

Public Hearing

MEMORANDUM

October 2, 2009

TO: County Council

FROM:  Marlene L. Michaelson, Senior Legislative Analyst

SUBJECT: Amendment to the FY09-14 Capital Improvements Program of Maryland-National Capital Park and Planning Commission for SilverPlace/MRO Headquarters Mixed-Use Project, to change the funding source from Certificates of Participation to County Current Revenue (\$1,385,681) and Park and Planning Current Revenue (\$600,000)

The Planning Board has requested an amendment to the FY09-14 Capital Improvements Program to reflect a change in the funding source for the SilverPlace/MRO Headquarters Mixed-Use Project. Since this is being introduced by the Council and was not submitted by the Executive, it must be introduced as a Special Appropriation.

Certificates of Participation

M-NCPPC previously assumed that the SilverPlace project would be funded by Certificates of Participation (COPs) in the amount of \$1,986,000. Since the project is not moving forward, M-NCPPC is no longer able to issue Certificates of Participation and is, therefore, requesting an amendment to the PDF which reflects a change in funding source from Certificates of Participation to County Current Revenue in the amount of \$1,385,681 and Park and Planning Current Revenue in the amount of \$600,000.

The change in funding source from COPs to Park and Planning Current Revenue was omitted from both the Chairman's letter and the Resolution found in the original packet. However, the Project Description Form contains the correct funding sources and amounts. Attached is the revised letter from M-NCPPC (© 1-3) explaining this change and the corrected Resolution (© 4-5) reflecting this change.



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIRMAN

July 28, 2009

The Honorable Phil Andrews, President
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

Subject: Amendment to the FY09-14 Capital Improvements Program (CIP) and Supplemental Appropriation to the FY10 Capital Budget for The Maryland-National Capital Park and Planning Commission for Montgomery Regional Office Renovations, PDF # 108701, to add \$2,214,000;
and
Amendment to the FY09-14 Capital Improvements Program for SilverPlace/MRO Headquarters Mixed-Use Project, PDF #048701, to change the funding source from Certificates of Participation (COPs) to County Current Revenue in the amount of \$1,385,681

Dear Mr. Andrews:

My apology for taking so long to respond to your March 2009 memo on funding of the new MNCPPC-Montgomery headquarters. Collecting the necessary information and analyzing it has taken some time and we wanted to provide an accurate estimate of costs for delaying construction for five or ten years.

Based on the attached analysis, and if the Council wishes to delay funding construction, the Montgomery County Planning Board requests a CIP amendment, a FY10 supplemental appropriation for the Montgomery Regional Office Renovations capital project, and an amendment to the SilverPlace/MRO Headquarters Mixed-Use capital project to change the funding source for the authorized work thus far completed. Each of these requests is described below.

Montgomery Regional Office Renovations (MRO)

Approval of the request as described in the attached Project Description Form No. 108701 (Attachment 1) and Resolution (Attachment 2) will fund badly needed renovations to the Montgomery Regional Office. These renovations are the minimum needed in order for Maryland-National Capital Park and Planning Commission to operate in those facilities for the next five years.

In a memorandum dated March 23, 2009, you advised us that the Montgomery County Council was not prepared to fund the SilverPlace project at this time and asked M-NCPPC

to examine making repairs to the MRO or relocating staff to rental space, and to examine the implications of these actions for periods of five to ten years.

In order to comply with the Council's request, we have evaluated the condition and status of the MRO, determined actions to be taken to correct the most serious existing and imminent deficiencies, estimated the capital costs attendant to those actions, and compared those costs to the cost of relocating staff to leased space. Each of these analyses was conducted for periods of five and ten years. The enclosed "Montgomery-National Capital Park and Planning Commission Montgomery Regional Office Alternatives Report to Montgomery County Council" dated July 27, 2009 (Attachment 3) contains detailed descriptions of the proposed actions and their costs.

The analysis concludes that if construction is delayed for five years it will cost less to repair the MRO rather than to lease space elsewhere. Naturally, it is less expensive to defer the construction of a new headquarters facility for five years, rather than ten.

We note that the true least-cost approach is to move ahead now to build the new headquarters. To do so would take advantage of historically low prices for construction. In addition it would avoid most of the costs for repairing the MRO to keep it serviceable for 5 to 10 years. Delay will also result in escalation of construction costs--as much as \$33 million if delayed ten years.

Assuming, however, that the Council does not wish to fund the project at this time, the report presents a description of the components of the required \$2,214,000 capital investment and recommends a supplemental capital appropriation of that amount. Accordingly, this letter transmits an amendment to the FY09-14 Capital Improvements Program and a supplemental appropriation to the FY10 Capital Budget of \$2,214,000.

In order to lease swing space to house staff during renovations, move staff between the MRO and swing space, extend the leases on M-NCPPC's Spring Street and Dedrick annexes, the operating budget impact of the proposed program is \$2,738,000 for the period FY10 through FY14. The program will cause M-NCPPC's FY10 Operating Budget to increase by \$328,000, and we will forward for the Council's consideration a supplemental appropriation for that increase.

SilverPlace/MRO Headquarters Mixed-Use Project

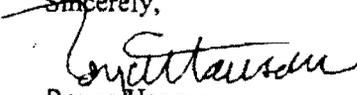
A portion of the total appropriation for this project was originally intended to be supported by Certificates of Participation (COPs), which the Commission will no longer be in a position to issue due to time limits governing COPs. Therefore, the Board is requesting a change in the funding source from COPs to County Current Revenue in the amount of \$1,385,681. The amended Project Description Form and resolution can be found on Attachments 4 and 5, respectively.

is well as
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Planning Current
Revenue in the
amount of \$600,000.

We would appreciate the opportunity to discuss the amendment and supplemental appropriations with you at your convenience so that the enclosed resolution can be

introduced at the earliest possible time. Thank you for consideration of this severely needed program.

Sincerely,


Royce Hanson
Chairman

Also Submitted to Isiah Leggett, County Executive

cc: Chris Mullin, OMB

Attachment 1 – Project Description Form, #108701

Attachment 2 – Resolution, PDF #108701

Attachment 3 – Montgomery-National Capital Park and Planning Commission
Montgomery Regional Office Alternatives Report to Montgomery County
Council dated July 27, 2009

Attachment 4 – Project Description Form, #048701

Attachment 5 – Resolution, PDF #048701

Resolution No.: _____
Introduced: September 15, 2009
Adopted: _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the Maryland-National Capital Park and Planning Commission

SUBJECT: Amendment to the Maryland-National Capital Park and Planning Commission FY09-14 Capital Improvements Program for Silver Place/MRO Mixed Use Project, PDF #048701 to change the funding source from Certificates of Participation to County Current Revenue and Park and Planning Current Revenue.

Background

1. Article 28, section 2-118(a)(6) of the Annotated Code of Maryland permits the County Council to amend the budget of the M-NCPPC by resolution on the Council's initiative, or at the request of the Commission, after receipt of a recommendation from the County Executive and after public hearing upon reasonable notice to the public.
2. M-NCPPC requests the following amendment to the FY09-14 Capital Improvements Program to change the funding source as follows:

Project Name	Project No.	Cost Element	Amount	Source of Funds
SilverPlace/MRO Mixed Use Project	048701	Planning, Design, Supervision	\$1,386,000	Change funding from COPs to Current Revenue - General
SilverPlace/MRO Mixed Use Project	048701	Planning, Design, Supervision	\$600,000	Change funding from COPs to Park and Planning Current Revenue

3. The County Executive recommends an amendment to the FY09-14 CIP to change the funding source of a portion of the total appropriation of this project in the amount of \$1,986,000.
4. M-NCPPC requests that the County Council approve this amendment to the FY09-14 CIP to change the funding source for a portion of the total appropriation for this project, which was originally intended to be funded by Certificates of Participation (COPs). However, the Commission is no longer in a position to issue COPs due to time limits governing COPs, and requires County Current Revenue and Park and Planning Current Revenue as alternative funding sources.
5. The public was notified by a news release, and a public hearing was held.

Action

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

1. An amendment to the FY09-14 Capital Improvements Program of the M-NCPPC to change the funding source of a portion of the appropriation of the SilverPlace/MRO Mixed Use Project.

Project Name	Project No.	Cost Element	Amount	Source of Funds
SilverPlace/MRO Mixed Use Project	048701	Planning, Design, Supervision	\$1,386,000	Change funding from COPs to Current Revenue - General
SilverPlace/MRO Mixed Use Project	048701	Planning, Design, Supervision	\$600,000	Change funding from COPs to Park and Planning Current Revenue

2. The County Council declares that this action is necessary to act without delay in the public interest.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

SilverPlace/MRO Headquarters Mixed-Use Project -- No. 048701

Category
Subcategory
Administering Agency
Planning Area

M-NCPPC
Development
M-NCPPC
Silver Spring

Date Last Modified
Required Adequate Public Facility
Relocation Impact
Status

July 22, 2009
No
None
On-going

EXPENDITURE SCHEDULE (\$000)

Cost Element	Total	Thru FY08	Rem. FY08	Total 6 Years	FY09	FY10	FY11	FY12	FY13	FY14	Beyond 6 Years
Planning, Design, and Supervision	2,236	850	1,214	172	172	0	0	0	0	0	0
Land	0	0	0	0	0	0	0	0	0	0	0
Site Improvements and Utilities	0	0	0	0	0	0	0	0	0	0	0
Construction	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
Total	2,236	850	1,214	172	172	0	0	0	0	0	0

FUNDING SCHEDULE (\$000)

Current Revenue: General	1,386	0	1,214	172	172	0	0	0	0	0	0
Current Revenue: Park and Planning	850	850	0	0	0	0	0	0	0	0	0
Total	2,236	850	1,214	172	172	0	0	0	0	0	0

OPERATING BUDGET IMPACT (\$000)

Maintenance				1	1	0	0	0	0	0	0
Energy				1	1	0	0	0	0	0	0
Program-Staff				1	1	0	0	0	0	0	0
Program-Other				1	1	0	0	0	0	0	0
Cost Savings				1	1	0	0	0	0	0	0
Offset Revenue				1	1	0	0	0	0	0	0
Net Impact				6	6	0	0	0	0	0	0

DESCRIPTION

The Maryland-National Capital Park and Planning Commission's administrative staff is divided among four locations in Silver Spring. The Montgomery Regional Office, the only location that M-NCPPC owns, is in poor condition, overcrowded, functionally obsolescent, and fails to serve the public adequately. It is located on a 3.24-acre site that can accommodate a consolidated headquarters building among other uses.

In order to develop the MRO site as a mixed-use development, M-NCPPC issued an RFP to obtain a private partner, obtained and ranked proposals from three developers, entered into a memorandum of understanding with a developer, and conducted a highly successful design charrette which resulted in a plan for 300 units of multifamily housing (30% affordable housing), a new headquarters building, and the realization of a number of public policy objectives. In late 2008, M-NCPPC and the developer were unable to reach agreement on key business terms and their relationship was terminated.

The proceeds of the sale of the residential portion of the MRO site are intended to be used to offset part of the cost of the new headquarters building. However, current economic conditions have negatively affected M-NCPPC's ability to market the residential portion of the site and have negated M-NCPPC's ability to obtain an appropriation for the capital cost of the new headquarters building at this time.

JUSTIFICATION

"MRO Location Assessment Study," completed in 2000. "MRO and Parkside: Consolidated Headquarters Study/ Space Requirements and Site Selection," completed in September 2003. Analyses of MRO HVAC, Electrical Systems, 2001. The Montgomery County Council approved the Silver Spring Central Business District and Vicinity Sector Plan in February 2000 and the M-NCPPC adopted it in March 2000. Housing Montgomery: Housing the People Who Make Montgomery County Work, approved by the Planning Board and County Council in 2003.

OTHER

Traffic signals, streetlights, crosswalks, bus stops, ADA ramps, bikeways, and other pertinent issues will be considered in the design of the project to ensure pedestrian safety.

FISCAL NOTE

Originally, M-NCPPC proposed to use Certificates of Participation as the financing mechanism for the headquarters building and to include pre-development expenditures in the COPs issuance as formerly stated in PDF No. 048701. M-NCPPC's bond advisors have informed M-NCPPC that in order to be included in the COPs issuance, funds cannot have been expended more than three years in advance of the issuance. The delay in the SilverPlace schedule means that M-NCPPC will not be able to use COPs to fund pre-development expenditures. Accordingly, this PDF revises the

APPROPRIATION AND EXPENDITURE DATA	COORDINATION	MAP
Date First Appropriation	Montgomery Regional Office Renovations, PDF #108701	See Map on Next Page
First Cost Estimate		
Current Scope		
Last FY's Cost Estimate		
Appropriation Request		
Supplemental Appropriation Request		
Transfer		
Cumulative Appropriation		
Expenditures / Encumbrances		
Unencumbered Balance		
Partial Closeout Thru		
New Partial Closeout		
Total Partial Closeout		

SilverPlace/MRO Headquarters Mixed-Use Project -- No. 048701 (continued)

funding source from COPs to current revenue.

OTHER DISCLOSURES

- A pedestrian impact analysis will be performed during design or is in progress.