

COUNTY OF MONTGOMERY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 93-3

October 28, 1993

OPEN SPACE PROGRAM

AN ORDINANCE ESTABLISHING A \$100 MILLION OPEN SPACE PROGRAM, ACCEPTING THE REPORT OF THE OPEN SPACE PRESERVATION TASK FORCE, PROVIDING FOR THE ALLOCATION OF GRANT FUNDS, CREATING AN OPEN SPACE BOARD AND ESTABLISHING ITS DUTIES, AND PROVIDING FOR THE ADMINISTRATION OF THE OPEN SPACE PROGRAM.

WHEREAS, the Commissioners of Montgomery County appointed an Open Space Preservation Task Force (Task Force) of 26 county residents on April 15, 1993 and asked the Task Force to recommend a comprehensive long term strategy for the preservation of open space and natural amenities, the expansion of the county park system, the development of greenways and trails, the stimulation of municipal open space planning, and the acquisition and preservation of significant agricultural lands; and

WHEREAS, the Task Force has met and deliberated over the past six months and has concluded its work and prepared a report and recommendations dated September 14, 1993; and

WHEREAS, the Task Force has found that Montgomery County needs more open space; and

WHEREAS, the Task Force has concluded that the 62 townships and boroughs making up the county are in need of assistance to help them preserve open space and improve the open space they have and that support and assistance can be met by county government establishing a grant-in-aid program for the municipalities; and

WHEREAS, the Task Force concluded that the County Park System should be expanded to better serve county residents; and

WHEREAS, the Task Force recommends that some funds be set aside as challenge grants to encourage private non-profit groups to raise matching funds and acquire open space; and

WHEREAS, the Task Force also recommends that the existing farmland preservation

program be expanded; and

WHEREAS, the Task Force has recommended a tree planting program be undertaken by granting funds to municipalities for planting trees along streets, highways, stream valleys, and in parks; and

WHEREAS, to accomplish these goals and recommendations the Task Force has designed ten individual open space programs listed and described on Attachment One to this Ordinance; and

WHEREAS, the Task Force evaluated and estimated funds needed to accomplish the goals in the ten different programs and concluded that \$100 million dollars is the minimum amount that should be provided and the \$100 million should be allocated in accordance with Attachment One to this Ordinance; and

WHEREAS, in reaching the allocation of funds the Task Force has recommended that 59.23 percent of the funds be allocated to assist the 62 townships and boroughs as follows:

- A. \$37.8 million to acquire open space in those townships and boroughs with open land available.
- B. \$18 million to assist those townships and boroughs with little if any land available for acquisition to create open space and improve existing open space.
- C. \$.93 million for grants to assist all municipalities in the preparation of an open space preservation plan.
- D. \$2.5 million as municipal grants for all 62 municipalities to acquire and plant trees.

WHEREAS, the Task Force has recommended that \$37.96 million be allocated for county programs to expand the county park system, acquire natural resource areas, establish a trail system, and that \$2.81 million be allocated for non-profit challenge grants; and

WHEREAS, the Task Force has recommended that full and complete management, direction, and operation of the \$100 million program be placed in the hands of a newly established Open Space Board of five county residents who will be assisted and supported by the staff members of existing county departments and by temporary consultants and advisors as needed; and

WHEREAS, the Task force has recommended that grants to municipalities be allocated by a formula that includes a base grant of equal amount to each municipality and a per capita amount for each resident in the municipality based on the 1990 Census, and the schedule of formula grants is shown on Attachment Two to this Ordinance; and

WHEREAS, the Task Force has recommended that each township and borough shall prepare and adopt a plan for the preservation and protection of open spaces, as a prerequisite for receiving acquisition or development grants, and the Task Force has recommended that funds be allocated to grant a maximum of \$15,000 to each municipality for the cost of the plan preparation which must be matched by \$1 of municipal cash or services for each \$3 of county grant; and

WHEREAS, given the time period for full implementation of the ten programs, the Task Force recommends that proceeds from the projected \$100 million of borrowing, be made available over the planning period of seven to ten years.

NOW THEREFORE, THE COMMISSIONERS OF MONTGOMERY COUNTY ORDAIN AND ENACT AS FOLLOWS:

Section One. Short Title

This Ordinance shall be known and may be cited as the Montgomery County Open Space Ordinance.

Section Two. Purpose

The County Commissioners of Montgomery County intend to establish a \$100 million dollar Open Space Program to be managed by a five member Open Space Board which will preserve and protect open space.

Section Three. Acceptance of Recommendations of The Open Space Task Force

The Commissioners of Montgomery County do hereby accept the report and recommendations of the Open Space Preservation Task Force dated September 14, 1993, and adopt it as part of this Ordinance as though it was fully set forth herein.

Section Four. Open Space Program Funding Allocation

Ten separate Open Space Programs are hereby established in accordance with the report and recommendations of the Open Space Preservation Task Force. The \$100 million dollar Open Space Program shall be allocated in accordance with Attachment One attached to this Ordinance.

Section Five. Grants to Municipalities For Land Acquisition and Development

Open Space grants to municipalities shall be allocated by a formula that includes a base grant of equal amount to each municipality and a per capita amount for each resident in the municipality based on the 1990 Census. The allocation in the first round of grants shall be in

accordance with the schedule set forth in Attachment Two attached to this Ordinance.

Section Six. Grants to Municipalities for Open Space Plans

Each township and borough shall prepare and adopt a plan for the preservation and protection of open spaces as a prerequisite for receiving land acquisition or development grants. Each municipality is eligible for a maximum grant of \$15,000 for the cost of plan preparation which must be matched by \$1 of municipal cash or services for each \$3 of county grant.

Section Seven. Creation of An Open Space Board

A five member board is hereby created, known as the Open Space Board, effective this date. Each member shall be appointed for a term of five (5) years, with the initial five (5) members being appointed for terms of one, two, three, four and five years respectively. The Open Space Board shall have the powers and duties to approve all grants, establish rules and guidelines for each of the ten programs, reallocate unspent Round One grants in Round Two, approve municipal open space plans, approve acquisition of land by the county, conduct studies on progress of the program, hold public meetings as needed, and prepare an annual report of progress. All of the actions including the above actions of the Open Space Board are subject to the approval of the County Commissioners. The staff personnel of the County Park Board, the County Planning Commission, the Department of Historic Sites, and any other county departments are instructed as needed to assist the Open Space Board in their work.

Section Eight. Preparation Of Operating Plan And Budget For CY1994

The Open Space Board is hereby directed to prepare and submit an operating plan and budget for CY1994 within 30 days for inclusion within the county CY1994 Capital budget.

Section Nine. Initial Borrowing Plan

The County Solicitor, Director of Finance, and the County Administrator are instructed to draft an initial plan for county borrowing of \$100 million over the next seven to ten years which will provide sufficient funds annually to meet the needs of the Open Space Board to fund the ten Open Space Programs.

Section Ten. Establishment Of Procedure

The County Administrator is hereby instructed to establish an administrative procedure for the expeditious processing of recommendations to be made by the Open Space Board to the Board of County Commissioners for the approval and payment of grants to municipalities and non-profit groups and also for the expeditious handling of funds to complete and fund projects for the county programs approved by the Open Space Board and recommended to the County Commissioners for funding.

Section Eleven. Duration of Program

It is declared that this program to preserve and protect open space shall continue until all \$100 million of funds are expended and all programs completed even if it should require more than ten years.

Section Twelve. Commissioners Powers

Nothing in this Ordinance shall be construed to affect any Powers of the County Commissioners granted by law. The County Commissioners expressly retain control of the Open Space Program and all aspects of the Open Space Program are subject to the approval of the County Commissioners. The County Commissioners retain the the right to approve and/or disapprove any actions of the Open Space Board.

Section Thirteen. Severability

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section Fourteen. Effective Date

This Ordinance shall take effect on October 28, 1993. **ORDAINED AND ENACTED** this 28th day of October, 1993.

Mario Mele, Chairman

Jon D. Fox, Commissioner

Joseph M. Hoeffel III, Commissioner

OPEN SPACE PROGRAM FUNDING ALLOCATION

PROGRAM NUMBER	NAME AND OBJECTIVE OF THE PROGRAM	DOLLARS ALLOCATED
1.	Municipal land acquisition grants for those townships and boroughs with available open land to be acquired.	\$37.8M *
2.	Municipal open space planning grants for all 62 township and boroughs for the preparation of the required open space plan.	\$.93M
3.	Municipal acquisition and development grants for those municipalities with little or no open space land available for acquisition.	\$18.0M
4.	County funds for the acquisition and preservation of designated resource areas with special natural features.	\$8.0M
5.	County funds for the expansion of the county park system by acquiring land for the enlargement of existing parks and acquiring land for creation of one or more new parks.	\$14.0M
6.	County funds for the acquisition and development of a county-wide trail system.	\$6.0M
7.	Funds for challenge grants to private non-profit groups for acquisition and preservation of open space land.	\$2.81M
8.	Funds for use by the Farmland Preservation Board to acquire development right easements to preserve farms.	\$4.0M
9.	County funds for use as a ready fund to acquire and preserve open space land that becomes available, is desired for preservation, and must be acquired or may be lost to development.	\$5.96M
10.	Municipal grants for the acquisition and planting of trees in open spaces, along streets, and in other areas.	\$2.5M
TOTAL		\$100M

* M = Million