

ED COMMITTEE #2
July 28, 2014
Worksession

MEMORANDUM

July 25, 2014

TO: Education Committee

FROM: Essie McGuire, Senior Legislative Analyst *EM*

SUBJECT: **Worksession – Amendment to the FY15-20 Capital Improvements Program and Supplemental Appropriation to the FY15 Capital Budget, Montgomery County Public Schools, Building Modifications and Program Improvements Project, \$1,300,000 for Winston Churchill Artificial Turf Stadium Field**

Today the Education Committee will hold a worksession to review an amendment to the FY15-20 Capital Improvements Program (CIP) and supplemental appropriation to the FY15 Capital Budget for the Montgomery County Public Schools (MCPS), Building Modifications and Program Improvements Project, to construct an artificial turf stadium field at Winston Churchill High School. The amount of the appropriation is \$1,300,000, and the source of funds is private contributions.

The Board of Education requested this amendment and appropriation on June 3. The Council introduced the appropriation and amendment resolution on July 8. The full amount of the Board's request is \$1.3 million for the total amount of the project. The Board's transmittal is attached on circles 3-7. The County Executive supports the amendment and appropriation at the full project amount as requested by the Board of Education.

The source of funds is private contributions from two entities. The Winston Churchill High School Booster Club has committed to raise and contribute \$250,000. Bethesda Lacrosse/Potomac Soccer Association proposes to contribute the remainder of the project amount, \$1,050,000, in return for a preferred use schedule agreement for the field. The school system has entered into similar public/private partnerships to facilitate the construction of artificial turf stadium fields at other schools. In 2013 the Council approved a similar funding arrangement to construct an artificial turf field at Wootton High School.

The Council held a public hearing on this request on July 22. Three speakers testified. Two speakers opposed the appropriation based on concerns in several areas including procurement and community impact issues. A third speaker presented concerns about the process used to award the partnership agreement.

OVERVIEW

As outlined in the Board's transmittal (circles 3-7), Churchill High School expressed interest in installing artificial turf in the school's stadium field. MCPS and the Board evaluated the project's feasibility, conducted a public process to select a private partner for funding, and determined that the project is consistent with Board policy CNE, *Facility Improvements That Are Not Funded with Montgomery County Revenues*.

This project would be the second MCPS artificial turf stadium field project constructed independently of a related construction project at the site (other than the Blair High School field, which is also a Parks field). The fields for Richard Montgomery, Walter Johnson, Paint Branch, and Gaithersburg High Schools were all constructed as part of the modernization of the school, in which a new field was needed and included in the larger project scope. The Wootton High School project, which, as noted above, is very similar in structure to the Churchill High School proposal, was the first MCPS artificial turf stadium field project not in conjunction with already planned construction.

MCPS has planned a project schedule that would complete and open the field next August, in time for the fall sports season and school year. MCPS states that this is a tight timeframe for completion. The schedule depends in part on Council approval of the appropriation this summer to allow design and engineering work on the project to begin.

DISCUSSION ISSUES

Councilmembers have expressed questions about the three issue areas detailed below.

1. Preferred Use Partnerships

MCPS has worked through public/private partnerships to offset the significant upfront cost needed to construct artificial turf fields and to reduce maintenance and replacement costs going forward. Paint Branch High School and Blair High School (which is also a Parks field) are the only two MCPS artificial turf stadium fields without a private partnership agreement. Generally, these agreements have included significant investment from a private athletic organization in return for a preferred use agreement that guarantees the entity preferred use of the field for a certain amount of hours each year for a period of years. Even with the preferred use agreements and with reserved school use, the result is a net increase of field hours available for community use because an artificial turf field can be used more often than a grass field. These community hours are then scheduled through the Community Use of Public Facilities (CUPF) process.

MCPS used an open competitive process to select partners through an advertised Request for Proposals. In public testimony, Councilmembers heard that the entity that did not receive the award for the Churchill partnership is protesting that outcome through an appeal to the State Board of Education and a separate lawsuit in the Circuit Court. MCPS is defending its decision in both of these pending cases. We do not know when these cases will be resolved.

MCPS requests the Council to approve the appropriation for the turf field at Churchill without waiting for the resolution of the protest. Council legal staff agrees that the Council can

decide whether to appropriate funds independent of the ongoing legal challenges to the award. The appropriation resolution identifies the source of funds as private contributions, which does not presuppose which entity ultimately contributes. The Council should make its appropriation decision based on whether it supports the overall structure of the proposal rather than the merits of the procurement selection. The appropriate entity to resolve the protest on its merits is the State Board of Education, and possibly the Circuit Court. The Circuit Court has jurisdiction to enjoin MCPS from going forward on the award pending the resolution of the protest after conducting an evidentiary hearing. If the Council decides to delay its decision on the appropriation due to the protest, the Council would be providing the equitable relief that can be obtained by the protesting organization only after winning at an evidentiary hearing in the Circuit Court. The Council should not step into the role of arbiter of the merits of this protest.

If the Council decides that the overall structure of the proposal to use private contributions in return for a preferred use agreement to construct the turf field at Churchill is good public policy, the Council should approve the appropriation without waiting for the resolution of the protest. The State Board and the Courts will ultimately decide the merits of the protest.

The Council has expressed interest in understanding more about the nature of these partnerships and how proposals are generated and evaluated. Council staff will work with MCPS to bring additional information on the process and agreements to the Council in the fall.

2. Alternate Infill

In its extensive discussions of artificial turf, the Council has consistently expressed interest in the availability and suitability of infill materials other than crumb rubber, and has asked staff to continue to monitor ongoing developments in the technology of these materials.

In its approval of the Churchill proposal and appropriation request, the Board of Education directed MCPS to bid both a traditional crumb rubber field and an alternate organic infill material that consists primarily of cork and coconut fiber. The Board expressed its preference that an alternate infill material be used, pending more information on cost that would be available after the bid process.

In Council staff's view, this process affords an opportunity to evaluate the cost effectiveness of alternate infill, and for the Board and Council to then make a decision with more complete information about whether the organic material is a better investment. MCPS staff reports that the bid for the infill will be solicited after a certain amount of design and engineering is complete. MCPS anticipates that the cost information could be available in late winter or early spring. Given that the material is relatively newer than the previous rubber infill, that timeframe will also allow Council staff to work with MCPS and Park and Planning staff to research what information is available about the durability and performance of this alternate infill material.

Council staff recommends that if the Council approves the appropriation, it also include in the Project Description Form (PDF) language requiring that the Board not award a contract for the installation of the field until the bid results have been reviewed by the Council. This would reflect the Board's and Council's intent to review and compare

the costs of the two types of infill and have the context of additional performance information in order to determine how to proceed.

3. Maintenance

As some of the artificial turf fields are aging, Councilmembers have raised questions regarding the relative wear and tear of the fields, and how they are holding up compared to warranty, maintenance, and lifespan projections. Councilmembers have also raised questions regarding installation and maintenance practices among the different agencies (Parks, MCPS, Soccerplex and other private organizations) and whether the agencies have evaluated the impact of particular practices or approaches on the life of the fields.

At this juncture, Parks and MCPS do not report any major repair or maintenance issues outside of warranty and routine maintenance expectations. Parks, MCPS, and private entities also report sharing maintenance practices and experiences with each other informally. Council staff will work with the agencies and private organizations to more fully explore this issue and bring additional detail on wear and maintenance issues to the Council in the fall.

COUNCIL STAFF RECOMMENDATION

In Council staff's view, the proposed financing for installation of an artificial turf field at Winston Churchill High School is consistent with the approaches taken in other approved projects and furthers the policy goal of increasing ballfield availability with reduced investment of public funds. The timeframe for this project and the direction to bid an alternate infill will allow the Board and Council to gain additional information while maintaining the planning and construction schedule.

Council staff recommends approval of the CIP amendment and \$1,300,000 supplemental appropriation as requested by the Board of Education. Council staff also recommends that the PDF include the following language:

MCPS must report the results of the infill bid process to the Council after bid results are received, and the Council must review the results before the Board awards a contract for field installation.

In addition, Council staff will work with agency staff to bring the following information back to the Council prior to the Council's review of the bid results:

- Information about the preferred use partnership agreements;
- Research on the performance, durability, and cost effectiveness of alternate infill materials, including cork and coconut fibers;
- Information on maintenance practices at MCPS and other entities with artificial turf fields, as well as information on the performance of MCPS and other fields within the projected lifespan of the field material.

Resolution: _____
Introduced: _____
Adopted: _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

SUBJECT: Amendment to the FY15-20 Capital Improvements Program and
Supplemental Appropriation #1-S15-CMCPS-1 to the FY15 Capital Budget
Montgomery County Public Schools
Building Modifications and Program Improvements (No. 076506), \$1,300,000
Winston Churchill High School Artificial Turf

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' Building Modifications and Program Improvements FY15 capital project as follows:

<u>Project Name</u>	<u>Project Number</u>	<u>Amount</u>	<u>Source of Funds</u>
Building Modifications and Program Improvements	076506	\$1,300,000	Contributions

4. The Board of Education requested a supplemental appropriation of \$1,300,000 for the Building Modifications and Program Improvements Project. The source of funds is private contributions from two entities. The Winston Churchill High School Booster Club proposed a contribution of \$250,000 towards the cost of installation of the artificial turf. The Bethesda Lacrosse/Potomac Soccer Association proposed a contribution of \$1,050,000 towards the cost of installation of the artificial turf in return for a preferred use schedule agreement for the field.
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 FY15-20 Capital Improvements Program and the FY15 Capital Budget of the Montgomery County Public Schools are amended as reflected on the attached project description form and a supplemental appropriation is approved as follows:

<u>Project Name</u>	<u>Project Number</u>	<u>Amount</u>	<u>Source of Funds</u>
Building Modifications and Program Improvements	076506	\$1,300,000	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

June 4, 2014

MEMORANDUM

To: The Honorable Isiah Leggett, County Executive
The Honorable Craig Rice, President, County Council

From: Joshua P. Starr, Superintendent of Schools 

Subject: Transmittal—Fiscal Year 2015 Supplemental Appropriation and Amendment to the
FY 2015–2020 Capital Improvements Program for Building Modifications and
Program Improvements—Winston Churchill High School Artificial Turf

Board of Education Meeting Date: June 3, 2014

Type of Action:

Supplemental Appropriation

Transfer

Notification

JPS:JS:ak

Attachment

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

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

June 3, 2014

MEMORANDUM

To: Members of the Board of Education

From: Joshua P. Starr, Superintendent of Schools 

Subject: Artificial Turf Field Installation—Winston Churchill High School

Background

During summer 2013, the Department of Facilities Management (DFM) was contacted about the possibility of installing artificial turf on the stadium field at Winston Churchill High School. Staff in DFM evaluated the feasibility of artificial turf installation at Winston Churchill High School and determined that the current grass stadium field can be replaced with artificial turf.

Subsequently, staff publicly advertised a Request for Proposals for private organizations that would be interested in participating in the private/public partnership to install the artificial turf on the Winston Churchill High School stadium field. Only two proposals were received—Bethesda Lacrosse/Potomac Soccer Association and Montgomery Soccer, Inc. The top-rated proposal received from Bethesda Lacrosse/Potomac Soccer Association includes a \$1,050,000 contribution toward the installation of artificial turf at Winston Churchill High School in return for approximately 1,000 hours of use per year for a 10-year period.

Further, the Winston Churchill High School Booster Club submitted a letter of commitment to raise and contribute \$250,000 toward the installation of artificial turf. These two offers total \$1.3 million in private contributions, which is the estimated cost to install artificial turf at Winston Churchill High School. If the project cost exceeds the \$1.3 million contribution amount, the shortfall may be met through the funds collected for community use and the savings accumulated each year via not having to maintain the current grass field—such as grass cutting, fertilizing, overseeding, and irrigating expenses. It is anticipated that approximately 150 hours or more, pending weather conditions, will be available for the community to use the artificial turf field after calculating hours used by the school and the Bethesda Lacrosse/Potomac Soccer Association.

The proposed project timeline to complete the work is by spring 2015, understanding the time it takes for design, permitting, construction bids, and award. In the event an award is made by the Board of Education, DFM staff will develop a detailed project schedule and determine the final completion date.

I recommend your approval of the artificial turf installation on the Winston Churchill High School stadium field. Given the shortage of playing fields available in the county and the constant demand for use of our school fields, the artificial turf on the stadium field is a solution that will provide safer playing conditions for Montgomery County Public Schools students while allowing many hours of community use. Further, the entire project will be funded privately without having an impact on our current budgets. The following resolution is recommended for your approval.

WHEREAS, There is an interest to install artificial turf on the stadium field at Winston Churchill High School; and

WHEREAS, Artificial turf on the stadium field at Winston Churchill High School will provide safer playing conditions and allow significantly more hours of use than the current grass field; and

WHEREAS, Artificial turf would benefit the school and the community; and

WHEREAS, In January 2013, staff in the Department of Facilities Management publicly advertised for Request for Proposals from private organizations for partnering on the installation and shared use of an artificial turf field at the Winston Churchill High School stadium field; and

WHEREAS, Two responses to the Request for Proposals were submitted and Bethesda Lacrosse/Potomac Soccer Association submitted the recommended proposal, which includes \$1,050,000 toward the cost of engineering, permitting, and installation of an artificial turf stadium field in exchange for a preferred use schedule agreement for a period of 10 years; and

WHEREAS, The Winston Churchill High School Booster Club has submitted a letter of commitment to raise and contribute \$250,000 and for the Board of Education to approve this contribution; and

WHEREAS, The cost of the project is approximately \$1.3 million; and

WHEREAS, Staff in the Department of Facilities Management has reviewed this request for compliance with Board of Education Policy CNE, *Facility Improvements That Are Not Funded with Montgomery County Revenues*, and finds that it complies with the criteria for acceptable contributions established in the policy; now therefore be it

Resolved, That the Board of Education approves the request of the Winston Churchill High School Booster Club to raise and contribute \$250,000 for the artificial turf installation on the stadium field at Winston Churchill High School; and be it further

Resolved, That the funding from the Bethesda Lacrosse/Potomac Soccer Association and the contribution from the Winston Churchill High School Booster Club 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 Board of Education requests the County Council to approve a supplemental appropriation in the amount of \$1.3 million for the installation of an artificial turf field at Winston Churchill High School; and be it further

Resolved, That a Stadium Field Use Agreement be executed between Montgomery County Public Schools and Bethesda Lacrosse/Potomac Soccer Association and the Winston Churchill High School Booster Club for the sum of \$1.3 million; and be it further

Resolved, That the president of the Board of Education and the superintendent of schools be authorized to execute the documents necessary for this transaction; and be it further

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

JPS:LAB:JS:jlc

Building Modifications and Program Improvements (P076506)

Category	Montgomery County Public Schools	Date Last Modified	4/21/14
Sub Category	Countywide	Required Adequate Public Facility	No
Administering Agency	Public Schools (AAGE18)	Relocation Impact	None
Planning Area	Countywide	Status	Ongoing

	Total	Thru FY13	Est FY14	Total 6 Years	FY 15	FY 16	FY 17	FY 18	FY 19	FY 20	Beyond 6 Yrs
EXPENDITURE SCHEDULE (\$000s)											
Planning, Design and Supervision	4,572	2,442	680	1,440	720	720	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	22,782	18,092	1,510	5,180	2,580	2,580	0	0	0	0	0
Other	860	360	100	400	200	200	0	0	0	0	0
Total	28,194	18,894	2,300	7,000	3,500	3,500	0	0	0	0	0
FUNDING SCHEDULE (\$000s)											
Contributions	290	1,210	0	0	1,300	0	0	0	0	0	0
G.O. Bonds	28,984	17,684	2,300	7,000	3,500	3,500	0	0	0	0	0
Total	29,274	18,894	2,300	7,000	3,500	3,500	0	0	0	0	0

APPROPRIATION AND EXPENDITURE DATA (000s)	
Appropriation Request	FY 15 3,500
Appropriation Request Est.	FY 16 3,500
Supplemental Appropriation Request	1,300
Transfer	0
Cumulative Appropriation	21,194
Expenditure / Encumbrances	18,894
Unencumbered Balance	2,300

Date First Appropriation	FY 07
First Cost Estimate	
Current Scope	FY 07 0
Last FY's Cost Estimate	15,384

Description

This project will provide facility modifications to support program offerings at schools that are not scheduled for capital improvements in the six-year CIP. These limited modifications to instruction and support spaces are needed to provide adequate space for new or expanded programs and administrative support space for schools that are not included in the revitalization/expansion program. An FY 2012 appropriation was approved to continue to provide facility modifications at various schools throughout the system. Facility modifications in FY 2013 and beyond will be determined based on the need for space modifications/upgrades to support new or modified program offerings. Due to fiscal constraints, expenditures requested in the Board of Education's FY 2011-2016 CIP for FYs 2013-2016 were removed by the County Council in the adopted FY 2011-2016 CIP. An FY 2013 appropriation was approved to renovate science laboratories at one high school and provide special education facility modifications for two elementary schools and two high schools. An FY 2014 appropriation was approved to continue to provide facility modifications and program improvements to various schools throughout the county. An FY 2015 appropriation was approved for modifications to schools due to special education program changes; science laboratory upgrades at secondary schools; space modifications for program requirements; as well as two specific one-time projects—the construction of an auxiliary gymnasium at Thomas Pyle Middle School and classroom modifications at the Whittier Woods Center to be used by Walt Whitman High School.

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