



Montgomery County Government

MEMORANDUM

April 24, 1991

TO: County Council

FROM: Andrew Mansinne, Jr., Director
Office of Legislative Oversight

A handwritten signature in black ink that reads "Andrew Mansinne, Jr." with a stylized flourish at the end.

SUBJECT: Office of Legislative Oversight Memorandum Report: Survey of Space
in Public Facilities Available for Meetings and Conferences

I. PURPOSE

To provide the County Council with a survey on space in County and bi-County public agency facilities that is available for use by citizens for meetings, conferences and similar activities.

II. AUTHORITY

Council Resolution No. 11-1907, adopted March 13, 1990, subject: CY 1990 Work Program of the Office of Legislative Oversight.

III. BACKGROUND AND OVERVIEW

When approving the CY 1990 Work Program of the Office of Legislative Oversight (OLO), the Council requested that OLO survey all County and bi-County agencies to determine what space in their facilities is available to the public for meetings and conferences. It was also requested that the survey include information on any fees that are charged for the use of the space. Not to be included in the survey was public-owned space that is designed for functions other than meetings and conferences, such as camping, recreation and sports, social activities, music and theatrical productions, and child care activities.

Information on space was requested from the following County and bi-County agencies and from the Interagency Coordinating Board for Community Use of Schools (ICB):

- County Government
- Maryland-National Capital Park and Planning Commission (M-NCPPC)
- Board of Education/Montgomery County Public Schools (BOE/MCPS)
- Montgomery College
- Housing Opportunities Commission (HOC)
- Revenue Authority
- Washington Suburban Sanitary Commission (WSSC)

All agencies and the ICB responded to the questionnaire and their responses are the basis of this OLO report.

IV. DISCUSSION

A. General

Attached as Annex A is a summary of the responses from the public agencies and the ICB concerning space in their facilities that is available to the public for meetings and conferences. The summary indicates that all of the surveyed agencies except the Revenue Authority have some space that could be used for meetings and conferences, but only four agencies (County Government, M-NCPPC, and Montgomery College, and BOE/MCPS, through the ICB) have a policy of making the space available to citizens and groups for meetings and conferences. Of these agencies, only the County Government offers the space to citizens at no charge. Additional comments on some of the agencies is presented below.

1. Montgomery County Government. In addition to facilities under control of the Executive Branch and the County Council listed in Annex A, the Department of Family Resources (DFR) makes conference rooms in its facility available at no charge to groups whose purpose and activities are associated with child care or other DFR services. Additionally, other Executive Branch departments with conference facilities permit the public to use space under their control for meetings and conferences when departmental staff are involved, and the public activity relates to the department's programs and services.

2. Maryland-National Capital Park and Planning Commission. In addition to the conference centers listed in Annex A, a fourth conference center, the Lodge at Seneca Creek, is completed and will open when parking facilities are constructed.

3. Board of Education/Montgomery County Public Schools (BOE/MCPS). Space in BOE/MCPS facilities that is not being used for educational-related activities and can be made available for public use, falls into two categories:

- Exclusive use. Once the school system declares specific classrooms unnecessary for the upcoming year's instructional program, that space becomes available for the exclusive use of tenants during that entire school year. Under State law and Board policy, child care providers have first priority for use of that space. Other tenants include a mix of non-profit institutions and private schools. All exclusive use space is governed by lease agreements for a fee determined by the joint occupancy program of the school system that recovers all costs incurred.

- Shared use. Space in schools that is used for instructional purposes during the school day can be used by community groups during non-school hours. Under County law and Board policy, this shared space is governed by the Interagency Coordinating Board for the Community Use of Schools (ICB).

B. Agency Policies and Procedures

All agencies and the ICB have published policies, regulations and/or guidelines on the use of their facilities by the public. In addition to general provisions relating to the application process, permitted and restricted activities, and fees (if any), all agencies have a policy that indemnifies and holds the agency harmless from any liability that may be imposed for injury to persons or property during use of the public space. The specific policies for each of the four agencies and the ICB are outlined below:

1. County Government. The Executive has published Administrative Procedure (AP) 5-9, Use of County Buildings and Facilities by non-County Government Organizations, and developed Form 1012, Application for Use of County Facilities. Form 1012 includes a statement relating to holding the County harmless from any and all liability. Although AP 5-9 and the requirement that departments use Form 1012 have been in effect as an interim procedure since September 1982, only the Departments of Facilities and Services and Public Libraries are currently using Form 1012.

2. Maryland-National Capital Park and Planning Commission (M-NCPPC). The M-NCPPC requires that a permit form be signed prior to receiving permission to use one of its facilities. One of the provisions of the permit form is a clause absolving the M-NCPPC from all responsibility and liability for injury to persons or damage to property.

3. Board of Education/Montgomery County Public Schools (BOE/MCPS). It is BOE policy that in joint occupancy leases, the user group must agree to save the BOE and MCPS harmless against any liability that may arise out of the user's use of the school space. Liability requirements for short-term use of BOE/MCPS space is covered in ICB regulations (see below).

4. Montgomery College. Montgomery College requires all who use College space to sign a form which contains a statement that indemnifies and holds harmless Montgomery College and its employees from any liability arising from injury to persons using the College facility.

5. Interagency Coordinating Board (ICB). To apply for use of a school facility under the control of the ICB, an applicant must complete a Building Use Form. Included on the form is an agreement that the person or group using the facility will hold the County, the BOE, and any individual public employee harmless from any liability in connection with the use of the school space.

C. Public Agency Immunity From Liability

Under common law, the County and cities enjoy limited immunity from claims of liability when the facilities of those public agencies are used for "governmental functions". Citizen use of space in those facilities for meetings and conferences, either gratis or for a token fee to cover security and cleaning, falls within the definition of a governmental function. The requirement for citizens that use public space to sign a form or permit which indemnifies and holds harmless the public agency from any liability provides the public agencies additional protection from claims. Consequently, in OLO's opinion, the agencies should continue to require users to comply with these liability policies.

However, OLO's review of the various hold-harmless statements of the agencies reveals a wide difference in content and language. Accordingly, OLO would recommend that each agency review the written procedures and related waiver statements to verify that they accurately reflect the agency's intent, and, also that they reflect the intent and provisions of the 1987 Local Government Tort Claims Act, (Section 5-401, Courts and Judicial Proceedings Article, Annotated Code of Maryland).

D. Additional Space Available in the County for Meetings and Conferences

The Conference and Visitors Bureau of Montgomery County, Maryland, Inc., a joint public and private sector partnership to promote travel to and within Montgomery County, publishes a Meetings and Special Events Guide. The Guide lists public facilities, commercial hotels, motels and theaters, and quasi-public facilities cataloging the number of meeting facilities available, the number of attendees that can be accommodated, fees, a point-of-contact, and other pertinent information.

V. **OTHER RELATED MATTERS**

In the course of this survey OLO became aware of the following three matters relating to space in public facilities:

1. Executive Task Force on Conference Centers. In early 1987, the County Executive appointed an Executive Task Force on Conference Centers composed of representatives of County conference center developers, businesses, higher education, government, and citizens' groups. The March 1987 Task Force report recommended that Montgomery County should establish

conference centers to reinforce the County's image as an attractive location for corporations, and to create a new conference center "industry" in the County. Included in the Task Force's report was a description of selected conference facilities in the Washington-Baltimore area. To date, Montgomery County does not have a conference center.

2. Fee Structure for Child Care Providers. An Interagency Task Force convened by the Director, Department of Family Resources (DFR), studied perceived inequities in charges to child care providers leasing space in County-owned facilities. The Task Force report, issued in February 1991, included a number of findings, conclusions and recommendations concerning the fee structure and debt service charges for the four major agency providers of space for child care: Montgomery County Public Schools, the Maryland-National Capital Park and Planning Commission, the County's Department of Facilities and Services, and the Interagency Coordinating Board for Community Use of Schools. The Task Force Report is currently under review by the Executive Branch.

3. County Executive Recommended FY92 Revenue Enhancement. On March 1, 1991, the County Executive recommended a number of revenue enhancements, to include increases in local fines, licenses, permits and user fees and charges. In addition, the County Executive's March 1991, budget document included a fiscal policy statement for user fees and charges. The Executive recommended fee increases covering a wide range of services; however, the use of space in public facilities for meetings and conferences was not addressed pending further study by the Executive Branch.

AM/cca
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Attachment

**SPACE IN PUBLIC FACILITIES AVAILABLE
TO CITIZENS FOR MEETINGS, CONFERENCES AND OTHER PUBLIC FORUMS**

Agency and Department Responsible	Number of Rooms Available	Maximum Number of Persons Accommodated	Fee	Remarks:
1. <u>County Government</u>				
a. <u>County Council</u>	2 hearing rooms	50 and 300	None	
	1 conf. room	15-40	None	

b. <u>Facilities and Services</u>	EOB cafeteria	300	None	
	COB cafeteria	175	None	
	COB auditorium	100	None	
	2 auditoriums (EOB)	25-100	None	
	4 conference rooms in the Red Brick Courthouse.	8-99	None	

c. <u>Public Libraries</u>	22 conference rooms in 15 branch libraries.	15-200 (Average 75)	None	

d. <u>Government Service Centers</u>				
Bethesda-Chevy Chase	1 conf. room	25	None	
Wheaton	4 conf. rooms	4-100	None	
Up-County	4 conf. rooms	30-100	None	
Silver Spring	2 conf. rooms	50	None	

e. <u>Recreation</u>	14 Conference rooms located in 14 community recreation centers.	Up to 35	None	Policy of no fee applies only to meetings by service, community, civic, youth and similar groups, plus homeowners' associations. Private and politically oriented groups are charged a fee.

Agency and Department Responsible	Number of Rooms Available	Maximum Number of Persons Accommodated	Fee	Remarks:
<p>2. <u>Maryland-National Capital Park and Planning Commission (M-NCPPC)</u></p> <p>a. <u>Group Picnic Areas (GPAs)</u></p> <p>b. <u>Recreation Centers</u></p> <p>c. <u>Conference Centers</u></p>	<p>3 GPAs: Cabin John, Parklawn, and Valley Mill.</p> <p>40 centers located throughout the County.</p> <p>3 centers: Woodlawn Mansion, (5 rooms); Armory Place (8 rooms); and Rockwood Manor (4 rooms).</p>	<p>up to 175</p> <p>38-180</p> <p>Varying size rooms.</p>	<p>\$150 per day (\$200 per day in FY92).</p> <p>Base rate of \$6.25/hour (\$7/hour in FY92).</p> <p>Varying rates by the day and by the hour.</p>	<p>Fee waived for civic association and chartered youth groups.</p> <p>Fees last set in January 1990. No increase anticipated at this time.</p>
<p>3. <u>Board of Education/Montgomery County Public Schools (BOE/MCPS)</u></p> <p>a. <u>Exclusive Use</u></p> <p>b. <u>Shared Use</u></p>	<p>The BOE/MCPS leases surplus space in schools by contract at a negotiated fee for a full school year or longer period.</p> <p>The Interagency Coordinating Board for Community Use of Educational Facilities and Services controls the use of space in school facilities during non-school hours. See below for a discussion of ICB.</p>			
<p>4. <u>Montgomery College</u></p>	<p>The College has a number of classrooms, conference rooms, lecture halls, lounges, cafeterias and gymnasiums where meetings and conferences may be held. These facilities will accommodate up to 1,000 persons with the average facility accommodating approximately 30 persons. With one exception, a variable fee-per-hour is charged for the use of these rooms. The one exception where an hourly fee is not charged relates to an event sponsored by the College President, Chief Administrative Officer, Provost, Director of Facilities, or the Board of Trustees. However, applicable staff service fees are charged.</p>			

Agency and Department Responsible	Number of Rooms Available	Maximum Number of Persons Accommodated	Fee	Remarks:
5. <u>Interagency Coordinating Board for Community Use of Schools (ICB)</u>				The ICB is responsible for policy decisions and direction to the Director, ICB, relating to space within the facilities of the Montgomery County Public Schools (MCPS) that is used during non-school hours by the community. Within MCPS there are a number of auditoriums, gymnasiums, cafeterias and classrooms which can be used for meetings and conferences. Except for some school-related activities (clubs, union meetings) and ICB exempt activities (youth orchestra, scouts) on weekdays, an hourly fee and/or staff service costs are imposed.
6. <u>Housing Opportunities Commission (HOC)</u>				The HOC does not make space available to the general public. However, HOC resident groups can use HOC space at no charge for meetings related to local resident issues.
7. <u>Revenue Authority</u>				The Revenue Authority does not have any space which is available for the public to use for meetings and conferences.
8. <u>Washington Suburban Sanitary Commission (WSSC)</u>				The WSSC has only one hearing room at WSSC's Hyattsville office that, on rare occasion, is used by a citizen group to conduct a meeting or hearing on a customer or public interest matter. On those occasions, no fee is charged for the use of the room.