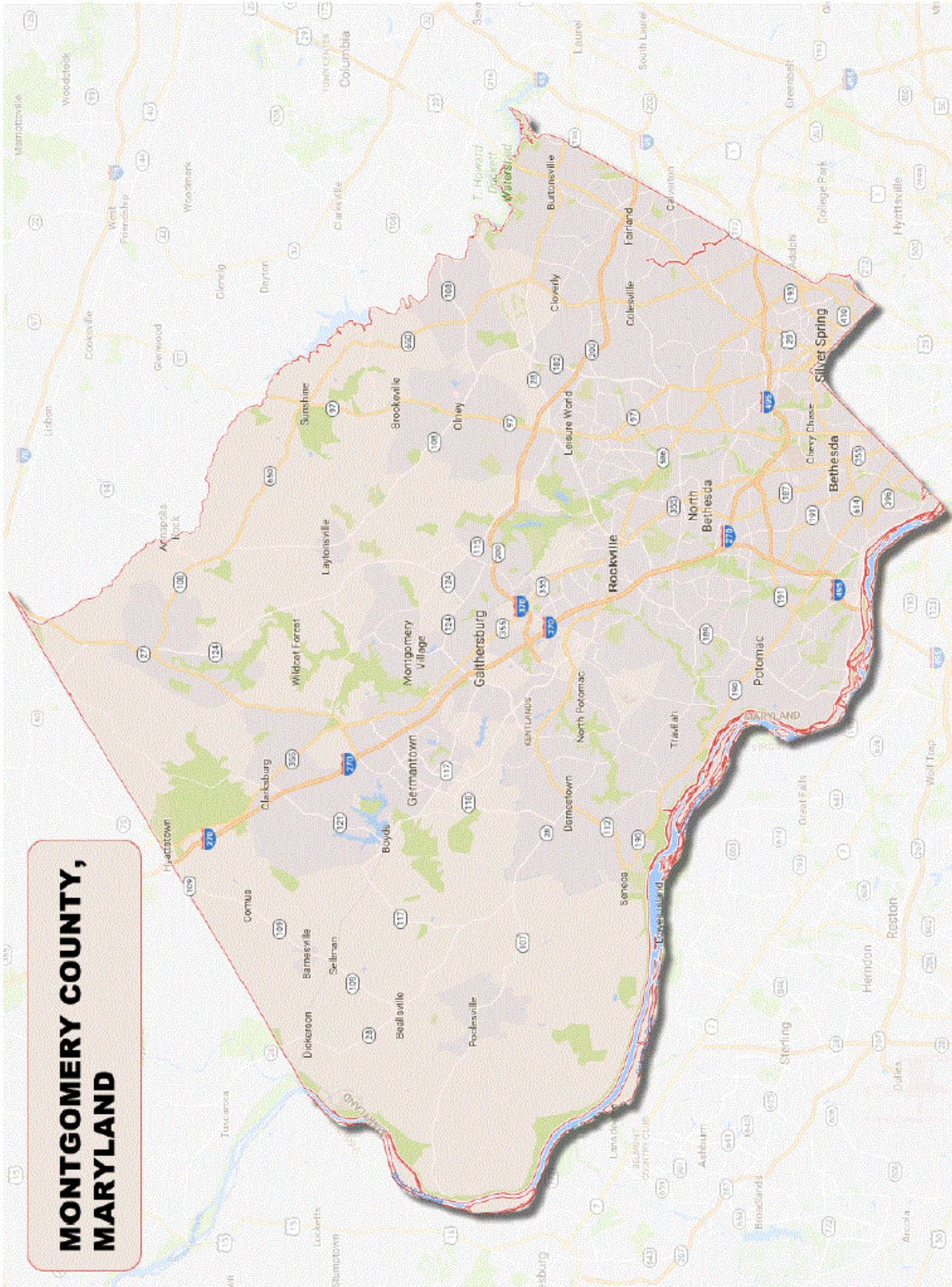
## Status of Special Capital Improvements Program Legislation

Project Name (Project Number)	Total County Local Funds (000s)	Bill Number	Date	Current Status/Remarks
<b>County Offices and Other Improvements</b>				
Council Office Building Renovations (P010100)	49,744	27-15	07/06/15	Under Construction
<b>Economic Development</b>				
White Oak Science Gateway Redevelopment Project (P361701)	46,960			Not Required; Multiple Sites
<b>Correction and Rehabilitation</b>				
Justice Center (P421100)	46,760			Required (FY27)
<b>Fire/Rescue Service</b>				
White Flint Fire Station 23 (P451502)	41,878	26-23E	07/03/23	Required (FY25)
<b>Police</b>				
6th District Police Station (P470301)	37,848	16-22	07/25/22	Under Construction
<b>Bridges</b>				
Dorsey Mill Road Bridge (P501906)	35,855			Required (Construction begins beyond the 6 year period)
<b>Mass Transit (MCG)</b>				
Bethesda Metro Station South Entrance (P500929)	128,342	31-14	06/17/14	Under Construction
Bus Rapid Transit: System Development (P501318)	26,375			Not Required; Multiple Sites
Purple Line (P501603)	54,322			Not Required; Multiple Sites
<b>Pedestrian Facilities/Bikeways</b>				
Capital Crescent Trail (P501316)	64,337	32-14	06/17/14	Under Construction.
Capital Crescent Trail Tunnel (P502512)	82,545			Required (Construction begins beyond the 6 year period)
Falls Road Bikeway and Pedestrian Facility (P500905)	30,661			Required (FY28)
Forest Glen Passageway (P501911)	44,468			Required (FY28)
Seven Locks Bikeway and Safety Improvements (P501303)	26,760			Required (Construction begins beyond the 6 year period)
<b>Roads</b>				
Observation Drive Extended (P501507)	103,467			Required (Construction begins beyond the 6 year period)
State Transportation Participation (P500722)	63,212			Not required; Multiple sites
Summit Avenue Extension (P502311)	31,445			Required (Construction begins after FY30)
White Flint District East: Transportation (P501204)	29,690			Not Required; Multiple Sites



Project Name (Project Number)	Total County Local Funds (000s)	Bill Number	Date	Current Status/Remarks
White Flint District West: Transportation (P501116)	71,095			Not Required; Multiple Sites
<b>Traffic Improvements</b>				
White Oak Local Area Transportation Improvement Program (P501540)	101,550			Not Required. Multiple Sites.
<b>Health and Human Services</b>				
High School Wellness Center and Expanded Wellness Services (P640902)	33,997			Not Required; Multiple Sites
<b>Libraries</b>				
Clarksburg Library (P710500)	33,740			Required (FY26)
<b>Recreation</b>				
Kennedy Shriver Aquatic Center Building Envelope Improvement (P721503)	33,919	15-22	07/25/22	Required (FY25)
Silver Spring Recreation and Aquatic Center (P721701)	72,072	18-17	06/29/17	Under construction
Wheaton Arts and Cultural Center (P722106)	39,325			Required (FY27)
<b>Housing (MCG)</b>				
Affordable Housing Opportunity Fund (P762101)	40,000			Not Required; (Revolving loan)
Nonprofit Preservation Fund (P762301)	50,000			Not Required; (Revolving loan)
<b>Recycling and Resource Management</b>				
Full Upgrade of Existing Recycling Center Complex (P802201)	27,630	23-21	06/29/21	Under construction
Gude Landfill Remediation (P801801)	61,746	16-19	10/29/20	Under construction





**MONTGOMERY COUNTY,  
MARYLAND**



# MONTGOMERY COUNTY PUBLIC DOCUMENTS

## ANNUAL BUDGETS AND GROWTH POLICY INFORMATION

DATE	ITEM	AVAILABILITY
January 15th (odd calendar years)	<b>COUNTY EXECUTIVE'S RECOMMENDED CAPITAL BUDGET AND CAPITAL IMPROVEMENTS PROGRAM (CIP)</b> <i>County Executive's Transmittal; Introductory Sections; County Government Departments; HOC; Revenue Authority; MCPS; Montgomery College; M-NCPPC; WSSC</i>	<a href="http://www.montgomerycountymd.gov/omb">www.montgomerycountymd.gov/omb</a> Reference copies at public libraries Office of Management and Budget (240.777.2800)
January 15th (odd calendar years)	<b>COUNTY EXECUTIVE'S RECOMMENDED CAPITAL BUDGET AND AMENDMENTS TO (PRIOR YEAR) CAPITAL IMPROVEMENTS PROGRAM</b> <i>County Executive's Transmittal; Capital Budget; Amendments</i>	<a href="http://www.montgomerycountymd.gov/omb">www.montgomerycountymd.gov/omb</a>
March 15th	<b>COUNTY EXECUTIVE'S RECOMMENDED OPERATING BUDGET AND PUBLIC SERVICES PROGRAM</b> <i>County Executive's Transmittal; Financial Summaries; Legislative, Judicial, Executive Branch Departments; MCPS; Montgomery College; M-NCPPC; WSSC</i>	<a href="http://www.montgomerycountymd.gov/omb">www.montgomerycountymd.gov/omb</a> Reference copies at public libraries Office of Management and Budget (240.777.2800)
March 31st	<b>FISCAL PLAN</b> <i>Contains estimates of costs and revenues over the six-year planning period for all Montgomery County special and enterprise funds and many Agency funds.</i>	<a href="http://www.montgomerycountymd.gov/omb">www.montgomerycountymd.gov/omb</a> Office of Management and Budget (240.777.2800)
June 15th (odd calendar years)	<b>PLANNING BOARD RECOMMENDED GROWTH POLICY - STAFF DRAFT</b>	Reference copies from M-NCPPC (301.495.4610)
mid-July (even calendar years)	<b>APPROVED OPERATING AND CAPITAL BUDGETS, AND APPROVED CAPITAL IMPROVEMENTS PROGRAM</b> <i>PSP and CIP Appropriation and Approval Resolutions; Operating Budget, CIP and Capital Budget Summaries; Project Description Forms for County Government Programs, HOC, Revenue Authority, MCPS, Montgomery College, M-NCPPC, and WSSC</i>	<a href="http://www.montgomerycountymd.gov/omb">www.montgomerycountymd.gov/omb</a> Reference copies at public libraries Office of Management and Budget (240.777.2800)
mid-July (odd calendar years)	<b>APPROVED OPERATING AND CAPITAL BUDGETS, AND APPROVED AMENDMENTS TO THE CAPITAL IMPROVEMENTS PROGRAM</b> <i>PSP and CIP Appropriation and Approval Resolutions; Operating and Capital Budget Summaries; and selected Project Description Forms for County Government Programs, HOC, Revenue Authority, MCPS, Montgomery College, M-NCPPC, and WSSC</i>	Reference copies at public libraries Office of Management and Budget <a href="http://www.montgomerycountymd.gov/omb">www.montgomerycountymd.gov/omb</a> (240.777.2800)
August 1st (odd calendar years)	<b>PLANNING BOARD RECOMMENDED GROWTH POLICY - FINAL DRAFT</b>	Reference copies from M-NCPPC (301.495.4610)

**ANNUAL FINANCIAL, ECONOMIC AND OTHER SOURCES OF INFORMATION**

DATE	ITEM	AVAILABILITY
Late December	<b>COMPREHENSIVE ANNUAL FINANCIAL REPORT</b>	Reference copies at public libraries: Department of Finance (240.777.8822) <a href="http://www.montgomerycountymd.gov/finance">www.montgomerycountymd.gov/finance</a> (on limited basis)
Quarterly	<b>ECONOMIC INDICATORS</b>	Department of Finance (240.777.8866) <a href="http://www.montgomerycountymd.gov/finance">www.montgomerycountymd.gov/finance</a>
Monthly (To update the Economic Indicators Report)	<b>ECONOMIC UPDATE</b>	Department of Finance (240.777.8866) <a href="http://www.montgomerycountymd.gov/finance">www.montgomerycountymd.gov/finance</a>
Annually	<b>ANNUAL INFORMATION STATEMENT</b>	Department of Finance (240.777.8822) <a href="http://www.montgomerycountymd.gov/finance">www.montgomerycountymd.gov/finance</a> (on limited basis)
Available throughout the year	<b>MONTGOMERY COUNTY HISTORICAL SOCIETY INFORMATION</b>	Montgomery County Historical Society (301.340.2825) <a href="http://www.montgomeryhistory.org">www.montgomeryhistory.org</a>
Available throughout the year	<b>MONTGOMERY COUNTY DEMOGRAPHIC INFORMATION</b>	Maryland-National Capital Park and Planning Commission: Montgomery County Planning Board (301.650.5600) <a href="http://www.montgomeryplanning.org/research">www.montgomeryplanning.org/research</a>

## CAPITAL BUDGET (ANNUAL) & CAPITAL IMPROVEMENTS PROGRAM (CIP) (FULL) PROCESS TIMELINE



# OPERATING BUDGET & *PUBLIC SERVICES* PROGRAM PROCESS TIMELINE

JULY

Develop Funding Parameter Targets

SEPTEMBER

Issue Funding Parameter Targets

SEPT/OCT/NOV/DEC

Operating Budget Forums

OCTOBER

Operating Budget Submissions

DECEMBER

Operating Spending Affordability  
Guidelines Adopted by County Council

DEC - FEB

Office of Management and Budget Review  
County Executive Review

MARCH 15



**County Executive Transmits Recommended Operating Budget and Public Services Program to County Council**

MARCH - MAY

Council Review and Public Hearings  
Council Final Action  
Adopt Capital and Operating Budgets

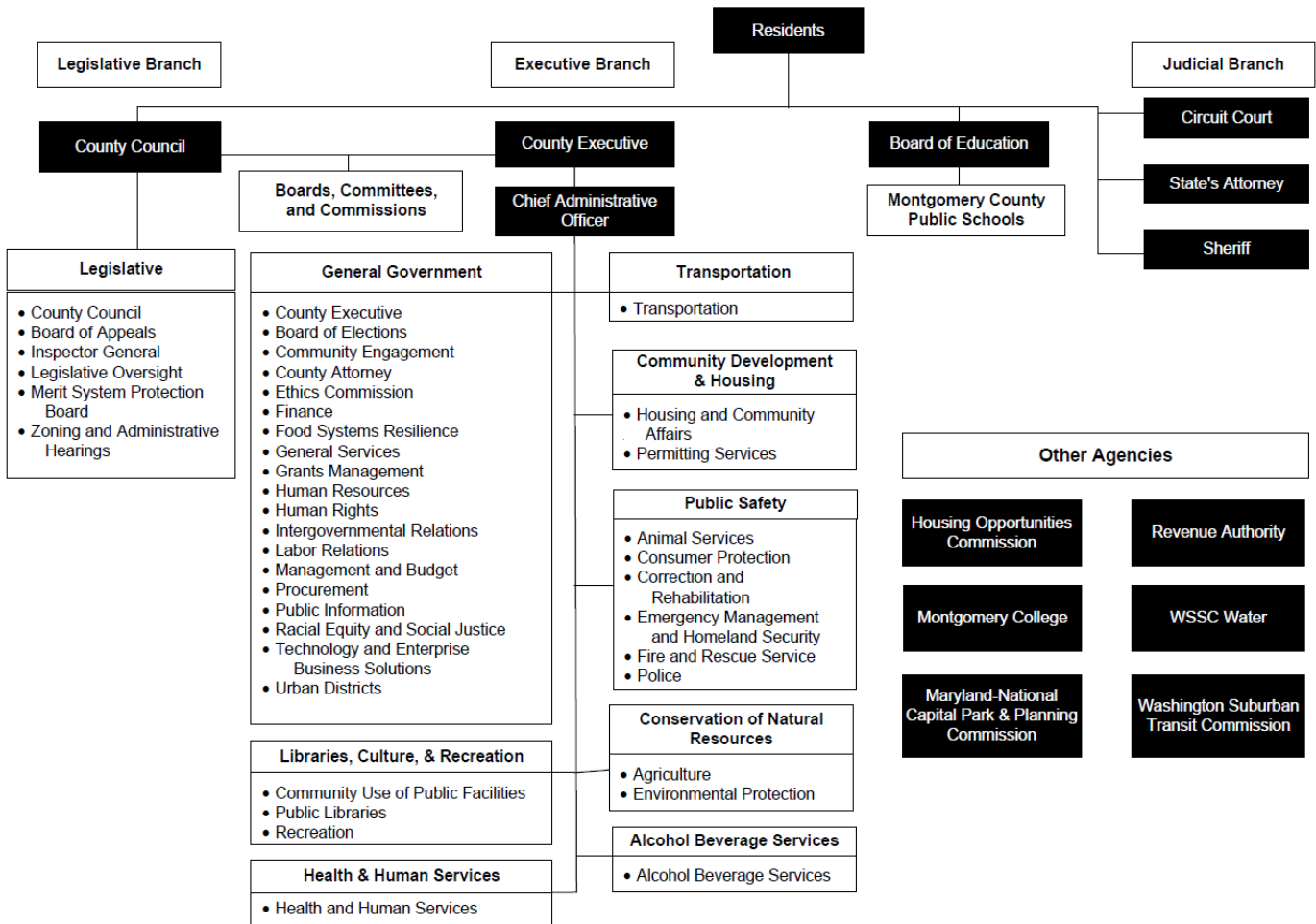
JULY



**Publish Approved Capital and Operating Budgets**



# Montgomery County, Maryland Functional Organization Chart





# CIP Planning

## INTRODUCTION

Planning for the six-year Capital Improvements Program (CIP) involves three significant factors.

### **Identification of Needs**

Demand for capital investment is based on community needs as identified directly from citizens through Citizens Advisory Board public forums or other public meetings, by program departments, or the Maryland-National Capital Park and Planning Commission (M-NCPPC). Demands are also driven by demographic trends and land use plans in the growth and development of the County.

### **Readiness for Programming**

Effective capital investments require careful thought and adequate public participation. While it may be necessary on rare occasions to program placeholder costs for a critical project, generally detailed facility planning is completed before funds are programmed for a project. Large or complex projects may be included in the CIP with funds for design only to allow further clarification of project costs prior to including construction costs in the CIP.

### **Affordability**

The County government's ability to afford capital facilities is largely based on economic factors that affect the wealth of the community, measured in resident income and property value. Affordability is also influenced by variations in outside revenue sources such as Federal and State funding. In addition, the Charter requires the Council to set specific Spending Affordability Guidelines (SAG) for both long-term debt issuance and annual operating budget spending. In setting these guidelines, the Council weighs taxpayer sentiment on taxes versus services, and strikes its policy balance between operating programs and capital investments. These factors, in turn, determine the fiscal capacity of the County government to provide facilities to meet the demand for new or additional services according to adopted fiscal plans and policies.

The following sections briefly describe these components of CIP planning, as well as other related activities or concepts which contribute to CIP planning. These descriptions are followed by a discussion of the demographic trends and economic factors which play an integral role in the identification of needs.

## IDENTIFICATION OF NEEDS

### **Needs Identified by the Community**

In the spring of 2023, the five regional Citizens Advisory Boards hosted capital facility needs forums to seek resident input on the upcoming Capital Improvements Program (CIP). Resident priorities for capital projects identified at these forums were conveyed to the County Executive and departments, and were considered in the development of departmental project recommendations.

### **Needs Identified by Agencies and Departments**

Capital facility planning efforts are ongoing in numerous agencies and departments, frequently based on functional plans, master plans, or agency standards. Following is an illustrative list of capital facility planning efforts:

- Comprehensive Water Supply and Sewerage Systems Plan;



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- Water Resources Functional Plan;
  - Countywide Comprehensive Implementation Strategy (Stormwater Management);
  - National Pollutant Discharge Elimination System (NPDES);
  - Municipal Separate Storm Sewer System (MS-4) Permit Program;
  - Community Policing Strategy;
  - Master Plan for Fire and Rescue and Emergency Medical Services;
  - Ten-Year Solid Waste Management Plan;
  - Comprehensive Master Plan for Educational Facilities;
  - Montgomery College Facilities Master Plan;
  - Vision 2030 Strategic Plan for Parks and Recreation in Montgomery County, MD;
  - Recreation Facility Development Plan 2010-2030;
  - Parks and Recreation Open Space (PROS) Plan;
  - Park Master Plans; and
  - Department of Corrections and Rehabilitation Master Confinement Study.

### **Needs Identified by the M-NCPPC**

The Maryland-National Capital Park and Planning Commission (M-NCPPC) submits a list of projects it proposes for inclusion in the CIP. These priorities are conveyed to the relevant departments and agencies of the government and are considered in the development of Executive recommendations.

### **Public Hearings on the CIP**

Following transmittal of the County Executive's Recommended CIP, and after the public has had time to study the programs, the County Council holds public hearings. Individuals may express their views on specific capital projects to elected officials at these public hearings or in writing. These public hearings are usually scheduled in February. To find out more about the Council public hearings on the CIP, and to register to testify, interested persons may call the Council Office at 240.777.7803. The public may also find information about Council sessions at [www.montgomerycountymd.gov](http://www.montgomerycountymd.gov), view hearings on television or on the web via video streaming, or attend Council worksessions on the CIP.

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For more, please visit the Montgomery County Open Budget website at [montgomerycountymd.gov/omb/openbudget](http://montgomerycountymd.gov/omb/openbudget).

### **Subdivision Staging Policy**

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The Subdivision Staging Policy is a Countywide planning tool to manage the location and pace of private development and identify the need for public facilities to support private development. It is designed to affect the staging of development, matching the timing of private development with the availability of public facilities. It constrains the number of private subdivision approvals to those that can be accommodated by existing and programmed public facilities.

In order to guide subdivision approvals under the Adequate Public Facilities Ordinance (APFO), the Subdivision Staging Policy tests the adequacy of four types of public facilities: transportation; schools; water and sewerage facilities; and police, fire, and health services.

## **General Plan, Master Plans, and Sector Plans**

The General Plan Refinement of FY94 recognizes the importance of establishing priorities for the provision of public facilities. One objective is to give high priority to areas of the greatest employment and residential density when allocating public investment. Some County master plans, such as Germantown, Great Seneca Science Corridor, and the White Oak Science Gateway include phasing elements which provide guidance about the timing and sequence of capital facilities. Recent expansions of Holy Cross and Adventist HealthCare and the National Cancer Institute, as well as planned expansion by the Food and Drug Administration exemplify growing employment and the need for continued public investment in these areas.

## **Maryland Economic Growth, Resource Protection, and Planning Act**

The Maryland Economic Growth, Resource Protection, and Planning Act requires local governments to review all construction projects that involve the use of State funds, grants, loans, loan guarantees, or insurance for consistency with existing local plans.

For the FY25-30 CIP, the County Executive or the requesting agency affirms that all projects which are expected to receive State financial participation conform to relevant plans. This language appears in the "Other Disclosures" section of the relevant project description forms.

During the Council review process, the Planning Board comments to the Council and a final determination as to consistency of projects with adopted County plans is made by the County Council. The Council adopts the CIP and approves a list of applicable State participation projects.

# **READINESS FOR PROGRAMMING**

## **Facility Planning**

In many instances throughout the programs of the CIP, the County Executive has not supported the inclusion of a project on a stand-alone basis but has instead recommended its inclusion in a Facility Planning project. Generally, Facility Planning serves as a transition between strategic planning (overall needs assessment, review of major options, and choice of best method of programming to meet the need) and the inclusion of a stand-alone project in the CIP.

The text in all Facility Planning projects is standardized to the extent possible, and most Facility Planning projects include a list of candidate projects. Facility Planning is intended to generate a clear definition of need and scope, and develop a cost estimate that is subject to minimal change.

## **Cost Estimating**

After a period of declining construction costs, it appears that construction costs may be rebounding. As a result, some projects are projecting market-driven cost increases. Costs related to local laws and practices for stormwater management, prevailing wages, and overhead costs have also been included in projections. County agencies continue to fine tune their procurement practices to encourage competition and foster cost efficiency. Large or complex projects which require carefully coordinated staging or collaboration between

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governmental and other parties and projects that are unique and have unusual special requirements can be particularly challenging to estimate. Given fiscal constraints and significant capital needs, County agencies will continue to look for ways to provide projects more cost effectively, including opportunities to enter into public-private partnerships when it is cost effective.

Cost estimating strategies have been evolving to address these uncertainties, and focus on controlling quality and scope, budget and schedule, and improving communication. Sometimes projects are recommended for design only as a means to gain greater stability in costs over the six years of the CIP. Following this process, projects will be in a more effective position to use available resources. Cost benchmarking, value engineering, and project scope reviews are also used as a means to control costs.

The chart located at the end of this chapter displays in more detail the process by which a capital project evolves.

## AFFORDABILITY

### **Fiscal Planning**

County Executive and Council decisions regarding the affordability of proposals to meet community needs are generally made in the context of established fiscal plans and fiscal policies. The CIP is a major tool for multi-year fiscal planning, covering capital expenditures, and their funding for all County agencies. This fiscal planning process is intended to:

- provide a multi-year fiscal framework, to complement the annual operating and capital budget processes;
- improve communication with the public regarding fiscal options and plans; and
- improve the integration of the PSP/Operating Budget and the CIP/Capital Budget with respect to fiscal and workforce level planning, fiscal and program policy planning, fiscal and collective bargaining planning, and fiscal actions by the County and at the State level.

Components of the fiscal projections are used to advise the County Council in its consideration of Spending Affordability Guidelines for both the CIP/Capital Budget and PSP/Operating Budget. They are used by the County Executive as well, in macro-level fiscal decision-making related to the CIP and PSP.

The chart on the following page describes the process currently used by the Office of Management and Budget (OMB) and the County Executive to allocate scarce resources among competing proposals.

### **Fiscal Policy**

Fiscal policy is the combined practices of government with respect to revenues, expenditures, and debt management. Fiscal policy for the CIP focuses on the acquisition, construction, and renovation of public facilities and on the funding of such activities, with special attention to long-term and other borrowing. It is integral to CIP Planning in order to:

- encourage careful and timely decisions on the relative priority of programs and projects;
- encourage cost-effectiveness in the type, design, and construction of capital improvements;
- assure that the County may borrow readily for essential public improvements; and
- keep the cost of debt service and other impacts at levels affordable in the operating budget.

For more information, please refer to the Fiscal Policy section of the CIP.

### **Operating Budget Impacts**

Operating Budget Impacts (OBI) of the capital program represent a significant portion of future operating budget growth related to increased population, households, commercial activity, and resulting demands for public services. Most capital improvement projects generate future operating budget costs or savings. On the project description forms, OBIs show the incremental costs implied by the

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CIP project over (or under) the current year's Operating Budget.

Debt service, which reflects the cost of financing large project expenditures funded by bonds, is the most significant operating budget impact of capital projects. Approximately seven percent of the current FY24 Approved Operating Budget pays for the debt service requirements of prior CIP decisions.

New facilities add annual expenditure requirements for maintenance and energy costs for utilities such as heating and lighting. Facilities that are used as sites for service delivery have staffing requirements and may have other program costs, such as vehicles. Within specific CIP programs, OBIs may influence whether the County should defer a particular proposal or reduce its scope so as not to further pressure annual operating budgets.

Investment in new buildings or renovations may also result in operating cost savings, as when a new County building replaces leased space or when renovations result in operating efficiencies, such as lower energy consumption. New facilities, such as swimming pools, may generate offsetting revenues from program fees, which provide additional government revenues to help support new costs.

CIP project description forms (PDFs) include a section that identifies knowable operating budget impacts that will be incurred as a result of project implementation during the six-year CIP period. The purpose of assessing and displaying these operating budget impacts is to:

- Project the future operating budget consequences of approving projects;
- Provide a quantitative basis for cost decisions relating to the inclusion, scope, or funding schedules of projects;
- Provide a basis for prioritization of projects within program areas of the CIP based on comparative operating budget impacts;
- Provide a framework for evaluating alternatives other than CIP proposals for meeting program or service delivery needs;
- Display the extent to which identified program needs or approved standards of service delivery drive the County's capital program; and
- Display the relationship between CIP project expenditure schedules and the timing of anticipated new or additional operating budget requirements, as a result of project completion.

The OBI section of specific project description forms identifies the impacts listed below:

Maintenance - Facility maintenance costs for public buildings are based on maintenance cost experience with different kinds and amounts of space. Maintenance costs include janitorial services, ongoing building and grounds maintenance, and repairs.

Energy - Energy costs are distinguished from other utilities (such as telephone and water) in order to assess the costs of electricity and fuel for heating, air conditioning, and other power requirements. In a project for a renovated or expanded facility, there may be an energy cost savings resulting from more efficient systems.

Program Costs - Staff - Staff costs are those incurred in the use of the facility: the salaries and benefits of additional County personnel required to open and operate a new facility, such as a library or recreation center. If a facility is expanded to include a larger or additional program, only the costs of additional staff for that expansion are included.

Full-Time Equivalent (FTE) - This is the actual count of additional (or decreased) Full-Time Equivalent (FTE) employees required to staff a new facility, beyond those already budgeted by the department(s) using a given facility.

Program Costs - Other - These include the net increases or decreases in all non-staff expenses associated with opening a new, expanded, or consolidated facility, such as vehicles, consumables, contracted services, computerization, and any other general operating expenses such as telephones, that can be estimated for the year in which the facility becomes operational.

Cost Savings - Significant operating budget cost savings occur when a new public building replaces leased space. The current annual (budgeted) lease cost no longer required is an offset savings.

Offsetting Revenues - Some facilities, notably those for recreation programs, generate revenues from charges for services such as swim or golf course fees. Since revenues are an offset to costs, the estimated revenues from the facility are shown as a negative number.

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The Resource Allocation Process Chart is located at the end of this chapter.

## DEMOGRAPHICS AND ECONOMIC DATA FOR CIP PLANNING

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Requirements for new or enlarged public facilities (such as roads and schools) are usually generated by population growth and new housing and businesses. Demographic changes, from the age of County residents to the arrival of new immigrants into the County, also play a part in determining facility needs. At the same time, the incomes of County residents and the value of their property affect the fiscal ability of the government to provide new services and finance the construction of new facilities.

The Montgomery County Public Schools (MCPS) CIP, for example, is affected by birth rates and the location of new housing. Park and recreation facility needs are shaped by the age, cultural interests, and location of user populations. The reader is encouraged to obtain and read the program planning documents of various departments and agencies for more information on how different demographic and economic factors affect a particular service. Demographic and economic planning data may also be viewed at [http://www.montgomeryplanning.org/research/data\\_library/census/2010/](http://www.montgomeryplanning.org/research/data_library/census/2010/).

### Demographic and Housing

Maryland-National Capital Park and Planning Commission (M-NCPPC), working with the Washington Metropolitan Council of Governments (COG), develops cooperative forecasts for the County and neighboring jurisdictions.

Housing Units and Households - Demand for many public services, such as fire, transportation, environmental protection, police, and water and sewer is based at least as much on the number of houses as on population.

Population and Birthrates - Population projections are based on household projections, with adjustments for trends in household composition, birth rates and mortality, immigration, and emigration trends.

School Populations - In addition to school facilities, the impact of growth in the school-age population increases the need for recreational and transportation facilities.

Age and Workforce - Some service needs are related to the age of the population as a whole, or specific age groups; for example, the needs of retirees including the impact of the Baby Boomers (persons born between 1946 and 1964).

Geographic Distribution - The capital construction program must respond to specific and changing needs of individual County geographic or planning areas, business districts, and neighborhoods.

U. S. Census Statistical Areas - As a result of regional population growth indicated by the 2000 census, the Federal Government created a Combined Metropolitan Statistical Area (CMSA) which incorporates the previous Washington and Baltimore Metropolitan Statistical Areas (MSA). The Washington - Baltimore Combined Metropolitan Statistical Area (CMSA) is the fourth largest metropolitan area in the United States. Effects on CIP planning may include adjustments to various formulas for the distribution of Federal grants and other aid and the setting of Federal "fair market" rental levels for assisted housing units.

### The Economy and Economic Development

The County's capital investment is aimed in part at ensuring the strength and competitiveness of the local economy. CIP projects support and implement the redevelopment of Wheaton, White Flint, Great Seneca Science Corridor, White Oak, Burtonsville, and Long Branch; the improvement and replacement of infrastructure in other commercial areas; the growth of medical and biotechnology industries near major Federal health and medical facilities; the provision of inexpensive and convenient public parking, as well as extensive public transit serving commuters and retail and business enterprises; and the availability of a broad range of housing choices.

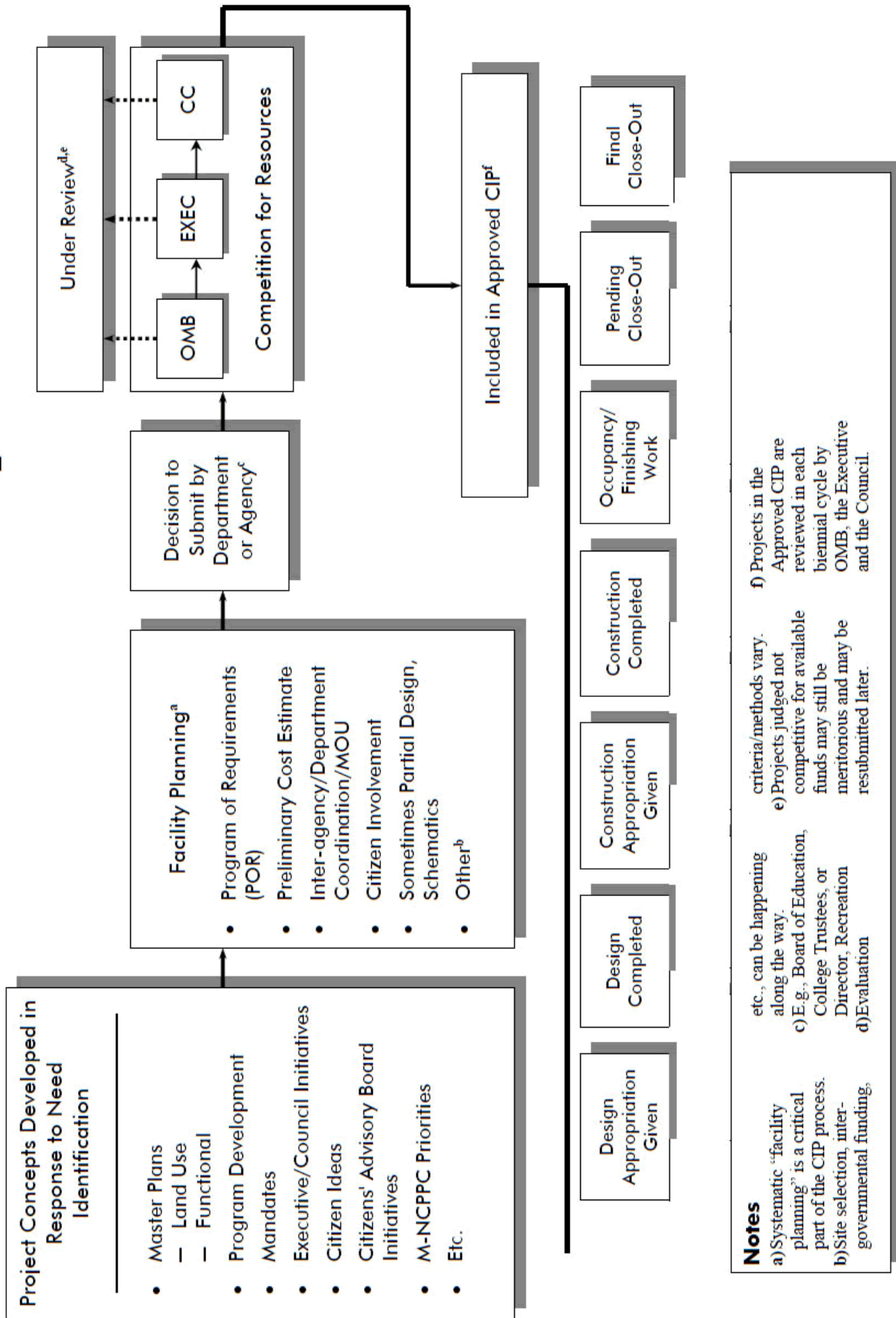
Assessable Property Tax Base - The assessable base reflects the taxable value of all property in the County, as determined by State assessors in a three-year cycle. The financing of the County's Capital program depends in large part on property tax revenues. Section 305 of the County Charter prohibits the County Council from adopting a weighted tax rate on real property that exceeds the tax rate on real property approved the previous year, unless approved by all current Councilmembers. State Law (§5-104 of the Education Article) permits counties to increase a property tax rate above a limit imposed by a charter by a majority vote of the council for the sole

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purpose of funding the approved budget of the county Board of Education. All revenue generated under a supplementary school funding property tax must be allocated to schools. For FY24, the Council approved a new supplementary schools property tax of 4.7 cents as authorized by State Law.

Inflation - The rate of inflation affects CIP planning in two primary ways: the effect on project costs which must be absorbed within limited resources; and the effect on projected debt capacity, which is determined in part by estimated increases from property tax and other revenues available for debt service. Inflation is measured as the Washington-Arlington-Alexandria Consumer Price Index (CPI).

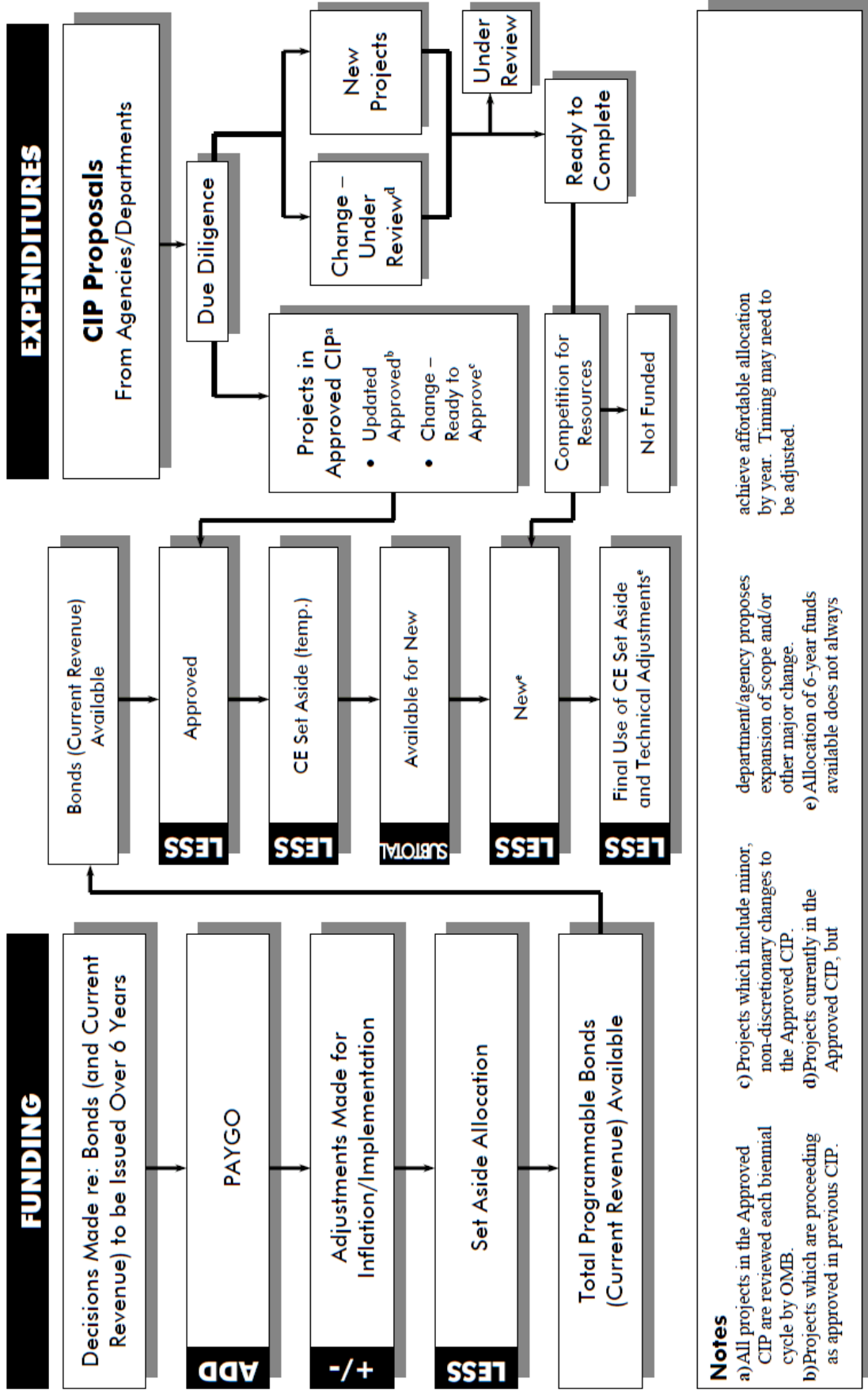
# Capital Improvements Program Evolution of Projects





# Capital Improvements Program Resource Allocation Process

Process Used by OMB/County Executive to Allocate Bonds (and Current Revenue) Among Competing Requests





## TRENDS AND PROJECTIONS

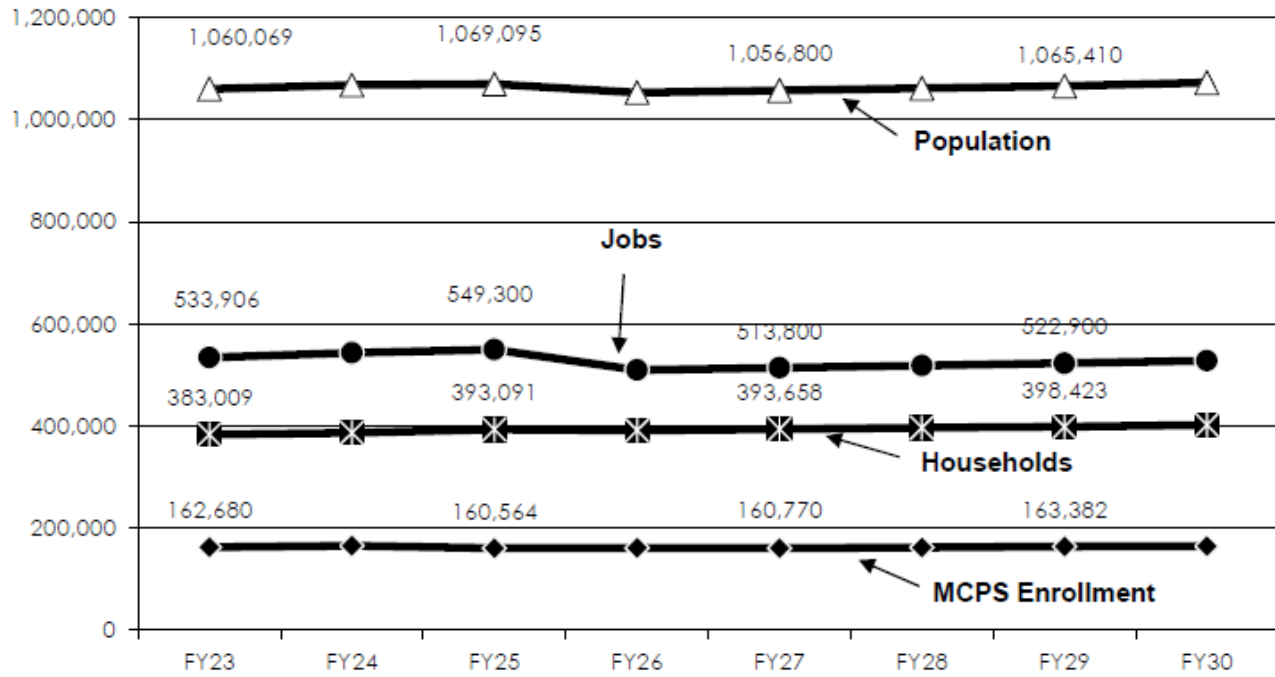
Demographic and Planning Indicators	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30
<b>POPULATION</b>	<b>1,056,800</b>	<b>1,061,096</b>	<b>1,065,410</b>	<b>1,072,219</b>	<b>1,079,072</b>	<b>1,085,969</b>	<b>1,092,910</b>	<b>1,099,895</b>
Annual Increase	4,279	4,296	4,314	6,809	6,853	6,897	6,941	6,985
Population Growth Since 2014	3.8%	4.2%	4.7%	5.3%	6.0%	6.7%	7.4%	8.0%
County Resident Births (Prior Calendar Year) (a)	<b>12,160</b>	<b>12,310</b>	<b>12,440</b>	<b>12,550</b>	<b>12,660</b>	<b>12,780</b>	<b>12,900</b>	<b>13,020</b>
<b>HOUSEHOLDS</b>	<b>393,658</b>	<b>396,033</b>	<b>398,423</b>	<b>401,974</b>	<b>405,558</b>	<b>409,173</b>	<b>412,820</b>	<b>416,500</b>
Household Annual Growth (%)	0.6%	0.6%	0.6%	0.9%	0.9%	0.9%	0.9%	0.9%
Household Growth Since 2014	7.9%	8.5%	9.2%	10.2%	11.2%	12.1%	13.1%	14.2%
Household Growth Since 1992	35.2%	36.0%	36.8%	38.0%	39.3%	40.5%	41.8%	43.0%
Household Size	2.68	2.68	2.67	2.67	2.66	2.65	2.65	2.64
<b>RESIDENT EMPLOYMENT (Jan = Calendar Year)</b>	<b>537,447</b>	<b>529,083</b>	<b>533,833</b>	<b>539,336</b>	<b>542,442</b>	<b>545,226</b>	<b>547,851</b>	<b>549,943</b>
Resident Employment Annual Growth (%)	1.2%	-1.6%	0.9%	1.0%	0.6%	0.5%	0.5%	0.4%
Resident Employment Growth Since 2014	3.3%	1.7%	2.6%	3.7%	4.3%	4.8%	5.3%	5.7%
Resident Employment Per Household	1.37	1.34	1.34	1.34	1.34	1.33	1.33	1.32
Jobs in County (a)	<b>513,800</b>	<b>518,400</b>	<b>522,900</b>	<b>527,400</b>	<b>532,000</b>	<b>536,500</b>	<b>541,100</b>	<b>545,600</b>
<b>PERSONAL INCOME (\$ Millions)</b>	<b>\$101,340</b>	<b>\$103,990</b>	<b>\$107,450</b>	<b>\$112,360</b>	<b>\$117,180</b>	<b>\$121,700</b>	<b>\$125,850</b>	<b>\$129,960</b>
Per Capita Personal Income	<b>\$95,890</b>	<b>\$98,000</b>	<b>\$100,850</b>	<b>\$104,790</b>	<b>\$108,590</b>	<b>\$112,070</b>	<b>\$115,150</b>	<b>\$118,160</b>
Annual Growth (%)	2.7%	2.2%	2.9%	3.9%	3.6%	3.2%	2.7%	2.6%
<b>CONSUMER PRICE INDEX (CPI) - Fiscal Year</b>	<b>5.06%</b>	<b>2.89%</b>	<b>2.06%</b>	<b>2.22%</b>	<b>2.15%</b>	<b>2.16%</b>	<b>2.26%</b>	<b>2.29%</b>
Inflation Growth (Fiscal Year) Since 2014	194.2%	68.0%	19.8%	29.1%	25.0%	25.6%	31.4%	33.1%
<b>CONSUMER PRICE INDEX (CPI) - Calendar Year (%)</b>	<b>2.99%</b>	<b>1.98%</b>	<b>2.24%</b>	<b>2.16%</b>	<b>2.15%</b>	<b>2.25%</b>	<b>2.29%</b>	<b>2.31%</b>
<b>ASSESSABLE TAX BASE (\$ Millions)</b>	<b>\$214,055</b>	<b>\$221,308</b>	<b>\$226,323</b>	<b>\$232,933</b>	<b>\$240,431</b>	<b>\$247,228</b>	<b>\$251,933</b>	<b>\$256,953</b>
Annual Growth (%)	3.5%	3.4%	2.3%	2.9%	3.2%	2.8%	1.9%	2.0%
<b>INVESTMENT INCOME YIELD (%)</b>	<b>3.39%</b>	<b>5.29%</b>	<b>4.82%</b>	<b>4.02%</b>	<b>4.00%</b>	<b>4.00%</b>	<b>3.50%</b>	<b>3.25%</b>
<b>MCPS ENROLLMENT (Sept = Calendar Year)</b>	<b>160,770</b>	<b>161,565</b>	<b>163,382</b>	<b>164,106</b>	<b>165,461</b>	<b>166,554</b>	<b>167,543</b>	<b>167,543</b>
Annual Growth (%)	-0.2%	0.5%	1.1%	0.4%	0.8%	0.7%	0.6%	0.0%
Annual Increase (Decrease)	-332	795	1,817	724	1,355	1,093	989	0
<b>MONTGOMERY COLLEGE ENROLLMENTS (b)</b>	<b>17,780</b>	<b>17,980</b>	<b>18,214</b>	<b>18,436</b>	<b>18,583</b>	<b>18,848</b>	<b>18,848</b>	<b>18,848</b>
Annual Growth (%)	3.8%	1.1%	1.3%	1.2%	0.8%	1.4%	0.0%	0.0%
<b>Full Time Equivalents Students (Sept = Calendar Year) ©</b>	<b>14,533</b>	<b>14,984</b>	<b>15,183</b>	<b>15,515</b>	<b>15,726</b>	<b>15,954</b>	<b>16,208</b>	<b>16,208</b>
Annual Growth in FTES (%)	0.6%	3.1%	1.3%	2.2%	1.4%	1.4%	1.6%	0.0%

(a) Projections related to County Resident Births and Jobs in the County are provided by M-NCPPC and are as of March 2023.

(b) Projections related to Montgomery College Enrollments are provided by Montgomery College and include projections through FY28. Since no projections are provided for FY29, the projections for FY28 were used.

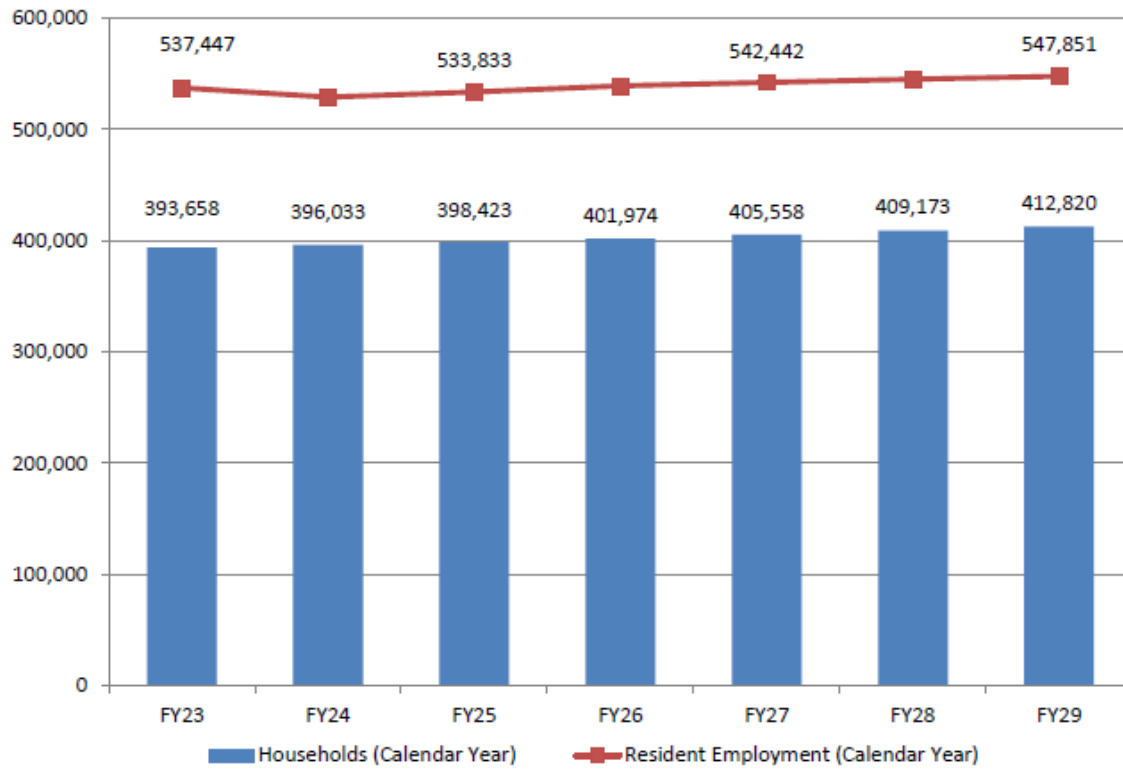
(c) Projections related to Montgomery College Full Time Equivalents are provided by Montgomery College and include projections through FY27. Since no projections are provided for FY28 or FY29, the projections for FY27 were used.

### Underlying Demographic Trends



Sources: M-NCPPC and Department of Finance

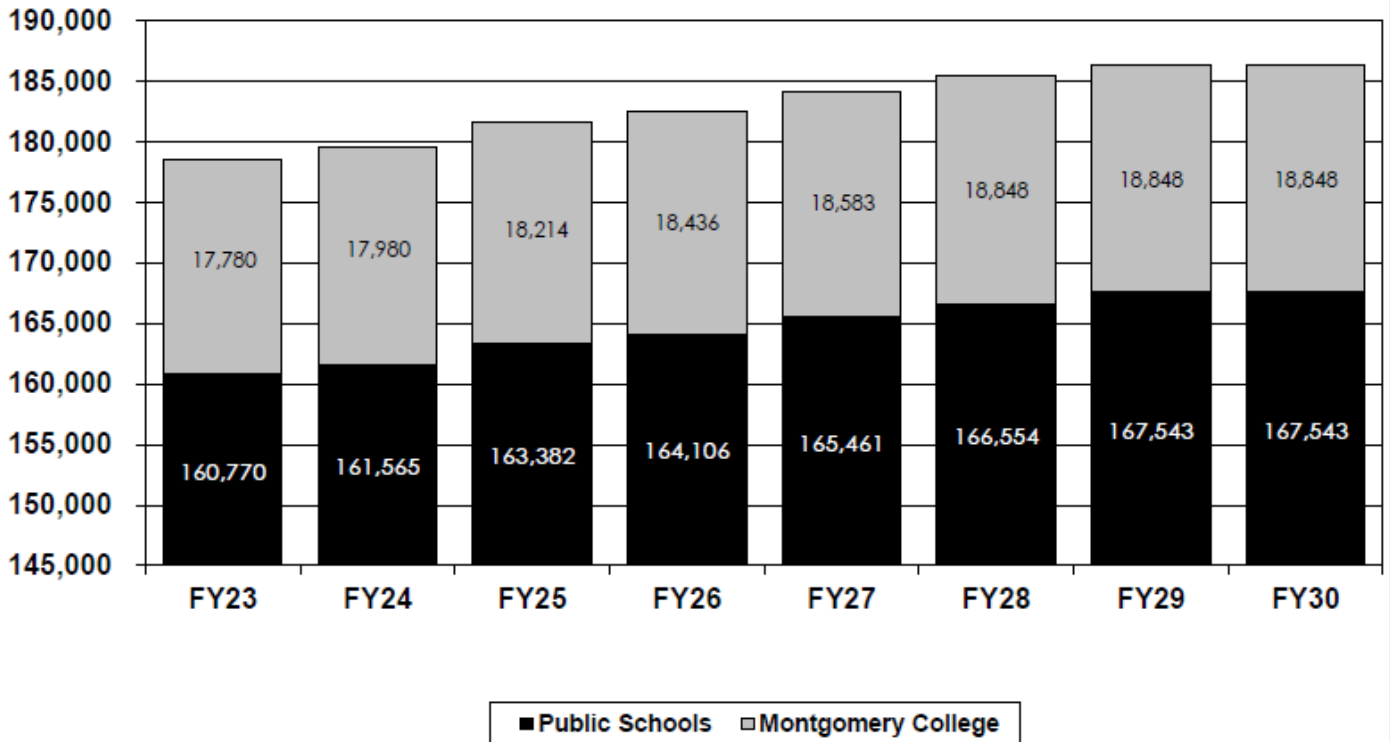
## Households and Resident Employment



Source: Department of Finance

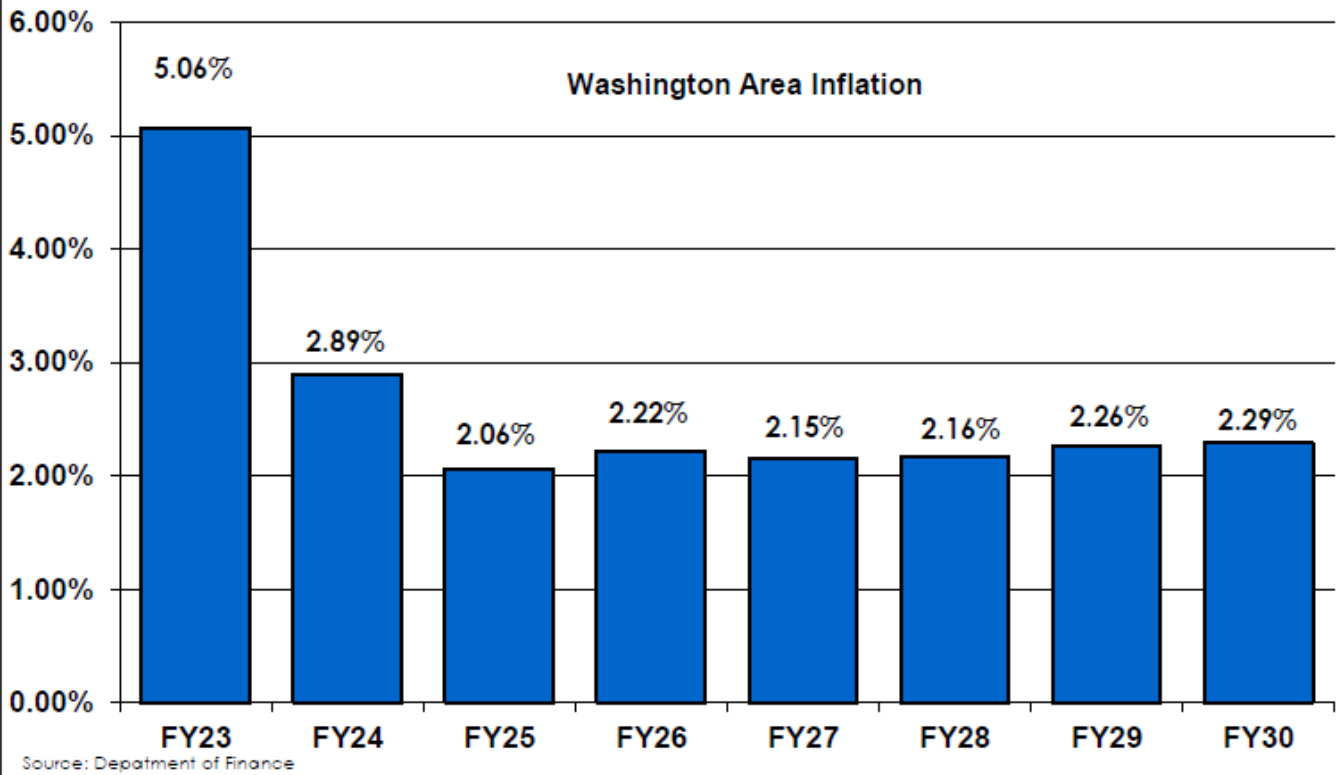
## MONTGOMERY COUNTY PUBLIC EDUCATION ENROLLMENTS

### Trends and Projections



Source: MCPS and Montgomery College

## Inflation: Trends and Projections





# Public Input

## INTRODUCTION

The purpose of this section is to describe the community input process coordinated through the Citizens Advisory Boards and present demographic data for each of the five Regional Services Center service areas. The community input process makes it easier for residents to focus on regional issues in the proposed Capital Improvements Program (CIP). The preparation of this section completes several months of consulting the citizens of the various communities within Montgomery County.

The consultation process included the following steps:

- During the preparation of the recommended CIP, the Citizens Advisory Boards sponsored forums in all five of the Regional Services Centers service areas: Bethesda-Chevy Chase, East County, Mid-County, Silver Spring, and Upcounty. In addition, a forum was also scheduled at Leisure World. These forums provided residents with an opportunity to express their views on the future of the CIP in their area and to indicate their priorities for the CIP. Department and agency representatives were present at the forums.
- The Citizens Advisory Boards provided their recommendations to the County Executive.
- The County Executive considered each recommendation in making decisions on projects to be included in this recommended CIP.

The Public Input section also includes the following information:

- A geographic and demographic description of each of the Regional Services Centers.
- Information about the Open Data Budget Publication.
- A map of the County Regional Services Center service areas showing the service areas by communities and vicinities.

## OPEN BUDGET

Montgomery County, Maryland offers a comprehensive Open Data Budget Publication that takes the very complex and detailed data found in the traditional budget publication and transforms it into an intuitive, accessible, and shareable format making it easier for the public to be informed about approved and recommended capital projects. Features included are:

- Interactive charts, tables, maps, and videos
- A custom Google search engine
- Archiving previous years' data / content
- Unlimited sharing/discovery of data, tables, and visualizations
- Mobility (works on smartphones, tablets, and desktops)
- American with Disabilities Act (ADA) compliant
- Instantly translatable into 90+ languages
- For more, please visit the following web site: <http://montgomerycountymd.gov/openbudget>

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## REGIONAL SERVICE CENTER SERVICE AREA DESCRIPTIONS

The Regional Services Center service areas were established by grouping together the existing land use master planning areas to form contiguous areas broadly similar in growth and development characteristics and with similar capital planning issues. The division by service area is intended mainly for the convenience of residents in understanding capital budget issues in their areas. Established planning documents, such as the Growth Policy and master plans, will continue to be presented by policy area or planning area, as appropriate. The charts on the following pages display percentages of County population by service area from 2015 to projected 2045 and household population and the number of household data, as well as growth rates, by service area for the same period.

An index of CIP projects by planning area is contained at the back of the CIP publication.

### **Bethesda-Chevy Chase**

The Bethesda-Chevy Chase service area consists of the older, more developed areas in the southwestern part of Montgomery County, closest to the District of Columbia. It includes the communities and vicinities of Potomac-Cabin John, North Bethesda-Garrett Park, City of Rockville, and Bethesda-Chevy Chase. Bethesda-Chevy Chase is the second largest service area in population size, containing in 2015 approximately 24.9 percent of the County's total population. Growth in all service areas is tracked by total growth in household population and number of households. From 2015 to 2030 the area is expected to grow by 18.3 percent in household population. The growth of household numbers is slightly higher, at about 20.2 percent. From 2030 to 2045, area population growth is expected to be 10.1 percent, with household growth for this same period expected to be 10.7 percent.

### **East County**

The East County Service Area consists of the easternmost sections of the County closest to Prince George's County. It includes the communities and vicinities of the Patuxent Watershed, Cloverly-Norwood, Colesville-White Oak, and Fairland-Beltsville. East County is the smallest service area in population size, containing 9.9 percent of the County population in 2015. From 2015 to 2030, the area is expected to increase 4.0 percent in household population. There will be growth in the number of households at about 4.7 percent. From 2030 to 2045, area household population growth is expected to increase more substantially by 10.6 percent while household growth will increase by 12.5 percent.

### **Mid-County**

The Mid-County Service Area is centered along both sides of Georgia Avenue. It covers the communities and vicinities of Patuxent Watershed, Upper Rock Creek, Olney, Aspen Hill, Kensington-Wheaton, and Kemp Mill-Four Corners. Mid-County is the third largest service area in population, containing 21.4 percent of the County population in 2015. From 2015 to 2030, 5.7 percent growth is expected in household population and the number of households is expected to grow 6.7 percent over the same period. From 2030 to 2045, area population growth of 8.5 percent is expected while about 9.5 percent growth is expected in the number of households. A small portion of this area remains parkland and agricultural preserve, limiting future growth opportunities.

### **Silver Spring**

The Silver Spring Service Area includes the communities and vicinities of Kemp Mill-Four Corners, Silver Spring, and Takoma Park. It covers the southeastern corner of the County bordering the District of Columbia and Prince George's County. Silver Spring is the second smallest service area in population size, containing 10.3 percent of the County population in 2015. From 2015 to 2030, the area is expected to grow 13.3 percent in household population. The growth in households will be faster, at 15.4 percent. From 2030 to 2045, area population growth of approximately 7.2 percent is expected while 7.4 percent growth is expected in the number of households.

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## **Upcounty**

The Upcounty service area consists of growing areas of the County along the upper I-270 corridor, encompassing the largest geographical area which consists of the northern and western parts of Montgomery County. This area includes the communities and vicinities of Bennett and Little Bennett Watershed, Damascus, Barnesville, Dickerson, Clarksburg, Goshen, Woodfield, Cedar Grove, Martinsburg, Poolesville, Lower Seneca Basin, Germantown, Gaithersburg, Upper Rock Creek, Darnestown, and Travilah. Not only has this area experienced swift growth in the number of residents, it is also the area with the greatest concentration of new research and development, manufacturing, and commercial employment. Upcounty is the largest area in population size and comprises 33.5 percent of the entire County population in 2015. From 2015 to 2030, the area is expected to grow 10.6 percent in household population. The household growth rate is expected to be faster, at 11.4 percent. From 2030 to 2045, area population growth is projected at 6.9 percent while growth in the number of households is projected at 7.8 percent.

## **Countywide Projects**

Numerous Countywide projects are included in the CIP and may include improvements located in one or more of the service areas. For more information on improvements included in Countywide projects, please refer to the individual project description forms.





## MONTGOMERY COUNTY POPULATION/HOUSEHOLDS BY REGIONAL SERVICES AREA, 2015 - 2045

### Growth and Projections for Regional Services Areas Household Population and Number of Households: 2015, 2030, and 2045

Regional Services Area	HOUSEHOLD POPULATION						HOUSEHOLDS					
	2015	2030	2045	Percent Change		2015	2030	2045	Percent Change			
				2015 to 2030	2030 to 2045				2015 to 2030	2030 to 2045		
Bethesda/ Chevy Chase	250,379	296,310	326,321	18.3%	10.1%	103,677	124,632	137,998	20.2%	10.7%		
Eastern Montgomery	99,496	103,497	114,441	4.0%	10.6%	35,831	37,506	42,211	4.7%	12.5%		
Mid-County	215,228	227,531	246,885	5.7%	8.5%	76,596	81,702	89,466	6.7%	9.5%		
Silver Spring	103,611	117,376	125,798	13.3%	7.2%	41,485	47,881	51,432	15.4%	7.4%		
Upcounty	336,987	372,785	398,583	10.6%	6.9%	117,259	130,587	140,796	11.4%	7.8%		
<b>County Total</b>	<b>1,005,701</b>	<b>1,117,499</b>	<b>1,212,028</b>	<b>11.1%</b>	<b>8.5%</b>	<b>374,848</b>	<b>422,308</b>	<b>461,903</b>	<b>12.7%</b>	<b>9.4%</b>		

\*Totals may not sum due to rounding

Source: Metropolitan Washington Council of Governments Cooperative Forecast, Round 9.1, Research & Special Projects, Montgomery County Planning, M-NCPPC

- Bethesda-Chevy Chase includes Potomac-Cabin John, North Bethesda-Garrett Park, City of Rockville, and Bethesda-Chevy Chase.
- East County includes Patuxent Watershed, Cloverly-Norwood, Colesville-White Oak, and Fairland-Beltsville.
- Mid-County includes Patuxent Watershed, Upper Rock Creek, Olney and vicinity, Aspen Hill, Kensington-Wheaton, and Kemp Mill-Four Corners.
- Silver Spring includes Kemp Mill-Four Corners, Silver Spring, and Takoma Park.
- Upcounty includes Bennett and Little Bennett Watershed, Damascus and vicinity, Little Monocacy-Dickerson-Barnesville, Clarksburg and vicinity, Goshen, Woodfield, Cedar Grove and vicinity, Martinsburg and vicinity, Poolesville and vicinity, Lower Seneca Basin, Germantown, Gaithersburg and vicinity, Upper Rock Creek, Darnestown and vicinity, and Travilah and vicinity.

Notes: Planning areas of Kemp Mill-Four Corners, Patuxent Watershed, and Upper Creek Watershed are split between two service areas.

## PLANNING AREAS AND CORRESPONDING SERVICE AREAS

Planning Area Name	Service Area
Aspen Hill and Vicinity	Mid-County
Bennett and Little Bennett Watershed	Upcounty
Bethesda-Chevy Chase and Vicinity	Bethesda
Bi-County	All
Clarksburg and Vicinity	Upcounty
Cloverly-Norwood	East County
Colesville-White Oak and Vicinity	East County
Countywide	All
Damascus and Vicinity	Upcounty

Darnestown and Vicinity	Upcounty
Fairland-Beltsville and Vicinity	East County
Gaithersburg and Vicinity	Upcounty
Germantown and Vicinity	Upcounty
Goshen-Woodfield-Cedar Grove and Vicinity	Upcounty
Kemp Mill-Four Corners and Vicinity	Mid-County and Silver Spring
Kensington-Wheaton	Mid-County
Little Monacacy Basin Dickerson-Barnesville	Upcounty
Lower Seneca Basin	Upcounty
Martinsburg and Vicinity	Upcounty
North Bethesda-Garrett Park	Bethesda
Olney and Vicinity	Mid-County
Patuxent Watershed Conservation Area	East County and Mid-County
Poolesville and Vicinity	Upcounty
Potomac-Cabin John and Vicinity	Bethesda
Rockville	Bethesda
Silver Spring and Vicinity	Silver Spring
Takoma Park	Silver Spring
Travilah and Vicinity	Upcounty
Upper Rock Creek Watershed	Mid-County and Upcounty



# Fiscal Policy

## DEFINITION AND PURPOSE OF FISCAL POLICY

Fiscal policy is the combined practices of government with respect to revenues, expenditures, and debt management. Fiscal policy for the Capital Improvements Program (CIP) focuses on the acquisition, construction, and renovation of public facilities and on the funding of such activities, with special attention to both long-term borrowing, and increasingly, short-term debt.

The purposes of the CIP fiscal policy are:

- to encourage careful and timely decisions on the relative priority of programs and projects;
- to encourage cost effectiveness in the type, design, and construction of capital improvements;
- to ensure that the County may borrow readily for essential public improvements; and
- to keep the cost of debt service and other impacts of capital projects at levels affordable in the operating budget.

The County Charter (Article 3, Sections 302 and 303) provides that the County Executive shall submit to the Council, not later than January 15 of each even-numbered calendar year, a comprehensive six-year program for capital improvements. This biennial Capital Improvements Program takes effect for the six-year period which begins in each odd-numbered fiscal year. The Charter provides that the County Executive shall submit a Capital Budget to the Council, not later than January 15 of each year.

The County Executive must also submit to the Council, not later than March 15 of each year, a proposed operating budget, along with comprehensive six-year programs for public services and fiscal policy. The Public Services Program (PSP)/Operating Budget and Capital Improvements Program (CIP)/Capital Budget constitute major elements in the County's fiscal planning for the next six years. Fiscal policies for the PSP and CIP are parts of a single consistent County fiscal policy.

In November 1990, the County's voters approved an amendment to Section 305 of the Charter to require that the Council annually adopt spending affordability guidelines for the capital and operating budgets. Spending affordability guidelines for the CIP are interpreted in subsequent County law to be limits on the amount of general obligation debt and Park and Planning debt that may be approved for expenditure for the first year and the second year of the CIP, and for the entire six years of the CIP. Spending affordability guidelines are adopted in odd-numbered calendar years. Since 1994, the Council, in conjunction with the Prince George's County Council, adopted one-year spending limits for WSSC. These spending control limits include guidelines for new debt and annual debt service.

In March 2021, pursuant to Bill 6-21, Section 20-84 was added to the County Code establishing a Revenue Estimating Group to review and forecast revenues. The Revenue Estimating Group develops revenue forecasts and any revisions to those forecasts, develops a methodology to forecast revenues, and provides quarterly reports on revenue projections to the Executive and Council each year on February 15, May 15, September 15, and December 15.

## CURRENT CIP FISCAL POLICIES

The fiscal policies followed by the County Executive and County Council are relatively stable, but not static. They evolve in response to changes in the local economy, revenues and funding tools available, and requirements for public services. Also, policies are not absolute; policies may conflict and must be balanced in their application. Presented here are the CIP fiscal policies currently in use by the County Executive.

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## Policy on Eligibility for Inclusion in the CIP

Capital expenditures included as projects in the CIP should:

- Have a reasonably long useful life, or add to the physical infrastructure and capital assets of the County, or enhance the productive capacity of County services. Examples are roads, utilities, buildings, and parks. Such projects are normally eligible for debt financing.
- Generally have a defined beginning and end, as differentiated from ongoing programs in the PSP.
- Be related to current or potential infrastructure projects. Examples include facility planning or major studies. Generally, such projects are funded with current revenues.
- Be carefully planned to enable decision makers to evaluate the project based on complete and accurate information. In order to permit projects to proceed to enter the CIP once satisfactory planning is complete, a portion of "programmable expenditures" (as used in the Bond Adjustment Chart) is deliberately left available for future needs.

## Policy on Funding CIP with Debt

Much of the CIP should be funded with debt. Capital projects usually have a long useful life and will serve future taxpayers as well as current taxpayers. It would be inequitable and an unreasonable fiscal burden to make current taxpayers pay for many projects out of current tax revenues. Bond issues, retired over approximately 20 years, are both necessary and equitable.

### Projects deemed to be debt eligible should:

- Have an approximate useful life at least as long as the debt issue with which they are funded.
- Not be able to be funded entirely from other potential revenue sources, such as intergovernmental aid or private contributions.
- Special Note: With a trend towards more public/private partnerships, especially regarding projects aimed at the revitalization or redevelopment of the County's central business districts, there are more instances when public monies leverage private funds. These instances, however, generally bring with them the "private activity" or private benefit (to the County's partners) that make it necessary for the County to use current revenue or taxable debt as its funding source. It is County fiscal policy that when financing in public-private partnership situations, that tax-exempt debt will be issued only for those improvements that meet the IRS requirements for the use of tax-exempt bond proceeds.

## Policy on General Obligation Debt Limits

General obligation debt usually takes the form of bond issues, and pledges general tax revenue for repayment. Paying principal and interest on general obligation debt is the first claim on County revenues. By virtue of prudent financial management and the long-term strength of the local economy, Montgomery County has maintained the highest quality rating of its general obligation bonds, AAA. This top rating by Wall Street rating agencies, assures Montgomery County of a ready market for its bonds and the lowest available interest rates on that debt.

## Debt Capacity

To maintain the AAA rating, the County uses the following guidelines in deciding how much additional County general obligation debt may be issued in the six-year CIP period:

Overall Debt as a Percentage of Assessed Valuation- This ratio measures debt levels against the property tax base, which generates the tax revenues that are the main source of debt repayment. Total debt, both existing and proposed, should be kept at about 1.5 percent of full market value (substantially the same as assessed value) of taxable real property in the County.

Debt Service as a Percentage of the General Fund - This ratio reflects the County's budgetary flexibility to adapt spending levels and respond to economic condition changes. Required annual debt service expenditures should be kept at about ten percent of the County's total General Fund.

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**Overall Debt per Capita** - This ratio measures the burden of debt placed on the population supporting the debt and is widely used as a measure of an issuers' ability to repay debt. Total debt outstanding and annual amounts issued, when adjusted for inflation, should not cause real debt per capita (i.e., after eliminating the effects of inflation) to rise significantly.

**Ten-year Payout Ratio** - This ratio reflects the amortization of the County's outstanding debt. A faster payout is considered a positive credit attribute. The rate of repayment of bond principal should be kept at existing high levels and in the 60-75 percent range during any ten-year period.

**Per Capita Debt to Per Capita Income** - This ratio reflects a community's economic strength as an indicator of income levels relative to debt. Total debt outstanding and annual amounts proposed should not cause the ratio of per capita debt to per capita income to rise significantly above about 3.5 percent.

These ratios will be calculated and reported each year in conjunction with the spending affordability and capital budget process, the annual financial audit, and as needed for fiscal analysis.

### **Policy on Terms for General Obligation Bond Issues**

Bonds are normally issued in a 20-year series, with five percent of the series retired each year. This practice produces equal annual payments of principal over the life of the bond issue, which means declining annual payments of interest on the outstanding bonds, positively affecting the pay-out ratio. Thus annual debt service on each bond issue is higher at the beginning and lower at the end. When bond market conditions warrant, or when a specific project would have a shorter useful life, then different repayment terms may be used.

### **Policy on Other Forms of General Obligation Debt**

The County may issue other forms of debt as appropriate and authorized by law. From time to time, the County issues Commercial Paper/Bond Anticipation Notes (BANs) for interim financing to take advantage of favorable interest rates within rules established by the Internal Revenue Service.

### **Policy on Use of Revenue Bonds**

Revenue bonds are secured by the pledge of particular revenues to their repayment in contrast to general obligation debt, which pledges general tax revenues. The revenues pledged may be those of a Special Revenue or Enterprise funds, or they may be derived from the funds or revenues received from or in connection with a project. Amounts of revenue debt to be issued should be limited to ensure that debt service coverage ratios shall be sufficient to ensure ratings at least equal to or higher than ratings on outstanding parity debt. Such coverage ratios shall be maintained during the life of any bonds secured by that revenue stream.

### **Policy on Use of Appropriation-Backed Debt**

Various forms of appropriation-backed debt may be used to fund capital improvements, facilities, or equipment issued directly by the County or using the Montgomery County Revenue Authority or another entity as a conduit issuer. Under such an arrangement, the County enters into a long-term lease with the conduit issuer and the County lease payments fund the debt service on the bonds. Appropriation-backed debt is useful in situations where a separate revenue stream is available to partially offset the lease payments, thereby differentiating the project from those typically funded with general obligation debt. Because these long-term leases constitute an obligation of the County similar to general debt, the value of the leases is included in debt capacity calculations.

### **Policy on Issuance of Taxable Debt**

Issuance of taxable debt may be useful in situations where private activity or other considerations make tax-exempt debt disadvantageous or ineligible due to tax code requirements or other considerations. The cost of taxable debt will generally be higher because investors are not able to deduct interest earnings from taxable income. Taxable debt may be issued in instances where the additional cost of taxable debt, including legal, marketing, and other up-front costs and the interest cost over the life of the bonds, is outweighed by the advantages in relation to the financing objectives to be achieved.

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## **Policy on Use of Interim Financing**

Interim Financing may be used in exceptional circumstances where project expenditures are eligible for long term debt, but permanent financing is delayed for specific reasons, other than affordability. Interim Financing should have an identified and reliable ultimate funding source, and should be repaid within the short term. An example for interim financing would be in a situation where an offsetting revenue will be available in the future to pay off a portion of the amounts borrowed, but the exact amounts and timing of the repayment are uncertain.

## **Policy on Use of Short Term Financing**

Short term financing (terms of ten years or less) may be appropriate for certain types of equipment or system financings, where the term of the financing correlates to the useful life of the asset acquired, or in other cases where the expected useful life is long, but due to the nature of the system, upgrades are frequent and long term financing is not appropriate.

## **Policy on Use of Current Revenues**

Use of current revenues to fund capital projects is desirable as it constitutes "pay-as-you-go" (PAYGO) financing and, when applied to debt-eligible projects, reduces the debt burden of the County. Decisions to use current revenue funding within the CIP have immediate impacts on resources available to annual operating budgets and require recognition that certain costs of public facilities should be supported on a current basis rather than paid for over time.

Current revenues from the General Fund are used for designated projects which have broad public use and which fall outside any of the specialized funds. Current revenues from the Special Revenue and Enterprise Funds are used if the project is associated with the particular function for which these funds have been established.

The County has the following policies on the use of current revenues in the CIP:

- Current revenues must be used for any CIP projects not eligible for debt financing by virtue of limited useful life.
- Current revenues should be used for CIP projects consisting of limited renovations of facilities, for renovations of facilities which are not owned by the County, and for planning and feasibility studies.
- Current revenues may be used when the requirements for capital expenditures press the limits of bonding capacity.
- Except for excess revenues which must go to the Revenue Stabilization Fund, the County will, according to Resolution 19-753, use one-time revenues from any source in this order: reserves to the policy goal; OPEB/Pension Prefunding; and other unfunded liabilities and/or other non-recurring expenditures and/or PAYGO for the CIP more than the County's target goal.

## **Policy on Use of Federal and State Grants and Other Contributions**

Grants and other contributions should be sought and used to fund capital projects whenever they are available on terms that are to the County's long-term fiscal advantage. Such revenues should be used as current revenues for debt avoidance and not for debt service.

## **Policy on Minimum Allocation of PAYGO**

PAYGO is current revenue set aside in the operating budget, but not appropriated, and is used to replace bonds for debt eligible expenditures. To reduce the impact of capital programs on future years, the County will fund a portion of its CIP on a pay-as-you-go basis. Pay-as-you-go funding will save money by eliminating interest expense on the funded projects. Pay-as-you-go capital appropriations improve financial flexibility in the event of sudden revenue shortfalls or emergency spending. It is the County's policy to allocate to the CIP each fiscal year as PAYGO at least ten percent of the amount of general obligation bonds planned for issue that year.

## **Policy on Operating Budget Impacts**

In the development of capital projects, the County evaluates the impact of a project on the operating budget and displays such impacts

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on the project description form. The County shall not incur debt or otherwise construct or acquire a public facility if it is unable to adequately provide for the subsequent annual operation and maintenance costs of the facility.

## **Policy on Taxing New Private Sector Development**

As part of a fair and balanced tax system, new development of housing, commercial, office, and other structures should contribute directly toward the cost of the new and improved transportation and other facilities required to serve that development. To implement this policy, the County has established the following taxes:

Transportation Impact Tax The County Council established new rates and geographical boundaries for transportation impact taxes in November 2020 and enacted a White Flint impact tax district in 2010. These taxes are levied at rate schedules based on the classification of an area relative to transit service and accessibility. The "Red" policy areas replaced the prior Metro Station Policy Areas (MSPAs). "Orange" policy areas are corridor cities (but not MSPAs), town centers, and emerging transit-oriented development areas where transitways such as the Purple Line and Bus Rapid Transit lines are planned. "Yellow" policy areas are lower density residential neighborhoods with community-serving commercial areas; and "Green" policy areas are the Agricultural Reserve and other rural areas. In prior actions, the County Council also adjusted impact tax rates to replace lost revenue from eliminated transportation mitigation payments. Transportation Impact Taxes are also assessed for projects within the boundaries of Rockville and Gaithersburg. These impact taxes can only be used for projects listed in a Council-approved Memorandum of Understanding with the individual municipalities.

Schools Impact Tax Most residential development in Montgomery County is subject to an impact tax for certain school facilities. The rates are the same Countywide but vary by housing and community type, commensurate with the average student generation rates of that type of residential development. In November, 2020, the County Council identified two different types of communities that had very different student generation rates and incorporated that analysis into the impact tax rate structure. During their 2020 Subdivision Staging Policy (aka Growth and Infrastructure Policy) review, the County also expanded the number of impact tax waivers and added an additional Utilization Premium Payment (UPP). A UPP is calculated as a percent of the applicable impact tax rate and is necessary when school overcrowding in the impacted community is more severe. Previously, in November, 2016, the County Council increased school impact tax rates to replace revenues lost when they eliminated School Facilities Payments and to account for land costs which had previously not been considered when calculating impact tax rates.

School Facilities Payment Prior to County Code changes approved in 2016, a school facilities payment was applied at subdivision review to residential development projects located in a school cluster where enrollment exceeds adopted standards. The school facilities payment was made on a per-student basis, based upon standard student generation rates of that type of residential development. While School Facility Payments will not provide additional future capital budget funding, payments collected prior to the change in the law are still programmed in several MCPS projects in the FY19-24 capital budget.

Development Approval Payment (DAP) In November 1993, the Council created an alternative voluntary review procedure for Metro station policy areas as well as limited residential development. The DAP permitted development projects to proceed in certain areas subject to development restrictions. Due to the voluntary nature of this payment, DAP revenue is an unpredictable funding source and is not programmed for specific transportation improvements until after the revenue has been collected. In October 2003, the County Council revised the Annual Growth Policy to replace the Development Approval Payment with an alternative payment mechanism based upon impact tax rates. While the DAP payments are no longer being collected, they are reported in some active projects based on past allocations.

Development Districts Legislation enacted in 1994 established a procedure by which the Council may create a development district. The creation of such a special taxing district allows the County to issue low-interest, tax-exempt bonds that are used to finance the infrastructure improvements needed to allow the development to proceed. Taxes or other assessments are levied on property within the district, the revenues from which are used to pay the debt service on the bonds.

Development is, therefore, allowed to proceed, and improvements are built in a timely manner. Only the additional special tax revenues from the development district are pledged to repayment of the bonds. The County's general tax revenues are not pledged. The construction of improvements funded with development district bonds is required by law to follow the County's usual process for constructing capital improvements and, thus, must be included in the Capital Improvements Program.



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Transportation Improvement (Loophole) Credits Under certain conditions, a developer may choose to pay a transportation improvement credit in lieu of funding or constructing transportation improvements required in order to obtain development approval. These funds are used to offset the cost of needed improvements in the area from which they are paid.

Systems Development Charge (SDC) This charge, enacted by the 1993 Maryland General Assembly, authorized Washington Suburban Sanitation Commission (WSSC) to assess charges based on the number and type of plumbing fixtures in new construction, effective July 19, 1993. SDC revenues may only be spent on new water and sewerage treatment, transmission, and collection facilities.

Utilization Premium Payment (UPP) As part of the County Council's November 2020 action on the Growth and Infrastructure policy, the County Council established Utilization Premium Payments as a means to charge higher fees to developers wanting to move forward with projects in communities where there was already significant school overcrowding. UPP rates are calculated as a percent of the relevant impact tax based on how many school levels (elementary, middle, and high school) meet overcrowding standards.

## DETAILED DESCRIPTION OF CIP FUNDING SOURCES

Within each individual capital project, the funding sources for all expenditures are identified. There are three major types of funding for the Capital Improvements Program: current revenues (including PAYGO); proceeds from bonds and other debt instruments; and grants, contributions, reimbursements, or other funds from intergovernmental and other sources.

### **Current Revenues**

Cash contributions used to support the CIP include: transfers from general revenues, special revenues, and enterprise funds; investment income on working capital or bond proceeds; recordation taxes; proceeds from the sale of surplus land; impact taxes, development approval payments, systems development charges, and the expedited development approval excise tax; and developer contributions. The source and application of each are discussed below.

Current Revenue Transfers. When this source is used for a capital project, cash is allocated to the capital project directly from the General, Special, or Enterprise Funds to finance direct payment of some or all of the costs of the project. The General Fund is the general operating fund of the County and is used to account for all financial resources except those required to be accounted for in another fund. The Special Revenue Funds are used to account for the proceeds of specific revenue sources that are restricted to expenditures for specified purposes. The Enterprise Funds are used to account for operations that are financed and operated in a manner similar to private business enterprises, where the intent of the governing body is that the costs of providing goods or services to the general public on a continuing basis be financed primarily through user charges.

Use of current revenues is desirable as it constitutes "pay-as-you-go" financing and, when applied to debt-eligible projects, limits the increase in the debt burden of the County. Decisions to use current revenue funding within the CIP have immediate impacts on resources available to annual operating budgets, and require recognition that certain costs of public facilities should be supported on a current basis rather than paid for over time. Current revenues from the General Fund are used for designated projects which involve broad public use and which fall outside any of the specialized funds. Current revenues from the Special Revenue and Enterprise Funds are used if the project is associated with the particular function for which these funds have been established.

PAYGO is current revenue set aside in the operating budget, but not appropriated. PAYGO is used to replace bonds for debt-eligible expenditures. PAYGO is planned to be ten percent of general obligation bonds planned for issue.

Recordation Tax Starting in FY03, the County raised the recordation tax rate and earmarked revenues generated from the increase to the Montgomery County Public Schools (MCPS) capital budget and Montgomery College information technology projects. In 2008, the County enacted an additional rate premium with revenues generated from half of that premium allocated to Montgomery County Government capital projects. (The other half of the recordation tax premium is used for rental assistance in the operating budget.) Effective September 2016, the recordation tax was modified resulting in a lower tax rate for the General Fund, but a higher tax rate for MCPS CIP. At the same time, the Premium tax rate increased with 50 percent of the Premium revenues earmarked for the County Government CIP.

Proceeds from the Sale of Public Property. When the County sells surplus land or other real property, proceeds from the sales are

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deposited into the Land Sale account, and are then used to fund projects in the CIP. By law, 25 percent of the revenue from land sales must be directed to the Montgomery Housing Initiative (MHI) Fund to promote a broad range of housing opportunities in the County. Properties may be excluded from the 25 percent requirement if they are within an area designated as urban renewal or by a waiver from the County Executive. Generally, land sale proceeds are not programmed in the capital budget until they are received; however, in some instances where signed land sale agreements have been executed, future land sale proceeds may be programmed. Land sale proceeds can also be used to repay interim financing if that was assumed in approved projects.

Impact Taxes are specific charges to developers to help fund improvements to transportation and public school infrastructure. School impact taxes are charged one rate Countywide for each type of housing. There are various rates for the transportation impact tax based on the classification of an area relative to transit service and accessibility as previously described.

All new development (residential or commercial) within the designated areas is subject to payment of applicable impact taxes as a condition to receiving building permits. The tax rates are set by law to be calculated at the time a developer pays the tax. This payment would occur by the earlier of two dates - either at the time of final inspection or within six or twelve months after the building permit was issued depending on the type of development.

Since revenues to be obtained from impact taxes may not be paid for a number of years, other funding is sometimes required for funding project construction, predicated on eventual repayment from impact taxes.

Contributions are amounts provided to the County by interested parties such as real estate developers in order to support particular capital projects. Contributions are sometimes made as a way of solving a problem which is delaying development approval. A project such as a road widening or connecting road that specifically supports a particular new development may be fully funded (and sometimes built) by the developer. Other projects may have agreed-upon cost-sharing arrangements predicated on the relationship between public and private benefit that will exist as a result of the project. For stormwater management projects, developer contributions are assessed in the form of fees in lieu of on-site construction of required facilities. These fees are applied to the construction of stormwater facilities within the County.

## **Bond Issues and Other Public Agency Debt**

The County government and four of its Agencies are authorized by State law and/or County Charter to issue debt to finance CIP projects. This debt may be either general obligation or self-supporting debt. General obligation debt is characterized in credit analyses as being either "direct" or "overlapping." Direct debt is the sum of total bonded debt and any unfunded debt (such as short-term notes) of the government, and constitutes the direct obligations of the County government which impact its taxpayers. Overlapping debt includes all other borrowing of County agencies or incorporated municipalities within the County's geographic limits, which may impact those County taxpayers who are residents of those municipalities or those County taxpayers who are ratepayers or users of public utilities. More broadly, overlapping debt can help reveal the degree to which the total economy is being asked to support long-term fixed commitments for government facilities.

Direct General Obligation Debt is incurred by the issuance of bonds by the County government and the Maryland-National Capital Park and Planning Commission (M-NCPPC). Payment of some bonded debt issued by the Washington Suburban Sanitary Commission (WSSC) and the Housing Opportunities Commission (HOC) is also guaranteed by the County government.

County government general obligation bonds are issued for a wide variety of functions such as transportation, public schools, community college, public safety, and other programs. These bonds are legally-binding general obligations of the County and constitute an irrevocable pledge of its full faith and credit and unlimited taxing power. The County Code provides for a maximum term of 30 years, with repayment in annual serial installments. Typically, County bond issues have been structured for repayment with level annual payments of principal. Bonds are commonly issued for 20 years. The money to repay general obligation debt comes primarily from general revenues, except that debt service on general obligation bonds, if any, issued for projects of Parking Districts, Liquor, or Solid Waste funds is supported from the revenues of those enterprises.

M-NCPPC is authorized to issue general obligation bonds, also known as Park and Planning bonds, for the acquisition and development of local and certain special parks and advance land acquisition, with debt limited to that supportable within mandatory tax rates established for the Commission. Issuance is infrequent, and because repayment is guaranteed by the County, it is considered a

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form of direct debt. Debt for regional, conservation, and special park facilities is included within County government general obligation bond issues, with debt service included within the County government's annual operating budget.

HOC bonds which support County housing initiatives such as the acquisition of low/moderate-income rental properties may be guaranteed by the County to an aggregate amount not to exceed \$50 million, when individually authorized by the County and, as such, are considered direct debt of the County. The HOC itself has no taxing authority, and its projects are considered to be financed through self-supporting debt as noted below.

Overlapping debt is the debt of other governmental entities in the County that is payable in whole or in part by taxpayers of the County.

WSSC General Construction Bonds finance small diameter water distribution and sewage collection lines and required support facilities. They 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 government.

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.

Self-Supporting Debt is authorized for the financing of CIP projects by the County government and its Agencies as follows:

County Revenue Bonds are bonds authorized by the County to finance specific projects such as parking garages and stormwater management 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 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.

HOC Mortgage Revenue Bonds are issued to support HOC project initiatives and are paid through mortgages and rents. HOC revenue bonds, including mortgage purchase bonds for single family housing, are considered fully self-supporting and do not add to either direct or overlapping debt of the County.

The Montgomery County Revenue Authority has authority to issue revenue bonds and to otherwise finance projects through notes and mortgages with land and improvements thereon serving as collateral. These are paid through revenues of the Authority's several enterprises, which include golf courses, the Montgomery County Airpark, and the Crossvines custom winery and vineyard.

The County has also used the Revenue Authority as a conduit for alternative CIP funding arrangements. For example, swim centers, a building to house County and State Health and Human Services functions, and the construction of the Montgomery County Conference Center are financed through revenue bonds issued by the Revenue Authority. The County has entered into long-term leases with the Revenue Authority, and the County lease payments fund the debt service on these Revenue Authority bonds. Because these long-term leases constitute an obligation of the County similar to general debt, the value of the leases is included in debt capacity calculations.

## **Intergovernmental Revenues**

CIP projects may be funded in whole or in part through grants, matching funds, or cost sharing agreements with the Federal government, the State of Maryland, regional bodies such as Washington Metropolitan Area Transit Authority (WMATA), or the County's incorporated municipalities.

Federal Aid. Major projects that involve Federal aid include Metro, commuter rail, interstate highway interchanges and bridges (noted within the CIP Transportation program), and various environmental construction or planning grants under WSSC projects in the

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Sanitation program. Most Federal aid is provided directly to the State, for redistribution to local jurisdictions.

Community Development Block Grant (CDBG). CDBG funds are a particular category of Federal aid received through annual formula allocations from the U.S. Department of Housing and Urban Development in response to a County application and are identified as CIP revenues in the Housing and Community Development program. The County has programmed eligible projects for CDBG funding since 1976, with expenditures programmed within both capital and operating budgets. CDBG funds are used to assist in the costs of neighborhood improvements and facilities in areas where there is significant building deterioration, economic disadvantage, or other need for public intervention in the cycles of urban growth and change. In addition, CDBG funding is used as "seed money" for innovative project initiatives, including redevelopment and rehabilitation loans toward preserving and enhancing older residential and commercial areas and low/moderate-income housing stock. Beginning in FY15, CDBG funds were shifted from the capital budget to the operating budget for ease of administration. Once CDBG-funded projects are closed out, CDBG funding will be eliminated from the capital budget funding sources.

State Aid. This funding source includes grants, matching funds, and reimbursements for eligible County expenditures for local projects in public safety, environmental protection, courts and criminal justice, transportation, libraries, parkland acquisition and development, mental health, community college, and K-12 public education, notably in school construction.

State Aid consistently falls short of funding needs predicated on State mandates or commitments. Although the State of Maryland is specifically responsible for the construction and maintenance of its numbered highways and for the construction and renovation of approved school projects, the County has in fact advance-funded projects in both categories either through cost-sharing agreements or in anticipation of at least partial reimbursements from the State. Because large County fiscal liabilities are taken on when assuming any or all project costs of State-mandated or obligated facilities, State reimbursement policies and formulas for allocation of funds are important to CIP fiscal planning.

State Aid for School Construction. State funding for school construction, initiated in FY72, is determined annually by the General Assembly on a Statewide basis.

State Aid for Higher Education. State Aid is also a source of formula matching funds for community college facilities design, construction, and renovation. Funds are applied for through the Higher Education Commission for inclusion in the State Bond Bill. Approved projects may get up to 50 percent State funding for eligible costs. The total amount of aid available for all projects Statewide is determined based on yearly allocations of available bond proceeds to all Maryland jurisdictions.

State Aid for Transportation. Within the Transportation program, State contributions fund the County's local share of WMATA capital costs for Metrorail and Metrobus, as well as traffic signals and projects related to interconnecting State and local roads. Most State road construction is done under the State Consolidated Transportation Program and is not reflected in the CIP. Beginning in FY23, the CIP will include Op Lanes Maryland State transit funding. This funding is the portion of the State's planned I-495 and I-270 Phase I toll lane proceeds which the Maryland Department of Transportation pledged to fund high priority public transit projects in Montgomery County.

State Aid for Public Safety. Under Article 27, Sec. 705 of the Maryland Code, when the County makes improvements to detention and correctional centers resulting from the adoption of mandatory or approved standards, the State, through the Board of Public Works, pays for 50 percent of eligible costs of approved construction or improvements. In addition, financial assistance may be requested from the State for building or maintenance of regional detention centers, and, under 1986 legislation, the State will fund up to half the eligible costs to construct, expand, or equip local jails in need of additional capacity.

Municipal Financing. Some projects with specific benefits to an incorporated municipality within the County may include funding contributions or other financing assistance from that jurisdiction. These include road construction agreements such as with the City of Rockville, wherein the County and City share costs of interconnecting or overlapping road projects. Incorporated towns and municipalities within the County, specifically Rockville, Gaithersburg, and Poolesville, have their own capital improvements programs and may participate in County projects where there is shared benefit. The use of municipal funding in County CIP projects depends upon the following:

- execution of cost-sharing or other agreements between the County and the municipality, committing each jurisdiction to specific terms, including responsibilities, scheduling, and cost-shares for implementation and future operation or maintenance of the

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project;

- approval of appropriations for the project by the legislative body of each jurisdiction; and
- resolution of any planning or zoning issues affecting the project.

## Other Revenue Sources

The use of other revenue sources to fund CIP projects are normally conditioned upon specific legislative authority or project approval, including approval of appropriations for the projects. Approval of a project may be contingent upon actual receipt of the revenues planned to fund it, as in the case of anticipated private contributions that are not subject to particular law or agreement. Other CIP funding sources and eligibility of projects for their use include:

Revolving funds including the revolving loan fund authorized to cover HOC construction loans until permanent financing is obtained. Funds are advanced from County current revenues and repaid at interest rates equivalent to those the County earns on its investments. The Advance Land Acquisition Revolving Fund (ALARF) is used to acquire land in advance of project implementation. Revolving fund appropriations are then normally repaid from the actual project after necessary appropriation is approved.

Agricultural land transfer tax receipts payable to the State but authorized to be retained by the County. These are used to cover local shares in the State purchase of agricultural land easements and for County purchase of or loan guarantees backed by transferable development rights (TDRs).

Private grants such as were provided under profit-sharing agreements with the County's Cable TV corporation, for use in developing public access facilities; and

Insurance or self-insurance proceeds for projects being renovated or replaced as a result of damage covered by the County's self-insurance system.

## THE FRAMEWORK OF FISCAL POLICY

This section presents information on a variety of information sources and factors that are considered in developing and applying fiscal policy for the CIP.

### Legal Mandates

State Law. The Annotated Code of Maryland provides the basis for fiscal policy related to debt, real property assessments, and other matters:

- The Local Government Article authorizes borrowing of funds and issuance of bonds up to a maximum of the sum of six percent of the assessed valuation of all real property and 15 percent of the assessed valuation of all personal property within the County and 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 includes its BANs/Commercial Paper in the calculation because it intends to repay the notes with the proceeds of long-term debt to be issued in the near future.
- The Local Government Article requires that each local government adopt a debt policy and submit it to the State Treasurer. In October 2009 the County Council for Montgomery County adopted resolution 16-1173 outlining the County's debt policy.
- Section 8-103 of the Tax - Property Article provides for updated assessments of property in three-year (triennial) cycles. The amount of the change in the established market value of the one-third of the properties reassessed each year is phased in over a three-year period (although a decrease in value is reflected in the first year of the triennial cycle). State law also created a maximum ten percent assessment limitation tax credit (homestead credit) for owner occupied residential properties. This program provides an automatic credit against property taxes equal to the applicable tax rate (including the State rate) times that portion of the current assessment which exceeds the previous year's assessment increased by ten percent. This benefit only applies to owner-occupied- residential property. The homestead credit is ten percent for property taxes levied for the State of Maryland, Montgomery County, and all municipalities in Montgomery County (with the exception of the Town of Kensington

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which is five percent). Taxpayers have the ability to appeal their assessment through SDAT and the MD Tax Court which could lower the total assessable base and property tax revenues.

- Other provisions of State law mandate requirements for environmental review, permits, stormwater management, and controls for public facilities, such as solid waste disposal sites, affecting both the cost and scheduling of these facilities.
- State law mandates specific facility standards such as requirements for school classroom space to be provided by the County for its population and may also address funding allocations to support such requirements. State law provides for specific kinds of funding assistance for various CIP projects. In the area of public safety, for example, Article 27, Section 705 of the Maryland Code, provides for matching funds up to 50 percent of the cost of detention or correctional facilities.
- The Maryland Economic Growth Resource Protection and Planning Act requires the County to certify that all construction projects financed with any type of State funding are in compliance with local land use plans, including specific State-mandated environmental priorities.

County Law. Article 3 of the County Charter provides for the issuance of public debt for other than annual operating expenditures and imposes general requirements for fiscal policy:

- The capital improvements program must provide an estimate of costs, anticipated revenue sources, and an estimate of the impact of the program on County revenues and the operating budget.
- Bond issues may not be for longer than 30 years.
- Capital improvement projects which are estimated to cost in excess of an annually-established amount (for FY 23, \$20,350,000) or which have unusual characteristics or importance, must be individually authorized by law, and are subject to referendum.
- In November 1990, County voters approved an amendment to the Montgomery County Charter, Section 305, to require that the County Council annually adopt spending affordability guidelines for the capital and operating budgets. Spending affordability guidelines for the CIP have been interpreted in subsequent County law to be limits on the amount of County general obligation debt which may be approved for the first and second years of the CIP and for the entire six-year period of the CIP. Similar provisions apply to debt of the Maryland-National Capital Park and Planning Commission (M-NCPPC). These limits may be overridden by a vote of seven of the nine Councilmembers. (Note: In December 2022, there will be 11 Councilmembers.)
- In April 1994, the Council adopted Resolution No. 12-1558 establishing a spending affordability process for WSSC. The process limits WSSC new debt, debt service, water/sewer operating expenses, and rate increases.
- Section 305 of the County Charter includes a limit on the annual increase in property tax revenues. An amendment approved in November 2020 prohibits the County Council from adopting a tax rate on real property that exceeds the tax rate on real property approved for the previous year unless all current Councilmembers vote affirmatively for the increase. This amendment replaces the previous limit that required an affirmative vote of all current Councilmembers to levy a tax on real property that would produce total revenue that exceeds the total revenue produced by the tax rate on real property the preceding fiscal year plus any increase in the Consumer Price Index for the Washing Metropolitan Statistical Area and exempts real property tax revenue derived from specific properties.
- Chapter 20 of the Montgomery County Code sets various financial guidelines in law such as the deposit of funds, the borrowing of money generally, the activities of the Department of Finance, revenue bonds, and spending affordability.
- In March of 2021, the County's Reserve and Selected Fiscal Policies was updated in Resolution 19-753, to provide priority order for the use of one-time revenues. It also states that, if reserves fall below the policy level due to an economic recession or a national emergency, that reserves must be replenished to the policy level within three fiscal years.

Federal Law. Policies of the Federal Government affect County fiscal policies relative to debt issuance, revenue expectations, and expenditure controls. Examples of Federal policies that impact County fiscal policy include:

- Internal Revenue Service rules under the Tax Reform Act of 1986, as amended, provide limits on the tax-exempt issuance of public debt, and limit the amount of interest the County can earn from investment of the bond proceeds.

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- County shares of costs for some major projects, such as those relating to mass transit and highway interchanges, are dependent upon Federal appropriations and allocations.
  - Federal Office of Management and Budget circular A-87 prescribes the nature of expenditures that may be charged to Federal grants.
  - Federal legislation will influence the planning and expenditures of specific projects, such as requirements for environmental impact statements for Federally- assisted road projects and the Davis-Bacon Act, which requires local prevailing wage scales in contracts for Federally-assisted construction projects.
  - The American Recovery and Reinvestment Act (ARRA) created a number of additional tax-advantaged forms of governmental debt. These forms of debt resulted in lower costs and therefore savings to taxpayers. The County utilized beneficial provisions of the act and issued these new forms of debt where appropriate and advantageous to the County. One example is a qualified energy conservation bond (QECCB) that the County issued from 2013 to 2017 to take advantage of a federal tax credit that lowered the cost of debt service for an energy savings project on a county facility.

## **Fiscal Planning Projections and Assumptions**

Several different kinds of trends and economic indicators are reviewed, projected, and analyzed each year for their impacts on County programs and services and for their impact on fiscal policy as applied to the Capital Improvements Program. Among these are:

Inflation, which is important as an indicator of future project costs or the costs of delaying capital expenditures;

Population growth, which provides an indicator of the size or scale of required facilities and services, as well as the timing of population-driven project requirements;

Demographic change in the numbers or location within the County of specific age groups or other special groups, which provides an indication of requirements and costs of specific public facilities;

Annual Growth Policy thresholds and other land use indicators, which are a determinant of major public investment in the infrastructure required to enable implementation of land use plans and authorized development within the County;

The assessable property tax base of the County, which is a major indicator for projections of revenue growth to support funding for public facilities and infrastructure;

Residential construction activity and related indicators, which provide early alerts to the specific location and timing of future public facilities requirements. It is also the most important base for projecting growth in the County's assessable property tax base and estimating property tax levels;

Nonresidential construction activity, which is the indicator of jobs, commuters, and requirements for housing and transit-related public investment. It is also one of the bases for projecting the growth of the County's assessable tax base and property tax revenues;

Employment and job growth within the County, which provide indicators for work-related public facilities and infrastructure;

Personal income earned within the County, which is the principal basis for projecting income tax revenues as one of the County's major revenue sources; and

Montgomery County Public Schools and Montgomery College Enrollment projections, which provide an indication of the size and scale of required facilities and services.

## **Generally Accepted Accounting Principles (GAAP)**

The application of fiscal policy in the financial management of the CIP must be in conformity with GAAP standards. This involves the separate identification and accounting of the various funds which cover CIP expenditures; adherence to required procedures, such as transfers between funds and agencies; and regular audits of CIP transactions, such as the disbursement of bond proceeds and other funds to appropriate projects.

## **Credit Markets and Credit Reviews**

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The County's ability to borrow at the lowest cost of funds depends upon its credit standing as assessed by major credit rating agencies such as Moody's Investors Service, Standard & Poor's, and Fitch. Key aspects of the County's continued AAA credit ratings include:

- adherence to sound fiscal policy relative to expenditures and funding of the CIP;
- maintain debt at prudent and sustainable levels;
- maintain adequate fund balance to mitigate current and future risks (e.g., revenue shortfalls and unanticipated expenditures) ;
- appropriate levels of public investment in the facilities and infrastructure required for steady economic growth;
- effective production of the necessary revenues to fund CIP projects and support debt service generated by public borrowing;
- facility planning, management practices, and controls for cost containment and effective implementation of the capital program ;
- planning and programming of capital projects to allow affordable levels of borrowing;
- appropriate use and levels of revenues other than general obligation bond proceeds to fund the capital program;
- appropriate levels of CIP funding from annual current tax revenues in order to reduce borrowing needs; and
- assurances through County law and practice of an absolute commitment to timely repayment of debt and other obligations related to public facilities and infrastructure.

### **Intergovernmental Agreements**

Fiscal policy for the CIP must provide guidance for and be applied within the context of agreements made between the County and other jurisdictions or levels of government. Examples include:

- agreements with municipalities for cost shares in the construction of inter-jurisdictional roads and bridges;
- agreements with adjacent jurisdictions related to mass transit or water supply and sewerage;
- agreements with the State of Maryland for cost shares in the construction of transportation and other vital inter-jurisdictional infrastructure; and
- agreements with Federal agencies involving projects related to Federal facilities within the County.

### **Compatibility with Other County Objectives**

Fiscal policy, to be effective, must be compatible with other policy goals and objectives of government. For example:

- Growth management within the County reflects a complex balance among the rights of property owners; the cost of providing infrastructure and services to support new development; and the jobs, tax revenues, and benefits that County growth brings to its residents. Fiscal policy provides guidance for the allocation of public facility costs between the developer and the taxpayer, as well as for limits on debt-supported costs of development relative to increasing County revenues from a growing assessable tax base.
- Government program and service delivery objectives range from conveniently located libraries, recreation centers, and other amenities throughout the County to comprehensive transportation management and advanced waste management systems. Each of these involves differing kinds and mixes of funding and financing arrangements that must be within the limits of County resources as well as acceptable in terms of debt management.
- Planning policies of the County affect land use, zoning and special exceptions, and economic development, as well as the provision of public services. All are interrelated, and all have implications both in their fiscal impacts (cost/revenue effects on government finances) and in economic impacts (effects on the economy of the County as a whole).
- Capital improvement projects have a direct impact on the future operating budgets in the form of debt service and ongoing operating costs. As such, capital needs must be balanced with the need to fund vital services in the operating budget.
- Capital budget decisions can positively or negatively affect the County's racial equity and climate change goals.



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## INCORPORATING RACIAL EQUITY INTO THE CAPITAL BUDGET

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During the FY23 capital budget development season, racial equity was part of all budget meetings to ensure that racial equity was considered as recommendations were developed and before budget decisions were made. As part of the budget development season, the Office of Management and Budget and the Office of Racial Equity and Social Justice created a budget equity tool to assist departments in applying a racial equity and social justice lens to the process and bring conscious attention to racial inequities before decisions are made. Departments were asked to:

- explain the project's potential racial equity impacts;
- identify racial inequities in the County that were considered in the project request;
- explain how the racial inequities were considered, provide the data sources identified by the department (including quantitative and qualitative data);
- explain ways the project aims to address or reduce the identified inequities;
- identify community residents that will potentially benefit the most or potentially be burdened the most by the project; and
- describe the potential disproportionate effects on communities of color and low-income communities as a result of the project and how those effects would be mitigated.

During the budget development season, the Office of Management and Budget carried out the following activities:

- prioritized projects serving the Washington Council of Government's Equity Emphasis Areas. These areas have high concentrations of residents with low-incomes and/or high concentrations of residents of color;
- sought to limit negative impacts of any fiscal delays or reductions on projects serving Equity Emphasis Areas;
- considered how departments determine what subprojects are chosen for level of effort projects and how racial equity could be incorporated into those decision-making processes;
- considered what population demographics tend to be served by different types of facilities when that data exists; and
- used mapping tools to analyze some of the issues above.

The County's fiscal policies and practices will be influenced by the Office of Racial Equity and Social Justice's as they:

- perform an equity assessment to identify policies that do not advance equity;
- train all Montgomery County employees on racial equity and social justice;
- guide County departments to examine policies, procedures, and practices to determine if they create or exacerbate racial disparities in the County; and
- develop metrics to measure the success of County government programs, short-term and long-term goals.

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## CLIMATE CHANGE CONSIDERATIONS IN THE CAPITAL BUDGET

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During the FY23 capital budget development season, climate change was also part of County budget considerations. As part of the budget development season, the Office of Management and Budget, the County's Climate Change Officer, and the Department of Environmental Protection provided assistance to departments to bring conscious attention to climate change before budget decisions were made. Departments were asked to include the following in their budget submission:

- indicate the projects' impact on greenhouse gas emissions;
- identify how the project will increase the use or generation of renewable energy;
- identify aspects of the project that will help the County withstand future impacts of climate change (e.g., high heat days, severe

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storms, flooding, and high winds);

- indicate if the project is pursuing or has earned a green building certification (e.g., International Green Construction Code (which includes a number of alternative compliance pathways, including LEED (Leadership, in Energy and Environmental Design); NDGS (National Green Building Standard); PHIUS+ (Passive House Institute US); BREEAM (Building Research Establishment Environmental Assessment Method); or Green Globes; and
- identify their department Climate Change Ambassador who will mobilize staff to green their department's day-to-day operations, build resiliency among vulnerable community members, and work as a team with other department Ambassadors to facilitate deep emission reductions across all departments.

## EXPLANATION OF CHARTS WHICH FOLLOW

### **EXPENDITURES BY AGENCY**

This chart compares total expenditures for the FY21-26 Amended CIP as approved by the County Council as of May 2021 with total expenditures for the County Executive's Recommended CIP for FY23-28. The data is sorted by implementing agency and by program for Montgomery County Government programs. Percent change between the six-year periods and percentage of each agency's budget to the whole are also compared. This chart also compares WSSC expenditures as approved by the County Council as of May 2021 for FY22-27 with expenditures as recommended for FY23-28. The total CIP based on the latest six-year period as approved by the County Council is compared to the total CIP as recommended in the upcoming six-year period.

### **EXPENDITURES TAX AND NON-TAX SUPPORTED**

This chart compares total expenditures for the FY21-26 Amended CIP as approved by the County Council as of May 2021 with total expenditures for the County Executive's Recommended CIP for FY23-28. The chart separates tax supported and non-tax supported expenditures, and then sorts by implementing agency and by program for MCG programs. Percent change between the six-year periods and percentage of each agency's budget to the whole are also compared. This chart also compares WSSC expenditures as approved by the County Council as of May 2021 for FY22-27 with expenditures as recommended for FY23-28. The total CIP based on the latest six-year period as approved by the County Council is compared to the total CIP as recommended in the upcoming six-year period.

### **FUNDING BY MAJOR CATEGORIES**

This chart compares total funding for the FY21-26 Amended CIP as approved by the County Council as of May 2021 with total funding for the County Executive's Recommended CIP for FY23-28. The major funding sources are listed separately, and the smaller sources are grouped together within the "Other" category. Percent change between the six-year periods and percentage of each funding source to the whole are also compared. This chart also compares total funding for WSSC as approved by the County Council for FY22-27 with the FY23-28 recommendation. The total CIP based on the latest six-year period as approved by the County Council is compared to the total CIP as recommended in the upcoming six-year period.

### **DEBT CAPACITY ANALYSIS**

This chart displays the performance of the G.O. bond funded portion of the Capital Improvements Program (CIP), various long-term leases, and short-term lease financing against a variety of economic and fiscal indicators. In October 2021, based on economic indicators at the time, the County Council approved General Obligation bond Spending Affordability Guidelines at \$1.680 billion. The County

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Executive's Recommended FY23-28 CIP assumes General Obligation bond issuances at \$1.750 billion. The increase in the recommended General Obligation bond issuances is due to an improved revenue growth forecast in December 2021 compared to March 2021. Debt capacity charts under both scenarios are included later in this chapter. This analysis will be updated during the operating budget process.

### **GENERAL OBLIGATION BOND ADJUSTMENT CHART**

This chart compares the General Obligation bonds available for programming, with recommended programmed bond funded expenditures for the FY23-28 year program. Amounts in the line labeled "Less Set Aside: Future Projects" indicate the amount available for possible future expenditures not yet programmed in individual projects. Zeros in the line labeled "Available or (Gap) to be Solved" indicate a balanced capital budget and Capital Improvements Program.

### **GENERAL OBLIGATION BOND - PROGRAMMING ADJUSTMENT UNSPENT PRIOR YEARS CHART**

This chart displays the amount of unspent prior year's General Obligation (GO) Bond funded expenditures (slippage) by category and project. The total amount of slippage from this chart is included on the G.O. Bond Adjustment Chart.

### **TAX SUPPORTED CURRENT REVENUES ADJUSTMENT CHART**

This chart compares the tax supported current revenues available for programming, with programmed current revenue funded expenditures for the recommended FY23-28 program. Zeros in the line labeled "Available or (Gap) to be Solved" indicate a balanced capital budget and Capital Improvements Program.

### **PARK AND PLANNING BOND ADJUSTMENT CHART**

This chart compares the Park and Planning Bonds available for programming, with recommended programmed bond funded expenditures for the FY23-28 year program. Amounts in the line labeled "Less Set Aside: Future Projects" indicate the amount available for possible future expenditures not yet programmed in individual projects. Zeros in the line labeled "Available or (Gap) to be Solved" indicate a balanced capital budget and Capital Improvements Program.

**Section 2:**  
*Montgomery County*  
*Boards, Committees & Commissions*

## ARTICLE XI. BOARDS, COMMITTEES AND COMMISSIONS.\* 1

**\*Editor's note**—[2016 L.M.C., ch. 11](#), § 2, states: “Transition. Any group created by law, resolution, or executive order after this Act takes effect must be classified as either a board, committee, commission, or task force. This Act must not be construed to require the renaming of any group that existed before this Act takes effect.”

**Charter references**—Merit System Protection Board, § 403 et seq.; Charter Review Commission, § 509.

**Cross references**—Library Board, § 2-46 et seq.; local Library Board advisory committees, § 2-51; Criminal Justice Coordinating Commission, § 2-60; Board of Health, § 2-65; County Board of Appeals, § 2-108 et seq.; Agricultural Preservation Advisory Board, § 2B-2; Animal Matters Hearing Board, § 5-104; Arts and Humanities Council, § 5A-3 et seq.; Contract Review Committee, § 11B-7; Juvenile Court Committee, § 12-36 et seq.; Board of Electrical Examiners, § 17-12 et seq.; Energy Conservation Advisory Committee, § 18A-5 et seq.; Ethics Commission, § 19A-5, et seq.; Fire and Rescue Commission, § 21-2, et seq.; Fire Board, § 21-4; Fire Corporation Boards, § 21-28 et seq.; Commission on Health, § 24-23 et seq.; Mental Health Advisory Committee, § 24-34 et seq.; Alcoholism and Other Drug Abuse Advisory Council, § 24-41 et seq.; Advisory Board on Victims and Their Families, § 24-54 et seq.; Historic Preservation Commission, ch. 24A-4; Commission on Human Rights, § 27-1 et seq.; Commission for Women, § 27-27 et seq.; Commission on Aging, § 27-34 et seq.; Community Action Agency, § 27-41; Commission on Children and Youth, § 27-47 et seq.; Citizens Review Panel, § 27-49A, et seq.; Commission on People with Disabilities, § 27-50 et seq.; Committee for Ethnic Affairs, § 27-53 et seq.; Commission on Landlord-Tenant Affairs, § 29-9 et seq.; Noise Control Advisory Board, § 31B-4; Recreation Area Advisory Boards, § 41-25 et seq.; Revenue Authority, ch. 42; Interagency Coordinating Board for Community Use of Public Facilities, § 44-3; Solid Waste Advisory Committee, § 48-38 et seq.; Range Approval Committee, § 57-2; Taxicab Services Advisory Committee, § 53-103.

Notes

- <sup>1</sup> **\*Editor's note**—[2016 L.M.C., ch. 11](#), § 2, states: “Transition. Any group created by law, resolution, or executive order after this Act takes effect must be classified as either a board, committee, commission, or task force. This Act must not be construed to require the renaming of any group that existed before this Act takes effect.”  
**Charter references**—Merit System Protection Board, § 403 et seq.; Charter Review Commission, § 509.

### Sec. 2-141. Scope of article.

It is the intent of the council to establish a uniform system for classifying all groups of the county government and for prescribing procedures for their operation. This article must therefore apply to all existing and newly created groups which function as a part of the county government, including all groups established by law, resolution, and executive order. Wherever a conflict exists between this article and state law, the state law must control. It is the intent of the council that any substantive law which creates a group covered by this act shall not be diminished or the group's responsibilities reduced in any manner whatsoever. Wherever a conflict exists between this article and existing county law, the prior county law shall control. (1979 L.M.C., ch. 22, § 1; [2016 L.M.C., ch. 11](#), § 1.)

### Sec. 2-142. Definitions.

The following terms wherever used or referred to in this article shall have the following meanings:

*Board* means a semi-autonomous body established by federal, state or county law. A board is a formal committee with structure, duties and powers established by law. A board usually performs a quasi-judicial function, licensing, or regulation.

*Commission* means a body established by local law to study and recommend action to the Executive or the Council. A commission is a formal, standing committee with structure, duties and powers established by law. A commission often has an administrative or functional responsibility, such as reviewing land use plans or studying the supply of low and moderate priced housing.

*Committee* means a body appointed with a specific task or function. A committee makes recommendations and forwards them for appropriate action. A committee is advisory in nature and can be either a formal (standing) committee established by law or resolution, or an informal (ad hoc) committee. A committee may oversee and advise in service areas, such as housing and transportation, or it may advise the Executive or Council on specific issues and recommend policy direction.

*Compensation* means payment for services rendered as a committee member; it shall not include reimbursement for actual expenses incurred as a committee member.

*Group* means any board, committee, commission, task force, or any similar body established by federal, state, or county law, resolution or executive order, which functions as a part of the County government.

*Task Force* means a body appointed to study or work on a particular subject or problem. A task force ceases to exist upon completion of its charge. (1979 L.M.C., ch. 22, § 1; [2016 L.M.C., ch. 11](#), § 1.)

### Sec. 2-143. Reserved.

**Editor's note**—Section 2-143, establishing a committee system, derived from 1979 L.M.C., ch. 22, § 1, was repealed by FY 1991 L.M.C., ch. 9, § 1.

### Sec. 2-144. Budget.

Each group's staff and yearly allocation of funds, if any, must be indicated in the budget and no group must spend more than its budgeted amount. The appointing authorities must furnish such staff support as deemed necessary for each group which does not have its own staff provided for in the budget. (1979 L.M.C., ch. 22, § 1; [2016 L.M.C., ch. 11, § 1.](#))

#### **Sec. 2-145. Compensation; reimbursement.**

(a) Unless a law expressly precludes compensation, the Council may establish compensation for members of a particular group by an appropriation that funds a line item in the budget. An appropriation may establish levels of compensation by categories or subcategories or groups.

(b) Unless another method of compensation is established, a group member is compensated for each day that the member works on group business after the member is authorized to do the work by the group or the presiding officer of the group.

(c) Whether or not a group member is compensated for serving on the group, the member may request reimbursement for travel and dependent care. The rate of reimbursement is established in an appropriation.

(d) A group member must not be compensated or reimbursed for travel or childcare expenses if appropriated funds are not available. (1979 L.M.C., ch. 22, § 1; FY 1991 L.M.C., ch. 9, § 1; 1997 L.M.C., ch. 18, § 1; [2005 L.M.C., ch. 23, § 1](#); [2016 L.M.C., ch. 11, § 1.](#))

#### **Sec. 2-146. Terms of boards, committees, commissions, and task forces.**

(a) The law, resolution, or executive order establishing or continuing any board, committee, commission, or task force should specify the term of the group's existence. If no term is specified, then the board, committee, commission, or task force continues until terminated. The County Executive should monitor the expiration date of those boards, committees, commissions, and task forces that the County Executive appoints. The County Council should monitor the expiration date of those boards, committees, commissions, and task forces that the County Council appoints.

(b) Any new board, committee, commission, or task force should have from 5 to 15 voting members.

(c) *Evaluation and Review Board Committee.*

(1) The County Executive must appoint and convene at least every 6 years, subject to confirmation by the Council, a citizens review committee comprised of at least 11 members.

(2) The Committee must review the group system and each then-existing board, committee, commission, and task force and report to the Executive and Council its recommendations for changes in individual boards, committees, commissions, and task forces and the group system as a whole. The Committee must submit an interim report to the Executive and Council within 6 months of appointment and submit a final report within 12 months of appointment.

(3) The County Executive must designate the review committee's chair and vice-chair. (1979 L.M.C., ch. 22, § 1; 1984 L.M.C., ch. 37, § 1; FY 1991 L.M.C., ch. 9, § 1; 1997 L.M.C., ch. 4, § 1; [2005 L.M.C., ch. 23, § 1](#); [2011 L.M.C., ch. 21, § 1](#); [2016 L.M.C., ch. 11, § 1.](#))

**Editor's note**—2011 L.M.C., ch. 21, §§ 2 and 3, state:

Sec. 2. Contents of Committee Evaluation and Review Board Report. As part of its report, the first Committee Evaluation and Review Board appointed after November 8, 2011 must:

- (a) develop scenarios for reduction of County staff time used to support the committees; and
- (b) include a discussion of advisory board member workload.

Sec. 3. Continuation of certain board, committees, and commissions:

(a) *Purpose.* The County has many boards, committees, and commissions that provide a valuable service to the County with the work they perform. These boards, committees, and commissions require significant personnel and operating costs to function. In Fiscal Year 2011, the County spent an approximate \$1.4 million on personnel and operating costs to support the County's boards, committees, and commissions. While these boards, committees, and commissions provide a valuable service, there may be opportunities for consolidation.

(b) *Continuation.*

(1) In this section, the following words have the meanings indicated:

*Advisory board* means the following boards, committees, and commissions: Advisory Committees on Consumer Protection, Agricultural Advisory Committee, Airpark Liaison Committee, Cable and Communications Advisory Committee, Commission for Women, Commission on Aging, Commission on Child Care, Commission on Children and Youth, Commission on Health, Commission on Juvenile Justice, Commission on People with Disabilities, Commission on Veterans Affairs, Committee for Ethnic Affairs, Committee on Hate/Violence, County- wide Recreation Advisory Board, Criminal Justice Coordinating Commission, Department of Permitting Services Advisory Committee, Dickerson Area Facilities Implementation Group, Domestic Violence Coordinating Council, Down County Recreation Advisory Board, East County Citizens Advisory Board, East County Recreation Advisory Board, Energy and Air Quality Advisory Committee, Fire and Emergency Services Commission, Forest Conservation Advisory Committee, Friendship Heights TMD Advisory Committee, Library Board, Mental Health Advisory Committee, Mid-County Citizens Advisory Board, Mid-County Recreation Advisory Board, Montgomery Cares Program Advisory Board, Noise Control Advisory Board, Pedestrian and Traffic Safety Advisory Committee, Rustic Roads Advisory Committee, Silver Spring Citizens Advisory Board, Silver Spring Transportation

Management District Advisory Committee, Silver Spring Urban District Advisory Committee, Solid Waste Advisory Committee, Sustainability Working Group, Taxicab Services Advisory Committee, Technology Investment Fund Loan/Grant Committee, Upcounty Citizens Advisory Board, Upcounty Recreation Advisory Board, Victim Services Advisory Board, Water Quality Advisory Group, Western Montgomery County Citizens Advisory Board, Wheaton Urban District Advisory Committee.

*Committee Evaluation and Review Board* means the Board appointed under § 2-146.

(2) Each advisory board must indicate to the Committee Evaluation and Review Board, within 60 days after the Committee Evaluation and Review Board is appointed, if the advisory board should continue. Each advisory board that so indicates must provide the Committee Evaluation and Review Board with the following:

- (A) a description of the work the advisory board does;
- (B) justification for why the advisory board should be continued;
- (C) a list of accomplishments from the prior 2 years, including any direct service provided by volunteers to residents;
- (D) a discussion of advisory board member workload;
- (E) a 2-year work program; and
- (F) an explanation of the amount of government resources, including County employee staff time, used and a plan to reduce the use of those resources.

(3) In addition to the duties in § 2-146, as part of its report, the first Committee Evaluation and Review Board appointed after November 8, 2011 must review each advisory board that requests continuation under subsection (b)(2) and recommend to the Council whether the advisory board should continue.

1984 L.M.C., ch. 37, § 2 provides as follows: "If prior to the enactment of this act a committee, board, or commission expired under the terms of section 2-146 of the Montgomery County Code, then the county council hereby retroactively reestablishes such committees, boards, or commissions and reconfirms all appointments made to such bodies from the date of such expirations. All actions taken by such committees, boards or commissions during such periods of expiration shall have the same force and effect as if such expirations had not occurred."

#### **Sec. 2-147. Group reports; by-laws.**

(a) The law or resolution establishing a board, committee, commission, or task force may specify the dates when reports are due from the group and the subjects to be included in the reports. If the law or resolution is silent on the dates when reports are due, the board, committee, commission, or task force must submit an annual report on November 30 of each year to the Executive and Council containing a description of the group's functions, activities, accomplishments, plans and objectives, including recommendations for changes in group functions.

(b) The Chief Administrative Officer may prescribe a format to be followed by groups in their annual report.

(c) The Chief Administrative Officer may adopt binding guidelines, consistent with law, for the organizational structure and internal procedures of groups in the Executive branch of County government.

(d) When any group in the Executive branch adopts by-laws or any other form of internal procedures, the Chief Administrative Officer must send a copy to the Council. (1979 L.M.C., ch. 22, § 1; FY 1991 L.M.C., ch. 9, § 1; [2005 L.M.C., ch. 23](#), § 1; [2016 L.M.C., ch. 11](#), § 1.)

#### **Sec. 2-148. Appointments, removals, and training.**

(a) *Appointments.*

(1) In making appointments to groups, the appointing authority should consider the following criteria: interest, diversity of background and professions, relevant experience and expertise, and geographic balance. To promote broad participation, no individual should ordinarily serve more than 2 consecutive full terms or serve on more than one group at any one time. However, an individual may serve on more than one group at the same time if the law that created a committee requires or allows a member of that group to be selected from members of another County group.

(2) Any individual who has served 2 full terms on a group is not eligible to serve on the same group until one year has elapsed. The appointing authority may waive this restriction if:

- (A) no other qualified applicant is available; or
- (B) other unique circumstances justify the reappointment of the particular individual.

(3) Unless another term is established by the law, resolution, or executive order creating the group, the standard term for each appointment is 3 years, after any initial staggered term.

(4) A member must not continue to serve on a group after the member's term has expired, and a successor has not been appointed and confirmed, for more than 6 months unless:

- (A) another law expressly authorizes the member to serve longer; or
- (B) the Executive has notified the Council why the member will continue to serve on the group.



(b) *Removal for absenteeism.*

(1) A member of a group who misses more scheduled meetings or hearings than the number of allowed absences, computed by the following table, or who misses 3 consecutive scheduled meetings, is automatically removed. Scheduled meeting or hearing means any meeting or hearing for which at least 7 days advance notice was given and which was held as scheduled

<i>Number of Meetings Held in One Year</i>	<i>Allowed Absences</i>
1-4	1
5-8	2
9-12	3
13-16	4
17+	5

(2) An automatic removal under this subsection takes effect 30 days after the presiding officer notifies the appointing authority. The presiding officer of the group must promptly notify the appointing authority of any member who has been automatically removed and must explain any known extenuating circumstances. The presiding officer should send a copy of the notice to each member of the group.

(3) The appointing authority, on request of the affected member, may waive the removal for illness, emergency or other good cause. The appointing authority must notify the member whether a waiver has been granted.

(4) If a waiver has not been granted, the appointing authority must appoint a successor to complete the unexpired term, subject to Council confirmation if the original appointment was subject to Council confirmation.

(c) *Other causes for removal.*

(1) The appointing authority may remove a group member for:

- (A) neglect of duty;
- (B) misconduct in office;
- (C) a member’s inability to perform the duties of the office;
- (D) conduct that impairs a member from performing the duties of the office; or
- (E) violation of law.

(2) Before a member is removed, the appointing authority must:

- (A) notify the member in writing of the reason for removal; and
- (B) give the member an opportunity to submit reasons why the member should not be removed.

(3) If any other provision of law requires the Council’s approval before a member is removed, that provision applies to a removal under this Section.

(4) If Council approval is not required before a member is removed, the appointing authority must notify the Council before the removal takes effect.

(d) Each member of a group must complete training on the Maryland Open Meetings Act, basic parliamentary procedure, and the Montgomery County Public Ethics Law. The Executive must establish standards for this training by method 2 regulation. (1979 L.M.C., ch. 22, § 1; FY 1991 L.M.C., ch. 9, § 1; [2005 L.M.C., ch. 23](#), § 1; [2016 L.M.C., ch. 11](#), § 1; [2022 L.M.C., ch. 33](#), §1.)

**Editor’s note**—See County Attorney Opinion dated [11/5/92](#) explaining that statutes authorizing removal of appointed officials should be read narrowly, and absenteeism requirement should not apply to subcommittee meetings. See County Attorney Opinion dated [7/22/92](#) indicating that members of Adult Guardianship Review Board may serve unlimited terms.

**Sec. 2-149. Procedures at meetings.**

Unless a group meeting is subject to Chapter 2A, a meeting may be conducted informally. The parliamentary procedures of Robert's Rules of Order govern when it is necessary to take formal action or decide controversial matters. Group meetings must be open to the public in accordance with the state open meetings law. (1979 L.M.C., ch. 22, § 1; FY 1991, L.M.C., ch. 9, § 1; [2016 L.M.C., ch. 11](#), § 1.)

**Sec. 2-149A. Open meetings – supplemental requirements.**

(a) *Open Meetings Act – additional requirements.* A group must comply with the requirements under this section, in addition to the requirements under the state Open Meetings Act, Title 3 of the General Provisions Article of the Maryland Code, as amended.

(b) *Notices of meetings.*

(1) Except as provided under paragraph (3), a group must publish the notice required under Section 3-302 of the Open Meetings Act:



(A) within 5 business days after the group has determined the meeting date; and

(B) at least 2 calendar days before the meeting.

(2) If a meeting will include virtual access, the group must publish how the public may attend the meeting virtually.

(3) If the requirements of paragraph (1) cannot be met due to an emergency, a group must:

(A) publish the notice at least 24 hours in advance of the meeting; and

(B) indicate in the notice that the meeting is an emergency meeting.

(c) *Meeting agendas.*

(1) Except as provided under paragraph (2), a group must publish the agenda of a meeting under Section 3-302.1 of the Open Meetings Act:

(A) within 5 business days after the group has determined the agenda; and

(B) at least 2 calendar days before the meeting.

(2) If the requirements of paragraph (1) cannot be met due to an emergency, a group must:

(A) publish the agenda at least 24 hours in advance of the meeting; and

(B) indicate on the agenda that the meeting is an emergency meeting.

(3) If the requirements of paragraph (2) cannot be met due to an emergency declared by the Governor of Maryland or the County Executive, a group must:

(A) publish the agenda as soon as practicable in advance of the meeting; and

(B) indicate on the agenda that the meeting is an emergency meeting.

(d) *Meeting minutes and recordings.*

(1) Within 5 business days after it meets, a group must publish, if the group recorded the full meeting, a file of the recording, or a link to the recording.

(2) Within 5 business days after approving meeting minutes, a group must publish the approved minutes under Section 3-306 of the Open Meetings Act.

(e) *Compliance and reporting requirements.*

(1) The County department or office assigned to staff a group must ensure the group's compliance with the requirements of this section.

(2) A group member, or member of the public, may complain to an office or department designated by the County Executive if a group does not comply with the requirements of this section.

(3) The designated office or department:

(A) may consult with the group, and staff assigned to the group, to address compliance issues under this section; and

(B) must report in writing to the Council, on a quarterly basis, regarding complaints received under this section and the resolutions of those complaints.

(4) Nothing in this Section prevents an individual from submitting a complaint to the state Open Meetings Compliance Board under the state Open Meetings Act, Title 3 of the General Provisions Article of the Maryland Code, as amended. ([2023 L.M.C., ch. 9](#), §1.)

## Montgomery County Boards, Committees, and Commissions Policies and Procedures

- [Policies and Procedures](#)
  - [Purpose and Introduction](#)
  - [Appointment Process](#)
  - [Guidelines for Committee Operation](#)
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- 

### **Purpose/Introduction**

Public participation in boards, committees, and commissions contributes to the work of County government and provides a valuable service to the community by presenting the concerns and viewpoints of County residents on a variety of issues. The purpose of this information is to familiarize these participants with Montgomery County's policies and procedures as they relate to service on County committees.

The policies and procedures shown here apply to members of the boards, committees and commissions listed on this site.

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### **Appointment Process**

Most committees have members who are appointed by the County Executive and confirmed by the County Council, although some committees are appointed by the Council. Committees appointed by the County Council include the Montgomery County Planning Board, the Board of Appeals, and the Merit System Protection Board. Six of the eleven members of the Charter Review Commission are also appointed by the Council.

Applications for membership on all County committees are solicited through press releases to the news media, advertisements on Montgomery County Cable Channel 6, and mailings to umbrella civic associations and community groups that have requested them. Individuals may be on the mailing list maintained by the offices of the County Executive. Notices of vacancies are posted in the government centers and libraries. Press releases describe the duties of the committee for which membership is being solicited, outline special requirements for membership, request a resume including home address and home and office phone numbers, and include a deadline for application. Applicants respond to requests for membership by submitting a letter and resume to the appointing authority indicating interest in serving on a specific committee.

The Council will not consider applications received after an announced deadline for positions on Council-appointed Boards, Committees, and Commissions. However, if a majority of Councilmembers agree to consider late applications, then the time period for receipt of applications will be reopened for all applicants and the deadline for applications will be extended.

In making appointments the appointing authority considers the following: diversity of background and professions; relevant experience and expertise; and geographic, gender and ethnic balance. Some committees have special qualifications (profession, organization membership, etc.) for some or all members. The selection process may include interviews by the County Executive or his designees and/or by the County Council. In the case of appointments made by the County Executive, the names of those selected to serve on a committee are forwarded to the Council for confirmation. When an appointment has been approved by a majority of the Council, the individual receives notice of appointment by mail. The applications and resumes of those who are appointed become public documents.

The length of appointment may vary. Most committees have a standard term of three years. It is generally intended that terms be staggered to allow for continuity. To promote participation, Council policy is that no individual should serve more than two consecutive full terms or serve on more than one committee at any one time, unless two-thirds of the Councilmembers voting grant a waiver and confirm the appointment.

When applying for reappointment, members need to indicate their current employment in their letter of application.

Financial disclosure statements will be required by applicants, in some instances.

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## **Guidelines for Committee Operation**

The purpose, membership, and function of each committee is outlined in the law, resolution, or executive order which establishes it. Some boards, committees and commissions are created by County law as required by State and Federal law. The majority are initiated by County Executive and/or County Council action.

## **Meeting Procedure**

The State Open Meetings Act applies to County committees and requires that committees give reasonable advance public notice of meetings. Meetings must be open to the public and be held in an accessible public place. Notices of upcoming meetings are published by the County Executive's Office in an official monthly schedule which is posted in County buildings and distributed to interested citizens and the press. Notice includes the date, time, and place of the meeting. If there is insufficient time to give notice in the official listing, notice of the meeting

must be posted in a public place in the building in which the meeting will be held and in either the Executive Office Building or the Council Office Building.

A committee may hold a closed session only for the reasons set forth in the State Open Meetings Act. A statement of the time, place, and purpose of the closed meeting, and a record of the vote of each member by which the meeting was closed must be included in the minutes of the next public meeting. The following reasons merit closing a meeting: discussions of a personnel matter; protection of personal privacy; acquisition of real property; business relocation or expansion; investment of public funds; marketing of public securities; obtaining legal advice; consulting about litigation; collective bargaining; public security; scholastic, licensing, or qualifying examinations; criminal investigations; other legal requirements; or preliminary discussion of procurement issues. A committee should obtain legal advice from the County Attorney's Office before closing a meeting or concluding that a committee function is not subject to the State Open Meetings Act.

How the chair is selected varies by board, committee or commission. In some cases, the members of the boards, committees or commissions elect their own leaders. In others, the County Executive and/or the County Council appoint the chair and vice chair.

The committee chair is responsible for setting the time and place of meetings and preparing agendas. Unless a committee has adopted rules of procedure or bylaws, committee meetings may be conducted informally, but the parliamentary procedures of Robert's Rules of Order govern formal actions or decisions on controversial matters. Unless specified otherwise in law, a simple majority of membership constitutes a quorum for the transaction of business. The frequency of meetings of a particular board, committee or commission may be prescribed in the legislation which creates the body.

Some committees performing quasi-judicial functions are subject to the Administrative Procedures Act which governs the processing of administrative appeals, ex parte communications, and other matters which require quasi-judicial hearings.

### **Minutes**

The State Open Meetings Act requires public bodies to keep written minutes of all meetings for one year. The minutes should be prepared as soon as practicable and, except for minutes of a closed session, should be open to public inspection during ordinary business hours. The Chair of the committee must designate the appropriate person to record the minutes of the meetings and in the case of public minutes transmit a copy as soon as practicable to the County's Public Information Office. The original minutes should be kept in the official files of the committee. Minutes should include the names of those in attendance; the date, time, and place of the meeting; any items considered during the course of the meeting; all actions taken; and any recorded votes taken.

### **Reports**

At least annually, each committee must report to the County Executive and County Council on the following: the committee's functions, activities, accomplishments, plans and objectives, including recommendations for changes in committee functions. The law or resolution establishing a committee may specify the dates when reports are due or the subjects to be included in the reports. Advisory committees may also wish to testify to the County Council on issues of relevance to their committee responsibilities. Committees that are advisory to the Council and Executive should notify the Office of Intergovernmental Relations prior to presenting testimony or taking a position before other entities such as the State government.

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## **Administration**

### **Attendance**

Unless law provides another method, a member of a committee who misses more scheduled meetings or hearings than the allowed absences, or who misses 3 consecutive meetings, is automatically removed. Allowed absences are as follows:

<b>Number of Meetings Held in One Year</b>	<b>Allowed Absences</b>
1-4	1
5-8	2
9-12	3
13-16	4
17+	5

When a member is removed through absence, the presiding officer of the committee must promptly notify the County Executive and all members of the committee, including the member being removed. The County Executive may waive the resignation for illness, emergency, or other good cause.

### **Compensation**

If compensation is prescribed, it will be established by law, resolution, or appropriation. Members of both compensated and non-compensated boards may request reimbursement for mileage and dependent care at rates established by the County. The member submits the appropriate form and receives a check via mail when the form has been processed.

## **Staffing**

The County Executive and County Council designate staff as liaison for committees. Generally, the role of staff is to assist in providing notice of meetings, recording minutes, transmitting meeting materials, and meeting recordkeeping requirements under supervision of their department or agency head.

## **Ethics**

Generally, the Montgomery County Public Ethics Law prohibits committee members from participating in matters that involve an economic or fiduciary interest of the member. Committee members are also prohibited from participating in a matter that involves an economic interest of a relative. Relatives includes siblings, parents, grandparents, children, grandchildren, a spouse, a spouse's relatives and the spouses of these relatives.

The ethics law prohibits committee members from accepting or soliciting gifts from lobbyists and persons doing business with or regulated by the agency with which the committee is affiliated. A committee member must not solicit a gift while identifiable as a member of the committee unless expressly authorized to do so for the benefit of the County by the appropriate authority.

A committee member must comply with the employment provisions of the ethics law. A committee member is not required to obtain approval for employment with respect to employment held when the member was appointed if the committee member publicly disclosed the employment relationship to the appointing authorities before appointment. A committee member must not seek a contract with the County or take as a client an entity that contracts with or is regulated by the agency with which the committee member is affiliated without first referring the matter to the Ethics Commission. A committee member should not represent a person if the person's interest is adverse to that of the County without first referring the matter to the Ethics Commission.

A committee member must not disclose confidential information or attempt to use the prestige of the member's office for private gain or the gain of another. A committee member must not use an official County agency title or insignia in connection with any private enterprise or use a County facility or property for personal use or the use of another unless the use is generally available to the public.

This description of the public ethics law is intended to provide a general overview only. In specific cases, the ethics law itself should be consulted and, where appropriate, a request for an advisory opinion or waiver made to the Ethics Commission.

Committee chairpersons are responsible for reviewing County Ethics law periodically with committee membership. Each committee member has a responsibility to adhere to the County's sexual harassment and non-discrimination policies.

### **Liability**

Committee members have liability protection under the Local Government Tort Claims Act for actions arising out of their scope of employ, i.e. their committee responsibilities. Committee members will also receive certain medical benefits; this coverage is limited, however, to benefits for reasonable medical treatment comparable to medical benefits payable under the Maryland Workers' Compensation Act. Members must be registered with the County's Risk Management System. Committee members should ask staff for the appropriate form.

### **Concerns**

Concerns about the functioning of committees or their staffing should be addressed to the committee chair and/or to the head of the department which provides staff support for the committee, the County Executive's Special Assistant responsible for Boards, Committees, and Commissions, or to the President of the County Council.

## **STAFF AND CHAIR RESPONSIBILITIES**

### **ROLE AND RESPONSIBILITIES OF THE BCC STAFF LIAISON – 3/22/21**

Generally designated by the director or supervisor in the department with which the BCC is affiliated, or is the director or supervisor. Sometimes designated by the Chief Administrative Officer or County Executive.

1. Ensures that a BCC acts within the authority of its enabling documentation (law, resolution, Executive Order).
2. Is the link between the BCC and both the affiliated County department and the County Executive's Office.
3. Has access to County facilities and is responsible for reserving meeting rooms and providing access to parking for in-person meetings.
4. Is the licensed "organizer" for virtual meetings.
5. Has access and authorization to use the County seal and County stationery.
6. Authorized to transmit BCC correspondence on County letterhead, so is responsible for transmitting all formal correspondence, formal reports, agendas, and minutes on behalf of the BCC. This includes agendas and minutes to BCC members.
7. As liaison to the County Executive's Office is responsible for ensuring the confidentiality of the BCC member recruitment and appointment process.
8. Ensures that the BCC complies with various federal, state and County laws, such as the Americans with Disabilities Act, the Maryland Open Meetings Act (which includes posting meeting notices and keeping minutes), the County Ethics Law, and the County law regarding BCC administration (which includes the member training requirement, attendance policy, and that BCCs comply with Roberts Rules of Order for formal action).
9. Maintains BCC membership and attendance records.
10. Sends/signs attendance violation notice letters.

### **ROLE AND RESPONSIBILITIES OF THE BCC CHAIR**

Generally elected by membership or is designated or appointed by the County Executive. If the chair is absent, the vice chair can conduct the meeting. If both are absent any member can be the temporary chair for that meeting.

1. Ensures that a BCC acts within the authority of its enabling documentation (law, resolution, Executive Order).
2. Conducts and presides over meetings and ensures that the BCC complies with Roberts Rules of Order for formal action.
3. Sets meeting dates in compliance with enabling documentation.
4. Sets agenda in cooperation with members.
5. Coordinates subcommittees.
6. May recognize non-member attendees and set aside time for them to speak.
7. May remove a non-member.
8. Sends/signs attendance violation notice letters.



# Boards, Committees, and Commissions

## Best Practices – Preparing Minutes

1. Always include date, place, members present, members absent, time called to order. Time adjourned, action taken (who made the motion and seconded it and what the vote was) and any follow-up needed.
2. The Open Meetings Act is very general about minutes but stipulates that minutes must reflect each topic discussed, the action taken, and each vote. Each word spoken does not need to be included, nor does the Act require a synopsis of what was said.
3. Keep minutes as brief as possible. Summary minutes are desirable.
4. If a meeting or part of a meeting is closed, minutes must include a statement of the time, place, and purpose of the closed session, a record of the vote to close the session, a citation of the authority for closing the meeting, a list of the topics discussed, persons present, and each action taken.
5. Bolding motions made or action items that require follow-up might be helpful to your BCC members.
6. Remember that with no quorum—there is no meeting. With fewer than a quorum, the BCC cannot act (a quorum is a simple majority of voting members).
7. Minutes must be posted on the BCC's website within five days of being approved, and retained on the website for five years.
8. If there is a PowerPoint presentation made, it can be referenced in the minutes and a copy of the presentation can be added as part of the minutes or an addendum to the minutes.
9. When listing the members present, for ex-officio members include agency or organization represented in parentheses.
10. When using an acronym, spell out the first time used and then use the acronym in parentheses or include a list at the bottom of the minutes for easy reference.
11. Minutes and any tape recordings are required to be maintained for at least five years after a meeting.
12. Meeting Sign-in Sheet: Include the following language on your BCC's meeting sign-in sheet: "Please note that by signing this sheet, your name will become public information, recorded in the minutes of [today's/tonight's] [name of board] meeting, which may be photocopied and disseminated to various groups, and may appear on the internet and become retrievable by internet search engines."

## Montgomery County Council Bill No. 8-23

### Boards, Committees, and Commissions – Open Meetings – Supplemental Requirements

Effective: July 3, 2023

#### Notices of meetings

- (1) Except as provided under paragraph (3), **a group must publish the notice required** under Section 3-302 of the Open Meetings Act:
  - (A) within 5 business days after the group has determined the meeting date; and**
  - (B) at least 2 calendar days before the meeting.**
- (2) If a meeting will include virtual access, the group must publish how the public may attend the meeting virtually.
- (3) If the requirements of paragraph (1) cannot be met due to an emergency, a group must:
  - (A) publish the notice at least 24 hours in advance of the meeting; and
  - (B) indicate in the notice that the meeting is an emergency meeting.

#### Meeting agendas

- (1) Except as provided under paragraph (2), **a group must publish the agenda** of a meeting under Section 3-302.1 of the Open Meetings Act:
  - (A) within 5 business days after the group has determined the agenda; and**
  - (B) at least 2 calendar days before the meeting.**
- (2) If the requirements of paragraph (1) cannot be met due to an emergency, a group must:
  - (A) publish the agenda at least 24 hours in advance of the meeting; and
  - (B) indicate on the agenda that the meeting is an emergency meeting.
- (3) If the requirements of paragraph (2) cannot be met due to an emergency declared by the Governor of Maryland or the County Executive, a group must:
  - (A) publish the agenda as soon as practicable in advance of the meeting; and
  - (B) indicate on the agenda that the meeting is an emergency meeting.

#### Meeting minutes

- (1) **Within 5 business days after approving meeting minutes, a group must publish the approved minutes** under Section 3-306 of the Open Meetings Act.

## MODEL REGULATIONS FOR OPEN MEETINGS

### 1.01. Public Attendance.

(a) At any open session of the [name of public body], the general public is invited to attend and observe.

(b) Except in instances when the [public body] expressly invites public testimony, questions, comments, or other forms of public participation, or when public participation is otherwise authorized by law, no member of the public attending an open session may participate in the session.

### 1.02. Disruptive Conduct.

(a) A person attending an open session of the [public body] may not engage in any conduct, including visual demonstrations such as the waving of placards, signs, or banners, that disrupts the session or that interferes with the right of members of the public to attend and observe the session.

(b)(1) The presiding officer may order any person who persists in conduct prohibited by subsection (a) of this section or who violates any other regulation concerning the conduct of the open session to be removed from the session and may request police assistance to restore order.

(2) The presiding officer may recess the session while order is restored.

### 1.03. Recording, Photographing, and Broadcasting of Open Session

(a) A member of the public, including any representative of the news media, may record discussions of the [public body] at an open session by means of a tape recorder or any other recording device if the device does not create an excessive noise that disturbs members of the [public body] or other persons attending the session.

(b) A member of the public, including any representative of the news media, may photograph or videotape the proceedings of the [public body] at an open session by means of any type of camera if the camera:

**MODEL REGULATIONS FOR OPEN MEETINGS**

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(1) Is operated without excessively bright artificial light that disturbs members of the [public body] or other persons attending the session; and

(2) Does not create an excessive noise that disturbs members of the [public body] or other persons attending the session.

(c) A representative of the news media may broadcast or televise the proceedings of the [public body] at an open session if the equipment used:

(1) Is operated without excessively bright artificial light that disturbs members of the [public body] or other persons attending the session; and

(2) Does not create an excessive noise that disturbs members of the [public body] or other persons attending the session.

(d) The presiding officer may restrict the movement of a person who is using a recording device, camera, or broadcasting or television equipment if such restriction is necessary to maintain the orderly conduct of the session.

**1.04. Recording Not Part of Record.**

A recording of an open session made by a member of the public, or any transcript derived from such a recording, may not be deemed a part of the record of any proceeding of the [public body].

**COMPLIANCE CHECKLIST**  
**FOR MEETINGS SUBJECT TO THE MARYLAND OPEN MEETINGS ACT \***

Name of public body \_\_\_\_\_ Date of Meeting: \_\_\_\_\_

1. \_\_\_ Did you give “reasonable advance notice” and keep a copy or screenshot?
2. \_\_\_ Did you make an agenda available when notice was posted, or, if not yet determined, as soon as practicable, but at least 24 hours before the meeting?
3. \_\_\_ Did you make arrangements for the public to attend?
4. \_\_\_ Is someone prepared to keep minutes in writing or, otherwise, to run the equipment for minutes in the form of live and archived video or audio streaming?
5. \_\_\_ If part of this meeting might be closed to the public, have you first:
  - \_\_\_ Made sure that the public body has designated a member to take training in the Act?
  - \_\_\_ Made sure that the topic to be discussed falls entirely within one or more of the “exceptions” that allow the closed session? (see the other side for the list)
  - \_\_\_ Given notice of the open meeting to be held right before the closed session, so that the presiding officer can hold the required public vote to close?
  - \_\_\_ Made sure that the initial open meeting will be attended by a member designated to take training in the Act, and, if a designated member cannot attend, made sure that the public body is ready to complete this compliance checklist at the open meeting and keep it to attach to the minutes?
  - \_\_\_ Equipped the presiding officer to prepare a written statement with the required disclosures? (for a model form with instructions, go to <http://www.marylandattorneygeneral.gov/Pages/OpenGov/Openmeetings/default.aspx> )
  - \_\_\_ Equipped the presiding officer to limit the closed session discussion to the exceptions and topics cited on the written closing statement?
  - \_\_\_ Arranged for closed-session minutes to be kept and adopted as sealed?
  - \_\_\_ Equipped someone in the closed session to keep a record of each item of information that must be disclosed in the minutes of the next open meeting? (for the list, see the model closing statement).
  - \_\_\_ For a meeting recessed to hold a closed administrative session, arranged to disclose, in the minutes of the next open meeting, the date, time, and place, persons present, and subjects discussed?
6. \_\_\_ Have you arranged for the preparation, the adoption as soon as practicable, and posting online if practicable, of minutes of the open meeting, including summaries of any prior closed sessions, and this form (when required), completed on this side?

*\*This checklist is designed for general use as well as for use at open meetings of public bodies that hold closed meetings, when a member designated for training cannot attend the initial open meeting. See GP § 3-213(d). Like the earlier checklists, this checklist gives general guidance, does not guarantee “compliance” with every provision of the Open Meetings Act, and will be revised occasionally.*

*(Revised July 2018)*

**STATUTORY AUTHORITY TO CLOSE SESSION  
(THE FIFTEEN “EXCEPTIONS”)  
General Provisions Article § 3-305(b)**

- (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals;
- (2) To protect the privacy or reputation of an individual with respect to a matter not related to public business;
- (3) To consider the acquisition of real property for a public purpose and matters directly related to the acquisition;
- (4) To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
- (5) To consider the investment of public funds;
- (6) To consider the marketing of public securities;
- (7) To consult with counsel to obtain legal advice;
- (8) To consult with staff, consultants, or other individuals about pending or potential litigation;
- (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- (10) To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans;
- (11) To prepare, administer, or grade a scholastic, licensing, or qualifying examination;
- (12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct;
- (13) To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;
- (14) To discuss, before a contract is awarded or bids are opened, a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.
- (15) (Eff. 10/1/18) To discuss cybersecurity, if the public body determines that public discussion would constitute a risk to:
  - (i) security assessments or deployments relating to information resources technology;
  - (ii) network security information, including information that is: 1. Related to passwords, personal identification numbers, access codes, encryption, or other components of the security system of a governmental entity; 2. Collected, assembled, or maintained by or for a governmental entity to prevent, detect, or investigate criminal activity; or 3. Related to an assessment, made by or for a governmental entity or maintained by a governmental entity, of the vulnerability of a network to criminal activity; or
  - (iii) deployments or implementation of security personnel, critical infrastructure, or security devices.

## MONTGOMERY COUNTY PUBLIC ETHICS LAW—OUTLINE

Marc P. Hansen  
Edward B. Lattner  
Office of the County Attorney

- I. Introductory Remarks; Disclosure
  - A. This is a general overview of the Montgomery County Public Ethics Law.
  - B. Under the County's ethics law, the County Ethics Commission is the only administrative agency authorized to provide a public employee with definitive advice concerning the applicability of the ethics law to a particular situation.
  - C. In specific cases, you should consult with your agency counsel or the Ethics Commission staff and, where appropriate, you may request an advisory opinion or waiver directly from the Ethics Commission.
- II. Purpose of the Montgomery County Public Ethics Law
  - A. Maintain a high degree of trust that public officials will use impartial and independent judgment when conducting public business.
  - B. Guard against improper influence affecting the decision making process of public officials.
  - C. State law requires every county to have a public ethics law "substantially similar" to the state's public ethics law in three areas: conflicts, financial disclosure, and lobbying.
- III. Applicability
  - A. The ethics law applies to all "public employees".
  - B. By definition, public employees include members of boards, commissions, committees, task forces, or similar bodies, whether the member is paid or unpaid.
  - C. In this presentation, references to employees includes members of County boards, committees, or commissions whether the member is paid or unpaid for her or his services.
- IV. Participation of Employees in Matters.
  - A. 19A-11(a). A public employee must not participate in a matter that affects, in a manner distinct from its effect on the public generally, any property or business in which the public employee or a "relative" of the public employee has an

“economic interest.”<sup>1</sup> The public employee must know about the relative’s economic interest.

- B. 19A-11(b). A public employee must not participate in a matter if the member knows (or reasonably should know) that any of the following is a party to the matter:
1. any entity of which the employee is an officer, director, trustee, partner, or employee.
  2. any entity in which a relative of the employee has an economic interest, if the employee knows about the interest;
  3. any business with which the employee is negotiating or has an arrangement about employment;
  4. any business that is negotiating with a relative of the employee about prospective employment, if the employee knows about the arrangement;
  5. any entity or individual that is a party to an existing contract with the employee or a relative of the employee, if the contract could reasonably result in a conflict between the employee’s private interest and official duty;
  6. any business in which the employee has an indirect economic interest, if the employee could reasonably be expected to know of the indirect interest; and
  7. any creditor or debtor of the employee or relative, if the creditor or debtor can directly and substantially effect an economic interest of the member or relative.
- C. 19A-12(b). An employee may not own more than 1% of any business that:
1. is regulated by the County agency with which the employee is affiliated;  
or
  2. negotiates or contracts with the County agency with which the employee is affiliated; and
- D. Identifying the agency with which a member of a committee is affiliated must be decided on a case by case basis. The Ethics Commission has yet to determine

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<sup>1</sup> The ethics law defines the term relative in a very broad manner. Relative means: (1) the employee’s siblings, parents, grandparents, children, and grandchildren; (2) the employee’s spouse or domestic partner and the spouse’s or domestic partner’s siblings, parents, grandparents, children, and grandchildren; and (3) the spouses of these relatives. For a definition of economic interest see paragraph E *infra*.



what the phrase “agency with which the employee is affiliated” means in the context of the 1% rule. But the Ethics Commission has ruled that a citizen member of a quasi-judicial board is not affiliated with its “parent” agency just because that agency provides the board with staff support.<sup>2</sup> The Ethics Commission has concluded that the agency of the members of the following quasi-judicial boards is only the board itself:

1. Animal Matters Hearing Board;
2. Board of Appeals;
3. voting members of the Board of Electrical Examiners;
4. Board of Registration;
5. Commission on Landlord-Tenant Affairs;
6. voting members of the Commission on Common Ownership Communities;
7. Fire Rescue Commission, except that career firefighter and volunteer firefighter’s agencies include their respective departments;
8. Case Review Board of the Human Rights Commission;
9. Merit System Protection Board;
10. Sign Review Board; and
11. Historic Preservation Commission.

E. An economic interest must exceed one of the following thresholds in order for the interest to trigger a conflict of interest under the ethics law:

1. source of income exceeds \$1,000/year;
2. ownership interest exceeds 3% of the business; or
3. any other economic interest worth more than \$1,000.

## V. Outside Employment

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<sup>2</sup> *Advisory Opinion No. 03-014. But see Advisory Opinion 02-013* (Mental Health Advisory Committee is affiliated with DHHS because it performs a watchdog function over DHHS-provided services).

- A. 19A-12. Generally, a public employee must not engage in any outside employment unless the employment is approved by the Ethics Commission.
  - B. 19A-12(b). Unless the Ethics Commission grants a waiver, an employee must not be employed by (1) any business that is regulated by the County agency with which the employee is affiliated; (2) by a business seeking or doing business with the County agency with which the employee is affiliated; or (3) hold any employment relationship that could reasonably be expected to impair the impartiality and independence of judgment of the employee.
  - C. A member of a committee is not required to obtain approval for outside employment with respect to employment held when the member was appointed to the body. But, the member must publicly disclose the employment relationship before appointment to the appointing authority and to the County Council when confirmation is required.
  - D. A compensated<sup>3</sup> member who subsequently changes employment must obtain Ethics Commission approval. A self-employed employee may acquire new clients without obtaining prior approval of the Ethics Commission. But, a member who intends to contract with the County or take a client that is subject to the authority of or contracts with the agency with which the employee is affiliated should first refer the matter to the Ethics Commission for approval.
  - E. An employee who is appointed to a regulatory or licensing body under a statutory provision that a person subject to the jurisdiction of the body may be represented in appointments to it may participate in general matters that effect the member's business, but the employee should not participate in a matter that specifically and directly affects the employee's business.
- VI. 19A-13. Post-County Employment
- A. A former employee member must not work on or assist any party (other than the County) in a case, contract, or other specific matter for 10 years after significantly participating in the matter.

But the Commission has narrowly interpreted § 19A-13(a), given its proscription against working on the same "specific matter" and its relatively harsh 10-year prohibition. *See Advisory Opinion 03-015* (former county employee could work for company conducting inventory of bus stops although duties as a public employee included planning bus service, recommending route changes, and community outreach); *Advisory Opinion 03-016* (former County employee could perform accounting work for company although duties as a public employee included budget work).

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<sup>3</sup> See Ethics Commission Regulation # 25-01, Section 4.12.

- B. For one year after termination of employment with the County, a former employee must not enter into any employment relationship with any person or business if the employee “significantly participated”<sup>4</sup> during the previous 3 years:
  - 1. in regulating the person or business; or
  - 2. in any procurement or other contractual activity concerning a contract with the person or business.
- C. The applicability of this provision to unpaid members of committees is uncertain, because the term “employment” is defined in the law as “engaging in an activity for compensation”. The Ethics Commission has not yet been asked to decide this issue.

VII. 19A-16(c) through (f). Accepting Gifts

- A. An employee must not accept a gift from a person if the employee knows or reasonably should know that the person:
  - 1. is a lobbyist on a matter that is or could be considered by the agency with which the employee is affiliated;
  - 2. does business with the employee’s agency;
  - 3. owns or operates a business regulated by the employee’s agency; or
  - 4. has an economic interest the employee could substantially affect.
- B. An employee may accept the following gifts from one of the above “interested persons”:
  - 1. any item that is solely of an informational or an advertising nature, including a book or pamphlet, if the resale value of the item is \$25 or less;
  - 2. meals and beverages from the same person under \$50 per year;
  - 3. ceremonial gifts or awards with a resale value of \$100 or less if the gift or award commemorates an event or achievement associated with the employee/member;
  - 4. personal property valued at under \$10 (but not cash);

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<sup>4</sup> Significant participation means making a decision, rendering advice, investigating, or taking similar action as a public employee. It ordinarily does not include program oversight or budget preparation or approval.

5. reasonable expenses for food, lodging, travel, and scheduled entertainment in exchange for the employee/member's participating on a panel or speaking at a meeting;
  6. gifts from a relative; and
  7. honoraria or awards for achievement;
- C. If an employee receives a gift prohibited by the ethics law, the employee must report the gift to the Ethics Commission and:
1. return the gift; or
  2. transfer the gift to the County.

VIII. 19A-16(a) & (b). Soliciting Gifts

- A. An employee must not solicit a gift to the employee or another person or organization from any business or person who:
1. is registered or must register as a lobbyist;
  2. does business with the County agency with which the employee is affiliated; or
  3. is or owns or operates a business that is regulated by the County agency with which the employee is affiliated.
- B. An employee must not solicit a gift at a County agency (facility), during "official work" hours (unlikely to apply to members of a committee), or from another employee who is supervised "directly or indirectly" by the employee.
- C. An employee must not solicit a gift while wearing a County uniform or while otherwise identifiable as a public employee.
- D. An employee must not solicit a gift with the intent of affecting or offering to affect any action by a County agency.
- E. An employee may solicit gifts for a charitable organization if the employee does not primarily solicit from those persons or entities doing business with or regulated by the employee's agency.
- F. An employee may solicit a gift for the benefit of the County if the solicitation is authorized by an Executive Order (or for those committees in the legislative branch of government by the County Council).

IX. Other Regulated Conduct

- A. 19A-15(a). An employee must not disclose confidential information.
- B. 19A-15(b). An employee must not consider private or ex parte communications regarding any matter that must be decided on the basis of a hearing record.
- C. 19A-14(a). An employee must not use the prestige of the employee's office for private gain or the gain of another.
- D. 19A-14(b). Unless authorized by the Chief Administrative Officer, an employee must not use an official county agency title or insignia in connection with any private enterprise.
- E. 19A-14(c). An employee must not use any County facility or property for personal use or the use of another unless the use is generally available to the public.
- F. 19A-14(g). A public employee must not with respect to a particular matter represent another person or provide advice to another person that would qualify as an expert opinion in a court, if:
  - 1. a County agency or the County is a party to the matter and the person being assisted has a position adverse to the County; or
  - 2. the County agency or the County has a direct and substantial interest in the matter that is adverse to the interest of the person being assisted;
  - 3. this provision does not apply to a member of a committee if:
    - a. the member is not compensated by the County; and
    - b. the matter does not relate to the responsibilities of the employee;
  - 4. this provision does not apply to an employee who renders assistance to a member of the employee's immediate family if the employee renders the assistance without compensation.
- G. 19A-16A. A member of a quasi-judicial board must not solicit or accept from a person within the board's jurisdiction a financial contribution for any political candidate, political organization, or ballot question (other than a ballot question which directly affects the employee's agency); or solicit from a person within the board's jurisdiction an endorsement of or opposition to a political candidate.

X. Financial Disclosure

- A. A member must file an annual financial disclosure statement if required to do so by ethics law or regulation (in some cases by Council resolution).
  - B. Failure to file may lead to:
    - 1. removal
    - 2. civil citation (fine and injunction to file).
  - C. Attribution rules apply. Carefully read form's instructions.
  - D. Filer must disclose certain economic interests including:
    - 1. business interests including stocks and mutual funds
    - 2. debts owed and due you
    - 3. real property holdings in certain counties
    - 4. sources of income
    - 5. certain gifts
  - E. Most interests only require disclosure of a range of values, not actual value. For example, \$1000 or less, over \$1000.
  - F. Filing is under oath and subject to perjury.
  - G. Filing may be public, confidential, or confidential with limited public disclosure.
- XI. Advisory Opinions.
- A. Any person subject to the ethics law may ask the Ethics Commission for an advisory opinion on the meaning or application of the law to that person.
- XII. Waiver
- A. Upon receiving a written request, the Commission may grant an employee or a class of employees a waiver from the prohibitions of the ethics law.
  - B. In order to grant a waiver, the Commission must find:
    - 1. the best interest of the County would be served by granting the waiver;
    - 2. the importance to the County of the employee performing his/her official duties outweighs the actual or potential harm of any conflict; and

3. granting the waiver will not give the employee an unfair advantage over the public.
- C. In reviewing a waiver request to allow a member to work for a business which contracts with, or is regulated by, the employee's agency, the Ethics Commission must determine whether:
1. the waiver is needed to ensure that competent services are made available to the County;
  2. failure to grant the waiver may reduce the ability of the County to hire or retain highly qualified employees; or
  3. the proposed employment is not likely to create an actual conflict of interest.

### XIII. Complaints and Investigations

- A. Any person may file a complaint with the Ethics Commission. The complaint must allege facts that if true would constitute a violation of the ethics law.
- B. The Commission may investigate any matter that the Commission believes may constitute a violation of the ethics law or after receiving a complaint.
- C. The Commission has the authority to adjudicate a violation of the ethics law.
- D. The Ethics Commission may impose or recommend the imposition of sanctions for violations of the ethics law.

### XIV. Penalties

- A. Class A violation (Criminal: \$1000 fine, 6 months in jail; or \$500 civil fine);
- B. Recover damages;
- C. Impose discipline, including terminating employment, of a public employee;
- D. Suspend compensation until employee complies with a commission order.

**MONTGOMERY COUNTY PUBLIC ETHICS LAW—TRAINING (bcc)**  
**Hypothetical Cases**

Marc P. Hansen  
Edward B. Lattner  
Office of the County Attorney

**Participation Of Public Employees In Matters**

- I. J. Caesar is a member of the Committee on Children and Youth. The Committee is responsible for providing advice to the Department of Health and Human Services (DHHS) regarding the funding and implementation of DHHS programs designed to support children, youth and families. Mr. Caesar's sister, Calpurnia, owns and operates a business that provides child care. Calpurnia accepts clients who pay for child care services with a County voucher. DHHS issues County vouchers to income qualified parents of children. At Mr. Caesar's first committee meeting the chair announces that the first item on the agenda is to provide advice to DHHS regarding the adequacy of the funding level of the County voucher program.
- A. Is Mr. Caesar subject to the County ethics law?
  - B. Must Mr. Caesar take his sister's business into account before participating in the Committee's discussion on the appropriate funding level for the County voucher program?
  - C. Does it make any difference that Calpurnia's business is only worth \$500?
  - D. Does the ethics law prohibit Mr. Caesar from participating in the Committee's discussion on the appropriate funding level for the County voucher program?
- II. Ms. Elizabeth Tudor is a member of the Board of Directors for England Estates. England Estates is an exclusive common ownership community that imposes strict regulations concerning the appearance of homes in the association. Ms. Tudor has been appointed to the Commission on Common Ownership Communities (COCOC). Ms. Tudor does not receive compensation for performing the duties of either position. Mary Stuart, a resident of England Estates, has filed a complaint against England Estates with COCOC, because England Estates refuses to permit her to paint her front door royal blue. Ms. Tudor is assigned to a panel charged with responsibility for adjudicating this complaint.
- A. Does the ethics law prohibit Ms. Tudor from participating in this matter?
  - B. Would it make a difference if the case involved Scotland Estates instead of England Estates?



### **Secondary Employment**

- III. Mr. T. A. Edison serves as a member of the Cable Communication Advisory Committee (CCAC). Mr. Edison's recently deceased uncle, B. Franklin, has left Mr. Edison 1000 shares of IBM stock with a current market value of \$100,000. The staff at the Department of Housing and Community Affairs (DHCA) provides staff support to the CCAC. DHCA has a consulting contract with IBM to design a software program to track consumer complaints against the cable franchise holder.
- A. Does the ethics law require Mr. Edison to choose between accepting his inheritance or continuing as a member of the CCAC?
- B. Would the answer differ if Mr. Edison was a paid employee of DHCA?
- IV. Mr. A. Lincoln is a member of the Merit System Protection Board. The position is paid. At the time he was appointed to the Merit Board he disclosed that he was an attorney engaged in the private practice of law. Mr. Lincoln has now decided to leave the practice of law and accept employment with the United States.
- A. Does Mr. Lincoln need to obtain the permission of the Ethics Commission?
- B. Would it make any difference if Mr. Lincoln were a member of the Commission on Landlord Tenant Affairs (whose members are unpaid)?

### **Post-County Employment**

- V. Mr. T. Roosevelt has just received an offer of employment from a cable communication provider that holds a cable communication franchise from Montgomery County. Until his term expired last week, Mr. Roosevelt was a member of the Cable Communications Advisory Committee and had participated in discussions on whether Montgomery County should renew the franchise of the cable company that had just offered him employment. Mr. Roosevelt's job for the cable company would involve acting as liaison between the cable company and the Montgomery County Government.
- A. Does the County ethics law prohibit Mr. Roosevelt from accepting this employment offer?
- B. Does it matter under the Ethics law whether Mr. Roosevelt had vehemently opposed renewing the franchise with the cable company that has just offered him employment?
- C. Would it matter if the cable company wanted to hire Mr. Roosevelt to act as a liaison between the cable company and Fairfax County?

### **Accepting Gifts**

- VI. Ms. A. Adams is a member of the Fire & Rescue Commission. Mr. T. Jefferson, who is president of a local fire and rescue department (LFRD), has invited Ms. Adams to a banquet where the LFRD proposes to present Ms. Adams with a plaque for her 30 years of service as a Montgomery County Public School teacher. The Fire and Rescue Commission is currently considering adoption of a regulation that governs the conduct of volunteer fire fighters.
- A. May Ms. Adams accept the invitation to the banquet?
- B. May Ms. Adams accept the ceremonial plaque?

### **Soliciting Gifts**

- VII. T.J. Hooker is shift supervisor in the Police Department. He is trying to help his son's high school baseball team raise money to go to the National Baseball Hall of Fame in Cooperstown, NY.
- A. Does the ethics law prohibit Officer Hooker from approaching employees he supervises for a donation to support his son's team?
- B. Does the ethics law prohibit Officer Hooker from going door-to-door in his neighborhood soliciting donations while he is wearing his police uniform?
- C. The Department has a \$10,000 contract with Office Depot for office equipment. Does the ethics law prohibit Officer Hooker from approaching Office Depot for a donation to support his son's team if he goes after work and not identifiable as a public employee?
- D. Would it make any difference if Officer Hooker had decided to solicit this donation for the Red Cross, a charitable organization, after work and while not identifiable as a public employee?
- E. Due to significant budget cutbacks, the Police Chief has asked Officer Hooker to approach local merchants, while on duty and in uniform, for donations to support the County Police Department. Can he do this?

### **Prestige of Office**

- VIII. Mr. N. Bonaparte is a member of the County's Consumer Affairs Advisory Committee. Mr. Bonaparte owns a car dealership in Silver Spring. He has recently aired a television commercial in which he prominently explains that as a member of the Montgomery County Consumer Affairs Committee he understands how important it is to give consumers a square deal. Has Mr. Bonaparte violated the County ethics law?

### **Financial Disclosure**

- IX. Ms. A. Rockefeller is a member of the Montgomery County Board of Appeals. She is required to file a public financial disclosure statement. Does Ms. Rockefeller have to report on the financial disclosure form all of the business interests of her husband, Mr. J. Rockefeller, even if she has no control over those interests?

**Procedure**

- X. Mr. A. Capone is a County employee who provides staff support to the Board of License Commissioners. The Board of License Commissioners is meeting to consider whether to grant a liquor license to Ms. M.A. Baker. To Mr. Capone's surprise, Mr. M.G. Kelley, who is a member of the Board of License Commissioners, votes to deny the license. Mr. Capone knows that Mr. Kelley owns a coffee shop located next door to Ms. Baker's establishment, and Mr. Capone had, therefore, expected Mr. Kelley to recuse himself from the Baker licensing matter.
- A. May Mr. Capone ask for an advisory opinion concerning the actions taken by Mr. Kelley?
- B. Can Mr. Capone file a complaint with the Ethics Commission concerning Mr. Kelley's conduct?
- C. Does the Ethics Law require Mr. Capone to file a complaint against Mr. Kelley?

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**MONTGOMERY COUNTY PUBLIC ETHICS LAW—TRAINING**  
**Answers to Hypothetical Cases**

Marc P. Hansen  
Edward B. Lattner  
Office of the County Attorney

**Participation Of Public Employees In Matters**

I. The Case of Caesar's Child Care Center

- A. Mr. Caesar is subject to the County ethics law because the ethics law applies to all "public employees." A public employee includes paid and unpaid members of boards, committees, and commissions. § 19A-4(m).
- B. Mr. Caesar must take his sister's business into account before participating in the Committee's discussion on the appropriate funding level for the County voucher program. A public employee must not participate in a matter that affects a business in which the public employee or a **relative** has an **economic interest**. § 19A-11(a)(1). Relative is broadly defined; it includes siblings. § 19A-4(n).
- C. The value of Calpurnia's business is relevant because the participation rule has certain thresholds. § 19A-11(c). An economic interest only includes:
  - 1. Source of income exceeds \$1,000.00/year;
  - 2. Ownership interest exceeds 3% [that captures Calpurnia]; or
  - 3. Any other economic interest worth more than \$1,000.00.
- D. The ethics law prohibits Mr. Caesar from participating in the Committee's discussion on the appropriate funding level for the County voucher program if Caesar knows about his sister's business, because he would be participating in a matter that affects a business, in a manner distinct from its effect on the public generally, in which he knows a relative holds an economic interest.

II. The Case of the Blue Door

- A. The ethics law prohibit Ms. Tudor from participating in this matter because a public employee [Ms. Tudor] must not participate in a matter if the employee knows that any party to the matter [England Estates] is a business for which the public employee is a director—the Divided Loyalty Rule. § 19A-11(a)(2)(A).
- B. Ms. Tudor could participate if the complaint was filed against Scotland Estates because Ms. Tudor would not be participating in a matter that affects, in a manner

distinct from its effect on the public generally, any property or business in which she or a relative holds an economic interest.

### Secondary Employment

#### III. The Case of Mr. Lincoln's New Job

- A. Mr. Lincoln needs Ethics Commission approval for his new job. A public employee must not engage in any outside employment unless the employment is approved by the Ethics Commission, § 19A-12(a)(1). This does not apply to employment held at the time of appointment, if disclosed to the appointing authority and Council, even if clients or customers later change.
- B. Mr. Lincoln would not need Ethics Commission approval if he were on COLTA because the Ethics Commission's secondary employment regulation exempts uncompensated, appointed officials from the secondary employment approval process.

#### IV. The Case of Edison's Dilemma

- A. Mr. Edison can continue on the CCAC and keep the stock. A public employee must not be employed by or own more than 1% of any business that is regulated by, negotiates with, or contracts with the County agency with which the employee is affiliated. § 19A-12(b). IBM contracts with DHCA, but Mr. Edison is not affiliated with DHCA. Ethics Commission has ruled that merely receiving staff support is not affiliation with an agency. *Advisory Opinion No. 03-014*. But see *Advisory Opinion 02-013* (Mental Health Advisory Committee is affiliated with DHHS because it performs a watchdog function over DHHS-provided services)
- B. Mr. Edison could remain employed by DHCA and keep the stock because, although he is now affiliated with DHCA, he is not employed by IBM and does not own more than 1% of IBM.

### Post-County Employment

#### V. The Case of Mr. Roosevelt's New Deal

- A. Mr. Roosevelt cannot accept employment with the cable provider because a former employee must not work on or assist any party, other than the County, in a case, contract, or specific matter for 10 years after **significantly participating** in the matter. § 19A-13(a).

But the Commission has narrowly interpreted § 19A-13(a), given its proscription against working on the same "specific matter" and its relatively harsh 10-year prohibition. See *Advisory Opinion 03-015* (former county employee could work for company conducting inventory of bus stops although duties as a public

employee included planning bus service, recommending route changes, and community outreach); *Advisory Opinion 03-016* (former County employee could perform accounting work for company although duties as a public employee included budget work).

- B. Mr. Roosevelt cannot accept employment with the cable provider even if he had vehemently opposed renewing its franchise because **significant participation** means making a decision, rendering advice, investigating, or taking similar action as a public employee. It ordinarily does not include program oversight or budget review or adoption. § 19A-13(c).
- C. Mr. Roosevelt cannot accept employment with the cable provider to act as a liaison between the cable company and Fairfax County. For one year after leaving County employment, a former employee must not be employed by a person or business if the employee **significantly participated** during the previous 3 years in regulating—or in a contractual transaction with—that person or business. § 19A-13(b).

### Accepting Gifts

#### VI. The Case of Ms. Adams' Award

- A. Ms. Adams can accept the invitation if it's worth less than \$50. General Rule: An employee must not accept a gift from a person if the employee knows that the person owns or operates a business regulated by the employee's agency. § 19A-16(c)(3). But an employee may accept a gift from an "interested person" if it is for meals and beverages from the same person under \$50 per year. § 19A-16(d)(1). Remember, just because you can doesn't mean you should.
- B. Ms. Adams can accept the ceremonial plaque. An employee may accept an award from an "interested person" that is ceremonial in nature if the resale value of the award is \$100 or less and the award commemorates an achievement associated with the employee. § 19A-16(d)(2). An employee may also accept items of personal property, other than cash, worth less than \$10. § 19A-16(d)(3). Remember, just because you can doesn't mean you should.
- C. Ms. Adams could not accept the invitation to the banquet or the award if they are offered for Ms. Adams' services on the Fire and Rescue Commission. Section 19A-14(a) provides that a public employee must not intentionally use the prestige of office for private gain or the gain of another. An employee violates that section by accepting remuneration for any service directly and immediately related to that employee's governmental activities. *Advisory Opinions 02-011, 03-010, & 03-011*.

### Soliciting Gifts

VII. The Case of Officer Hooker's Good Deed

- A. The ethics law prohibits Officer Hooker from approaching employees he supervises for this donation. A public employee cannot solicit a gift to the employee or another person during work hours or from subordinates. § 19A-16(a)(2).
- B. The ethics law prohibits Officer Hooker from going door-to-door while in his police uniform. A public employee cannot solicit a gift to the employee or another person while identifiable as a public employee. § 19A-16(a)(3).
- C. The ethics law prohibits Officer Hooker from approaching Office Depot even after work hours and even if not identifiable as a public employee. A public employee must not solicit a gift from any person or business that is regulated by, or does business with, the County agency with which the employee is affiliated. § 19A-16(a)(1)(B).
- D. A public employee may solicit a gift for a charitable organization or a municipality (the County is not a municipality) if the employee does not primarily solicit from entities that are regulated by, or do business with, the County agency with which the employee is affiliated or from subordinates. § 19A-16(b)(2).
- E. A public employee may solicit a gift for the benefit of a County agency, during work hours and while identifiable as a public employee, if the solicitation is authorized by the County Executive. § 19A-16(b)(3). These executive orders typically preclude the employee from soliciting from any person or business that is regulated by, or does business with, the County agency with which the employee is affiliated.

**Prestige of Office**

VIII. The Case of Mr. Bonaparte's Sales Campaign

Mr. Bonaparte cannot use his public employment to advance his outside employment. An employee must not intentionally use the prestige of the employee's office for private gain or the gain of another. § 19A-14(a).

**Financial Disclosure**

IX. The Case of Ms. Rockefeller's Disclosure

Yes, Ms. Rockefeller must report her husband's business holdings even if she has no control over them. The financial disclosure statement requires an employee to provide various types of information regarding the holdings and debts of an **immediate family** member, which includes a spouse, regardless of whether the employee controlled that interest. One would reasonably expect a spouse to care deeply about the other spouse's holdings and debts even in

the absence of any formal ownership or control, given the obviously close and personal nature of a spousal relationship. This “caring,” in and of itself, could create a conflict of interest or be manipulated by others. This does not necessarily hold true for a public employee’s other **relatives**. Thus, a public employee must also provide some of this same information for relatives (a broader category) only if the employee (1) controlled that relative’s interest and (2) in the performance of official duties, could affect that relative’s interest. § 19A-20. *Advisory Opinion No. 03-020*.

### Procedure

#### X. The Case of Mr. Capone’s Citizenship Challenge

- A. Mr. Capone cannot ask for an advisory opinion concerning the actions taken by Mr. Kelley. A person subject to the Ethics law may ask the Ethics Commission for an advisory opinion on the application of the Ethics law to that person. Also a supervisor can ask for an advisory opinion about a subordinate. § 19A-7(a).
- B. Mr. Capone can file a complaint with the Ethics Commission concerning Mr. Kelley’s conduct. Any person may file a complaint with the Ethics Commission. The complaint must allege facts under oath that, if true, would constitute a violation of the Ethics law. § 19A-10.
- C. The Ethics Law does not require Mr. Capone to file a complaint against Mr. Kelley. The Ethics law does not require a public employee to report a violation of the Ethics law. But § 33-10 encourages all employees to report incidents of wrongdoing. This County “Whistleblower” law protects employees from retaliation for reporting incidents of wrongdoing.



# Overview of Ethics Requirements for Employees of Montgomery County

[www.montgomerycountymd.gov/ethics](http://www.montgomerycountymd.gov/ethics)

“The confidence and trust of the people erodes when the conduct of County business is subject to improper influence or even the appearance of improper influence.”

Public Ethics Law

A five member County Commission that ensures the impartiality of County officials, including elected officials, in the execution of their responsibilities.

- Conduct public education
- Give advice about the ethics laws
- Conduct investigations into possible violations
- Manage the financial disclosure system, outside employment approval process, and the lobbying registration process

- Employees need to know their obligations
- How to identify ethics issues
- Ways of resolving issues
- To promote a culture that is sensitive to Ethics
- To promote confidence in County governance

You **MUST** know:

- there are rules about employee conduct that may raise questions for you while you serve the people of Montgomery County
- there are people who can assist in answering the questions raised or in addressing violations.

Use approach appropriate to the issue:

- Resolve issue oneself
- Take issue to supervisor
- Take issue to Agency management
- Take issue to County Attorney
- Seek advice from Ethics Commission
- File complaint with Ethics Commission
- Report to Inspector General

- State Public Ethics Law
- County Charter
- Montgomery County Public Ethics Law, Section 19A of the County Code
- County Code Sections 11B-51 and 11B-52(a) (Contracts)
- COMCOR Chapter 19A
- Also see MC Personnel Regulations, Section 3, Ethics, Disclosure of Illegal or Improper Acts, Political Activity and Discrimination on the Basis of Political Affiliation, and Sexual or Romantic Relationships in the Workplace



- Financial conflicts of interest
- Prohibited holdings and employment
- Outside employment approval
- Misuse of County office, property, information
- Solicitation, Acceptance of Gifts
- Restrictions After Leaving County Service (Post-Employment)
- Financial Disclosure
- Exceptions and Waivers
- Consequences and Enforcement

- Equal Employment Opportunity, Prohibited Personnel Practices (Merit Systems Protection Board), or Grievance Procedures
- Authority of Inspector General

➤ Working on County matters that affect your personal financial interests or those of a relative.

➤ Working on County matters involving entities:

- you are affiliated with as a director or trustee;
- relatives have interests in;
- you or a relative are seeking employment with;
- with a contract with you or your relative.

You may not own more than 1% of any business that:

- is regulated by the County agency with which the employee is affiliated;  
or
- negotiates or contracts with the County agency with which the employee is affiliated.

You may not be employed by any business that:

- is regulated by your County agency;
- negotiates or contracts with your County agency; or
- hold any employment relationship that could reasonably be expected to impair your impartiality and independence of judgment.

- You may not engage in any compensated outside employment unless the employment is approved by the Ethics Commission.
- There is an application for outside employment available on the Ethics Commission website. Applications are coordinated through your County agency.

[www.montgomerycountymd.gov/ethics](http://www.montgomerycountymd.gov/ethics)

You must **not**:

- use the prestige of office for private gain or the gain of another;
- hire relatives;
- use an official County agency title or insignia in connection with any private enterprise, unless authorized;
- use any County facility or property for personal use or the use of another unless the use is generally available to the public;
- represent or provide expert advice to another person where a County agency or the County has a direct and substantial interest in the matter that is adverse to the interest of the person being assisted;
- disclose confidential information.

An employee must **not** solicit at work, while identifiable as a public employee, or from employees supervised “directly or indirectly” by the employee.

An employee must **not** solicit a gift with the intent of affecting or offering to affect any action by a County agency.

An employee must **not** solicit a gift from a:

- Lobbyist
- Person who does business with the County agency with which the employee is affiliated; or
- Person who owns or operates a business that is regulated by the County agency with which the employee is affiliated.



- An employee must not accept certain gifts from: a lobbyist on a matter before the employee's agency; a person that does business with the employee's agency or that owns or operates a business regulated by the employee's agency; or a person with an economic interest the employee could substantially affect.
- Some gifts are excepted from the prohibition, including informational materials, books, or pamphlets, worth \$25 or less; meals and beverages from the same person under \$50 per year; personal property valued at under \$10 (but not cash); reasonable food, lodging, travel, and scheduled entertainment for serving on a panel or speaking at a meeting; and certain honoraria and awards for achievement.

# Restrictions After Leaving County Service (Post-Employment)

- A former public employee must not work on or otherwise assist any party, other than a County agency, in a case, contract, or other specific matter if the employee significantly participated in the matter as a public employee.
- For 1 year after leaving County employment, a former public employee must not enter into any employment understanding with any person or business if the public employee significantly participated during the previous 3 years:
  - (1) in regulating the person or business; or
  - (2) in any contractual activity concerning the person or business.

## ***Cont'd:* Restrictions After Leaving County Service (Post-Employment)**

- Significant participation: means making a decision, approval, disapproval, recommendation, rendering of advice, investigation, or similar action taken as an officer or employee. Significant participation ordinarily does not include program or legislative oversight, or budget preparation, review, or adoption.

Certain County employees are required by law to file financial disclosure statements within 15 days of becoming an employee. These persons are required to file reports annually and a final report upon leaving a filing position. If you are one of these employees, you will be notified of your filing obligations by the Ethics Commission.

- The Public Ethics Law's restrictions include a number of exceptions that may apply in particular circumstances
- The Law provides for the Ethics Commission to issue waivers of some of the restrictions upon application made in accordance with the law

The Ethics Commission may institute action resulting in imposition of fines and other penalties. Serious misconduct can result in administrative action up to and including dismissal. And violation of the Ethics Law can be prosecuted by the State's Attorney office as a misdemeanor.

Remember, you **do not** have to be the expert in what the ethics and conduct rules are – but you **do** need to be able to identify when there is an issue, and know that there are County employees who can assist you in resolving ethics questions and problems.

For assistance, please contact:

Robert Cobb, Counsel to the Ethics Commission: 240-777-6674

or

Erin Chu, Program Manager, Ethics Commission: 240-777-6676

[www.montgomerycountymd.gov/ethics](http://www.montgomerycountymd.gov/ethics)

**MONTGOMERY COUNTY BCC ATTENDANCE POLICY  
SAMPLE LETTER**

**From BCC Board Chair or Staff Liaison  
to BCC member  
regarding member attendance policy violation.**

**Please also see attached pages:**

- 1) Instructions for staff**
- 2) Reference to Montgomery County Code Sec. 2-148.**

Date

Dear [BCC member]:

The records of the [name of BCC] indicate that you have been unable to attend [number of meetings missed] meetings on [dates of meetings] of the [name of BCC] since [date of last meeting attended]. I know that everyone has changes in their lives that disrupt their plans and appreciate that, despite best intentions, sometimes it is impossible to attend a meeting.

An attendance policy exists in the Montgomery County Code, however, which states that: “A member of a committee who misses more scheduled meetings or hearings than the number of allowed absences, computed by the following table, or who misses 3 consecutive scheduled meetings is automatically removed. Scheduled meeting or hearing means any meeting or hearing for which at least 7 days advance notice was given and which was held as scheduled.”

Allowed Absences:

Number of Meetings Held in One Year	Allowed Absences
1-4	1
5-8	2
9-12	3
13-16	4
17+	5

If there have been extenuating circumstances, and you would like to continue to serve, please contact [BCC Staff Liaison or Board Chair] at [phone number] no later than [two weeks from date of letter]. Should we not hear from you, we will consider your position on the [name of BCC] vacated.

[Staff can add any paragraph that may be appropriate about the member’s contributions and service to the BCC].

Sincerely,

[Board Chair or Staff Liaison]

cc: Ken Hartman, Assistant Chief Administrative Officer



## MONTGOMERY COUNTY BCC ATTENDANCE POLICY INSTRUCTIONS

### For Staff Liaisons

In general, staff should make all new members aware of the attendance policy at orientation, and provide timely reminders of the policy to current members.

If a member is in violation of the attendance policy, the member must be notified and allowed to respond as follows:

- 1) Send attendance letter to the member, clearly noting dates of meetings missed. Allow for a two-week response time.
- 2) Provide a copy of attendance letter to the representative of the “appointing authority,” Connie Latham, Special Assistant to the County Executive. ***This may be mailed or emailed to Beth Gochrach.***
- 3) If the member does not respond to the attendance letter in two weeks, notify the appointing authority again that the member has not responded.
- 4) Send a copy of the notification (in step 3) to each member of the committee.
- 5) Remember that for the purpose of counting absences, a year is a “rolling” year triggered by the member’s first absence and then counting back 12 months from the current month.

**MONTGOMERY COUNTY BCC ATTENDANCE POLICY  
REFERENCE IN MONTGOMERY COUNTY CODE**

Montgomery County Code
<a href="#">Part II. Local Laws, Ordinances, Resolutions, Etc.</a>
<a href="#">Chapter 2. Administration. [Note]</a>

**Article XI. Boards, Committees and Commissions. [\[Note\]](#)**

**Sec. 2-148. Appointments and removals.**

(b) *Removal for absenteeism.*

(1) A member of a committee who misses more scheduled meetings or hearings than the number of allowed absences, computed by the following table, or who misses 3 consecutive scheduled meetings, is automatically removed. Scheduled meeting or hearing means any meeting or hearing for which at least 7 days advance notice was given and which was held as scheduled

<b>Number of Meetings Held in One Year</b>	<b>Allowed Absences</b>
1-4	1
5-8	2
9-12	3
13-16	4
17+	5

(2) An automatic removal under this subsection takes effect 30 days after the presiding officer notifies the appointing authority. The presiding officer of the committee must promptly notify the appointing authority of any member who has been automatically removed and must explain any known extenuating circumstances. The presiding officer should send a copy of the notice to each member of the committee.

(3) The appointing authority, on request of the affected member, may waive the removal for illness, emergency or other good cause. The appointing authority must notify the member whether a waiver has been granted.

(4) If a waiver has not been granted, the appointing authority must appoint a successor to complete the unexpired term, subject to Council confirmation if the original appointment was subject to Council confirmation.



## MONTGOMERY COUNTY BOARDS, COMMITTEES, AND COMMISSIONS (BCCs) REQUIRED TRAINING, ATTENDANCE POLICY, PERTINENT WEBSITES 1/24

**BCC REQUIRED TRAINING** [Mont. County Code Sec. 2-148 \(d\)](#) BCC members (including ex officio members) and staff are required to take the three training modules within 90 days of their confirmation or assignment to a BCC. The link to all three can now be found [here](#) or can be accessed separately below.

**MONTGOMERY COUNTY ETHICS LAW TRAINING** - The training is online, and consists of viewing a 50-minute video, completing an evaluation form, receiving a certificate by email and uploading the certificate.

- Each individual trainee should electronically save the certificate received by email.

**MARYLAND OPEN MEETINGS ACT TRAINING** The training is online, takes approximately 2-1/2 hours, and consists of six training lessons. The training should be completed as soon as possible; however, if the participant cannot complete the training all at once, it may be broken up into multiple sessions using the same computer.

- Fill out and print a certificate of completion of the training. Each individual trainee should complete their own certificate. **Certificates must be printed immediately upon completion of the training.** After the training is completed, the certificates will not be accessible.
- Each individual trainee should electronically scan and save their certificate.

**MONTGOMERY COUNTY PARLIAMENTARY PROCEDURE TRAINING** The training is online, takes about 1/2 hour and consists of viewing a short video, taking a quiz, receiving a certificate by email and uploading the certificate.

- Each individual trainee should electronically save the certificate received by email.

**[LINK TO UPLOAD TRAINING CERTIFICATES OF COMPLETION](#) for all three training modules.** Each individual trainee should upload the certificate received by using the form on the BCC webpage. Individuals should complete the online form, **which includes a field for the staff liaison's email address. When that address is entered, an email is generated to the staff liaison with the certificate attached.** Staff liaisons will then track the participation of their BCC members.

### **BCC MEMBER ATTENDANCE POLICY** [Montgomery County Code Sec. 2-148 \(b\)](#)

(b) *Removal for absenteeism.*

(1) A member of a committee who misses more scheduled meetings or hearings than the number of allowed absences, computed by the following table, or who misses 3 consecutive scheduled meetings, is automatically removed. Scheduled meeting or hearing means any meeting or hearing for which at least 7 days advance notice was given and which was held as scheduled.

Number of Meetings Held in One Year	Allowed Absences
1-4	1
5-8	2
9-12	3
13-16	4
17+	5

(2) An automatic removal under this subsection takes effect 30 days after the presiding officer notifies the appointing authority. The presiding officer of the committee must promptly notify the appointing authority of any member who has been automatically removed and must explain any known extenuating circumstances. The presiding officer should send a copy of the notice to each member of the committee.

(3) The appointing authority, on request of the affected member, may waive the removal for illness, emergency or other good cause. The appointing authority must notify the member whether a waiver has been granted.

(4) If a waiver has not been granted, the appointing authority must appoint a successor to complete the unexpired term, subject to Council confirmation if the original appointment was subject to Council confirmation.

### **WEBSITES PERTINENT TO BCCS**

**COUNTY CODE REGARDING BCCS** ([reimbursement](#), [service on one board at a time](#), [term limits](#), [Robert's Rules of Order required for formal action](#))

**BCC WEBSITE** ([Policies and Procedures](#), [Council Policy Regarding Appointments](#), [List of BCCs](#), [BCC Vacancy Notices](#), [BCC Meeting Calendar](#))

**MONTGOMERY COUNTY ETHICS LAW** (for reference in addition to Ethics Law Training)

**MARYLAND OPEN MEETINGS ACT** (for reference in addition to Open Meetings Act Training)

**ROBERT'S RULES OF ORDER ONLINE** (for reference in addition to Parliamentary Procedure Training)

**AMERICANS WITH DISABILITIES ACT (ADA)** (for reference)

**POLITICAL ACTIVITIES – GUIDELINES** (for reference see [County Charter Section 405](#) [County Charter Section 408](#) [County Personnel Regulations](#) (See Section 3-8 - Political Activity))

**THANK YOU FOR YOUR SERVICE! – County Executive Marc Elrich**

**For More Information Please Contact:**

Ken Hartman, Director of Strategic Partnerships, [Ken.Hartman@montgomerycountymd.gov](mailto:Ken.Hartman@montgomerycountymd.gov)  
Beth Gochrach, Boards, Committees and Commissions Specialist, [Beth.Gochrach@montgomerycountymd.gov](mailto:Beth.Gochrach@montgomerycountymd.gov)

## Important Websites to Know

### County Website

[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

### Boards, Committees, and Commissions

[www.montgomerycountymd.gov/boards/](http://www.montgomerycountymd.gov/boards/)

- Find *Policies and Procedures, B/C/C List and Brief Description, Meeting Calendar, Vacancy Notices and Online Application Procedure Council Policy Regarding Appointments*

### Montgomery County Code

<https://codelibrary.amlegal.com/codes/montgomerycounty/latest/overview>

- You can also find it by going to the County's main website:  
<https://www.montgomerycountymd.gov/mcg/countycode.html>
- When searching the County Code, fill in the Search Bar with the Code Section or B/C/C title

### Mid-County Regional Services Office

<https://www.montgomerycountymd.gov/midcounty>

### Wheaton Urban District

<https://www.wheatonmd.org/>

### Mid-County Citizens Advisory Board

[montgomerycountymd.gov/midcounty/boards/mccabindex.html](http://montgomerycountymd.gov/midcounty/boards/mccabindex.html)

### Wheaton Urban District Advisory Committee

[montgomerycountymd.gov/midcounty/boards/wudacindex.html](http://montgomerycountymd.gov/midcounty/boards/wudacindex.html)

### Open Meetings Act

<http://www.marylandattorneygeneral.gov/Pages/OpenGov/Openmeetings>

### Roberts Rules of Order

<https://robertsrules.com/frequently-asked-questions/>

**Section 3:**  
*WUDAC Structure*

## **WUDAC Operating Procedures & Membership Guidelines**

### **Operating Procedures**

- Yearly Term** The Committee's yearly term runs from July 1<sup>st</sup> to June 30<sup>th</sup>. No meeting is held in August.
- Chairmanship** The Committee votes on a Chair and Vice Chair at the November meeting. The new officers then preside over the new yearly term beginning with the December meeting. The Chair may serve no more than two consecutive years.
- Meetings** The Wheaton Urban District Advisory Committee (WUDAC) meets on the second Tuesday of each month from 6:30 to 8:00 p.m. (except August). The agenda is emailed to each member at least 5 days prior to the monthly meeting. A quorum consisting of six (6) members is needed to conduct business. The State Open Meetings Act requires public bodies to keep written minutes of all meetings.
- Public Testimony** Positions will be written and, in addition, may be presented orally by a member selected by the Committee. The testimony will state whether a position is unanimous or by majority with the actual vote count available on request.
- Reports** Annually, the WUDAC reports to the County Executive and County Council on the following: the committee's functions, activities, accomplishments, plans, and objectives, including recommendations for changes in board functions.
- Staffing** The role of staff is to assist in providing notice of meetings, recording minutes, transmitting meeting materials, and meeting recordkeeping requirements.

### **Membership Guidelines**

- Membership** The WUDAC consists of eleven (11) members which include two (2) members from the Wheaton Kensington Chamber of Commerce, two (2) members who represent large businesses, two (2) members who represent small businesses, one (1) member who represents the Mid-County Citizens Advisory Board and four (4) members who represent the community. Members are appointed by the County Executive and confirmed by the County Council.

<b><u>Term</u></b>	Each term is three years in length. Members are eligible to serve two consecutive terms. A member appointed to fill a partial term vacancy is appointed only for the remainder of that term. If the partial term is one year or more, it will be counted as a full term. If a partial term is less than one year the member is still eligible to serve two consecutive three-year terms. The Committee elects its Chair and Vice Chair every November for the upcoming year.
<b><u>Compensation</u></b>	WUDAC members serve without compensation. However, members may request reimbursement for mileage and dependent care at rates established by the County for each monthly Committee meeting as well as any necessary meetings during the month (planning, recruiting/nominating). Current reimbursement rates are \$10.00 per meeting for mileage and \$30.00 per meeting for childcare costs and are subject to change. Reimbursement forms are included in the orientation book and are also available from staff at any time. Members may submit the form on a quarterly basis and receive a check via mail when the request has been processed.
<b><u>Financial Disclosure</u></b>	Not required.
<b><u>Duties</u></b>	The purpose of this Committee is to advise the County on the public services and facilities necessary to implement the purposes of an Urban District.
<b><u>Attendance Policy</u></b>	Active involvement of all members is required for the Committee to be effective. If a member must miss a board meeting, he or she should notify the board Chair or Center staff. A member who is absent from three meetings of the scheduled meetings during an annual period is considered to have resigned from the board. When a member resigns through absence, the Director of the Mid-County Regional Center notifies the County Executive and all members of the Committee. The County Executive may waive the resignation for illness, emergency, or other good cause.
<b><u>Liability</u></b>	WUDAC members have liability protection under the Local Government Tort Claims Act for actions arising out of their scope of employ, i.e., their Committee responsibilities. Committee members will also receive certain medical benefits; this coverage is limited, however, to benefits for reasonable medical treatment comparable to medical benefits payable under the Maryland Workers' Compensation Act. Members must be registered with the County's Risk

Management System. Committee members should ask staff for the appropriate form.

## **Ethics**

The Montgomery County Public Ethics Law prohibits Committee members from participating in matters that involve the economic or fiduciary interest of the member. Committee members are also prohibited from participating in a matter that involves an economic interest of a relative. Relatives include siblings, parents, grandparents, children, grandchildren, a spouse, a spouse's relatives, and the spouses of these relatives.

The ethics law prohibits Committee members from accepting or soliciting gifts from lobbyists and persons doing business with or regulated by the agency with which the committee is affiliated. A Committee member must not solicit a gift while identifiable as a member of the WUDAC unless expressly authorized to do so for the benefit of the County by the appropriate authority.

A Committee member must comply with the employment provisions of the ethics law. A Committee member is not required to obtain approval for employment with respect to employment held when the member was appointed if the Committee member publicly disclosed the employment relationship to the appointing authorities before appointment. A Committee member must not seek a contract with the County or take as a client an entity that contracts with or is regulated by the agency with which the Committee member is affiliated without first referring the matter to the Ethics Commission. A Committee member should not represent a person if the person's interest is adverse to that of the County without first referring the matter to the Ethics Commission.

A Committee member must not disclose confidential information or attempt to use the prestige of the member's office for private gain or the gain of another. A Committee member must not use an official County agency title or insignia in connection with any private enterprise or use a County facility or property for personal use or the use of another unless the use is generally available to the public.

The description of the public ethics law is intended to provide a general overview only. In specific cases, the ethics law itself should be consulted and, where appropriate, a request for an advisory opinion or waiver made to the Ethics Commission.



The WUDAC is responsible for reviewing County Ethics Law periodically with its Committee membership. Each Committee member has a responsibility to adhere to the County's sexual harassment and non-discrimination policies.

Formal ethics training is available to all Committee Members on a semi-annual basis. Members will be notified as training opportunities are scheduled.

## 2024-2025 Membership List

Member	Term Expires	Phone Number	Email Address
<b>Residential Representatives</b>			
Jim Epstein - <b>CHAIR</b>	June 2024 (2 <sup>nd</sup> Term)	Pending	<a href="mailto:epis@comcast.net">epis@comcast.net</a>
Nina Koltnow - <b>SECRETARY</b>	June 2027 (1 <sup>st</sup> Term)	301-219-5891	<a href="mailto:ninack@mac.com">ninack@mac.com</a>
Riana Cole	June 2026 (1 <sup>st</sup> term)	9136-346-439	<a href="mailto:robrianacole@gmail.com">robrianacole@gmail.com</a>
Andrea Hernandez	June 2027 (1 <sup>st</sup> Term)	240-645-5942	<a href="mailto:andmh13@gmail.com">andmh13@gmail.com</a>
<b>Chamber of Commerce Representatives</b>			
Tanya Baskin	June 2025 (Partial Term)	Pending	<a href="mailto:tanya@tbgsstrategies.com">tanya@tbgsstrategies.com</a>
Ali-Oliver-Krueger	June 2026 (2 <sup>nd</sup> Term)	Pending	<a href="mailto:ali@interactstory.com">ali@interactstory.com</a>
<b>Small Business Representatives</b>			
Pedro Matamoros	June 2026 (2 <sup>nd</sup> Term)	301-907-1029	<a href="mailto:franksburgerplace@gmail.com">franksburgerplace@gmail.com</a> <a href="mailto:pedropablotritip@gmail.com">pedropablotritip@gmail.com</a>
Kit Wood	June 2025 (1 <sup>st</sup> Term)	Pending	<a href="mailto:kit@greenplatecatering.com">kit@greenplatecatering.com</a>
<b>Large Business Representatives</b>			
Phillip Daley	June 2027 (Partial Term)	240-669-0381	<a href="mailto:philip.daley@urw.com">philip.daley@urw.com</a>
Dave Jarrett	June 2025 (1 <sup>st</sup> Term)	Pending	<a href="mailto:dicnptv@hotmail.com">dicnptv@hotmail.com</a>
<b>Mid-County Citizens Advisory Board Liaison</b>			
Rob Fox	June 2026 (1 <sup>st</sup> Term)	513-259-8450	<a href="mailto:rob.env.fox@gmail.com">rob.env.fox@gmail.com</a>
<b>WUDAC Staff Liaison</b>	<b>Address</b>	<b>Phone(s)</b>	<b>Email</b>
Luisa Cardona <b>MID-COUNTY REGIONAL DIRECTOR</b>	2425 Reedie Drive Wheaton, MD 20902	240-777-8101 (W) 240-412-8721 (C)	<a href="mailto:luisa.cardona@montgomerycountymd.gov">luisa.cardona@montgomerycountymd.gov</a>

## Meeting Dates for FY 25

*(Calendar is subject to change)*

Tuesday, July 9, 2024	WUDAC Meeting
Tuesday, September 10, 2024	WUDAC Meeting
Tuesday, October 8, 2024	WUDAC Meeting
Tuesday, November 12, 2024	WUDAC Meeting
Tuesday, December 10, 2024	WUDAC Meeting
Tuesday, January 14, 2024	WUDAC Meeting
Tuesday, February 11, 2024	WUDAC meeting
Tuesday, March 11, 2024	WUDAC Meeting
Tuesday, April 8, 2024	WUDAC Meeting
Tuesday, May 13, 2024	WUDAC Meeting
Tuesday, June 10, 2024	WUDAC Meeting
<b>No meeting in August 2024</b>	

**All meetings will be held in person and via Zoom.**

**Join in Person:**

2nd Floor Mid-County Board Room; 2425 Reddie Drive, Wheaton MD 20902

**Join via Zoom:**

<https://us06web.zoom.us/j/84643440505>; Meeting ID: 846 4344 0505, +1 301 715 8592

Montgomery County, Maryland

GENERAL VOLUNTEER REGISTRATION FORM

Completion of this form is required by all volunteers. The Montgomery County Self-Insurance Program provides medical benefits for volunteers injured while performing duties on behalf of the County as directed by the supervisor, comparable to medical benefits as required to be provided under the Workers' Compensation Law of the State of Maryland. The Montgomery County Self-Insurance Program also provides General Liability Coverage to volunteers consistent with Article 20-37 of the Montgomery County Code and with The Maryland Local Government Tort Claims Act. Details of coverage may be discussed with the Division of Risk Management. Please complete this form as accurately as possible.

Be assured that this information is confidential and for use only by the Division of Risk Management.

Please Type or Print Clearly

Name: \_\_\_\_\_ \*Date of Birth \_\_\_\_\_

Street Address: \_\_\_\_\_ Apt. #: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Email address \_\_\_\_\_ Primary Phone: \_\_\_\_\_

Volunteer's Area of Specialty: \_\_\_\_\_

I hereby state that the above information is correct as of this date.

Volunteer's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\*VOLUNTEERS UNDER AGE 18 MUST HAVE THE FOLLOWING SECTION COMPLETED BY A PARENT &/OR LEGAL GUARDIAN.

I am the parent and/or legal guardian for \_\_\_\_\_, a minor. I hereby give my permission for him/her to perform volunteer services for Montgomery County Department of \_\_\_\_\_

Parent/Legal Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

This part to be completed by the Volunteer's County Govt. Supervisor

County Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Last Name of County Supervisor: \_\_\_\_\_ Supv. Phone No.: \_\_\_\_\_

County Department: \_\_\_\_\_ and Division: \_\_\_\_\_ (where Volunteer will work)

Please note, the supervisor information must be completed BEFORE the volunteer information is entered in the Risk Management Volunteer Registration System (RMVRS)

Keep completed form with ORIGINAL SIGNATURES in accordance with Departmental Records requirements

Direct any questions to:
Division of Risk Management/Insurance Section
101 Monroe Street, 15th Floor
Rockville, Maryland 20850
240-777-8920

\*\*\*\*If you will be driving on behalf of Montgomery County, you must also complete a Driver Volunteer Registration form.



## REIMBURSEMENT INSTRUCTIONS FOR STAFF

Reimbursement is for “public” BCC members. Ex Officio members mandated in a BCCs enabling legislation should be reimbursed for travel expenses by the organization with which they are affiliated.

The rate of reimbursement is \$10.00 for transportation and \$30.00 for dependent care for each regularly scheduled BCC meeting or subcommittee meeting attended by a member. No receipts are required for either type of reimbursement.

Reimbursement for virtual meetings is for dependent care only, not transportation.

Reimbursement Forms should be distributed to all new members upon receiving their BCC orientation. Forms should also be available at every meeting. Staff should check completed forms for accuracy, especially in regard to dates of meetings attended.

**Reimbursement requests should be processed QUARTERLY in the same fiscal year as expenses are incurred**, but may be processed monthly upon request of a member. The County’s fiscal year is from July 1 – June 30.

Steps for processing reimbursement requests:

- 1) BCC member completes Reimbursement Form and submits to BCC staff liaison.
- 2) Staff liaison reviews Reimbursement Form for accuracy and approves.
- 3) Staff liaison submits Reimbursement Form to his/her departmental accounting staff authorized to access the Oracle accounting system.

**Cost Center Code 99270**  
**Account Code 64504**  
**General Fund – Non Departmental Account – 001**

- 4) Reimbursement check is sent to BCC member.

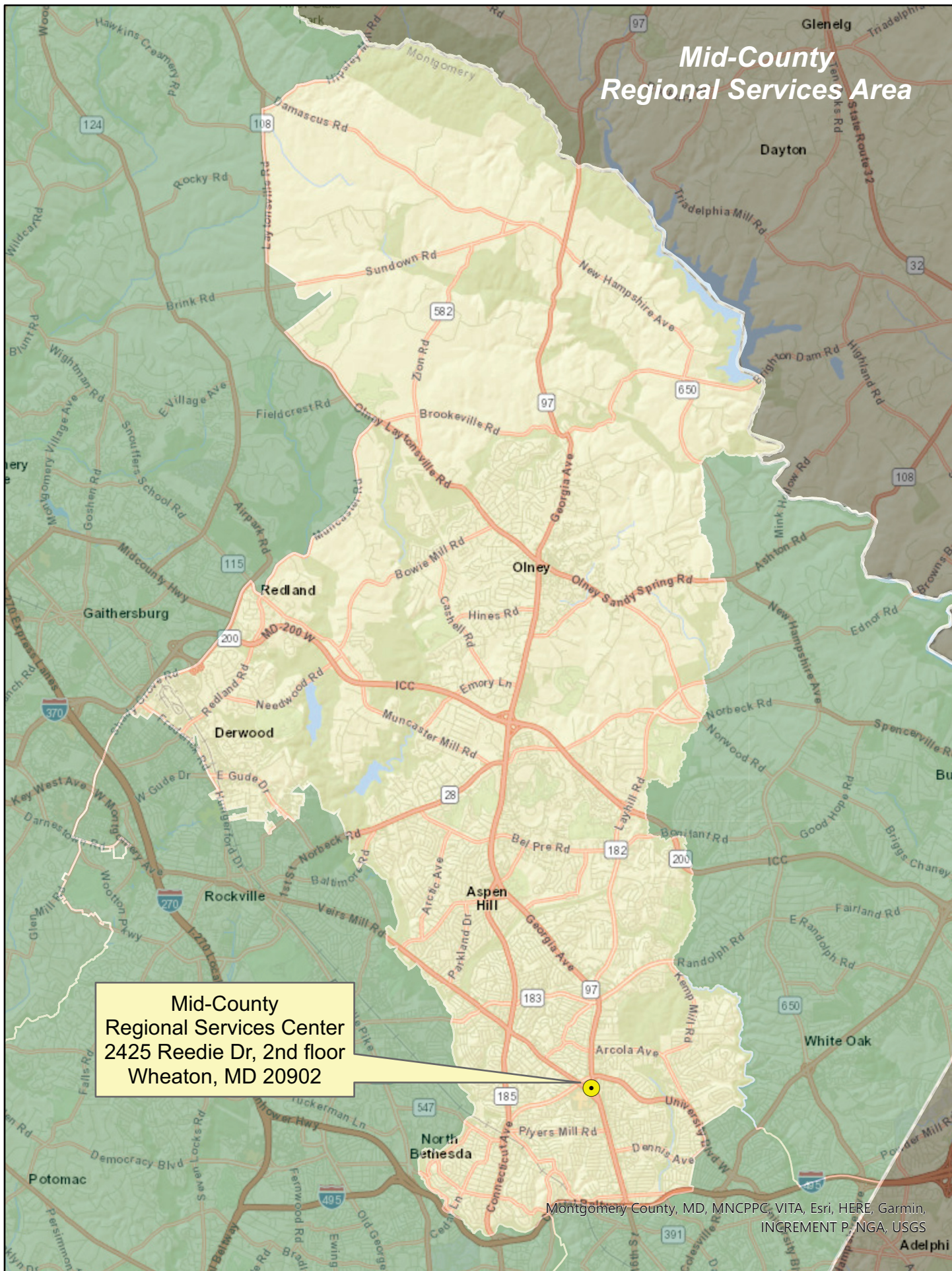
Note: Social Security numbers are not required for BCC members to receive reimbursements.

**Section 4:**  
*Maps & Demographics*





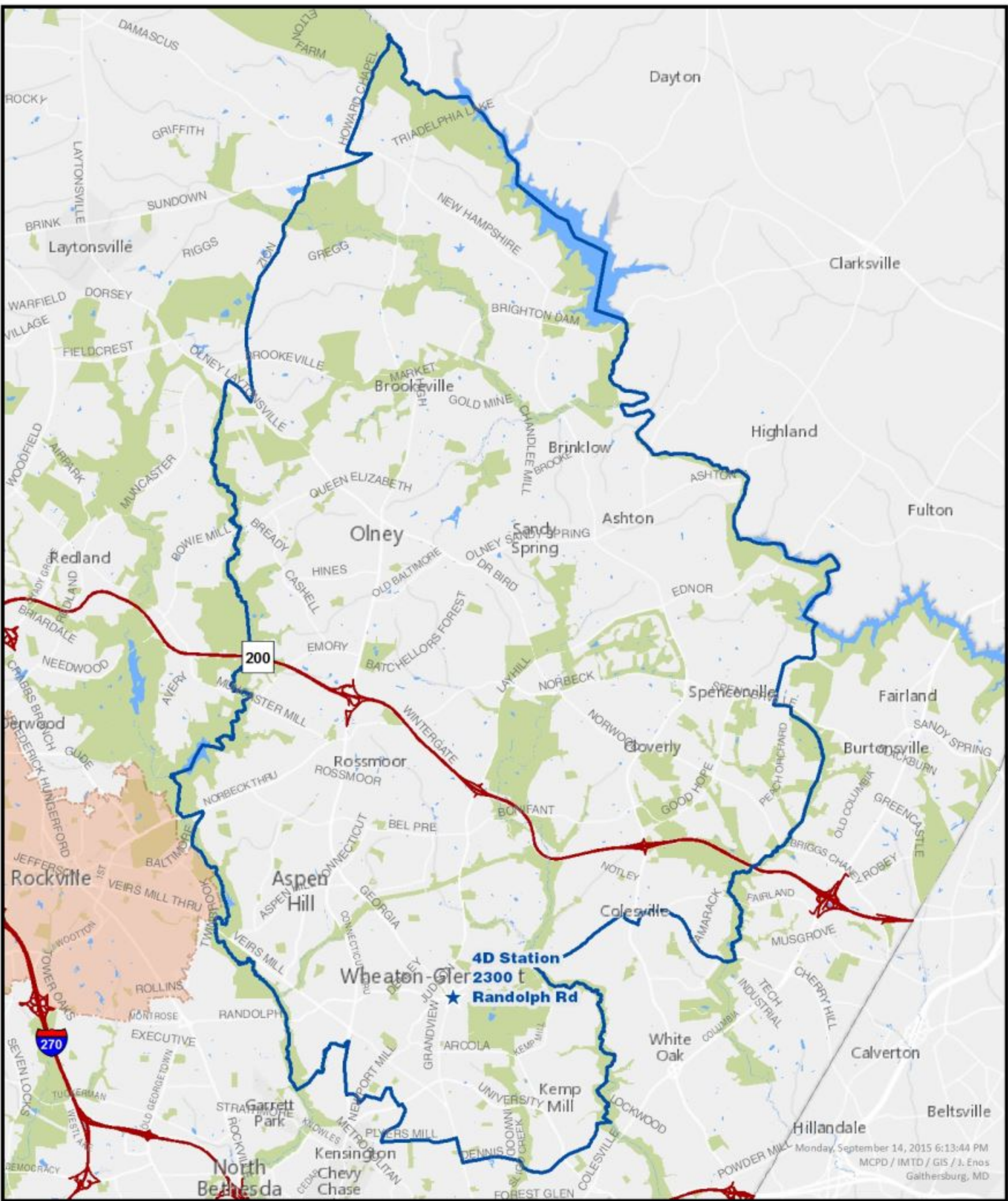
# Mid-County Regional Services Area



Mid-County  
Regional Services Center  
2425 Reedie Dr, 2nd floor  
Wheaton, MD 20902

Montgomery County, MD, MNCPPC, VITA, Esri, HERE, Garmin,  
INCREMENT P, NGA, USGS





Monday, September 14, 2015 6:13:44 PM  
 MCPD / IMTD / GIS / J. Enos  
 Gaithersburg, MD



# 4th DISTRICT *WHEATON*

## MONTGOMERY COUNTY POLICE DEPARTMENT

- ★ District Station
- ⊕ Police Dist. Boundary
- Interstate Hwys
- Incorporated Cities
- Parks



# Wheaton



Arts & Entertainment District  
165.5 acres



Central Business District &  
Transportation Management District  
(same boundaries)  
76.0 acres



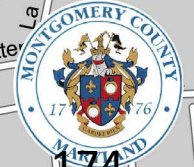
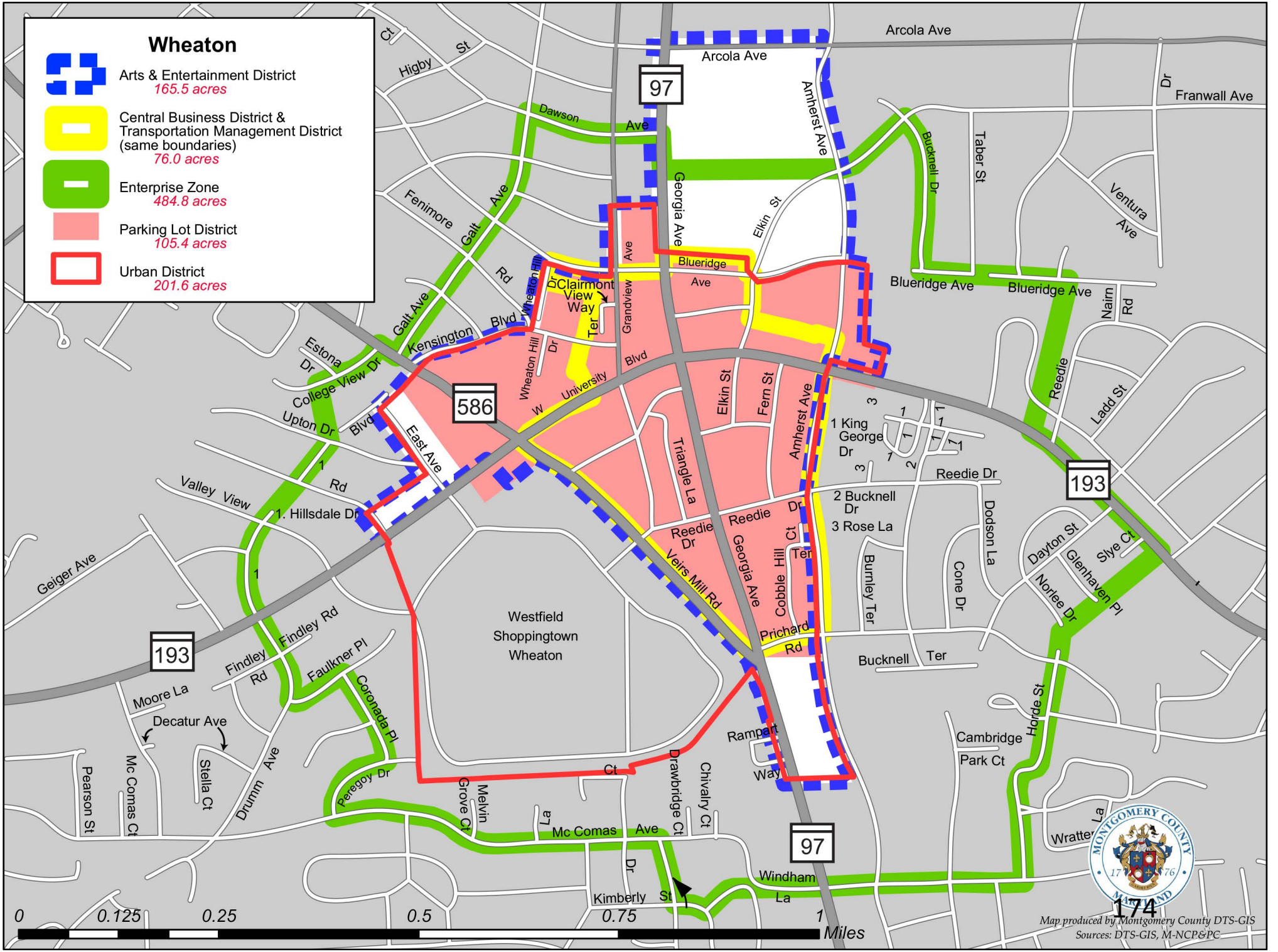
Enterprise Zone  
484.8 acres



Parking Lot District  
105.4 acres












































Urban District  
201.6 acres



**QuickFacts**

**Wheaton CDP, Maryland; Montgomery County, Maryland**


QuickFacts provides statistics for all states and counties. Also for cities and towns with a *population of 5,000 or more*.


All Topics 	Wheaton CDP, Maryland	Montgomery County, Maryland
<b>Population estimates, July 1, 2023, (V2023)</b>	 X	 <b>1,058,474</b>
<b>PEOPLE</b>		
<b>Population</b>		
<b>Population estimates, July 1, 2023, (V2023)</b>	 X	 <b>1,058,474</b>
Population Estimates, July 1, 2022, (V2022)	 X	 1,053,067
Population estimates base, April 1, 2020, (V2023)	 X	 1,062,065
Population estimates base, April 1, 2020, (V2022)	 X	 1,062,065
Population, percent change - April 1, 2020 (estimates base) to July 1, 2023, (V2023)	 X	 -0.3%
Population, percent change - April 1, 2020 (estimates base) to July 1, 2022, (V2022)	 X	 -0.8%
Population, Census, April 1, 2020	52,150	1,062,061
Population, Census, April 1, 2010	48,284	971,777
<b>Age and Sex</b>		
Persons under 5 years, percent	 6.4%	 5.7%
Persons under 18 years, percent	 23.4%	 22.5%
Persons 65 years and over, percent	 12.2%	 17.2%
Female persons, percent	 48.9%	 51.2%
<b>Race and Hispanic Origin</b>		
White alone, percent	 29.5%	 58.4%
Black or African American alone, percent (a)	 19.6%	 20.7%
American Indian and Alaska Native alone, percent (a)	 0.7%	 0.9%
Asian alone, percent (a)	 11.0%	 16.2%
Native Hawaiian and Other Pacific Islander alone, percent (a)	 0.0%	 0.1%
Two or More Races, percent	 7.2%	 3.7%
Hispanic or Latino, percent (b)	 44.2%	 20.3%
White alone, not Hispanic or Latino, percent	 22.1%	 41.4%
<b>Population Characteristics</b>		
Veterans, 2018-2022	1,412	35,181
Foreign born persons, percent, 2018-2022	42.4%	32.7%
<b>Housing</b>		
Housing units, July 1, 2022, (V2022)	X	406,801
Owner-occupied housing unit rate, 2018-2022	63.8%	65.5%
Median value of owner-occupied housing units, 2018-2022	\$454,600	\$588,900
Median selected monthly owner costs -with a mortgage, 2018-2022	\$2,446	\$2,843
Median selected monthly owner costs -without a mortgage, 2018-2022	\$698	\$924
Median gross rent, 2018-2022	\$2,039	\$1,957
Building permits, 2022	X	724
<b>Families &amp; Living Arrangements</b>		
Households, 2018-2022	16,734	385,284
Persons per household, 2018-2022	3.14	2.72
Living in same house 1 year ago, percent of persons age 1 year+, 2018-2022	88.2%	87.0%
Language other than English spoken at home, percent of persons age 5 years+, 2018-2022	61.5%	41.9%
<b>Computer and Internet Use</b>		
Households with a computer, percent, 2018-2022	96.5%	97.7%
Households with a broadband Internet subscription, percent, 2018-2022	94.0%	94.7%
<b>Education</b>		
High school graduate or higher, percent of persons age 25 years+, 2018-2022	79.8%	91.3%
Bachelor's degree or higher, percent of persons age 25 years+, 2018-2022	37.2%	60.0%
<b>Health</b>		
With a disability, under age 65 years, percent, 2018-2022	5.1%	5.5%
Persons without health insurance, under age 65 years, percent	 14.5%	 7.3%

<b>Economy</b>		
In civilian labor force, total, percent of population age 16 years+, 2018-2022	71.6%	69.9%
In civilian labor force, female, percent of population age 16 years+, 2018-2022	64.0%	65.1%
Total accommodation and food services sales, 2017 (\$1,000) (c)	80,948	2,561,291
Total health care and social assistance receipts/revenue, 2017 (\$1,000) (c)	236,705	9,203,043
Total transportation and warehousing receipts/revenue, 2017 (\$1,000) (c)	19,370	474,595
Total retail sales, 2017 (\$1,000) (c)	696,027	14,659,223
Total retail sales per capita, 2017 (c)	NA	\$13,998
<b>Transportation</b>		
Mean travel time to work (minutes), workers age 16 years+, 2018-2022	33.4	33.0
<b>Income &amp; Poverty</b>		
Median household income (in 2022 dollars), 2018-2022	\$101,229	\$125,583
Per capita income in past 12 months (in 2022 dollars), 2018-2022	\$41,025	\$64,126
Persons in poverty, percent	△ 9.9%	△ 7.9%
<b>BUSINESSES</b>		
<b>Businesses</b>		
Total employer establishments, 2021	X	27,586
Total employment, 2021	X	413,726
Total annual payroll, 2021 (\$1,000)	X	33,266,789
Total employment, percent change, 2020-2021	X	-8.4%
Total nonemployer establishments, 2021	X	121,256
All employer firms, Reference year 2017	884	21,825
Men-owned employer firms, Reference year 2017	494	13,383
Women-owned employer firms, Reference year 2017	S	4,397
Minority-owned employer firms, Reference year 2017	S	6,473
Nonminority-owned employer firms, Reference year 2017	432	13,164
Veteran-owned employer firms, Reference year 2017	46	1,368
Nonveteran-owned employer firms, Reference year 2017	675	18,167
<b>GEOGRAPHY</b>		
<b>Geography</b>		
Population per square mile, 2020	7,560.2	2,153.8
Population per square mile, 2010	6,998.2	1,978.2
Land area in square miles, 2020	6.90	493.11
Land area in square miles, 2010	6.90	491.25
FIPS Code	2483775	24031

[About datasets used in this table](#)

#### Value Notes

 Methodology differences may exist between data sources, and so estimates from different sources are not comparable.

Some estimates presented here come from sample data, and thus have sampling errors that may render some apparent differences between geographies statistically indistinguishable. Click the Quick Info  icon to the left of each row in Table 1 to learn about sampling error.

The vintage year (e.g., V2023) refers to the final year of the series (2020 thru 2023). Different vintage years of estimates are not comparable.

Users should exercise caution when comparing 2018-2022 ACS 5-year estimates to other ACS estimates. For more information, please visit the [2022 5-year ACS Comparison Guidance](#) page.

#### Fact Notes

- (a) Includes persons reporting only one race
- (c) Economic Census - Puerto Rico data are not comparable to U.S. Economic Census data
- (b) Hispanics may be of any race, so also are included in applicable race categories

#### Value Flags

- Either no or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest or upper interval of an open ended distribution
- F Fewer than 25 firms
- D Suppressed to avoid disclosure of confidential information
- N Data for this geographic area cannot be displayed because the number of sample cases is too small.
- FN Footnote on this item in place of data
- X Not applicable
- S Suppressed; does not meet publication standards
- NA Not available
- Z Value greater than zero but less than half unit of measure shown

QuickFacts data are derived from: Population Estimates, American Community Survey, Census of Population and Housing, Current Population Survey, Small Area Health Insurance Estimates, Small Area Income and Poverty Estimates, State and County Housing Unit Estimates, County Business Patterns, Nonemployer Statistics, Economic Census, Survey of Business Owners, Building Permits.



# MID-COUNTY REGIONAL SERVICES

The **Mid-County Regional Services Office** is one of five regional services area offices designed to bring direct services to the public and to enhance communication between residents and County government. The Office's four core functions include 1) coordinating projects among multiple agencies in their respective region; 2) assisting department with outreach to communities (and vice versa); 3) providing additional knowledge to departments about their respective regions (and vice versa) and 4) helping departments be responsive to the community's needs. Over the years, the Mid-County Office has helped to facilitate many public-private partnerships for the benefit of the residents and businesses located throughout the 99 square miles that make up the service area for the Mid-County Regional Office.

## Administration

The Office is led by the Mid-County Regional Office Director who offers problem solving, information, and referrals to residents and businesses. Staff work directly with residents, community groups, businesses, the Mid-County Citizens Advisory Board, the Wheaton Urban District Advisory Committee, and numerous public and private agencies to assess regional area problems, to determine solutions that emphasize cooperative efforts, and to foster public-private partnerships.

The Mid-County Office staff provide:

- Information about direct services
- Responses to requests for services
- Problem solving assistance and advice
- Staffing of Mid-County and Wheaton Boards and Committees
- Referrals to other agencies

The Director for the Mid-County Regional Services Office is **Luisa F. Cardona**. She can be reached at 240-777-8101 or [luisa.cardona@montgomerycountymd.gov](mailto:luisa.cardona@montgomerycountymd.gov).

## Mid-County Citizens Advisory Board

An 15-member Board, appointed by the County Executive and approved by the County Council, to provide advice to County Government on matters affecting the Mid-County region and the 220,000 residents and businesses in the 99 square miles of the service area.

**Meets the third Tuesday** of each month (except in August) at 7:00 p.m. in the Mid-County Community Recreation Center (2004 Queensguard Road, Silver Spring, MD). Meetings are open to the public.

## Wheaton Urban District Advisory Committee

An 11-member Committee, appointed by the County Executive and confirmed by the County Council, to provide advice on all issues affecting the Wheaton Urban District.

**Meets the second Tuesday** of every month (except in August) at 6:30 p.m in the Wheaton Volunteer Rescue Squad (2004 Arcola Ave, Wheaton, MD). Meetings are open to the public.



The Mid-County Regional Services Office includes a population of approximately 220,000 residents and businesses in an area that extends from the Beltway to Howard County.

Serving the communities of:  
*Aspen Hill, Brookeville, Capital View, Derwood, Forest Glen, Glenmont, Kemp Mill, Kensington, Layhill, Norbeck, Olney, Sandy Spring, Upper Rock Creek, & Wheaton.*

Sign-up for Mid-County e-Newsletter: [www.goo.gl/3YYMDG](http://www.goo.gl/3YYMDG)

### Wheaton Urban District Clean & Safe Team

The **Wheaton Urban District** provides special services to the Central Business District to ensure that downtown Wheaton is maintained in a clean, safe, and attractive manner to promote a vibrant social and business environment. For information about businesses, events, and developments in the Wheaton Urban District, go to [wheatonmd.org](http://wheatonmd.org).

The Clean and Safe Teams (recognized by their red shirts) provide landscaping, maintenance, and concierge services to the businesses and patrons in the Urban District. Their goal is to make Wheaton a better place to live, visit, and do business. To contact a Safe Team member, call the hotline at 240-777-8120.

