

**MEMORANDUM**

January 29, 2013

TO: Education Committee

FROM:  Keith Levchenko, Senior Legislative Analyst

SUBJECT: Supplemental Appropriation to the Montgomery County Public Schools (MCPS) FY13 Capital Budget and Amendment to the FY13-18 Capital Improvements Program - \$247,000 for the Westbrook ES Addition (No. 116512) (Source: Contributions)

On January 17, 2013, the County Council received a recommendation from the County Executive (see ©1) to approve a request from MCPS (see ©4-7) for an FY13 supplemental appropriation of \$247,000 for additional work as part of the ongoing Westbrook Elementary School addition project. The additional work includes the conversion of the school courtyard into an outdoor learning environment and enhancements to the multi-purpose room (including an expanded stage).

This additional work would be done as part of the school's ongoing addition project and would be funded with contributions from "The Friends of Westbrook School Foundation, Inc." No County funding is required.

Public hearing and action are scheduled for February 12 at 1:30 p.m.

**Discussion**

MCPS has a policy in place: Policy CNE: Facility Improvements That Are Not Funded with Montgomery County Revenues (see ©8-11), which guides MCPS on issues such as this item. The current policy was approved in 2002.

The policy supports the acceptance of contributions for facility improvements that support school activities or the school as a whole. For instance, an enlarged gymnasium, enhanced landscaping, facility aesthetic enhancements, and playground and enhanced theatrical equipment are specifically noted in the policy as acceptable. These improvements, however, cannot currently be the responsibility of the school system to provide. For instance, items related to core support space and student capacity are not allowable improvements under this policy.

An important set of questions in Section C4(e) of the policy (see ©10) provides guidance to MCPS as to whether particular contribution requests should be accepted. From Council Staff's perspective, questions 1 and 3 are the only ones at issue in this case:

- (1) **Whether the improvement would foster or exacerbate inequality.** *To some degree, any improvements under this policy affect "equity" between schools. However, the issue is whether the particular improvement creates an "undue equity" between schools. This is, admittedly, a judgment call best decided by MCPS. In this case, the improvements are clearly within the scope of MCPS' longstanding Policy CNE and do not appear to raise any previously unconsidered equity issues in the context of this policy.*
  
- (3) **Whether the improvement will cause a future financial liability in annual operating costs.** *Council Staff asked MCPS to provide more information as to the future financial impact associated with the requested improvements for Westbrook Elementary School. MCPS staff replied that these improvements will have a minimal impact on utilities and maintenance.*

### **Recommendation**

**Council Staff recommends approval of the supplemental appropriation/amendment request as requested by MCPS and supported by the County Executive.**

*NOTE: If any new issues arise at the public hearing, the Committee may wish to defer Council action (currently scheduled immediately after the hearing), pending further Committee review.*

#### **Attachments**

KML:f:\levchenko\mcps\fy13 18 cip amendments\ed 1 31 13 westbrook es addition supplemental.doc



OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Isiah Leggett  
County Executive

MEMORANDUM

January 11, 2013

TO: Nancy Navarro, President, County Council

FROM: Isiah Leggett, County Executive 

SUBJECT: Supplemental Appropriation #24- S13-CMCPS-6 to the FY13 Capital Budget and the FY13-18 Capital Improvements Program  
Montgomery County Public Schools  
Westbrook ES Addition (No. 116512)  
Contributions, \$247,000

I recommend a supplemental appropriation to the FY13 Capital Budget and an amendment to the FY13-18 Capital Improvements Program in the amount of \$247,000 for Montgomery County Public Schools (MCPS) to receive funding under Contributions for the Westbrook ES Addition project for facility improvements to the ongoing addition project.

The Board of Education requested a supplemental appropriation of \$247,000 in Contribution funds for the Westbrook ES Addition Project. The Friends of Westbrook Foundation, Inc. proposed a contribution of \$247,000 towards the cost of various facility improvements to the courtyard and multipurpose room. This will be incorporated in the Westbrook ES Addition project.

I recommend that the County Council approve this supplemental appropriation and an amendment to the FY13-18 Capital Improvements Program in the amount of \$247,000 and specify the source of funds as Contributions. I appreciate your prompt consideration of this action.

IL:jm

Attachment: Board of Education Request

Resolution No.: \_\_\_\_\_  
Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

---

By: Council President at the Request of the County Executive

---

**SUBJECT:** Supplemental Appropriation #24- S13-CMCPS-6 to the FY13 Capital Budget and Amendment to the FY13-18 Capital Improvements Program  
Montgomery County Public Schools  
Westbrook ES Addition (No. 116512), \$247,000

**Background**

1. Section 307 of the Montgomery County Charter provides that any supplemental appropriation shall be recommended by the County Executive, who shall specify the source of funds to finance it. The Council shall hold a public hearing on each proposed supplemental appropriation after at least one week's notice. A supplemental appropriation that would comply with, avail the County of, or put into effect a grant or a Federal, State or County law or regulation, or one that is approved after January 1 of any fiscal year, requires an affirmative vote of five Councilmembers. A supplemental appropriation for any other purpose that is approved before January 1 of any fiscal year requires an affirmative vote of six Councilmembers. The Council may, in a single action, approve more than one supplemental appropriation. The Executive may disapprove or reduce a supplemental appropriation, and the Council may reapprove the appropriation, as if it were an item in the annual budget.
2. Section 302 of the Montgomery County Charter provides that the Council may amend an approved capital improvements program at any time by an affirmative vote of no fewer than six members of the Council.
3. The Board of Education requested a supplemental appropriation for the Montgomery County Public Schools' Westbrook ES Addition FY13 capital project as follows:

<u>Project Name</u>	<u>Project Number</u>	<u>Amount</u>	<u>Source of Funds</u>
Westbrook ES Addition	116512	\$247,000	Contributions

- 4. The Board of Education requested a supplemental request of \$247,000 in Contribution funds for the Westbrook ES Addition Project. The Friends of Westbrook Foundation, Inc. proposed a contribution of \$247,000 towards the cost of various facility improvements to the courtyard and multipurpose room. This will be incorporated in the Westbrook ES Addition project.
- 5. Notice of public hearing was given and a public hearing was held.

**Action**

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

The FY13 Capital Improvements Program of the Montgomery County Government is amended as reflected on the attached project description form and a supplemental appropriation is approved as follows:

<u>Name</u>	<u>Project Number</u>	<u>Project Amount</u>	<u>Source of Funds</u>
Westbrook ES Addition Program Improvements	116512	\$247,000	Contributions

This is a correct copy of Council action.

---

Linda M. Lauer, Clerk of the Council

Office of the Superintendent of Schools  
MONTGOMERY COUNTY PUBLIC SCHOOLS  
Rockville, Maryland

December 11, 2012

MEMORANDUM

To: Members of the Board of Education

From: Joshua P. Starr, Superintendent of Schools 

Subject: Westbrook Elementary School—Request for Friends of Westbrook School Foundation, Inc. to Fund Various Improvements During Addition Project—Policy CNE

**Background**

The construction of the addition project at Westbrook Elementary School is well underway and scheduled to be completed by August 2013. The Friends of Westbrook School Foundation, Inc. has submitted a letter of commitment to raise and contribute approximately \$247,000 toward various facility improvements to be incorporated as part of the addition project. The proposal for facility improvements includes the conversion of the courtyard into an outdoor learning environment and enhancements for the existing multipurpose room, including an expanded stage with a handicap ramp, lighting, acoustic treatment, and new vinyl composition floor tile. These improvements will enhance the existing school and better accommodate various school-sponsored programs and activities.

This request is in compliance with the requirements of Board of Education Policy CNE, *Facility Improvements That Are Not Funded with Montgomery County Revenues*. Similar types of requests, such as an enlarged stage, amphitheaters, and other facility improvements as a part of major capital projects have been granted for past projects.

Staff in the Department of Facilities Management has confirmed with Hess Construction and Engineering Services, the contractor currently working on the Westbrook Elementary School addition project, that the additional work involved with the requested facility improvements can be completed at the same time with the ongoing addition project. Therefore, I recommend your approval for the following resolutions:

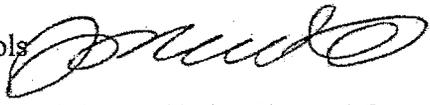
WHEREAS, The Friends of Westbrook School Foundation, Inc. has submitted a letter of commitment to raise and contribute approximately \$247,000 for various facility improvements to the courtyard and multipurpose room to be incorporated in the Westbrook Elementary School addition project; and

Office of the Superintendent of Schools  
MONTGOMERY COUNTY PUBLIC SCHOOLS  
Rockville, Maryland

December 19, 2012

MEMORANDUM

To: The Honorable Isiah Leggett, County Executive  
The Honorable Nancy Navarro, President, County Council

From: Joshua P. Starr, Superintendent of Schools 

Subject: Transmittal—Fiscal Year 2013 Supplemental Appropriation Request for  
Westbrook Elementary School Addition Project

Board of Education Meeting Date: December 11, 2012

Type of Action:

Supplemental Appropriation

Transfer

Notification

JPS:JS:ak

Attachment

Copy to:  
Mr. Bowers  
Montgomery County Office of Management and Budget

WHEREAS, The estimated cost of the proposed facility improvements is approximately \$247,000; and

WHEREAS, The proposed facility improvements can be incorporated as a part of the ongoing construction of the addition project; and

WHEREAS, These facility improvements will enhance the existing school and better accommodate various school-sponsored programs and activities; and

WHEREAS, This request is in compliance with the requirements of Board of Education Policy CNE, *Facility Improvements That Are Not Funded with Montgomery County Revenues*; and

WHEREAS, Similiar types of requests have been granted previously; now therefore be it

Resolved, That the Board of Education approves the request of the Friends of Westbrook School Foundation, Inc. to raise and contribute \$247,000 for various improvements to the courtyard and multipurpose room to be incorporated in the Westbrook Elementary School addition project; and be it further

Resolved, That the contribution for the Friends of Westbrook School Foundation, Inc. be accepted in accordance with Board of Education Policy CNE, *Facility Improvements That Are Not Funded with Montgomery County Revenues*; and be it further

Resolved, That the Montgomery County Council be requested to accept the contribution for the various facility improvements at Westbrook Elementary School; and be it further

Resolved, That the Board of Education requests a Fiscal Year 2013 supplemental appropriation and amendment to the Fiscal Year 2013–2018 Capital Improvements Program in the amount of \$247,000 to fund facility improvements at Westbrook Elementary School as a part of the ongoing addition project; and be it further

Resolved, That the president of the Board of Education and the superintendent of schools be authorized to execute a change order in the amount of \$247,000 to Hess Construction and Engineering Services for the various facility improvements at Westbrook Elementary School contingent upon approval of a supplemental appropriation by the Montgomery County Council; and be it further

Resolved, That this resolution be forwarded to the county executive and County Council for consideration and approval.

JPS:LAB:JS:mas

## Westbrook ES Addition -- No. 116512

Category	Montgomery County Public Schools	Date Last Modified	May 21, 2012
Subcategory	Individual Schools	Required Adequate Public Facility	No
Administering Agency	MCPS	Relocation Impact	None
Planning Area	Bethesda-Chevy Chase	Status	Planning Stage

### EXPENDITURE SCHEDULE (\$000)

Cost Element	Total	Thru FY11	Est. FY12	Total 6 Years	FY13	FY14	FY15	FY16	FY17	FY18	Beyond 6 Years
Planning, Design, and Supervision	994	497	298	199	199	0	0	0	0	0	0
Land	0	0	0	0	0	0	0	0	0	0	0
Site Improvements and Utilities	1,394	0	1,115	279	279	0	0	0	0	0	0
Construction	8,832	0	267	8,565	4,149	4,416	0	0	0	0	0
Other	585	0	0	585	117	468	0	0	0	0	0
<b>Total</b>	<b>11,805</b>	<b>497</b>	<b>1,680</b>	<b>9,628</b>	<b>4,744</b>	<b>4,884</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### FUNDING SCHEDULE (\$000)

G.O. Bonds	11,805	497	1,680	9,628	4,744	4,884	0	0	0	0	0
<b>Total</b>	<b>11,805</b>	<b>497</b>	<b>1,680</b>	<b>9,628</b>	<b>4,744</b>	<b>4,884</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### OPERATING BUDGET IMPACT (\$000)

Energy				265	0	53	53	53	53	53
Maintenance				505	0	101	101	101	101	101
<b>Net Impact</b>				<b>770</b>	<b>0</b>	<b>154</b>	<b>154</b>	<b>154</b>	<b>154</b>	<b>154</b>

#### DESCRIPTION

Student enrollment at elementary schools in the Bethesda-Chevy Chase Cluster has increased dramatically over the past two school years, causing the cluster to be placed in a housing moratorium according to the county's Annual Growth Policy. Enrollment projections at Westbrook Elementary School, located in the Bethesda-Chevy Chase Cluster, reflect a need for a 15-classroom addition. Westbrook Elementary School has a program capacity for 293 students. Enrollment is expected to reach 478 students by the 2013-2014 school year.

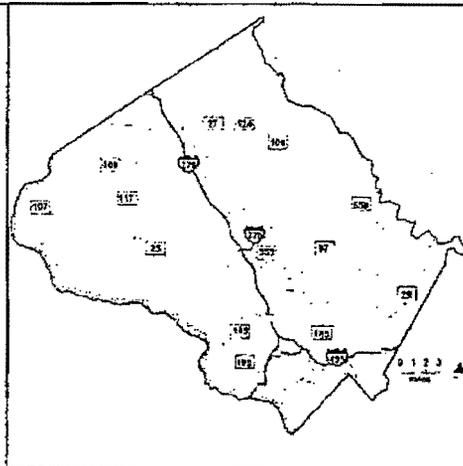
An FY 2011 appropriation was approved to begin planning this addition project. An FY 2012 appropriation was approved for construction funds. An FY 2013 appropriation was approved to complete this project. This project is scheduled to be completed August 2013.

#### CAPACITY

Program Capacity after Addition: 637

APPROPRIATION AND EXPENDITURE DATA		
Date First Appropriation	FY11	(5000)
First Cost Estimate	FY	0
Current Scope		
Last FY's Cost Estimate		11,805
Appropriation Request	FY13	586
Appropriation Request Est.	FY14	0
Supplemental Appropriation Request		0
Transfer		0
Cumulative Appropriation		11,219
Expenditures / Encumbrances		835
Unencumbered Balance		10,284
Partial Closeout Thru	FY10	0
New Partial Closeout	FY11	0
Total Partial Closeout		0

**COORDINATION**  
 Mandatory Referral - M-NCPPC  
 Department of Environmental Protection  
 Building Permits:  
 Code Review  
 Fire Marshall  
 Department of Transportation  
 Inspections  
 Sediment Control  
 Stormwater Management  
 WSSC Permits



Agency Request

5/21/2012 10:34:52AM

# POLICY BOARD OF EDUCATION OF MONTGOMERY COUNTY

---

Related Entries: CND  
Responsible Office: Facilities Management

## Facility Improvements That Are Not Funded with Montgomery County Revenues

### A. PURPOSE

To provide guidelines for accepting non-Montgomery County government funds for facility improvements that qualify as capital investments. Acceptable improvements to be considered under this policy are limited to physical plant or site improvements that are considered a fixed asset, meet established capital budget funding criteria, and have a minimum life cycle of fifteen (15) years. This policy is not intended for equipment or items that do not meet the capital asset criteria, or for activities covered by Policy CND: *School-Related Fund Raising*.

### B. ISSUE

The Board of Education recognizes that private organizations, parent and community groups, businesses, or non-Montgomery County governmental agencies at times want to provide financial support for facility improvements that would normally not be funded as part of county supported programs. The Board also recognizes that while these improvements are not essential, they do provide opportunities to create facility features that are compatible with neighboring buildings or enhance community and school activities.

### C. POSITION

1. Except as outlined in Item 2 below, the acceptance of Non-Montgomery County government funds may be considered for facility improvements that:
  - a) Support activities that benefit a school sponsored activity or the school as a whole; such as play ground equipment, stadium lights, or theatrical equipment
  - b) Supplement architectural, landscaping, or aesthetic enhancements to the facility for neighborhood compatibility

- c) Enhance community use of schools; such as a larger gymnasium than would normally be provided as part of a new school, modernization, or addition project
  - d) Provide for the construction of community or recreational improvements funded by other governmental entities for joint community and school use
2. Funds may not be received under this policy for capital projects which are the responsibility of the school system, county government, and/or state to provide for student capacity, including core support space, and maintenance of physical plant.
3. Appropriate funding sources include:
- a) Parent and community organizations and foundations
  - b) Non-Montgomery County governmental agencies
  - c) Private organizations and businesses
  - d) Bequests and trusts
4. Guidelines
- a) Requests to provide financial support for facilities improvements must be reviewed in advance of any such activities by the director of the Department of Facilities Management in collaboration with the principal or site administrator to ensure compliance with this policy.
  - b) The request must include a plan for financial support and sufficient assurances that the entity donating the funds will meet the agreed upon financial obligation.
  - c) If the proposed improvement is less than \$50,000, the director of the Department of Facilities Management is authorized to approve the plan provided it complies with the provisions of this policy. Improvements approved by the director of the Department of Facilities Management will be reported periodically to the Board of Education.
  - d) If the proposed improvement exceeds \$50,000, the director of the Department of Facilities Management will present the request for facilities improvement and the funding plan to the Board of Education for its approval prior to notifying the entity whether they may proceed with the fund raising activities.

- e) In making decisions whether to grant approval for facility improvements under this policy, the following shall be considered:
  - (1) Whether the improvement would foster or exacerbate inequity
  - (2) Whether the Board of Education, Montgomery County Government, or Maryland State Department of Education have responsibility for funding similar improvements at all schools using tax supported revenue or bonds sales to the extent available
  - (3) Whether the improvement will cause a future financial liability in annual operating costs
  - (4) Whether the improvement will create safety, security, or other school operation impacts
  - (5) Whether the funds donated would expedite the implementation of county supported programs
  - (6) Whether the improvements would meet or support a greater community need for services
- f) The group providing the funds for facility improvements under this policy will plan and supervise all fundraising activities sponsored by the organization, and will abide by established financial management procedures.
- g) All funds received for facility improvements under this policy must be appropriated in accordance with Montgomery County financial regulations.
- h) The director of the Department of Facilities Management will ensure that the necessary appropriation requests are presented to the Board of Education for approval and the funding is allocated by the Montgomery County Council before any work begins on the facility improvements.

**D. DESIRED OUTCOMES**

This policy is designed to allow for contributions for facilities improvements from non-Montgomery County funding sources, without creating inequities among school communities. This will strengthen the relationships between the school system and various groups within the community.

**E. IMPLEMENTATION STRATEGIES**

The superintendent will establish administrative regulations or other administrative procedures that may be necessary for implementing the guidelines outlined in this policy.

**F. REVIEW AND REPORTING**

This policy will be reviewed on an ongoing basis in accordance with the Board of Education policy review process.

*Policy History:* Adopted by Resolution No. 530-02, November 21, 2002.