

ED COMMITTEE #1
January 29, 2015
Worksession

MEMORANDUM

January 27, 2015

TO: Education Committee

FROM: Essie McGuire, Senior Legislative Analyst *Bill Gu*

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 and Supplemental Appropriation to the FY15 Capital Budget, 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. James Song, Director, Department of Facilities Management, MCPS, will participate in this discussion.

The Board of Education requested this amendment and appropriation on June 3, 2014. The Council introduced the appropriation and amendment resolution on July 8, 2014. 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.

BACKGROUND AND TIMELINE

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.

The Education Committee first met on July 28, 2014, to review this appropriation request and recommended approval at that time. The Committee discussed that 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. The Committee recommended approval so that the dual bid process could proceed, but also recommended adding language to the PDF requiring MCPS to report the results of the bid process to the Council before a contract was awarded. The intent, which MCPS supported, was to provide the Council an opportunity to determine how best to proceed if cost became an issue.

On July 29, 2014, the Board of Education requested that the Council defer action on the appropriation request to allow time for additional Board review of legal protest surrounding the project related to the public/private partnership award. As a result, the Council did not take action on this item. On October 22, 2014, the Board sent a letter to the Council (attached on circle 8) stating that its review was concluded and requesting that the Council reschedule action on the appropriation request.¹

In the interim, Councilmembers continued to express interest in the availability and suitability of infill materials other than crumb rubber. The City of Gaithersburg opened an artificial turf field at Lakelands Park that is constructed of plant-based alternate infill material.

¹The Council's legal position at this time is the same as last summer, which is 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 requested that Council staff assess the state of the industry on alternate infill material. On December 2, 2014, the Council introduced a resolution to support the use of plant-derived materials for infill in artificial turf playing fields in the County.

On December 23, 2014, the Board of Education sent a letter to the Council (attached on circle 9) stating the Board's commitment to utilizing alternative infill mix product for the Winston Churchill HS project as well as for future projects. Given that the Board's stated intent is consistent with the direction being considered by the Council, the Education Committee scheduled this reconsideration of the Churchill appropriation in the context of this new information.

COST

One outstanding issue related to approval of this project is the unknown cost of alternate infill. The Board's project estimate and appropriation request were developed using assumptions related to crumb rubber infill material. At this point it is difficult to estimate the potential cost difference of plant-based materials for this project, and the private contributions have been arranged in the previous amount.

MCPS states that it will conduct the bid process for alternate infill for the project and obtain a new project cost estimate through that process. Once that information is available, there are two options. MCPS states that if the costs are somewhat close to the original estimate, MCPS will evaluate if a small increase can be covered without the need for additional funding. If the project cost increases more significantly, MCPS will work with the private partners to determine if the cost can be addressed. The Council can determine at that point whether or how to address any additional project cost if needed.

It is important to note that MCPS cannot conduct a bid process for this project without Council appropriation, and without the bid process it will be difficult to accurately assess cost.

COUNCIL STAFF RECOMMENDATION

Council staff recommends approval of the \$1,300,000 supplemental appropriation to allow the Board to proceed with the design and bid process for an artificial turf stadium field at Winston Churchill HS using plant-based infill material. The Committee has previously expressed its approval for this project and now has the benefit of the Board's assurance that it will use alternate infill as the Council is also considering.

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

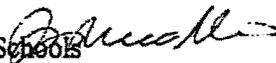
Copy to:
Mr. Bowers
Mr. Song
Montgomery County Office of Management and Budget

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

5

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 | 690 | 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 | 22,762 | 18,092 | 1,510 | 5,180 | 2,680 | 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 | 26,984 | 17,684 | 2,300 | 7,000 | 3,500 | 3,500 | 0 | 0 | 0 | 0 | 0 |
| Total | 28,194 | 18,894 | 2,300 | 7,000 | 3,500 | 3,500 | 0 | 0 | 0 | 0 | 0 |

29,494 4,500
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 | | 21,184 |
| Expenditure / Encumbrances | | 18,894 |
| Unencumbered Balance | | 2,300 |

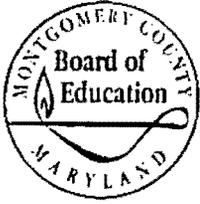
| | |
|--------------------------|--------|
| Date First Appropriation | FY 07 |
| First Cost Estimate | |
| Current Scope | FY07 |
| Last FY's Cost Estimate | 15,384 |

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 spaces 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



MONTGOMERY COUNTY BOARD OF EDUCATION

850 Hungerford Drive ♦ Rockville, Maryland 20850

October 22, 2014

The Honorable Craig Rice, President
Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

Dear Mr. Rice:

On July 8, 2014, the County Council introduced a Fiscal Year (FY) 2015 Supplemental Appropriation and Amendment to the FY 2015–2020 Capital Improvements Program (CIP) from Montgomery County Public Schools (MCPS) for the installation of artificial turf at Winston Churchill High School. The FY 2015 supplemental appropriation of \$1.3 million was to be funded by private contributions of \$1,050,000 from the Bethesda Lacrosse/Potomac Soccer Association and \$250,000 from the Winston Churchill High School Booster Club.

On July 28, 2014, the County Council's Education Committee held a work session to review the supplemental appropriation request and unanimously recommended approval of the CIP amendment and the \$1.3 million supplemental appropriation as requested by the Board of Education. County Council action was scheduled for July 29, 2014; however, MCPS requested that this item be removed from the County Council agenda due to legal protest surrounding this project.

After a thorough review, MCPS believes the legal protest lacks merit. Therefore, we request that the FY 2015 Supplemental Appropriation and Amendment to the FY 2015–2020 CIP be placed back on the County Council's agenda for action. The public/private partnership between MCPS, the Winston Churchill High School Booster Club, the Bethesda Lacrosse Association, and the Potomac Soccer Association for the installation of artificial turf at Winston Churchill High school is an opportunity to improve the athletic facilities at Winston Churchill High School and make them available for community use.

Should you have any questions, please contact Mr. Larry A. Bowers, chief operating officer, at 301-279-3626, or Mr. James Song, director, Department of Facilities Management, at 240-314-1064.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip Kauffman".

Philip Kauffman
President

PK:LAB:JS:ak

Copy to:

| | |
|-----------------------------------|-------------|
| Members of the Board of Education | Mr. Edwards |
| Mr. Bowers | Mr. Song |
| Dr. Zuckerman | Mr. Ikheloa |
| Mr. Civin | |





MONTGOMERY COUNTY BOARD OF EDUCATION

850 Hungerford Drive • Rockville, Maryland 20850

December 23, 2014

The Honorable George Leventhal, President
and Members of the County Council
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

Re: Winston Churchill High School Artificial Turf
Installation on Stadium Field

Dear Mr. Leventhal:

The Board of Education (Board) approved the installation of an artificial turf field at Winston Churchill High School on June 3, 2014, contingent upon County Council approval of the supplemental appropriation. On July 8, 2014, the County Council introduced the Supplemental Appropriation and Amendment to the Fiscal Year 2015–2020 Capital Improvements Program. On July 28, 2014, the County Council's Education Committee held a work session to review the request and recommended approval. The County Council's action on the request, scheduled for July 29, 2014, was removed from the agenda at the Board's request.

On October 22, 2014, the Board requested the County Council to reschedule the action on the Supplemental Appropriation and allow the design and installation of the Winston Churchill High School artificial turf field to move forward. The Board understands the County Council's concerns related to the use of a crumb rubber infill mix and its desire to defer action until a joint work group completes an evaluation of infill mix material. This letter is to assure that the Board shares the Council's concerns and is committed to providing safe playing fields by utilizing the alternative infill mix product for the Winston Churchill High School project as well as for future projects.

The Board appreciates your consideration and looks forward to working with you in funding this project, which will not only benefit the school but the larger community. If you have any questions, please contact Mr. Larry A. Bowers, chief operating officer, at 301-279-3626, or Mr. James Song, director, Department of Facilities Management, at 240-314-1064.

Sincerely,

A handwritten signature in cursive script that reads "Patricia B. O'Neill".

Patricia B. O'Neill
President

PO:JPS:LAB:acs

Copy to:

Members of the Board of Education
Dr. Starr
Mr. Bowers
Dr. Statham
Dr. Navarro

Mr. Ikheloa
Dr. Zuckerman
Mr. Civin
Mr. Song
Ms. McGuire