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 ©1-2
• Legislative Request Report ©3-4
• Executive's transmittal ©5
• Fiscal Impact Statement ©6-7
• Project Description Form ©8-10
• Executive Transmittal – Special Capital Improvements Project Cost Criterion ©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

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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
MEMORANDUM

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

6/7/22
Jennifer R. Bryant, Director
Office of Management and Budget
The Kennedy Shriver Aquatic Center opened in 1989. It consists of a 50 meter competitive swimming and diving pool, a 200 foot water slide, 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 Aquatic 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.
MEMORANDUM

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

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<td>CIP COST CRITERION FOR SPECIAL CAPITAL IMPROVEMENTS PROJECTS FY23</td>
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<td>OFFICE OF MANAGEMENT AND BUDGET</td>
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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:

Marc Elrich, County Executive