

AGENDA ITEM #2D
June 30, 2009
Action

MEMORANDUM

June 18, 2009

TO: County Council
CHS

FROM: Charles H. Sherer, Legislative Analyst

SUBJECT: Resolution to petition the State for two grants for Montgomery College:
\$32,163,000 for the construction of the Germantown Bioscience Education Center
project on the Germantown Campus
\$1,015,000 for the design of the Rockville Science West Building Renovation
project on the Rockville Campus

The FY10 capital budget appropriations for Montgomery College that the Council approved on May 21, 2009 assumed State funds for the above projects. The State General Assembly and the Governor have approved the State funding, but the State's procedures require each County to file a petition for the grants with the Maryland Higher Education Commission. The Commission will then recommend that the Board of Public Works approve the grants.

The Council's Rules of Procedure permit action at any time without introduction at a prior meeting if the matter was the subject of public hearing. The above projects were included in the College's Capital Improvements Program, which was the subject of public hearings in February 2009. Therefore, the Council can approve the resolution without introduction at a prior meeting, which is Council staff's recommendation.

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Agenda Item Number 14
June 15, 2009

PETITIONS FOR STATE FUNDING

BACKGROUND

On May 21, 2009, the Montgomery County Council appropriated the College's FY2010 Capital Budget including funds for two (2) State-assisted projects: the Germantown Bioscience Education Center project, and the Rockville Science West Building Renovation project. The County Executive and the County Council have been informed that the College will petition the State for final approval of each project's funding.

The State and County funding levels for the project are outlined below. The FY2010 appropriation for the Germantown Bioscience Education Center project for construction is \$64,326,000 (\$32,163,000 County and \$32,163,000 State Aid). The total appropriation for the Rockville Science West Building Renovation project for design is \$3,062,000. The County approved the full amount in FY 2009 because no State funds were available at that time. In FY2010, the State was able to approve \$1,015,000 for this project and the County revised its share as follows: (\$2,047,000 County and \$1,015,000 State Aid).

The attached resolution and County Council petition are in the format prescribed by the State and County. In addition, the petition outlines the contingent nature of the Council's approval which requires State approval of the College's projects as part of the FY2010 bond bill. With the Board's adoption of this resolution, the request is forwarded to the County Council for action on the State grant petition.

RECOMMENDATION

It is recommended that the Board of Trustees formally request the County Council to petition the State for the following grants: \$32,163,000 for construction of the Germantown Bioscience Education Center project; \$1,015,000 for design of the Rockville Science West Building Renovation project.

BACK-UP INFORMATION

Board Resolution
County Council Resolutions
Project Description Forms

RESOURCE PERSON

Mr. Capp

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: 09-06-073
Adopted on: 6/15/2009

Agenda Item Number 14
June 15, 2009

**Subject: Proposal to Construct a Public Junior/Community College or Additions Thereto,
Germantown Bioscience Education Center Project Construction**

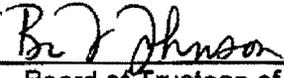
WHEREAS, the General Assembly of Maryland has enacted various community college construction loan acts that provide State funds to assist the various counties in financing the costs of acquiring land and constructing public junior, community, or regional community college buildings and facilities, the costs of which were incurred after the effective dates of the acts; and

WHEREAS, the Board of Trustees of Montgomery Community College proposes undertaking certain the construction of the Germantown Bioscience Education Center project on the Germantown Campus of the College and has determined that the sum of \$32,163,000 in State financial assistance available under the loan acts is needed for this purpose; now therefore be it

Resolved, That the Board of Trustees of Montgomery Community College requests that the Montgomery County Council approve the proposal to undertake the construction of the Germantown Bioscience Education Center project on the Germantown Campus of the College as set forth in the application for financial assistance; file, as required by the loan acts and contingent on enactment of the FY2010 State of Maryland Capital Budget by the 2009 Session of the General Assembly and its approval by the Governor, the necessary petition with Maryland Higher Education Commission for a State grant in the amount of \$32,163,000, and make available the necessary local funds for completion of the project.

A True Copy.

ATTEST:

, Secretary-Treasurer
Board of Trustees of
Montgomery Community College

Date: 06/22/09

BKJ:abg

Resolution No: _____
Introduced: _____
Adopted: _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: County Council

Subject: Petition for State Grant of \$32,163,000 for the construction of the Germantown Bioscience Education Center project on the Germantown Campus of the College.

Background

1. The General Assembly of Maryland has enacted various community college construction loan acts that provide State funds to assist the counties in financing the costs of acquiring land and constructing public junior, community, or regional community college buildings and facilities, the costs of which were incurred after the effective dates of the acts.
2. The County Council must file a petition to participate in the financial assistance provided in the acts with the Maryland Higher Education Commission.
3. The Board of Trustees of Montgomery Community College proposes undertaking the construction of the Germantown Bioscience Education Center project on the Germantown Campus of the College in Montgomery County. Upon resolution duly adopted by the Board, the Board requests the County Council to petition the Maryland Higher Education Commission for a grant of \$32,163,000 needed to assist the financing of the public community college project which is described in the application for financial assistance.
4. In the FY2010 Capital Budget for Montgomery College, the Board of Trustees proposed undertaking the construction of the Germantown Bioscience Education Center project on the Germantown Campus of the College. On May 21, 2009, the County Council approved \$64,326,000 for this project, contingent on the receipt of \$32,163,000 from the State in FY 2010.
5. In April 2009, the State General Assembly and the Governor approved the FY2010 State of Maryland Capital Budget, which included \$32,163,000 for the construction of the Germantown Bioscience Education Center project on the Germantown Campus of the College. However, the Board of Public Works must still approve the specific grant and the necessary contracts. Before this approval, the County Council must file a petition to

participate in the financial assistance provided in the acts with the Maryland Higher Education Commission. After the Commission receives this petition, the Commission will recommend to the Board of Public works that the Board approve the grant and the contracts.

Action

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

1. In accordance with the enactment by the 2009 session of the General Assembly of the FY2010 State of Maryland Capital Budget and approval by the Governor, the County petitions the Maryland Higher Education Commission for a grant of \$32,163,000 from the available funds of the various community college construction loan acts in order to participate in the available financial assistance.
2. If the Maryland State Board of Public Works approves a grant of less than fifty percent (50%) of the estimated total cost for the construction of the Germantown Bioscience Education Center project on the Germantown Campus of the College, the College must notify the County Executive and the County Council by requesting an amendment to the College's Capital Improvements Program. The amendment must show the actual project funding schedule proposed and the Council must approve the amendment before the College awards a contract.

This is a correct copy of Council action.

Linda M. Lauer
Clerk of the Council

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: 09-06-073
Adopted on: 6/15/2009

Agenda Item Number 14
June 15, 2009

**Subject: Proposal to Construct a Public Junior/Community College or Additions Thereto,
Rockville Science West Building Renovation Design**

WHEREAS, the General Assembly of Maryland has enacted various community college construction loan acts that provide State funds to assist the various counties in financing the costs of acquiring land and constructing public junior, community, or regional community college buildings and facilities, the costs of which were incurred after the effective dates of the acts; and

WHEREAS, the Board of Trustees of Montgomery Community College proposes undertaking certain the design of the Science West Building Renovation project on the Rockville Campus of the College and has determined that the sum of \$1,015,000 in State financial assistance available under the loan acts is needed for this purpose; now therefore be it

Resolved, That the Board of Trustees of Montgomery Community College requests that the Montgomery County Council approve the proposal to undertake the design of the Rockville Science West Building Renovation project on the Rockville Campus of the College as set forth in the application for financial assistance; file, as required by the loan acts and contingent on enactment of the FY2010 State of Maryland Capital Budget by the 2009 Session of the General Assembly and its approval by the Governor, the necessary petition with Maryland Higher Education Commission for a State grant in the amount of \$1,015,000, and make available the necessary local funds for completion of the project.

A True Copy.

ATTEST:

Bruce Johnson, Secretary-Treasurer
Board of Trustees of
Montgomery Community College

Date: 06/22/09

BKJ:abg

Resolution No: _____
Introduced: _____
Adopted: _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: County Council

Subject: Petition for State Grant of \$1,015,000 for the design of the Rockville Science West Building Renovation project on the Rockville Campus of the College.

Background

1. The General Assembly of Maryland has enacted various community college construction loan acts that provide State funds to assist the counties in financing the costs of acquiring land and constructing public junior, community, or regional community college buildings and facilities, the costs of which were incurred after the effective dates of the acts.
2. The County Council must file a petition to participate in the financial assistance provided in the acts with the Maryland Higher Education Commission.
3. The Board of Trustees of Montgomery Community College proposes undertaking the design of the Rockville Science West Building Renovation project on the Rockville Campus of the College in Montgomery County. Upon resolution duly adopted by the Board, the Board requests the County Council to petition the Maryland Higher Education Commission for a grant of \$1,015,000 needed to assist the financing of the public community college project which is described in the application for financial assistance.
2. In the FY2010 Capital Budget for Montgomery College, the Board of Trustees proposed undertaking the design of the Rockville Science West Building Renovation project on the Rockville Campus of the College. On May 21, 2009, the County Council approved \$1,015,000 in FY 2010 funding from the State for the design of the Rockville Science West Building Renovation project on the Rockville Campus of the College.
3. In April 2009, the State General Assembly and the Governor approved the FY2010 State of Maryland Capital Budget, which included \$1,015,000 for the design of the Rockville Science West Building Renovation project on the Rockville Campus of the College. However, the Board of Public Works must still approve the specific grant and the necessary contracts. Before this approval, the County Council must file a petition to participate in the financial assistance provided in the acts with the Maryland Higher Education Commission. After the Commission receives this petition, the Commission will recommend to the Board of Public works that the Board approve the grant and the contracts.

Action

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

1. In accordance with the enactment by the 2009 session of the General Assembly of the FY2010 State of Maryland Capital Budget and approval by the Governor, the County petitions the Maryland Higher Education Commission for a grant of \$1,015,000 from the available funds of the various community college construction loan acts in order to participate in the available financial assistance.
2. If the Maryland State Board of Public Works approves a grant of less than fifty percent (50%) of the estimated total cost for the design of the Rockville Science West Building Renovation project on the Rockville Campus of the College, the College must notify the County Executive and the County Council by requesting an amendment to the College's Capital Improvements Program. The amendment must show the actual project funding schedule proposed and the Council must approve the amendment before the College awards a contract.

This is a correct copy of Council action.

Linda M. Lauer
Clerk of the Council