



Committee: T&E
Committee Review: At a future date
Staff: Livhu Ndou, Legislative Attorney
Purpose: To receive testimony – no vote expected
Keywords: #CountySymbols #CountyTree

AGENDA ITEM #10
January 18, 2022
Public Hearing

SUBJECT

Bill 48-21, General Provision – County Symbols – County Tree – Established

Lead Sponsor: Council President Alborno at the request of the County Executive

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

N/A

DESCRIPTION/ISSUE

Bill 48-21 would officially designate a County tree.

SUMMARY OF KEY DISCUSSION POINTS

Bill 48-21 would designate *Nyssa sylvatica*, commonly known as black tupelo (also known as blackgum, sourgum, pepperidge, tupelo, and tupelo-gum) as the County tree.

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M E M O R A N D U M

January 13, 2022

TO: County Council

FROM: Livhu Ndou, Legislative Attorney

SUBJECT: Bill 48-21, General Provision – County Symbols – County Tree – Established

PURPOSE: Public Hearing – no Council votes required

Bill 48-21, General Provision – County Symbols – County Tree - Established, with Lead Sponsor Council President Alborno at request of the County Executive, was introduced on December 14, 2021. A public hearing is scheduled for January 18, 2022.¹

Background

Bill 48-21 would designate a County tree alongside the already-designated County bird (the robin) and blossom (the dogwood). The Forest Conversation Advisory Committee (FCAC) and the Department of Environmental Protection (DEP) recommend *Nyssa sylvatica*, commonly known as black tupelo (also known as blackgum, sourgum, pepperidge, tupelo, and tupelo-gum). The black tupelo was chosen after discussions with various organizations, including Montgomery Parks, the Montgomery County Forestry Board, the municipalities, and public surveys. The black tupelo was chosen unanimously by the FCAC, who noted its adaptability, ecological value, and long life.

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¹#CountySymbols #CountyTree



*images from Tree Montgomery: <https://treemontgomery.org/tree/tupelo-black-gum/>

Bill No. 48-21
Concerning: General Provision – County
Symbols – County Tree – Established
Revised: 12/1/2021 Draft No. 1
Introduced: December 14, 2021
Expires: June 14, 2023
Enacted: [date]
Executive: [date signed]
Effective: [date takes effect]
Sunset Date: [date expires]
Ch. [#], Laws of Mont. Co. [year]

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President Albornoz at the request of the County Executive

AN ACT to:

- (1) officially designate a County tree; and
- (2) generally revise County law regarding County symbols.

By amending

Montgomery County Code
Chapter 1, General Provisions
Section 1-405

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

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

Sec. 1. Section 1-405 is amended as follows:

1-405. County bird, [and] blossom, and tree.

The robin is the [county] County bird. The dogwood is the [county] County blossom. The black tupelo (also known as black gum, sourgum, pepperidge, tupelo, and tupelogum), *Nyssa sylvatica*, is the County tree.

LEGISLATIVE REQUEST REPORT

Bill 48-21

General Provision – County Symbols – County Tree – Established

DESCRIPTION:	Bill XX-21 would specifically designate a County tree as well as generally revise County laws regarding County symbols.
PROBLEM:	There is no County tree.
GOALS AND OBJECTIVES:	Designate a County tree
COORDINATION:	Department of Environmental Protection (DEP)
FISCAL IMPACT:	Office of Management and Budget
ECONOMIC IMPACT:	To be requested.
EVALUATION:	To be researched.
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Livhu Ndou, Legislative Attorney
APPLICATION WITHIN MUNICIPALITIES:	Not applicable.
PENALTIES:	Not applicable.



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

M E M O R A N D U M

November 3, 2021

TO: Tom Hucker, President
County Council

FROM: Marc Elrich, County Executive

SUBJECT: Introduction of XX-21, County Tree Designation

I am transmitting the attached legislation, XX-21 Official Designation of a County Tree. The legislation modifies the County's current law to designate an official tree alongside the already designated County bird and blossom. The Forest Conversation Advisory Committee (FCAC) and the Department of Environmental Protection (DEP) recommend *Nyssa sylvatica*, commonly known as black tupelo (also known as blackgum, sourgum, pepperidge, tupelo, and tupelo-gum) be designated through the accompanied proposed amendment to Article 4 Section 1-405 of the County Code as a County Symbol for Montgomery County.

The black tupelo was unanimously supported by the FCAC to be designated as the official Montgomery County Tree. While the black tupelo is slightly less well known than Maryland's State Tree, the white oak, the designation of black tupelo will both celebrate the species and promote all trees. It is a highly adaptable species, growing about a foot each year in nearly all conditions. It will likely adapt well to changing climate conditions.

In the autumn, the black tupelo displays a range of brilliant orange, red, and purple colors. It produces a small cherry-like seed that is favored by wildlife. As the tree ages, its distinctive bark can resemble alligator hide.

The Maryland Big Tree Program and the Montgomery County 2021-2022 Register of Champion Trees show that the current county champion black tupelo is also the current state champion. It is located on private property in Cloverly.

I have attached a memorandum from our former Department of Environmental Protection (DEP)

Introduction of XX-21, County Tree Designation

November 3, 2021

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Director Adam Ortiz that provides more detailed information about the criteria used to make the tree selection.

I appreciate your prompt consideration of this action.

ME:ao



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Introduction of XX-21, County Tree Designation

November 3, 2021

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Fiscal Impact Statement
Bill XX-21 – Official County Tree Designation

1. Legislative Summary.

Bill XX-21 designates the blackgum tree, *Nyssa sylvatica*, as the official County tree.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

Bill XX-21 is not expected to have an impact on County revenues or expenditures.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

See response to Question #2.

4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.

Not applicable.

5. An estimate of expenditures related to County's information technology (IT) systems, including Enterprise Resource Planning (ERP) systems.

Not applicable.

6. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.

Not applicable. Bill XX-21 does not authorize future spending.

7. An estimate of the staff time needed to implement the bill.

No staff time is required to implement Bill XX-21.

8. An explanation of how the addition of new staff responsibilities would affect other duties.

Not applicable.

9. An estimate of costs when an additional appropriation is needed.

Not applicable.

10. A description of any variable that could affect revenue and cost estimates.

See response to Question #2.

11. Ranges of revenue or expenditures that are uncertain or difficult to project.

Not applicable.

12. If a bill is likely to have no fiscal impact, why that is the case.

Bill XX-21 designates an official County tree, adding it to a list that includes the official County blossom and official County bird. There is no cost in making the designation nor will revenue be generated as a result.

13. Other fiscal impacts or comments.

Not applicable.

14. The following contributed to and concurred with this analysis:

Jason Mathias, Department of Environmental Protection
Richard H. Harris, Office of Management and Budget



Jennifer Bryant, Director
Office of Management and Budget

9/21/21

Date

Bill No. XX-21
Concerning: General Provision – County
Symbols
Revised: [date] Draft No. 1
Introduced: [date]
Expires: [18 mos. after intro]
Enacted: [date]
Executive: [date signed]
Effective: [date takes effect]
Sunset Date: [date expires]
Ch. [#], Laws of Mont. Co. [year]

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Transportation & Environment Committee

AN ACT to:

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Approved:

Tom Hucker, President, County Council

Date

Approved:

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

Selena Mendy Singleton, Clerk of the Council

Date

Approved for form and legality



Office of the County Attorney

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

BILL 48-21: GENERAL PROVISION — COUNTY SYMBOLS — COUNTY TREE— ESTABLISHED

SUMMARY

The Office of Legislative Oversight (OLO) anticipates that Bill 48-21 will have little to no impact on racial equity or social justice in the County.

PURPOSE OF RESJ IMPACT STATEMENTS

The purpose of racial equity and social justice (RESJ) impact statements is to evaluate the anticipated impact of legislation on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs of communities of color and low-income communities with a **goal** of eliminating racial and social inequities.¹ Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.²

PURPOSE OF BILL 48-21

The purpose of Bill 48-21 is to designate the *Nyssa sylvatica*, commonly known as black tupelo as the County tree.³ The black tupelo (also known as blackgum, sourgum, Pepperidge, tupelo, and tupelo-gum) was selected by the Department of Environmental Protection and the Forest Conservation Advisory Committee after a year-long selection process that engaged multiple stakeholders including Montgomery Parks and Montgomery Planning.⁴ Criterion for selecting a County tree included identifying a local species that was available for purchase, had high ecological value, is large and is also a long-lived species. Bill 48-21 was introduced to the Council on December 14, 2021.

ANTICIPATED RESJ IMPACTS

OLO does not anticipate that Bill 48-21 will impact racial equity and social justice as designating the black tupelo as the County tree does not commit County or other resources to addressing racial and social inequities directly or indirectly. If Bill 48-21 included resources aimed at planting additional black tupelo trees in the County, resources aimed at identifying and addressing inequities in the County's tree canopy by race, ethnicity or income could help narrow racial and social inequities. In the absence of this additional commitment, OLO finds that Bill 48-21 will have little to no impact on RESJ in the County.

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement is intended to inform the legislative process rather than determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

RESJ Impact Statement

Bill 48-21

CONTRIBUTIONS

OLO staffer Dr. Elaine Bonner-Tompkins, Senior Legislative Analyst, drafted this RESJ impact statement.

¹ Definition of racial equity and social justice adopted from “Applying a Racial Equity Lens into Federal Nutrition Programs” by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools <https://www.racialequitytools.org/glossary>

² Ibid

³ Montgomery County Council, Bill 48-21, General Provision – County Symbols - County Tree - Established, introduced on December 14, 2021.

⁴ Ibid and Adam Ortiz memorandum to Marc Elrich on Official County Tree designation, September 29, 2021 included in packet of Livhu Ndou memorandum to County Council on Bill 48-21, December 9, 2021

Economic Impact Statement

Office of Legislative Oversight

Bill 48-21

General Provision – County Symbols – County Tree – Established

SUMMARY

The Office of Legislative Oversight (OLO) anticipates that enacting Bill 48-21 would have no impact on economic conditions in the County.

BACKGROUND

If enacted, Bill 48-21 would officially designate the black tupelo as the County tree.¹

INFORMATION SOURCES, METHODOLOGIES, AND ASSUMPTIONS

Designating an official County tree would not affect private organizations or residents in terms of the Council's priority economic indicators.²

VARIABLES

Not applicable

IMPACTS

WORKFORCE ▪ TAXATION POLICY ▪ PROPERTY VALUES ▪ INCOMES ▪ OPERATING COSTS ▪ PRIVATE SECTOR CAPITAL INVESTMENT ▪
ECONOMIC DEVELOPMENT ▪ COMPETITIVENESS

Businesses, Non-Profits, Other Private Organizations

Not applicable

¹ Montgomery County Council, Bill 48-21, General Provision – County Symbols – County Tree – Established, Introduced on December 14, 2021.

² Montgomery County Code, Sec. 2-81B, Economic Impact Statements.

Economic Impact Statement

Office of Legislative Oversight

Residents

Not applicable

DISCUSSION ITEMS

Not applicable

WORKS CITED

Montgomery County Code. [Sec. 2-81B, Economic Impact Statements](#).

Montgomery County Council. Bill 48-21, General Provision – County Symbols – County Tree – Established. Introduced on December 14, 2021.

CAVEATS

Two caveats to the economic analysis performed here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the Bill under consideration

CONTRIBUTIONS

Stephen Roblin (OLO) prepared this report.



Conservation Montgomery

January 5, 2022

Testimony for the Montgomery County Council (Public Hearing is scheduled January 18, 2022)

RE: Bill 48-21, General Provision – County Symbols – County Tree – Established

Dear Councilmembers:

Conservation Montgomery supports designating the Black Tupelo (*Nyssa sylvatica*) as our official County tree. This long-lived native species is a primary component of our Eastern forests and occurs naturally throughout the County. It is adaptable to a wide range of soil types, light conditions and moisture availability. The fall color and winter silhouette are outstanding.

Black Tupelo is an excellent choice for habitat restoration and for planting around homes and buildings. It also performs well as a street tree if given adequate root space and planted away from overhead wires.

While most county residents are familiar with maples, oaks and elms, they are probably less aware of the tupelos. Designating the Black Tupelo as our official County tree will give this tree species the recognition it deserves. *Below, we list a few locations of magnificent examples of this tree for those of you that wish to see it in full grandeur.

On behalf of the board, we are pleased to begin the New Year supporting a non-controversial Bill. We strongly urge you to do so too. Please designate the Black Tupelo as our official County tree.

Sincerely,

John Parrish
Conservation Montgomery Advocacy Committee

*Exceptionally large Black Tupelos occur at many County locations. Here are four locations to easily see this tree in full splendor.

- 1611 Cedar View Court – this is a vacant lot facing Georgia Avenue at 16th Street in the Montgomery Hills section of North Silver Spring. The trunk diameter measures 38 inches.
- 15825 Shady Grove Road – in front of a bio-tech building at Gaither Road in North Rockville. The trunk diameter is 45 inches.
- 3800 Damascus Road (MD 650) – in a pasture at the southwest corner of Howard Chapel Road & MD 650, in Unity. Trunk not measured.
- Opposite 306 Ridge Road – this is a common area of the Piedmont Crossing subdivision next to Washington Grove Conservation Park in Washington Grove. The trunk diameter is 48 inches.

Cc: County Executive Marc Elrich