

**M E M O R A N D U M**

October 11, 2011

TO: Education Committee  
Planning, Housing, and Economic Development Committee

FROM: Vivian Yao, Legislative Analyst 

SUBJECT: **Discussion -- Policies governing public use of ball fields (historic use and adopt-a-field)**

The Education and Planning, Housing, and Economic Development Committees will discuss the Interagency Coordinating Board (ICB) and Office of Community Use of Public Facilities (CUPF) policies governing the public use of the County's public ball fields. The following individuals are expected to participate in the discussion:

- Elizabeth Habermann, Financial Administrator, CUPF
- Stephen Beach, Program Manager, Scheduling and User Services, CUPF
- Mike Riley, Deputy Director for Administration, Montgomery Parks, Maryland-National Capital Park and Planning Commission (M-NCPPC)
- Gene Giddens, Deputy Director for Operations, Montgomery Parks, M-NCPPC
- Kate Stookey, Chief, Public Affairs and Community Partnerships Division, M-NCPPC
- Steve Chandlee, Regional Operations Manager for the Southern Region, M-NCPPC
- James Song, Director, Department of Facilities Management, Montgomery County Public Schools (MCPS)
- Janice Turpin, Real Estate Management Team Leader, MCPS
- Mary Pat Wilson, Real Estate Management Specialist, MCPS

**BACKGROUND**

***Concerns Identified in FY12 Operating Budget Discussions***

During consideration of the FY12 operating budget, the Council received testimony (©1-7) from Koa Sports League taking issue with CUPF's practice of considering historic use in assigning priorities for field use. The testimony argued that the policy has kept new users from accessing County fields and limited competition and athletic alternatives for youth, and thus should not continue indefinitely. The Education Committee also received a proposal (©8-9) describing alternative approaches for scheduling athletic fields practice from Laurence Levitan and former County Councilmember Michael Knapp including (1) a historical use rotation after three years using a lottery system; (2) open and competitive bidding for high demand fields; (3) reinstatement of the adopt-a-field program with open and competitive bidding.

Committee members expressed concern about the issues raised regarding the historic use policy and wanted to explore the issues in more depth outside of the budget process. Committee members requested that CUPF evaluate other options for scheduling fields including the possibility of adding a sunset or rotation provision for in demand fields.

The Council also received correspondence from BBC Baseball (©10-11) responding to the arguments for changing the historic use policy. The correspondence suggested that a lottery system for allocating field use would be inefficient and place a large burden on the organization in managing its programs for youth.

### ***Revision of Adopt A Field Policies***

MCPS and the M-NCPPC are the owners of the majority of public ball fields in the County. Prior to 2001, both entities have entered in adopt-a-field (AAF) arrangements with ball fields users, which provide for guaranteed used of fields in exchange for the provision of field maintenance. Once adopted, fields are better maintained, but less available to other users, thus impacting the overall inventory of available field hours. Each field owner has been responsible for negotiating and managing its own adopt-a-field agreements.

With the increase in demand for field access in recent years and constrained public agency budgets, field owners have become more receptive to increased requests for adopt-a-field arrangements. The programs have been put on hold however, to allow MCPS, Parks, and CUPF to develop a protocol that provides greater consistency in how the owners select, implement, and manage AAF agreements. A draft revised protocol has been developed and is being considered by each entity. CUPF staff will report to the Committees on progress made on revising the protocol, and Parks and MCPS staff will be available to answer questions about the process.

### ***CUPF's Role in Scheduling Public Ball fields***

While CUPF's has been responsible for scheduling the use of school ball fields for a number of years, responsibility for the scheduling of Park ball fields recently transferred to the Department pursuant to the FY11 Operating Budget resolution for County Government and M-NCPPC. The Council sought to consolidate this function to create a more streamlined and user-friendly system for County residents. In order to accomplish this, two Park employees are co-located with CUPF staff. The two agencies have been working on making the policies for scheduling fields consistent, though there currently are some differences that have yet to be worked out.

## **ICB PRIORITY OF USE POLICY AND HISTORIC USE**

The Interagency Coordinating Board (ICB) is the policy-setting body for CUPF and is charged with the responsibility of encouraging the community's use of public facilities by making them accessible and affordable. The ICB has established a policy that establishes hierarchy of uses that have priority for scheduling purposes (©22-23). Under this policy, certain groups have priority in scheduling the use of facilities over historical users including schools, childcare programs, PTAs, and government agencies. Historical use is applied as the basis for establishing access priority when conflicting requests are received, and consequently, not all

space is allocated based on this policy. Although the ICB has not issued a specific resolution governing historical use, it has sanctioned the policy with the understanding that CUPF will bring it up periodically for review.

The policy regarding historic use is summarized at ©12-17. Several key points related to the policy are summarized as follows:

- Historical user status gives priority for placement to the same group at the same facility on the same day of the week, for the same block of time, and during the same scheduling window the group used in the previous year.
- A user group with historical user status has the right of first refusal, but loses historical priority by failing to submit a timely request for the same facility and time period or season.
- Historical use may not be given priority over another ICB mandated priority user, an executed adopt-a-field agreement, or superseded by MCPS or County agency.
- Non-County organizations may be considered the historical user unless the space is requested by a County-based entity with a higher priority for placement.
- Historical priority is a basis for scheduling use of gymnasiums and auditoriums in addition to ball fields in conjunction with priority use guidelines.

Putting in place a fair and efficient system of allocating public resource in high demand like ball fields and gyms involves the consideration and weighing of many factors. The following highlights the benefits and disadvantages of maintaining the historical use policy:

#### ***Benefits of Historical Use***

- Continuity in location builds community: Organizations become integrated into the community where service is provided.
- Provides stability in services delivery: Allows organizations to make long-term plans and provide services in a cost-effective manner.
- Simplifies the scheduling process and is less resource/staff intensive.
- Historical users have had to wait their turn for high-demand space in the current system.
- Most users are ultimately able to access adequate space, if not their first choice.
- Policy is used by many jurisdictions in the area to resolve conflicting requests for public space. (©21)

#### ***Disadvantages of Historical Use***

- Limited opportunities for new organizations to access space in high demand.
- Alternative space may not be considered optimal to the user's needs or preferences.
- Allows older organizations to monopolize limited resources and potentially limit competition and access to program alternatives in high demand areas.

The ICB has considered the various reasons for continuing or eliminating the historical use policy and has continued to support using the policy as a result of user feedback, staff recommendations, and support from the Procedures and Guidelines Subcommittee. The ICB has not opted to allocate field use base on a "highest bidder" approach, which would put nonprofits serving disadvantaged youth at a disadvantage in accessing in-demand fields.

In response to the Committee's request to consider alternatives to the historic use policy, CUPF explains that it has considered alternative but recommends continuing with the current priority structure based on the overwhelming request of users. **Council staff concurs with the approach taken by CUPF because (1) the current system maximizes the ability of nonprofit providers to serve youth throughout the County; (2) users are generally able to access adequate space and move up the queue for more desirable space over time; and (3) the current system is efficient in allocating high demand with minimal staff resources.**

**If the Council is interested in having the ICB and CUPF pursue alternatives to historic use, it will need to consider the implications resulting from this decision including the need for additional staff resources and the potential impact on fees. CUPF has also presented options for the Council's consideration at ©16-17 if an alternative to historical use is preferred.**

## **DEVELOPMENT OF A NEW ADOPT-A-FIELD POLICY**

There are 16 existing adopt-a-field agreements – 13 with MCPS and 3 with Parks, see listed on ©18. Pending request for adopt-a-field arrangements have been deferred while Parks, MCPS, and CUPF collaborated on development the draft protocol with greater, but not complete, consistency in how the two field owners approach AAF agreements. A draft protocol (©24-31) was presented for discussion at the last ICB meeting on September 23. Highlights of the policy are summarized as follows:

- Most MCPS and Parks fields will be available for AAF arrangements.
- The protocol provides for a competitive selection process. Criteria for selecting entities include (1) experience in using public fields; (2) is a County entity and 2/3 of participants using the field are County residents; (3) weight assigned based on overall number of participants to be served; (4) MCPS will give priority to proposals serving youth; (5) weight assigned for proposals that promote open access to activities (regardless of skill level, income or age); (6) weight assigned for documented non-profit status.
- Entities may jointly adopt the same field.
- New AAF agreements will be five years in duration.
- New AAF Agreements will grant priority use to the adopting entity for three week days and one weekend day. Entities jointly adopting a field will receive 2 week days and one weekend day each.

Comments raised at the CUPF's Ball Field Advisory Committee (members listed on ©26) were generally favorable, although one group raised a concern that the policy would ultimately shift the costs of field maintenance to end users, e.g., families. Another observation was that increased use for entities jointly adopting a field (4 week days and 2 weekend days) would preclude other use of the field and might not provide sufficient rest time for the field.

During the ICB's discussion regarding the draft AAF policy, a concern was raised by the Recreation Department regarding the potential negative impact that new AAF agreements might have on public recreation programs. Board members requested that the policy be revised so new AAF agreements would not have any negative impacts on public recreation programs.

**The Committees may want further clarification about the timeline for implementation of the new AAF policy. Will the revised policy be in place for the Spring scheduling window? Will pending requests for AAF agreements be acted on before the revised protocol has been finalized and adopted? Do the governing boards of the agency field owners need to approve the review AAF policy before implementation?**

I am Melissa Kupferschmid speaking on behalf of Koa Sports League. Koa is a non-profit, youth sports organization based in Montgomery County. We provide coaching and leagues for boys and girls sports, including baseball, softball, flag football, field hockey, and basketball, among others. Koa has 2000 families in its organization with 2600 athletes and has been featured in the Washington Post, the Gazette, and on Comcast news because of the unique coaching elements we provide our athletics.

As a new field user, Koa has been very frustrated at the current field allocation policy in the County - a policy which has kept us, and other new users, from accessing our County's fields. Last year, we commissioned a task force to study "historical use" for athletic fields. The conclusion from the study is that awarding fields based on historical use stymies competition, limits athletic alternatives for the County's youth, and creates monopolies. Fields are the lifeblood of all sports organizations, and assigning fields to a user group without an end date is wrong.

As part of our study, we examined both the economic impact and the legal considerations. We began by researching the policies of other municipalities in Maryland, Virginia, Delaware, Pennsylvania, Washington, California, and others. We learned that most jurisdictions are intent on providing equal access to user groups in a fair and equitable manner. For example, in its preamble, the Community Use of Fairfax County (CUFC) makes clear that "the field scheduling process is designed to maximize use of available resources in a fair and equitable manner." (CUFC Field Allocation Policy, spring 2009). Allocation is not based on historical use.

There is not time in my testimony to discuss all of the findings from the other jurisdictions; but I have enclosed a chart that summarizes the key findings. Where fields are not in demand, historical use is fine. Where there is a shortage of fields, however, allocating based on historical use is inequitable to new user groups, and results in the residents of Montgomery County being denied the benefits of free choice and competition.

Koa has broad support for the abolishment of indefinite historical use with several hundred petitions signed by registered Montgomery County voters calling for a termination of this policy. Koa continues to gather new petitions daily. Obviously, groups with "historical use" access to fields will disagree, but what is wrong with providing all sports groups in the County an opportunity to have equal access to our County's fields on a periodic basis every few years?

There is another very pressing component to historical use which, in this economic environment, deserves serious attention. That component is financial. For fields that are in high demand, there should be a process where there is a premium for use of the field. Currently, fields typically cost users \$5 per hour. For many fields, that price represents a fraction of what the market would bear, and doesn't provide the County with adequate resources to maintain that heavily used field. For many private fields the fee is as much as \$25 - \$100 per hour. Attached for the Council's review is a document which shows how much additional revenue could be generated, assuming an open and fair bid process. The results are remarkable, and substantial.

The historical use policy provides the same sports organizations access to the same fields year after year for a nominal fee. These very same organizations that are over-using the fields provide no additional fee

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to assist in the maintenance of these fields, even though they are the primary, if not, only user. Ironically, these organizations then seek the County's assistance to construct better fields.

Emerging organizations like Koa have to be very creative with their limited use of fields. For younger players, Koa was able to structure practices where two teams utilized a single field, and in some instances three teams. This was done in a safe manner, and this creativity allowed Koa to survive with fewer fields, but why should our players not have the same access to fields as the players in other leagues just because we're new? Our kids, and those in other emerging organizations, shouldn't be second-class citizens because their league was formed later.

Koa would suggest that a task force be charged with studying historical use field allocation – from an economical, legal, and fairness standpoint. Koa would also suggest that the task force consist of, at a minimum, a new user group such as Koa, as well as a County representative with knowledge of the economics of revenue derived from field permitting, and on-going maintenance costs.

You are currently examining the merits of legislation modifying the structure of CUPF, and seeking alternatives for additional revenue to maintain programs and maintenance of existing infrastructure maintenance. We at Koa urge you to address the inequity of the historical use policy which will in turn allow you to address a number of your other key policy objectives at the same time. Thank you for this opportunity.

State	County/City/Township	Language in Allocation Guidelines
MD		
	Anne Arundel County	"If competing facility use requests for these facilities are of equal status, compliance with the facility scheduling process, attendance at the facility scheduling meeting and historic use will be considered."
	Calvert County	No information available
	Cecil County	No historical use consideration is mentioned in the User Priority guidelines
	Charles County	After high school events and recreation programs, priority is given to user groups who are open to all players (i.e., recreational sport teams), after that allocations are made to select and/or travel teams. For the spring and summer seasons, priority is given to baseball, softball and lacrosse organizations. For the fall season, priority is given to soccer and football organizations. If a conflict arises for a particular field, the field in question is relocated so that all users have access. In majority of cases, fields used as either game or practice fields.
	Frederick County	"Use of FCPRD fields the previous year qualifies the user to receive prior use consideration with regard to field allocation the following year for the same times, dates and locations, providing a Full Application is submitted by the due date, dues are paid on time, and the user is in "Good Standing." Additionally, "Use the previous year does NOT guarantee use in the current year."
	Howard County	Regulations are in the process of being revised. Information is not available at this time.
	Montgomery County	"Field allocation for leagues will be based on prior use (i.e., the previous year's game schedules). Allocation of athletic fields for games is determined by the following priority system: FIRST PRIORITY: Montgomery County Department of Recreation Programs, City of Takoma Park Recreation Programs, Adopt-a-Field groups, public/private partnerships or other contractual agreements, and special event/tournament requests. SECOND PRIORITY: Montgomery or Prince George's County community-based leagues and schools, including organized youth leagues."
	Prince George's County	<b>No historical use consideration. Regs being amended. Policies being reviewed.</b>

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VA	Albemarle County	"Fields have traditionally been allocated to organizations based on historical use and demonstrated need. ..With the continuing trend toward year-round seasons for specific sports, the emergence of new organizations, an increasing number of higher level competitive travel teams, and an increased interest by "for profit" organizations in the use of public field space, the directors of both the County and City Parks and Recreation Departments agree that there is a need to develop a formal written field allocation policy."
VA	Fairfax County	"Expansion programs or new sports organizations submitting applications for fields for their first season must submit the application 6 months prior to the application date noted in Table 2." If the application is submitted 6 months prior to the deadline, then it is not considered a lower priority.
VA	City of Manassas	"Field usage is allocated on a first-come, first-served basis." **Question on application: Has your organization/group of individuals previously received facility allocations from the city?
VA	Virginia Beach	"Approval for all requests will be made on a first come, first serve basis...An attempt will be made to accommodate all requests. If a conflicting request is made on the same day on the same field , the following criteria will be used to determine a decision, keeping the City's best interest in mind. A) Number of fields requested, B) Type of event or tournament (local, state, regional, or world), C) Other scheduled events, D) Rental history with the requesting person/organization"
DE	New Castle County	"Conflicts with facility dates between early mail in applications will be resolved by lottery if necessary. New Castle county also reserves the right to issue a 'Grandfather Privilege' to any group/organization that provided a noteworthy and successful service/activity for the general community at a county park during the previous year...Permits for all functions/facilities are issued on a first-come, first-served basis after application and payment are received."
PA	Newtown Township	"Facility use is on a first com, first serve basis. Because of such high demand for athletic fields during the Spring Season, new or individual single day use CANNOT be accommodated. Athletic League field use typically follows the previous season's schedule. A change in Spring usage only occurs if an Athletic League voluntarily reduces the number of fields their organization needs. If an Athletic League relinquishes

		<p>use of a field in the Spring Season, use then will be assigned on a first come , first serve basis if available."</p> <p>(continued from the previous page)</p>
PA	Salisbury Township	"Field permits will be given based on availability with priority given to [established youth associations with the majority of participants residing within the township]...Field permits are issued based on the Associations base location."
PA	West Whiteland Township	"Allocations for games and practices are based on the total number of requests received, availability and priority outlines." N.B. Priority outline does not distinguish between new and prior users
PA	Worcester Township	"A request for a particular athletic field/facility does not guarantee availability or assignment to a specific organization...Prior permit allocation does not guarantee similar use in the future." Priority is based on solely on use of the field by a sports organization and the percentage of residents from that township.
PA	Township of Pine	"All fields will be scheduled on a year to year basis...Priority for use of fields will be given to youth sports over adult sports and to league organizations over individual teams."
CA	City of Costa Mesa	"To resolve a discrepancy between two youth organizations in the same Priority Use class that request use of the same site/field and that cannot be worked out between the two organizations, the following formula will be used to determine the amount of field use that will be allocated to each organization...based on the percentage of verifiable Cost Mesa residents registered within that organization in relation to the total number of all registered Costa Mesa residents in all organizations in that Priority Use class combined."
WA	City of Bellevue	"Historical Use-guideline only, not a guarantee. Field availability, demand & demographics are subject to change annually."

CA	City of Belmont	"If the new youth sports organization is in direct competition (age, sport, or gender) with an existing youth sports program, it will only receive field space if available. If the new youth sports organization offers either a new sports opportunity, or an age not being offered by an existing program, it may receive consideration before a new youth sports organization that is in direct competition with an existing sports program."
WA	City of Bothell	"The City gives priority to those organizations with the highest number of players residing within Bothell city limits...If two groups are equal, historical use will be used as a factor when determining priority."
WA	City of Kirkland	"City use and Lake Washington School District use take precedence for all park and school locations...User groups, clubs, and organizations residing within Kirkland with past historical use follow in priority. New user groups', clubs', and organizations' requests will be dealt with on an individual basis."
CA	City of Menlo Park	"The Community Services Department will make every attempt to accommodate all groups and allow for a diverse use of the City's sports fields...Prior use by a particular Field User Group does not guarantee future allocations to a specific field."
WA	City of Mercer Island	"The City shall recognize historic use and establish it as a benchmark for field allocation. The BUG shall conduct pre-season allocation meetings to review historic use/prior year use and determine if those patterns should remain or be modified in order to better accommodate existing users, consider new users' needs, and help determine allocation for any new fields that become available."
AZ	City of Tempe	"The City of Tempe embraces the philosophies of the National Alliance for Youth Sports... "National Standards for Youth Sports," some of the nation's leading experts ...have outlined a set of standards which the City of Tempe endorses and which, if followed, will give preference to youth sports organizations who embrace them in their efforts for securing playing fields."

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## Revenue Assessment

Avenel Park: Current Rate = \$5/hour  
Open Market Bid Rate = \$45/hour

Assume: 6 hours use on Saturday, and 6 hours use on Sunday  
Current Weekend Revenue = \$60  
New Weekend Revenue = \$540

**Over an 8 week season the revenue difference is \$480 versus \$4320 for just 1 field**

Potomac Elem: Current Rate = \$5/hour  
Open Market Bid Rate = \$20/hour

Assume: 6 hours use on Saturday, and 6 hours use on Sunday  
Current Weekend Revenue = \$60  
New Weekend Revenue = \$240

**Over an 8 week season the revenue difference is \$480 versus \$1920 for just 1 field.**

\*\* If the usage is extrapolated over multiple fields including practice times, the revenue generation is very substantial.

## **Proposal for Community Use of Public Facilities Regarding the Scheduling of Athletic Fields**

### **Background**

New and emerging sports organizations and leagues are unfairly shut out from using many fields in Montgomery County because of the historical use policy that is used by the Community Use of Public Facilities. This policy grants the use of the same field year after year in perpetuity to the same league simply because they used the field the previous season. Fields are the lifeblood of all sports organizations and assigning fields to a user group without an end date is wrong. Ms. Ginny Gong, Executive Director of CUPF, is quoted in April 13, 2011 Gazette article as saying "we are turning leagues away, we're turning people away." Unfortunately, many of the people and leagues being turned away are new users.

It is important to provide some continuity for sports organizations from year to year, and to provide a regular "open season" for all fields is a reasonable approach that provides both certainty for a period of time and a window of opportunity for all potential users to gain access to all fields in the County.

Additionally, the current system does nothing to provide additional revenue for maintenance of fields. For fields that are in high demand, there should be a process where there is a premium for use of the field. Currently, fields typically cost users \$5 per hour. For many fields, that price represents a fraction of what the market would bear, and doesn't provide the County with adequate resources to maintain that heavily used field. For many private fields the fee is as much as \$25 - \$100 per hour. According to the April 13, 2011 Gazette article, "Sports fields in Montgomery County can't keep up with growing soccer demand," even with the modification in fee structure in 2009, field use still only covers the administrative costs of managing the fields with a small amount left over for maintenance.

The following proposal provides a rational approach for all of the County's leagues, and can provide additional revenue to support ongoing field maintenance.

### **Proposal**

- 1) **HISTORICAL USE ROTATION AFTER 3 YEARS:** Every three years all fields should be reallocated and placed into a "pool" and randomly assigned via lottery to the user groups interested in renting the fields. Each season during the 3 year assignment, user groups must decide within 3 business days from the assignment date for that season whether to keep the field. If a user group decides not to keep the field, then offers will be made to the subsequent user groups who expressed interest in the field in the order that was randomly assigned to said field. For example, assume in Year 1, 4 user groups expressed an interest in a field. By random selection, assume that the priority of assignment was group #2, then #4, then #1, then #3. If in Year 2, user group #2 elected not retain the field, then offers would be made in the order of the random selection (i.e., #2, then #4, then #1, then #3). This would endure for the remainder of the three year cycle at the conclusion of which the process would start again.
- 2) **OPEN AND COMPETITIVE BIDDING FOR HIGH DEMAND FIELDS:** For the first three year cycle, a trial should be conducted with an open bid process for 10 – 20 fields with highest demand throughout different parts of the County (as measured by number of requests for use). This would provide the highest demand fields to the users willing to pay the highest fee and any additional revenue generated from this bid process would support field maintenance programs. The sole criteria for selection should be price per day, as this will streamline the selection process and makes things easier to manage for CUPF. Each day of the week should be bid separately (not by hour, but by day). Please see the list of high demand fields below.
- 3) **REINSTATE ADOPT-A-FIELD PROGRAM WITH OPEN AND COMPETITIVE BIDDING:** Re-instate the "adopt-a-field" program which allows leagues to adopt specific fields for the same three year term as all other users, but with an opportunity to maintain the fields for their league's use. This can result in leagues being incented to improve the

fields they use which can be of benefit to their programs but also to the benefit of the field's next user, and the County. The maintenance schedules should be required as part of the bid process, and the sole criteria for selection should be price.

The Council should require these changes to be made and ask for an implementation schedule to be presented to the Council prior to registration for the Fall Sports season. This may require increased administrative costs every third year, but these costs can be covered by excess revenue currently being generated or certainly by the increased revenue generated from the fields.

This proposal recognizes the importance of continuity for leagues, increases fairness for all leagues and provides a mechanism to assist with the costs of ongoing maintenance.

**High Demand Fields**

Avenel

Arylawn

Luxmanor

Wayside ES

Stratton Local Park

Cabin John Local Park

Whittier Woods Local Park

Norwood Local Park

Glen Hills Local Park

Westmorland Park

Burning Tree

Wood Acres

Tilden Middle School

Cabin John Regional Parks

Westland

Carderock

Potomac Elementary

Stone Hill ES

Hoover MS

Seven Locks (upon opening)

Beverly Farms ES (upon opening)

**For Additional Information Contact:**

Laurence Levitan      301-951-0150

Michael Knapp      301-980-4095

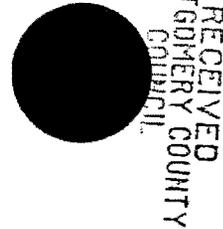
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**Delgado, Annette**

**From:** Ervin's Office, Councilmember  
**Sent:** Friday, April 29, 2011 10:10 AM  
**To:** Montgomery County Council  
**Subject:** FW: Historic Use Policy

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-----Original Message-----

**From:** dgorham@bccbaseball.com [mailto:dgorham@bccbaseball.com]  
**Sent:** Friday, April 29, 2011 10:08 AM  
**To:** Ervin's Office, Councilmember  
**Subject:** Historic Use Policy

Dear Council President Ervin,

I am writing to you after viewing the budget hearing for CUPF. A relatively new organization, KOA sports, has testified in support of raising fees for field usage and modifying the historic use policy as an opportunity to generate additional revenue. One of their proposals is to use a lottery system to assign fields. For organizations such as BCC with 300 teams and 3200 players, a lottery would create havoc. We play games only on Sundays. If we cannot plan on the usual 50 fields every Sunday, we cannot effectively offer our program. Our fields, although not all in our immediate geographic area, are nearby. If we get assignments in Germantown, Poolesville, Burtonsville, we would lose our constituency. BCC has also adopted 20 county fields and Koa's proposal would limit an adoption to only 3 years. Having spent tens of thousands on fields only to turn them over after three years would also be untenable.

The reason KOA wants this change is not because they have no access to fields. In fact they turned back fields this season that they did not need. They want the fields that will service their high paying clients' needs. Those that are close to Potomac and Bethesda and fields that are in better condition because we have taken care of them for years. Koa's suggestion to the Council is that good fields should be permitted at higher fees and go to the leagues that can afford to pay. I do not believe this the way things should go in our County. In fact many years ago I suggested that for every field adopted by a wealthy league a field in a less wealthy part of the county must be adopted. BCC has practiced that philosophy and has adopted fields at Wheaton High School, Einstein High School and Newport Middle School. These fields are not in demand the way Whitman, Churchill and WJ are, but we maintain them just the same.

BCC Baseball is a non profit serving more than 20,000 kids over the past 18 years. We have put more than \$2,000,000 into county fields. We spend \$100,000 on permits and \$250,000 on field maintenance each year. We hire county teachers as part time coaches. We are a true non-profit. The system of historic use may on the surface sound unfair and exclusive, but trust me, it is in the best interest of all users and County budgets to keep it this way. Fields that are traditionally used by leagues are better cared for and fields that have been adopted are superior. If a lottery or limit were to be imposed the quality of all the fields would degenerate to the level of the worst fields in the county and that level is unsafe for our kids. As our fund raising appeal states-our first priority is access to enough safe fields for our children to learn to play and honor the game of baseball.

From an administrative perspective, assigning fields by lottery would be a nightmare. Right now there are basically three staffers who are responsible for issuing approximately 2000 permits each season two seasons per year. The system has been perfected so that this job is done in a fairly efficient manner. Still we may not get permits for games and practices until 2 or three weeks prior to the start of the season. The turn around for large leagues such as BCC, Olney, MSI to assign fields for games and practices for their teams would be a disaster if

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it took any longer. Staffing would have to be increased at the permitting level or everything would fall apart from the top down. As I stated in recent testimony supporting the office of Community Use as a separate entity- "if it ain't broke, don't fix it." In addition to field users, there are thousands of other groups, churches, cultural schools, after school programs, gym users for which a change in historical use would have a major impact as well. How many requests have you had to change historic use? If KOA is the primary petitioner and KOA has been given enough fields (just not the ones they want)—enough fields in fact that some were turned back, why cause utter chaos for the leagues that have served this County so well, providing sports programs for thousands and thousands of kids.

I would be happy to meet with you to discuss this matter further. Thank you for your attention and consideration.

Very truly yours,

Denise Gorham  
Executive Director and Founder, BCC Baseball, Inc.  
301-229-2724

## **Historic User – Adopt-A-Field Response to Council Staff Inquiry**

Due Oct. 7 for Oct 13 PHED and ED Council Committee Joint work session  
COB 7<sup>th</sup> Floor 2pm

Council staff asked CUPF to provide:

1. A description of the **current historic user policy** as it is used to establish priority access for public use of indoor facilities and ball fields. Please describe the **factors that the ICB has considered in determining whether to continue or discontinue the historic user policy** (e.g., fairness/equity issues, access to adequate space, available scheduling resources, community benefit). Please explain the reasoning/justification of the ICB in continuing to support the historic user policy and making exceptions to the historic user **policy for specific types of user** (e.g., child care in schools).

### Current Historical User Policy

The Board has not issued a specific resolution covering historical users, however, based on recommendations made by the Procedures and Guidelines Committee, has continued to sanction it with the understanding that CUPF will continue to bring the item up periodically for review. The following practices and principles are followed:

- Historical user status is defined as giving priority for placement to the same group at the same facility on the same day of the week and for the same block of time that they used a facility the window-specific year before, e.g., historical use for a spring sport location does not convey to a fall sport.
- Historical priority is recognized as a basis for scheduling use of fields, gymnasiums and auditoriums in conjunction with established priority of use guidelines.
- In the event of an interruption of continuous use because of construction or other factor making the facility unavailable through no fault of the user, historical priority will be based on the last year or season during which the facility was available to the requesting group.
- A user group loses historical priority by failing to submit a timely request for the same facility and time period or season.
- Historical use may be modified for a limited duration when deemed in the best interests of the County and approved by the CUPF Director
- Historical use may not be given priority over another ICB mandated priority user, an executed adopt-a-field agreement, or superseded by MCPS or County agency use.
- Historical user priority may be discontinued for serious violations of the Facility Use License Agreement that cannot be resolved to CUPF's satisfaction.
- Non-County organizations may be considered the historical user unless the space is requested by a County-based entity with a higher priority for placement.

### ICB Priority of Use Resolution

On December 16, 2009 the (ICB) formally established a priority of use access policy that had been the practice for many years. Priority of use is as follows (a copy of the resolution is **attached**):

- School (K-12) activities
- State licensed before- and after-school childcare selected by the school
- PTA meetings and activities
- Government administrative bodies
- Other publicly supported programs
- Nonprofit community organizations offering youth programs and services which end before 7:00 p.m.

- Nonprofit community organizations offering programs where the majority of participants will be adults
- Non-county based groups with less than 2/3 County resident membership offering youth programs and services which end before 7:00 p.m.
- Non-county based groups with less than 2/3 County resident membership offering programs where the majority of participants will be adults
- Business/corporate activities offering youth programs and services which end before 7:00 p.m.
- Business/corporate activities offering programs where the majority of participants will be adults

Regardless of historical priority, certain priority groups “trump” historical user status: childcare programs, school needs, PTA needs, and local departments of recreation.

The process is continued as a matter of “equity” to groups and individuals, many of whom indicate that when they first started booking space they had to accept alternatives and have “paid their dues” to ultimately obtain preferred space. It should also be noted that not every group returns season after season, so there is some degree of turnover.

All space is not allocated based on historical use and most users are ultimately able to access space deemed “desirable.”

### Pros & Cons of Current Approach

Benefits of historical priority include:

- Continuity builds community. Organizations providing the same program in the same location become integrated into the community and relied upon by the local residents for the particular service or activity.
- Continuity reduces travel for local community members.
- The overwhelming percentage (98%) of organizations using public space are non-profit organizations and are seeking stability, cost savings, and returning participants. Continuity enables them to make long-term plans. In the absence of continuity, these groups would need greater investments in advertising, customer communications, and they would likely lose customers not able or willing to travel to distant communities.

Disadvantages of historical priority include:

- Limited opportunities for new organizations as a small number of groups “monopolize” limited resources.
- Alternative space may not be considered optimal to the user’s needs or preferences.
- Informal subletting by historical users with other entities, which can result in on-site and payment issues.

Historical use also simplifies the scheduling process. Given there are a limited number of staff hours and a significant volume of window requests, the ability to allocate some space based on historical user priority simplifies the process and permits staff to execute a number of permits on a more timely basis, so they can then turn their attention to other requests. Were CUPF to have to start “from scratch” every season, the process of providing permits to customers would call for an increase in staff.

One sports organization suggested “sun-setting” historical use every 2 years and allocation of fields by lottery. The sports organization also feels that higher fees should be charged for the premium fields. Additional staff resources would be needed to implement such an approach and the programs of all customers would be disrupted. Allocating fields based on the “highest bidder” also puts the smaller non-profit sports organizations, attempting to serve a disadvantaged youth population, at a distinct disadvantage. The ICB has recognized the needs of non-profit organization and youth in its established priority of access and fee policies, which are specifically designed to support youth programming and

non-profit organizations. This suggested approach could lead to criticisms from organizations that only recently obtained priority status, only to have it removed.

Historical user priority is clearly more of a factor based on geographic region and season. While the percentage of users enjoying historical user status vary from approximately **75% to 85% or 90%**, users in the Rockville/Bethesda corridor are more likely to retain historical use from window-specific season to season. For indoor use, historical user priority is more of a factor for fall and winter use when activities are more “programmatically” in nature, i.e., churches cultural schools, High Holidays, sports leagues. Users seeking one time use, short-term or periodic use are less likely to insist on retaining the same facility and are content to simply be allocated space within specific areas.

### Justification

The argument that “being first in line many years ago should not entitle a group or individual to enjoy priority placement forever” does not fall on deaf ears. Alternatives, such as eliminating historic user status altogether or stipulating a maximum number of years that a user would enjoy historic user status have both been considered. Issues include the aforementioned volume and related staff limitations, and the fact that whenever these are discussed with users in public forums, which they have been on several occasions, the overwhelming feedback is in favor of maintaining historical user status.

The ICB has continued to support historical use primarily because the various advisory committees have recommended that they do so, as have staff.

2. A summary of any research that has been performed or reviewed on how priority access of public facilities is managed in other jurisdictions. Do other jurisdictions have practices that operate similarly to the County’s historic user policy? What other considerations do other jurisdictions use to determine priority access? In addition to policies and practices of other jurisdictions, please provide any corresponding data from other jurisdictions, if available, related to the available resources available for managing use and the magnitude of public space being scheduled for jurisdictions studied.

The Procedures and Guidelines Subcommittee met on March 2, 2010 and was asked to discuss historical user status and whether the priority should be continued, discontinued or modified. The participants, both historical and new groups, included representatives from sports leagues, civic associations, religious groups, childcare providers, cultural schools, HOAs and recreation departments. Most of the participants noted that in many instances they had attained priority status after years of developing their programs and working within the existing system was part of “paying dues,” and they too had to defer to other historical users in the past. They believe the loss of historical user status would cripple their programs. When offered four suggested options regarding how CUPF might approach historical use in the future (continue “as is,” continue “as is” but develop a separate arrangement with regard to scheduling gyms and fields, set time limits on historical user status, or eliminate historical user status altogether) the consensus of the Subcommittee was to not make changes in how historical user status is applied (see **Chart on page 10, Historical User as a Consideration in Community Use Placements, for policies in surrounding jurisdictions**).

3. A description of any effort by the Department to evaluate possible options for scheduling public space and the possibility of a sunset of the policy or the rotation for the provision of in-demand fields or public spaces. Please include the potential impact to the County or to users by changing the current policy.

As mentioned, the topic of historical use has been discussed or referenced at a number of ICB meetings over the course of the last few years as well as at the meetings of the ICB’s Procedures and Guidelines Subcommittee. Going back to the September 2005 meeting, the subcommittee discussed the issue at great length. Staff presented options for discussion, which included the following items:

- What is an appropriate length of time for users to enjoy historical user status?
- Should some users be exempt from any "sundown" period that might be implemented?
- Should the ICB consider implementing this policy only with regard to gyms, which are in great demand?

The overwhelming consensus of the subcommittee at that time was that historical use as a method of allocation works for the vast majority of users and there was no reason perceived as being overriding or that would mandate that the ICB revise the procedure at that time.

At the ICB's December 2009 meeting, the ICB was asked to consider historical use as the basis of establishing access priority when conflicting requests are received. The Board concurred with the recommendation of the Procedures and Guidelines Subcommittee to preserve historical use and grandfathered it in as an operational guideline. During this same board meeting, the ICB also modified its priority of use policy by establishing priority for youth programming immediately following the school day.

Although a significant majority of users support the continuation of historical use, one field user league (a for-profit group with a non-profit arm) has been vocal in indicating that historical use does not enable their organization access to the prime fields in the Bethesda-Potomac area because the field is either under an Adopt-a-Field Agreement with MCPS or in use by a historical user. A review of the ratio of field use hours permitted to this league last year indicates more than what would be justified for field assignment according to their rosters. In fact, this very league returned unused fields and credit was applied to their account.

### **Issue**

*Should historical user status continue "as is" or should ICB review the policy, setting limits on historical user priority to enhance equity to all user groups seeking use of public space and facilities?*

### **Definition**

*Historical user status is defined as giving priority for placement to the same group at the same facility on the same day of the week and for the same block of time that they used a facility the year before. For example, a basketball group that uses the Julius West Middle School gym every Tuesday from 7:00 pm to 9:00 pm from September through March this year will enjoy historical user status for those exact same parameters in future years.*

*Historical user status is awarded to an organization rather than an individual (since the "contact person" for many organizations changes over time) and is "window specific," which is to say that it applies to users that book during the July-August window and separately to those that book during the January-February window. Historical user status is then specific to the dates covered by each window.*

### **Background**

*To date many users enjoy historical user status that gives them priority for placement at the same location, on the same day of the week and during the same time period from year to year. Historical user status is not time-limited so that once a user obtains space they can (and many do) request and receive the same placement for years.*

*Increasingly users, particularly newer users, are questioning the equity of this practice, particularly as it relates to gym space and fields. Given the ever-increasing demand for gym and field resources, users that cannot obtain preferred or even acceptable assignments for gym space feel that for other users to have an unlimited priority over what many view as premium sites at premium times is not equitable.*

*It has been suggested that perhaps historical user status should “sundown” after a specified number of years so that at that point all users would have an equal opportunity to request and be awarded placements.*

*It should be noted that while gyms and fields are the primary venues where historical user status comes into question, the awarding of space based on history can also be an issue with other rooms that are in shorter supply, such as cafeterias and all-purpose rooms, impacting a wider spectrum of users.*

*Of significance is the fact that assignment of priority to a historical user does not negate the priority of placement established by the ICB (see above).*

### **Options**

- A. CUPF can continue to apply the notion of historical use as it has been defined to date, which essentially does not limit the length of time a group can enjoy priority status based on historical use.*
- B. A recommendation can be made that historical user status can be modified to provide priority status for a specified period of time.*
- C. A recommendation can be made that all facilities be awarded on a first come – first served basis and that priority based on historical user status be eliminated completely.*

*If it is determined that Option B is the preferred option, the following would need to be considered:*

- Should CUPF implement a sundown date for historical users all at one time or phase it in?*
- A determination of which rooms would be included in the sunset period or time limitations.*
- What would be the impact on church groups, cultural schools, annual High Holy Day programs, etc.?*
- A determination of whether there are some users that should be “grandfathered” into their space assignments indefinitely such as county agencies, i.e., County and local municipal Departments of Recreation.*
- Creation of a database so that scheduling staff would be able to accurately monitor historical use.*
- A determination as to whether all users would start fresh so that existing historical users would no longer enjoy priority status.*
- Whether a lottery system, or some other method of awarding space, should be implemented to allocate space once a historical user’s priority status ends.*
- Who would have priority for use of a particular facility – an out-of-county group that is the historical user of a site for years or an in-county group that was not the historical user?*

### **Suggestions**

*If the recommendation is to set limits on historical users, the following suggestions might be worth consideration.*

- That historical user status will be capped at four years for all user groups.*
- That only consider gyms and fields be included.*
- That exemptions be made for county agencies.*
- That no user groups be grandfathered beyond the limits imposed.*
- That all users be apprised that CUPF will implement a new strategy for assignment of historical user status with the start of a new window two year later, allowing time for transition for leagues.*
- That as of July of 2012 and January of 2013 all historical user priority assignments will be newly awarded and will expire in four years (2016 and 2017, respectively, at which point*

*new historical users will be selected. A drawback of first come, first served is that groups will be camping out in CUPF's hallway for placement.*

- *That when it is time to award space to a new user, CUPF staff will award space based on a "first come, first served" basis, but that when multiple groups concurrently submit the same request, some lottery or other "random" type mechanism will be developed to award the space.*
- *That priority for out-of-County programs remain "as is" per ICB Guidelines that stipulate that County-based programs enjoy a higher priority.*

Upon discussion and review, the subcommittee again reiterated their stance that historical use did not bear modification in that it serves the best interests of the majority of users and that, over time, groups do indeed move on, making "preferred" locations available.

Ultimately, staff limitations make it difficult to revise the policy, but the primary reason seems to be a reluctance to remove groups from successful placements that they have, in some cases, had to wait years to get. The capacity for these groups to enjoy a certain level of consistency has been indicated to be a factor in the success of their programs and with regard to field use, there are also considerations that as part of adopt-a-field arrangements, some groups have expended considerable sums to enhance the quality of fields.

4. **A summary of the ICB's most recent discussion on the revised adopt-a-field policy, the outcome of the ICB's consideration of the adopt-a-field policy and how M-NCPPC and MCPS will be moving forward on pending Adopt-a-Field requests, and a summary of comments made by members of the Ball Field Advisory Group regarding the draft policy.**

Since prior to 2001, both MCPS and the Parks Department (field owners) have entered into adopt-a-field arrangements with ball field users. Each adopting entity signs an agreement with the field owners that stipulates the length of the arrangements, the maintenance expectations, the amount of time allocated to dedicated use by the adopting entity and any special arrangements or parameters that require clear delineation. For example, arrangements involving MCPS fields could include guidelines pertaining to pesticide usage.

Adopt-a-field arrangements benefit adopting entities by ensuring they have access to fields they elect to adopt and, because they are then responsible for maintenance of the fields, some assurance that fields adopted are in a condition that supports their activities. The owners benefit by virtue of their ability to minimize costs associated with maintenance of those fields, which then helps to free up funds for maintenance of other fields.

Parks has always managed their adopt-a-field agreements, but for many years CUPF managed adopt-a-field arrangements on behalf of MCPS. In 2005, due to the need to closely monitor field maintenance, limited staff time, and increased guidelines promulgated by MCPS, monitoring of adopt-a-field arrangements for MCPS reverted to MCPS Department of Facilities Management's Real Estate Management Team.

Over the years, the demand for field access has far exceeded the available supply, particularly in certain areas of the County (especially Bethesda) and for fields appropriate for certain sports, soccer and baseball, in particular. Moreover, in these lean budget times, funds slated for field maintenance have also shrunk. As a result, field owners have become more and more receptive to the increase in requests to adopt fields. Where in past years, CUPF played in role in persuading schools to consider adopt-a-field agreements with groups, that level of persuasion is no longer needed. Clearly, once adopted, fields are better maintained but less available to other users, hence impacting the overall inventory of available field hours. As the entity that permits Parks and MCPS athletic fields, CUPF is impacted by how adopt-a-field arrangements are crafted and managed.

Current Scope of Adopt-a-Field Agreements

To date there are 21 adopt-a-field agreements, 18 with MCPS and 3 with Parks (see below). There are also several agreements pending, as entities have requested the opportunity to adopt fields that have not yet been adopted. Pending requests have been deferred while the three agencies, MCPS, Parks and CUPF collaborated on developing a protocol that provides greater consistency around how the owners select, implement and manage adopt-a-field agreements. This was not an easy process. In addressing the issue of historical status, other issues such as equity, displaced groups, etc. emerged.

Existing adopt-a-field agreements include:

<u>Parks</u>	
<u>Field</u>	<u>Organization</u>
Columbia	Burtonsville Athletic Assn.
Lynnbrook	BCC Baseball
North Chevy Chase	Bethesda Little League

<u>MCPS</u>	
<u>School Site</u>	<u>Organization</u>
<del>Banneker Middle School</del>	<del>Burtonsville Athletic Assn. (All fields)</del>
Bethesda Elementary School	BCC Baseball (All fields)
Briggs Chaney Middle School	Burtonsville Athletic Assn. (Fields 2 & 3)
Briggs Chaney Middle School	Calverton Soccer Club (Field 1)
Brook Grove Elementary School	St. Peter's Parish (All fields)
<del>Burtonsville Elementary School</del>	<del>Burtonsville Athletic Assn. (All fields)</del>
<del>Cloverly Elementary School</del>	<del>Burtonsville Athletic Assn. (All fields)</del>
<del>Fairland Elementary School</del>	<del>Burtonsville Athletic Assn. (All fields)</del>
<del>Greencastle Elementary School</del>	<del>Burtonsville Athletic Assn. (All fields)</del>
Rock Terrace High School	City of Rockville (All fields)
<del>Shady Grove Middle School</del>	<del>St. Francis (All fields)</del>
Takoma Park Middle School	City of Takoma Park (Lee Jordan Field)
Tilden Middle School	BCC Baseball (Fields 1-4)
Tilden Middle School	<del>Rotomac Lacrosse League (Fields 5-7)</del> Premier Sports Management
Tilden Center	BCC Baseball (Fields 1-5)
Blair Ewing Center	City of Rockville (soccer and softball fields)
Westbrook Elementary School	BCC Baseball (Field 1)
Westland Middle School	BCC Baseball (Fields 1 & 2)
Wheaton Woods ES	Knights FC

Users Input: The ICB Ball Field Advisory Committee

In 2010 the County Council mandated that CUPF assume responsibility for becoming the lead agency for permitting County recreational and leisure facilities, including ball fields previously permitted by Parks. As a result, it was deemed important to reconvene the ICB's former "Ball Field Work Group" as the ICB's Ballfield Advisory Committee as a means of garnering input and involvement from field users.

A cadre of users was selected to serve 3-year terms that are representative of the diversity of sports being played upon the fields and the geographic distribution of these sports to serve on the Committee. The group convened on August 25, 2011, to discuss a number of issues pertaining to ball field use and user groups, including proposed modifications to a draft adopt-a-field protocol developed by the three agencies.

Feedback from the Ball Field Advisory Committee focused on clarification of maintenance agreement requirements, discussion of whether or not "valued added" proposals should be considered by any selection and review committee, and clarification of items listed as criteria for selection. There was also consensus that field fees could be higher, which would help to address overall maintenance cutbacks, and discussion of whether or not entities should be able to "bid" for adopt-a-field agreements. The latter concept was not looked upon favorably by the overall group.

Based on their feedback, which was generally favorable, the draft was amended and the current draft was forwarded to the Council's Education Committee and to the ICB for input.

As a result of the discussions related to the adopt-a-field proposal at the 2011 ICB meeting, it was agreed that prior to executing any agreements, CUPF would review its impact on the MCRD. Based on ICB priorities and the protocol that outlines the fact that any current user of a field being considered for adoption would be so alerted, it can be noted the impact on MCRD would be negligible. While it is understood that MCRD would not be in a position to adopt fields, it was also noted that conditions could be set as part of the regular scheduling process that would permit Recreation onto fields at times when any adopting entity would not be using them

## Options

Staff outlined a number of options for consideration by the ICB Policy and Guidelines Subcommittee. The consensus of the Subcommittee was to not make changes in how historical user status is applied.

	<b>Option</b>	<b>Advantages</b>	<b>Disadvantages</b>	<b>Implementation Ideas</b>
A.	Continue current practice which does not limit the length of time a group can be afforded priority status at a specific school (not applicable to MCPS or County Gov't or licensed child care)	<ul style="list-style-type: none"> <li>• Favors groups with long histories of school use</li> <li>• No change in administrative resources</li> </ul>	<ul style="list-style-type: none"> <li>• Restricts accessibility for new groups, causing customer complaints</li> <li>• Encourages some groups to share or bequeath their historical status, for which they take minimal responsibility, which can result in on-site and payment issues.</li> </ul>	No change required
B.	Continue current practice with exceptions for specific facilities, e.g., gyms and all-purpose rooms	<ul style="list-style-type: none"> <li>• Improved accessibility by new user groups in the selected rooms</li> </ul>	<ul style="list-style-type: none"> <li>• Customer satisfaction will be determined on which room is requested</li> <li>• Requires significant increase in staff resources to implement a dual system</li> </ul>	<ul style="list-style-type: none"> <li>• Allow historical users to retain priority status for two years</li> <li>• No user groups grandfathered beyond the limits imposed</li> </ul>
C.	Institute term limits on historical, e.g., cap historical user status at four years for all user groups	<ul style="list-style-type: none"> <li>• Improved accessibility by new user groups</li> <li>• Reinforces equitable permitting processes</li> </ul>	<ul style="list-style-type: none"> <li>• Decrease in customer satisfaction among groups that lost historical priority</li> <li>• Impacts customer's long-range planning</li> <li>• Requires additional staff resources and new IT database application to track. Groups likely to challenge their assignment</li> </ul>	<ul style="list-style-type: none"> <li>• Allow historical users to retain priority status for two years</li> <li>• No user groups should be grandfathered beyond the limits imposed</li> </ul>
D.	Eliminate historical users. All facilities would be awarded on a first come, first served basis (as was done by M-NCPPC)	<ul style="list-style-type: none"> <li>• Improved accessibility by new user groups</li> <li>• Eliminates incentives to bequeath accounts</li> <li>• Minimal impact on staff resources following initial notifications</li> </ul>	<ul style="list-style-type: none"> <li>• Decrease in customer satisfaction among groups that lost historical priority</li> <li>• Impacts customer's long-range planning</li> <li>• May result in long lines as groups compete for priority</li> </ul>	When multiple groups concurrently submit a request, use a lottery or other "random" tie-breaker approach to award the space
E.	Annual lottery among window forms	<ul style="list-style-type: none"> <li>• Improved accessibility by new user groups</li> <li>• Eliminates incentives to bequeath accounts</li> </ul>	<ul style="list-style-type: none"> <li>• Decrease in customer satisfaction among groups that lost historical priority</li> <li>• Requires significant increase in staff resources to create and manage lottery, mediate disputes, etc.</li> </ul> <p>Impacts customer's long-range planning</p>	Process window forms in accordance with the lottery assignment, and first-come, first-served when processing interim forms

## Historical User as a Consideration in Community Use Placements

Historical use, as the basis for facility/field allocation, is infrequently mentioned in published policies, but usually is used as a determining factor in resolving conflicting requests between groups that provided timely submissions and are of comparable priority (local, non-profits). While field use is never guaranteed, jurisdictions largely made an attempt to honor preferences or provide alternate field space. After schools/government uses, priority of access was routinely given to local, non-profit organizations.

Jurisdiction	Historical User Practice
<b>Anne Arundel Parks</b> Bob Brandenberger 410-222-7300	<b>Policy: Historical use may be considered to resolve conflict.</b> Organization must be recognized by Anne Arundel County as pre-approved non-profit organization (with insurance, etc.) serving County residents. Historical use used as basis in allocation process. New groups may be asked to demonstrate how they are fulfilling an unmet need.
<b>Baltimore City Public Schools</b> Angela Thompson 410-361-9210	For the most part, BCPS relies on first –come, first served approach. Conflicts are rare, but should they occur, historical use would be considered as a tie-breaker.
<b>Baltimore County Public Schools</b> John Damron Office of Operations 410-887-0430	No response received.
<b>District of Columbia Public Schools</b> Realty Office 202-442-5199	Decentralized at school level - no information available.
<b>Fairfax County Public Schools</b> Taylor Dixon Field Scheduler 703-324-5729	Fairfax has a very detailed process, and size of the club is taken into consideration. While no field use or specific field use is guaranteed, preferences are taken into consideration. Should two teams of equal size and priority apply (although not officially stated), historical placement would be considered and the newer group offered alternate space.
<b>Frederick County Public Schools</b> Sue Heller, 301-644-5025	FCPS historical priority policy reference: Priority Schedule – Excerpt <u>Reg No. 100-1</u> <i>In the event of scheduling conflicts, the principal will give appropriate consideration to groups in good standing that have used the facility in prior years and who primarily serve Frederick County residents.</i>
<b>City of Gaithersburg</b> Jim McGuire 301-258-6350	Fields primarily used for City leagues - City policy prohibits duplication of programs. Intermittent one-time use allowed with priority to City residents. Were conflict to occur, historical use may be considered.
<b>Howard County BOE</b> Brandy Valentine 410-313-7477	Fields are allocated according to group size (larger group - more fields). Should conflict occur, rosters from both groups would be reviewed. Were groups of comparable size/priority, historical use would be tiebreaker.
<b>Loudon County</b> Diane Ryburn, Director Parks, Recreation & Community Services 703-777-0343	School and Park fields: Fields are allocated to league organizations based on number of participants. Rosters are required to determine each organization's needs. PRCS tries to schedule groups per past seasons, but historical use is not an official policy.
<b>Prince George's County Public Schools</b> Patty Budd Plant Operations 301-952-6551	PCPS has submission window and priority list as basis for allocation. In event of requests for same location/time, they attempt to distribute to both. As a matter of practice, and not official policy, historical use may be used as tie-breaker.
<b>City of Rockville</b> Chuck Miller 240-314-8652	No outside use of City fields.

Resolution No. 10-003  
Introduced: December 16, 2009  
Adopted: December 16, 2009

**INTERAGENCY COORDINATING BOARD**

600 Jefferson Plaza, Suite 300  
Rockville, Maryland 20852

**Subject: Priority of Use**

WHEREAS, Chapter 44 of the County Charter, Article I, School Facilities Utilization Act states as a purpose the allocation and scheduling of facility space among users on an equitable basis; and

WHEREAS, Sec. 44-3 (5) designates as a responsibility of the Interagency Coordinating Board adoption of regulations necessary to implement this Article; and

WHEREAS, Maryland Code § 7-109 (1) Use of school property for other than school purposes, requires giving priority to nonprofit daycare programs for use of public school facilities before and after school hours; and

WHEREAS, as a matter of practice, the following priority of use is in effect:

- School (K-12) activities
- State licensed before and after school childcare
- PTA meetings and activities
- Government administrative bodies, including county and municipal recreation departments
- Other publicly supported programs
- Nonprofit community organizations
- Non-county based groups with less than 2/3 county resident membership
- Business/corporate activities

WHEREAS, weekday fees before 6:00 p.m. were set at a reduced rate to support youth programs; and

WHEREAS, no fee distinction exists for youth programs occurring after 6:00 p.m. or weekends; and

WHEREAS, historically youth programs were the focus of community use and over time have become the historical users in most schools; and

WHEREAS, adult users are increasingly requesting earlier time periods; and

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WHEREAS, priority for youth programs are not specifically stated; and

WHEREAS, in order to ensure that youth activities receive age appropriate programming time regardless of the use category; staff recommends implementation of a priority of use for youth activities Monday through Friday before 7:00 p.m.,

NOW, THEREFORE, be it resolved by a vote of the ICB that effective September 1, 2010, the priority of use be as follows:

- School (K-12) activities
- State licensed before and after school childcare
- PTA meetings and activities
- Government administrative bodies
- Other publicly supported programs
- Nonprofit community organizations offering youth programs and services which end before 7:00 p.m.
- Nonprofit community organizations offering programs where the majority of participants will be adults
- Non-county based groups with less than 2/3 County resident membership offering youth programs and services which end before 7:00 p.m.
- Non-county based groups with less than 2/3 County resident membership offering programs where the majority of participants will be adults
- Business/corporate activities offering youth programs and services which end before 7:00 p.m.
- Business/corporate activities offering programs where the majority of participants will be adults

AND, be it further resolved that priority of historical use under current guidelines will be grandfathered in.

## **Adopt-a-Field**

### Background

For more than a dozen years, MCPS and the Parks Department (field owners) have entered into Adopt-a-Field (AAF) arrangements with ballfield users. Each adopting entity signs an agreement with the field owners that stipulates the length of the arrangements, the maintenance expectations, the amount of time allocated to dedicated use by the adopting entity and any special arrangements or parameters that require clear delineation. For example, arrangements involving MCPS fields could include guidelines pertaining to pesticide usage.

AAF arrangements benefit adopting entities by ensuring they have access to preferred fields and, because they are then responsible for maintenance of the fields, some assurance that fields adopted are in a condition that supports their activities. The field owners benefit by virtue of their ability to minimize costs, which then helps to free up funds for maintenance of other fields.

Parks has always managed their AAF agreements, but for many years the Office of Community Use of Public Facilities managed AAF arrangements on behalf of MCPS. In 2005, due to the need to closely monitor field maintenance, limited staff time and increased guidelines promulgated by MCPS related to field maintenance, management of AAF arrangements for MCPS reverted to the MCPS Real Estate Management Team, Department of Facilities Management.

Over the years, the demand for field access has far exceeded the available supply, particularly in certain areas of the County (Bethesda) and for fields appropriate for certain sports, soccer and baseball, in particular. Moreover, in these lean budget times, funds allocated for field maintenance have also shrunken. It is because of these factors that the field owners are seeing an increase in requests to adopt fields and anticipating that this increase could be an ongoing factor. Related, because of costs associated with field maintenance, the owners are increasingly interested in entering into AAF arrangements. Clearly, once adopted, fields are then less available to other users, hence impacting the overall inventory of available field hours. As the entity that permits the bulk of both Parks and MCPS athletic fields, CUPF is invested in how AAF arrangements are crafted and managed.

### Current Scope of AAF Agreements

To date, there are 21 AAF agreements, 18 of which are with MCPS and 3 are with the Parks Department. Specific fields currently part of AAF arrangements and the adopting entities appear below. There are also several agreements pending, as entities have requested the opportunity to adopt fields not yet adopted. Pending requests have been deferred while the three agencies, MCPS, Parks and CUPF, work toward developing a protocol that provides greater consistency around how the owners select, implement and manage AAF agreements.

A number of high schools have independent agreements which are not included on this list, nor formally coordinated with MCPS Facility management. Similarly some jurisdictions may also have AAF agreements.

Existing AAF agreements include:

**Parks:**

<u>Field</u>	<u>Organization</u>
Columbia	Burtonsville Athletic Assn.
Lynnbrook	BCC Baseball
North Chevy Chase	Bethesda Little League

**MCPS:**

<u>School Site</u>	<u>Organization</u>
Banneker Middle School	Burtonsville Athletic Assn. (All fields)
Bethesda Elementary School	BCC Baseball (All fields)
Briggs Chaney Middle School	Burtonsville Athletic Assn. (Fields 2 & 3)
Briggs Chaney Middle School	Calverton Soccer Club (Field 1)
Brook Grove Elementary School	St. Peter's Parish (All fields)
Burtonsville Elementary School	Burtonsville Athletic Assn. (All fields)
Cloverly Elementary School	Burtonsville Athletic Assn. (All fields)
Fairland Elementary School	Burtonsville Athletic Assn. (All fields)
Greencastle Elementary School	Burtonsville Athletic Assn. (All fields)
Rock Terrace High School	City of Rockville (All fields)
Shady Grove Middle School	St. Francis (All fields)
Takoma Park Middle School	City of Takoma Park (Lee Jordan Field)
Tilden Middle School	BCC Baseball (Fields 1-4)
Tilden Middle School	Potomac Lacrosse League (Fields 5-7)
Tilden Center	BCC Baseball (Fields 1-5)
Blair Ewing Center	City of Rockville (soccer and softball fields)
Westbrook Elementary School	BCC Baseball (Field 1)
Westland Middle School	BCC Baseball (Fields 1 & 2)

User Input: The ICB Ballfield Advisory Committee

In 2010, the Montgomery County Council mandated that CUPF assume responsibility for becoming the lead agency for permitting County recreational and leisure facilities, including ballfields previously permitted by Parks. As a result the former "Ballfield Work Group" was reconstituted as the "Ballfield Advisory Committee" to advise the Board on issues and policies impacting the outdoor field users.

A cadre of users was selected that are representative of groups that are frequent and/or extensive users, of the diversity of sports being played upon the fields, and of the geographic

and cultural diversity of the communities participating. The initial members of the group have been appointed for three-year terms. The group convened on August 25<sup>th</sup> to discuss a number of issues pertaining to ballfield use and user groups, including proposed modifications to a draft AAF protocol developed by the three agencies.

Based on their feedback, the initial draft, a copy of which is attached, was amended. In light of the Council Education Committee's interest in the issue of historical use, the current draft was forwarded to the committee for review.

The current Ball Field Advisory Committee is comprised of:

Armando Portillo - (Maryland International Soccer)  
Brad Broseker - (Red Raiders Softball)  
Carmelo Montanez - (Damascus Soccer Club)  
Denise Gorham - (BCC Baseball)  
Doug Shuessler - (Montgomery Soccer Inc.)  
Andy Fish - (Montgomery County Department of Recreation)  
Howard Kohn - (Takoma Park Department of Recreation)  
John Nalls - (Maplewood Sports)  
Ken Bradford - (Olney Boys and Girls Club)  
Kevin Donoghue - (CYO Archdiocese of Wash.)  
Lisa Heaton - (Bethesda Lacrosse)  
Nick Jovanovic - (Social Sports of Bethesda)  
Tony Korson - (Koa Sports)

#### New AAF Protocol

Up to this point, MCPS and Parks maintained differing AAF arrangements. Primary differences related to access available to adopting entities, procedures for implementing agreements and expectations around maintenance. For example, MCPS granted access to adopting entities on four weekdays after school and one weekend day, while Parks granted access on two full weekdays and one weekend day. Parks, MCPS and CUPF agreed that it would be advisable to consolidate practices to the extent possible. It was agreed three weekdays and one weekend day would be a fair compromise. As very different entities with differing missions and scopes of service, it is not possible that MCPS and Parks observe a completely uniform agreement, but it was determined there is room for more coordination.

In addition, given the overwhelming demand for field space, the three agencies expect that there will be an increased demand and competition by users to adopt fields. A methodology for selecting the adopting entity needed to be developed, especially in light of the expected competition with multiple groups seeking to adopt the same fields.

To that end, the attached protocol was developed. Key provisions include:

- Access to fields for three weekdays and one weekend day
- Decisions about the availability of MCPS fields for AAF are now the responsibility of Facilities Management

- Opportunities for joint agreements
- Competitive selection process
- Terms extended to five years

**DRAFT  
PROPOSED ADOPT A FIELD PROCEDURES**

Adopt-a-Field (AAF) is an arrangement between a field user(s) and Montgomery County ballfield owners (MCPS and Parks) that allocates priority use of adopted fields to an entity that has entered into a formal agreement with the owner. In exchange, the adopting entity agrees to provide field maintenance, as stipulated in these formal agreements. The advantages to the adopting entity are guaranteed use of the field for specified periods of time and the capacity to ensure the field's maintenance meets their needs. The advantage to the owner is the capacity to minimize costs associated with maintenance of the adopted field(s).

The field owners (MCPS and Parks) as well as representatives from Community Use of Public Facilities (CUPF) have been meeting to discuss modifications to AAF arrangements, aimed at making the agreements more uniform between the two agencies.

It should be noted that this document merely outlines a protocol of how AAF agreements might be administered. Specific agreements between adopting entities and owners will be executed that will outline terms of use, access and associated costs for adopting specific fields.

This proposed new protocol will, hopefully, be implemented for the spring/summer 2012 season, which will be scheduled in December of 2011.

**Existing Agreements**

Existing agreements will be honored "as is" for the duration of the agreements. Any MCPS agreements slated to end prior to formal adoption of new procedures, at the discretion of the field owner, may be offered another three year agreement. Parks adopters will be given an extension of up to one year when both the owner and adoptee agree such is desirable.

**Municipalities Exempt**

Local municipalities are exempt from the terms outlined for new AAF agreements. Such agreements are executed and administered independently by the field owners and the municipalities adopting fields.

**New Protocol**

Both owners agree that they are open to AAF arrangements on most fields. For MCPS fields, AAF agreements are permitted only on middle and elementary school fields and AAF arrangements for Parks fields are available only for local (not regional) fields. At present, AAF agreements on MCPS fields also require the permission of the school's principal. In the future, all MCPS middle and elementary school fields will be eligible and will not require the principal's permission, but the principal will be invited to serve on any committee that is formed to select an adopter for fields at his/her school.

When an entity seeks to adopt a field not currently part of any AAF agreement, the owner or a managing agent will alert field users, including users of that specific field, that an AAF agreement has been proposed. Should other users wish to compete for adoption of the field, they may do so. CUPF will provide the field owner with the names of all potential field users that should be invited to compete.

When only a single entity has proposed adoption of a specific field and no other user has expressed interest, the field will be subject to adoption by that entity, provided it meets minimum criteria.

When multiple entities express interest in adopting the same field and do not wish to apply jointly for the field's adoption, a competitive process will be implemented to select the entity that will be granted the AAF agreement.

Entities that wish to apply jointly to adopt the same field may do so, but their request submission must fully outline their mutual agreement relative to their respective access, roles, rights and responsibilities. Proposals must be submitted that have already addressed these issues. *Neither the owner will coordinate or negotiate any agreement between multiple entities.*

To date, neither owner has engaged in multiple agreements involving more than one adopter. Any partnerships among adopting entities to adopt a single field will be viewed as a pilot program and subject to modification if the arrangement appears to be unworkable.

Preference will be given to any entity or entities willing to adopt a field for the entire calendar year, whether there is a single entity seeking to adopt the field, or whether the proposal involves more than one entity applying jointly. Consideration will be given by Parks (but not by MCPS) to seasonal requests when the adopting entity partners with another entity willing to adopt the field for the alternate season. When this applies, the same stipulations listed above relative to partnering (e.g., the entities will negotiate terms, not the owner/agent) apply.

### **Term**

New AAF agreements will be five years in duration. At the end of that term, all interested entities will be permitted to seek adoption of the field and if more than one entity is so interested, a competitive process will be implemented to award the field. Should no other entities be interested, the agreement will be subject to non-competitive renewal when both the owner/agent and the existing adopting entity agree they wish to renew the agreement.

### **Access**

New AAF agreements will grant priority use to the adopting entity for three weekdays and one weekend day. Fields being jointly adopted by two entities (on a non-seasonal basis) will, in general, be permitted to both of those entities for two weekdays and one weekend day each, unless the entities themselves agree to an alternative arrangement.

### **Maintenance**

In general, both owners prefer that maintenance be performed by a contractor to ensure maintenance meets necessary criteria and to promote ease of monitoring. For Parks AAF

agreements, adopting entities must propose a vendor/contractor that will perform maintenance services required by the formal agreement to be executed. Adopting entities are expected to agree to a menu of maintenance activities that will be stipulated in the agreement. MCPS, will maintain a preferred contractor list, and will, under certain conditions, entertain other maintenance proposals, evaluated on a waiver/exemption basis. When MCPS agrees that other entities are permitted to provide maintenance, fields will be closely monitored and any breaches of maintenance responsibilities agreed upon will subject the agreement to termination or will require the adopting entity to immediately enter into an agreement for maintenance to be performed by an approved contractor. For Parks fields, maintenance would apply to entire fields, whether or not they are overlaid. For MCPS fields, essentially, the user would be adopting "as is". If the user wishes to upgrade, prior approval of MCPS is required. Costs for maintenance will be shown on agreement exhibits consistent with current practice.

With regard to school fields, it is anticipated that principals will work with adopting entities to determine reasonable times when fields will be made available for maintenance activities.

### **Fees**

In recognition of higher costs for maintenance associated with adopting fields, Parks will consider charging adopting entities a lower hourly rate, to be determined, for permits issued. A reduced fee is already in place for use of MCPS AAF.

### **Criteria for Selection**

When there is competition to adopt any specific field, the following criteria will be used to make a selection. The selection will be made by a selection committee, the membership of which is to be determined.

When requests to adopt fields are non-competitive, it will still be necessary for the adopting entity to meet minimum criteria related to the items below.

#### **Criterion 1 – Experienced User**

The user is a known entity, has proven to be a responsive and responsible user that has adhered to guidelines for use of public fields and has been willing and able in the past to resolve any issues that have arisen resulting from their use of public fields.

#### **Criterion 2 – Community Support/Engagement**

- ◆ Entities wanting to enter into an AAF arrangement must be a Montgomery County entity and must ensure that 2/3 of those participating in programs to be conducted on the field to be adopted are Montgomery County residents.
- ◆ Weight will be assigned based on the overall number of persons to be served and that hence will benefit from the AAF agreement.
- ◆ Weight will be assigned by MCPS to proposals that focus on service to youth.
- ◆ Weight will be given to proposals that document plans to serve underserved populations.
- ◆ Weight will be assigned to proposals that promote open access to all participants regardless of skill level, age, or income level.

- ◆ Weight will be given to entities with documented nonprofit status.
- ◆ Entities wishing to offer a "value added" to their AAF arrangement should outline their plan in their application. Selection panels will weigh such proposals as part of the overall selection process, but no specific weight will be given.

**Criterion 3 – Financial Capacity for a Successful Agreement**

Entities wanting to enter into an AAF agreement must document their financial capacity to ensure maintenance responsibilities that are part of the agreement will be fulfilled without fail.