



Committee: Directly to Council
Committee Review: N/A
Staff: Keith Levchenko, Senior Legislative Analyst
Purpose: Final action – vote expected
Keywords: #SpecialProjectsLegislation and CIP

AGENDA ITEM #5D
June 28, 2022
Action

SUBJECT

Expedited Bill 15-22, Special Capital Improvements Project – Kennedy Shriver Aquatic Center Building Envelope Improvement (P721503)

DESCRIPTION/ISSUE

- Section §302 of the County Charter and Section §20-1 of the County Code require certain capital improvement projects to be individually authorized by law if the locally funded cost is projected to exceed the “Special Projects Legislation threshold.” The threshold is \$20,350,000 in FY23 dollars.
- On June 9, 2022, the County Executive transmitted a request for a Special Capital Improvements Project bill associated with the Approved FY23-28 Capital Improvements Program for the Kennedy Shriver Aquatic Center Building Envelope (P721503).
- Action is scheduled for June 28, 2022.

RECOMMENDATION

- Council Staff recommends approval of Expedited Bill 15-22.

This report contains:

- Expedited Bill 15-22
- Legislative Request Report
- Executive's transmittal
- Fiscal Impact Statement
- Project Description Form
- Executive Transmittal – Special Capital Improvements Project Cost Criterion

Page

©1-2
©3-4
©5
©6-7
©8-10
©11-12

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Expedited Bill No. 15-22
Concerning: Special Capital
Improvements Program – Kennedy
Shriver Aquatic Center Building
Envelope Improvement
Revised: 6/9/2022 Draft No. 1
Introduced: June 14, 2022
Expires: December 14, 2023
Enacted: {date}
Executive: {date signed}
Effective: {date takes effect}
Sunset Date: None
Ch. {#}, Laws of Mont. Co. {year}

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN ACT to authorize the planning, design, and construction of the Kennedy Shriver Aquatic Center Building Envelope Improvement (P721503) project in the North Bethesda – Garrett Park area.

By adding to the laws of Montgomery County 2022

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>

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

Section 1. The laws of Montgomery County, Maryland, are amended to read as follows:

Montgomery County, Maryland, is authorized to construct the Kennedy Shriver
Aquatic

Center Building Envelope Improvement (P721503) in the North Bethesda- Garrett Park
area.

Approved:

Gabe Albornoz, President, County Council

Date

Approved:

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

Judy Rupp, Esq., Clerk of the Council

Date

LEGISLATIVE REQUEST REPORT

Expedited Bill 15-22

Special Capital Improvements Project – Kennedy Shriver Aquatic Center Building Envelope Improvement

- DESCRIPTION:** The County Executive requests that capital project No. 721503, the Kennedy Shriver Aquatic Center Building Envelope Improvement, be authorized as a “Special Capital Improvements Project” pursuant to Section §302 of the County Charter and Section §20-1 of the Montgomery County Code.
- PROBLEM:** Section §302 of the County Charter and Section §20-1 of the County Code require certain capital improvement projects to be individually authorized by law if the locally-funded cost is projected to exceed \$20,352,900 in FY23 dollars. The estimated locally-funded cost of this project in the FY23 Capital Budget and FY23-28 Capital Improvements Program is \$32,644,000 for planning, design, and construction costs.
- GOALS AND: OBJECTIVES** The original scope of the project was to remove and restore existing windows and louvers; remove the 4-inch masonry veneer block throughout the facility, and correct louvers, windows, and penetration flashings; install spray-applied wall insulation functioning as both air/vapor barrier system; install new exterior masonry veneer wall system; and replace the existing roof. A subsequent structural review determined that the existing exterior walls would require significantly greater structural modifications than known prior to the evaluation. The pool equipment and the HVAC systems were also found to be at the end of useful life and would require full system replacements. The project will be funded with General Obligation Bonds.
- COORDINATION:** This project has been coordinated with Department of General Services, Department of Recreation, Office of Management and Budget, Bethesda/Chevy Chase Regional Services Center, and Maryland National Capital Park and Planning Commission.
- FISCAL IMPACT:** Not Applicable.
- ECONOMIC: IMPACT** Not Applicable.
- EVALUATION:** Capital projects are evaluated biennially by the County Executive and County Council as part of the Capital Improvements Program review.
- EXPERIENCE: ELSEWHERE** Not Applicable.

SOURCE OF: General Services
INFORMATION

APPLICATION: Not Applicable.
WITHIN
MUNICIPALITIES

PENALTIES: None Required




OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

M E M O R A N D U M

June 8, 2022

TO: Gabe Albornoz, President
Montgomery County Council

FROM: Marc Elrich, County Executive 

SUBJECT: Special Capital Improvements Project Legislation Authorization:
Kennedy Shriver Aquatic Center Building Envelope Improvement, No. 721503

In accordance with Section 302 of the County Charter and Section 20-1 of the Montgomery County Code, I am forwarding the attached Special Capital Improvements Project Legislation Authorization and Legislative Request Report for the Kennedy Shriver Aquatic Center Building Envelope Improvement, No. 721503.

This request is necessary because the local cost of the above project exceeds the FY23 Special Capital Improvements Project Legislation threshold of \$20,352,900 as set by the Executive Order. The purpose of the project is set forth below.

The original scope of this project was to remove and restore existing windows and louvers; remove the 4-inch masonry veneer block throughout the facility, and correct louvers, windows, and penetration flashings; install spray-applied wall insulation functioning as both air/vapor barrier system; install new exterior masonry veneer wall system, and replace the existing roof. A subsequent structural review determined that the existing exterior walls would require significantly greater structural modifications than known prior to the evaluation. The pool equipment and the HVAC systems were also found to be at the end of their useful life and would require full system replacements.

I recommend prompt passage of this legislation to advance this project.

Enclosures

cc: Richard S. Madaleno, Chief Administrative Officer
Fariba Kassiri, Deputy Chief Administrative Officer
Jennifer R. Bryant, Director, Office of Management and Budget

Fiscal Impact Statement
Council Bill XX-XX Special Capital Improvements Project
Kennedy Shriver Aquatic Center Building Envelope Improvement (P721503)

1. Legislative Summary.

Section §302 of the County Charter and Section §20-1 of the County Code require certain capital improvement projects to be individually authorized by law if the locally-funded cost is projected to exceed \$20,352,900 in FY23 dollars. The County Executive has requested a Bill for one project - Kennedy Shriver Aquatic Center Building Envelope Improvement (P721503) - that now requires Special Capital Improvement Project Legislation.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

There are no changes to expenditures or revenues associated with this Bill. The Bill serves only to authorize the designation of the Kennedy Shriver Aquatic Center Building Envelope Improvement (P721503) project as a Special Capital Improvement Project.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

See Question #2 response.

4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.

Not applicable. There are no personnel costs associated with this Bill.

5. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.

Not applicable.

6. An estimate of the staff time needed to implement the bill.

Not applicable. This Bill does not affect staff responsibilities.

7. An explanation of how the addition of new staff responsibilities would affect other duties.

Not applicable.

8. An estimate of costs when an additional appropriation is needed.

Not applicable.

9. A description of any variable that could affect revenue and cost estimates.

Not applicable.

10. Ranges of revenue or expenditures that are uncertain or difficult to project.

Not applicable.

11. If a bill is likely to have no fiscal impact, why that is the case.


This Bill authorizes the designation of the project as a Special Capital Improvement Project. No new appropriation is required.

12. Other fiscal impacts or comments.

Not applicable.

13. The following contributed to and concurred with this analysis:

Anita Aryeetey, Office of Management and Budget



Jennifer R. Bryant, Director
Office of Management and Budget

6/7/22

Date



Kennedy Shriver Aquatic Center Building Envelope Improvement (P721503)

Category	Culture and Recreation	Date Last Modified	05/20/22
SubCategory	Recreation	Administering Agency	General Services
Planning Area	North Bethesda-Garrett Park	Status	Final Design Stage
Required Adequate Public Facility	Yes		

	Total	Thru FY21	Est FY22	Total 6 Years	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28	Beyond 6 Years
EXPENDITURE SCHEDULE (\$000s)											
Planning, Design and Supervision	5,795	390	810	4,595	1,494	1,141	1,141	819	-	-	-
Site Improvements and Utilities	907	-	-	907	35	419	419	34	-	-	-
Construction	25,666	18	127	25,521	982	15,479	8,079	981	-	-	-
Other	276	-	-	276	11	127	127	11	-	-	-
TOTAL EXPENDITURES	32,644	408	937	31,299	2,522	17,166	9,766	1,845	-	-	-

FUNDING SCHEDULE (\$000s)											
G.O. Bonds	32,644	408	937	31,299	2,522	17,166	9,766	1,845	-	-	-
TOTAL FUNDING SOURCES	32,644	408	937	31,299	2,522	17,166	9,766	1,845	-	-	-

APPROPRIATION AND EXPENDITURE DATA (\$000s)					
Appropriation FY 23 Request	3,438	Year First Appropriation	FY18		
Appropriation FY 24 Request	830	Last FY's Cost Estimate	28,289		
Cumulative Appropriation	27,190				
Expenditure / Encumbrances	1,878				
Unencumbered Balance	25,312				

PROJECT DESCRIPTION

The Kennedy Shriver Aquatic Center opened in 1989. It consists of a 50 meter competitive swimming and diving pool, a 200 foot water flume, a separate leisure pool with two hydrotherapy areas, and a diving tower. Since its opening, the center has had problems related to the movement and condensation of moist indoor air through the building's exterior masonry walls, resulting in roof leakage throughout the building. The original scope of the project was to remove and restore existing windows and louvers; remove the 4-inch masonry veneer block throughout the facility, and correct louvers, windows, and penetration flashings; install spray-applied wall insulation functioning as both air/vapor barrier system; install new exterior masonry veneer wall system; and replace the existing roof. During the design evaluation of the entire facility, a structural review was performed for the existing conditions and it was determined that the existing exterior walls will require significantly greater structural modifications than known prior to the evaluation, which has increased the project scope, budget, and schedule to complete the work. In addition, it was determined that the pool equipment and the HVAC systems were also at the end of useful life and also require full system replacements. The Office for Americans with Disabilities Act (ADA) Compliance in the Department of General Services also conducted a full review and design for implementation and remediation of all non-compliance issues at the Kennedy Shriver Aquatic Center. Taken in totality, the facility will require closure for a minimum of eighteen (18) months. Closure of the aquatic center is being coordinated with the Recreation Department and other CIP projects, including MLK Aquatic Centers and the anticipated opening of the South County Regional Recreation and Aquatic Center (Winter 2022), to limit the impact of closed indoor facilities on Recreation patrons. In order to facilitate a longer closure period for the Kennedy Shriver Aquatic Center project, a water heating system will be installed and weatherization of the shower rooms improved at the Glenmont Outdoor Pool to allow for extended season use of the outdoor pool both prior to Memorial Day and after Labor Day. These improvements will facilitate swim and revenue generating activities that would otherwise be eliminated or harmed by the extended closure of the Kennedy Shriver Aquatics Center.

LOCATION

5900 Executive Boulevard, North Bethesda, Maryland.

ESTIMATED SCHEDULE

Design work started in FY22 with some construction investigation continuing in FY23. Construction scheduled to start in FY24.

COST CHANGE

Cost increases reflect additional costs to achieve a Net Zero goal and to extend the usability of the Glenmont Pool to limit the community impact of the KSAC closure during renovation.

PROJECT JUSTIFICATION

During the design evaluation of the entire facility, a structural review was performed for the existing conditions and it was determined that the existing exterior walls will require significantly greater structural modifications than known prior to the evaluation, which has increased the project scope, budget, and schedule to complete the work. In addition, it was determined that the pool equipment and the HVAC systems were also at the end of useful life and also require full system replacements. The Office for Americans with Disabilities Act (ADA) Compliance in DGS also conducted a full review and design for implementation and remediation of all

non-compliance issues at the Kennedy Shriver Aquatic Center.

OTHER

The refurbishment part of this project will be funded by Recreation Facilities Refurbishment (P722105).

COORDINATION

Department of General Services, Department of Recreation, Office of Management and Budget, Bethesda/Chevy Chase Regional Services Center, and Maryland-National Capital Park and Planning Commission.






OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

M E M O R A N D U M

January 18, 2022

TO: Gabe Albornoz, President, County Council

FROM: Marc Elrich, County Executive 

SUBJECT: Special Capital Improvements Project Cost Criterion

Attached is an Executive Order establishing a cost criterion of \$20,350,000 for Special Capital Projects applicable to the FY23 Capital Budget and the FY23-28 Capital Improvements Program (CIP).

I will forward, under separate cover, legislation necessary to enact into law those CIP projects that require special capital projects authorization.

ME:aaa

cc: Richard S. Madaleno, Chief Administrative Officer
Fariba Kassiri, Deputy Chief Administrative Officer
Jennifer Bryant, Director, Office of Management and Budget



MONTGOMERY COUNTY EXECUTIVE ORDER

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland
20850

Subject CIP COST CRITERION FOR SPECIAL CAPITAL IMPROVEMENTS PROJECTS FY23	Executive Order 001-22	Subject Suffix
Department OFFICE OF MANAGEMENT AND BUDGET	Department No. 31	Effective Date January 18, 2022

WHEREAS, Section 20-1 of the Montgomery County Code titled "Authorization of Special Capital Improvements Projects by Law," effective February 23, 1979, provides that non-emergency County Government capital improvement projects estimated to cost at least four million dollars must be approved by a law enacted by the County Council, prior to receiving further appropriation, and that the County Executive shall, by annual Executive Order revise the four million dollar cost criterion for all major facilities to reflect the annual change in the latest published composite construction cost index established by the United States Department of Commerce; and

WHEREAS, the original cost criterion utilized by the County was \$4,000,000 for Special Capital Improvements projects; and,

WHEREAS, the Office of Management and Budget has established the procedure utilized below to ensure consistency in the annual calculation of the cost criterion; and,

WHEREAS, the applicable composite construction cost index (2005=100) established by the U.S. Department of Commerce (U.S. Census Bureau) published in the "Price Deflator (Fisher) Index of New Single-Family Houses Under Construction" (1964 to 2020), was 30.6 for June 1978 and 155.7 for June 2021; and,

WHEREAS, the increase in the applicable composite construction cost index of 108 since 1978 indicates that the cost criterion established for Special Capital Improvements projects for fiscal year 2023 (July 1, 2022 - June 30, 2023) should be \$16,350,000 greater than the original cost criterion;

NOW THEREFORE, the County Executive for Montgomery County, Maryland, hereby establishes the cost criterion at \$20,350,000 in accordance with Section 20-1 of the County Code, for the FY23 Capital Budget and the Fiscal Years 23-28 Capital Improvements Program.

Approved:

A handwritten signature in black ink, appearing to read "Marc Elrich", written over a horizontal line.

Marc Elrich, County Executive