

Agenda Item #6
March 8, 2011

Introduction

MEMORANDUM

March 4, 2011

TO: County Council

FROM: Amanda Mihill, Legislative Analyst *A. Mihill*

SUBJECT: **Introduction:** Bill 3-11, Community Use of Public Facilities - Reorganization

Bill 3-11, Community Use of Public Facilities - Reorganization, sponsored by the Council President on recommendation of the Organizational Reform Commission, is scheduled to be introduced on March 8, 2011. A public hearing is tentatively scheduled for March 29 at 7:30 p.m.

Bill 3-11 would:

- eliminate the Office of the Community Use of Public Facilities and re-assign its functions;
- eliminate the Interagency Coordinating Board for Community Use of Public Facilities and re-assign its functions;
- require the Department of General Services to administer and implement the School Facilities Utilization Act;
- require the Department to schedule and make available the community use of school and public facilities; and
- generally amend County law regarding community use of schools and other public facilities.

In its report to the Council dated January 31, 2011, ORC recommended the County move the functions of the Office of the Community Use of Public Facilities and the Interagency Coordinating Board to the Department of General Services (©14). The Executive and the Planning Board oppose this recommendation (©15, 18). Bill 3-11 would partially implement the ORC recommendation as it relates to the Community Use of Public Facilities (CUPF). In addition to moving the functions of CUPF to the Department of General Services, ORC recommended a "major modernization of the property management system" for CUPF. At the Committee worksession on Bill 3-11, Council staff will address both of these recommendations.

This packet contains:

Bill 3-11

Legislative Request Report

Excerpt of Organizational Reform Commission Report

Excerpt of Executive response to ORC Report

Excerpt of Planning Board memorandum

Circle #

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Bill No. 3-11
Concerning: Community Use of Public
Facilities – Reorganization
Revised: 3/1/2011 Draft No. 1
Introduced: March 8, 2011
Expires: September 8, 2012
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: _____
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President on the recommendation of the Organizational Reform Commission

AN ACT to:

- (1) eliminate the Office of the Community Use of Public Facilities and re-assign its functions;
- (2) eliminate the Interagency Coordinating Board for Community Use of Public Facilities and re-assign its functions;
- (3) require the Department of General Services to administer and implement the School Facilities Utilization Act;
- (4) require the Department to schedule and make available the community use of school and public facilities; and
- (5) generally amend County law regarding community use of schools and other public facilities.

By amending

Montgomery County Code
Chapter 1A, Structure of County Government
Section 1A-203

Chapter 2, Administration
Section 2-30

Chapter 32, Offenses – Victim Advocate
Section 32-19C

Chapter 41, Recreation and Recreation Facilities
Section 41-21

Chapter 44, Schools and Camps
Section 44-2, 44-3, and 44-5

By repealing

Chapter 2, Administration
Division 19, Office of Community Use of Public Facilities
Section 2-64M

Chapter 44, Schools and Camps
Section 44-4

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>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

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

- 28 (1) administers and implements the School Facilities Utilization Act
- 29 (Chapter 44, Article I); and
- 30 (2) schedules and makes available to the community the use of
- 31 (A) school facilities; and
- 32 (B) other public facilities designated by the Chief
- 33 Administrative Officer under standards established by
- 34 regulation issued under method (2).
- 35 (b) *Duties of the Director.* The Director of Community Use of Public
- 36 Facilities must carry out the functions described in this Section and
- 37 Section 44-4.]

38 **32-19C. Disruptive Behavior—Public Facilities**

- 39 (a) In this Section, the following terms have the following meanings unless
- 40 the context clearly indicates otherwise:
- 41 * * *
- 42 (2) Enforcement agent means:
- 43 (A) a Department Director;
- 44 (B) a police officer, deputy sheriff, or County security officer;
- 45 or
- 46 (C) an assistant director, division chief, service chief, or other
- 47 person in charge of a facility, who is designated by a
- 48 Department Director[; or].
- 49 [(D) a designee of the Director of Community Use of Public
- 50 Facilities.]
- 51 (3) Public facility means any building, grounds, or transit vehicle
- 52 owned, leased, or used by the County[,] or the Revenue
- 53 Authority[, or the Director of Community Use of Public
- 54 Facilities].

55 * * *

56 **41-21. Recreation board.**

57 * * *

58 (c) The ex officio, nonvoting members of the Board are:

59 * * *

60 (4) a representative of the [Office of Community Use of Public
61 Facilities] Department of General Services;

62 * * *

63 **44-2. Definitions.**

64 For the purposes of this Article, the following words and phrases have the
65 meanings indicated:

66 [*Board*. The Interagency Coordinating Board established by Section 44-3.]

67 [*Committee*]. The] means the advisory committee established by Section 44-5.

68 [*Director*]. The] means the Director of [Community Use of Public Facilities]
69 General Services or the Director's designee.

70 [*Schools*]. Buildings and] means any building or grounds, playing [fields]
71 field, [gymnasia and] gymnasium, or associated educational [facilities and]
72 facility or equipment under the ownership and operating control of the
73 Montgomery County [board of education] Board of Education, including [but
74 not limited to] those schools currently or in the future designated as
75 "community schools."

76 [*Superintendent*]. The] means the superintendent of Montgomery County
77 [public schools] Public Schools.

78 [*Community school council*]. An] means an existing body created to provide
79 information and advice on community needs, program development, facility
80 use, and related matters at designated "community schools" or a body [as may

81 may be] created in the future to perform similar functions regarding other
82 schools or groups of schools.

83 **44-3. [Interagency Coordinating Board] Director of General Services - Duties.**

84 [(a) *Establishment and responsibilities.* The Interagency Coordinating Board for
85 Community Use of Public Facilities must review and coordinate the activities
86 conducted under this Article.] The [Board] Director must:

87 [(1) review budget requests of the Director and make recommendations
88 about the requests to the Chief Administrative Officer, County
89 Executive and County Council];

90 [(2)] (a) recommend fee schedules that the Council may adopt by resolution
91 after receiving the recommendations of the Executive;

92 [(3)] (b) review and propose modifications in major contracts and grants
93 negotiated between the County and Montgomery County Public
94 Schools under this Article;

95 [(4)] (c) provide periodic evaluations, advice, and recommendations, and an
96 annual report by March 1 of each year, to [the Director,] the Board of
97 Education, the Executive, and the Council about implementation of this
98 Article;

99 [(5)] (d) adopt regulations necessary to implement this Article; [and]

100 [(6)] (e) recommend how to resolve any interagency differences and problems
101 in implementing this Article to the Executive, the Board of Education,
102 the Maryland National Capital Park and Planning Commission,
103 Montgomery College, or the Council, as appropriate, including
104 recommendations to promote coordination between programs and
105 activities conducted under this Article and related services and activities
106 financed by the County government

- 107 (f) administer and coordinate the programs and activities necessary to carry
108 out the purposes of this Article;
- 109 (g) administer appropriated funds and explore the possibility of obtaining
110 additional funds from non-County sources;
- 111 (h) provide information and guidance to any community group, municipal
112 government, County agency, and any other user of a school facility as to
113 ways in which such facility use could be made more cost effective;
- 114 (i) employ and train community school coordinators and other necessary
115 personnel, with the approval of the Chief Administrative Officer;
- 116 (j) directly with an individual school or through a community school
117 coordinator (or other intermediate personnel), maintain effective liaison
118 and consultation with any school principal, community school council,
119 or other community organization and user group in order to:
- 120 (1) encourage and assist the formation of a community school
121 council;
- 122 (2) schedule the use of a school facility;
- 123 (3) under an arrangements with school principals, assure general and
124 proper supervision of non-school use of any building or other
125 facility, including the engagement of appropriate on-site
126 personnel;
- 127 (4) generally coordinate logistical, financial and related aspects of
128 the after-school, evening, weekend and vacation period, and other
129 non-school use of any school facility, as may be provided in
130 contractual or other arrangement between the County government
131 and the Board of Education;

132 (5) survey community needs and develop outreach and other
 133 programs to meet those needs through optimal use of school
 134 facilities; and

135 (6) assume responsibility for needed repair or replacement of
 136 property resulting from community use; and

137 (k) promote cooperation among any activity under this Article, community
 138 program or activity carried on in a former school subsequently taken
 139 over by the County, or multipurpose community center operated by the
 140 County.

141 [(b) *Membership.* The Board consists of voting members and nonvoting, ex
 142 officio members.

143 (1) The voting members are:

144 (A) the Chief Administrative Officer;

145 (B) The Superintendent of Schools;

146 (C) the President of Montgomery College;

147 (D) a member of the Maryland-National Capital Park and
 148 Planning Commission designated by the Montgomery
 149 County members of the Commission;

150 (E) a Councilmember or the staff director or a senior staff
 151 member of the County Council who represents the
 152 Council;

153 (F) one citizen appointed by the Superintendent and confirmed
 154 by the Board of Education; and

155 (G) three citizens appointed by the Executive and confirmed
 156 by the Council.

157 The Advisory Committee may recommend individuals to the
 158 Executive and the Superintendent for appointment as citizen
 159 members of the Board.

160 (2) The nonvoting, ex officio members of the board are:

161 (A) a member of the Board of Education designated by the
 162 Board of Education;

163 (B) a person designated by the Montgomery County
 164 Association of Secondary School Principals and confirmed
 165 by the Council;

166 (C) a person designated by the Elementary School
 167 Administrators Association and confirmed by the Council.

168 (c) *Officers.* The Board must elect a Chair and Vice Chair to serve for a
 169 one-year term, and may reelect either or both officers.

170 (d) *Terms.* Members of the Board appointed under subsections (b)(1)(F)
 171 and (G) and (2)(B) and (C) must serve staggered four-year terms
 172 beginning on July 1 of the year when the term of the member's
 173 predecessor is scheduled to expire. A member continues to serve until
 174 the member's successor is appointed.

175 (e) *Compensation.* Members of the Board serve without compensation.

176 (f) *Meetings.* The Board must meet at least once every three months. The
 177 Board may be convened at any time, with appropriate advance notice, at
 178 the call of the chair or upon the request of the Chief Administrative
 179 Officer or the Superintendent.

180 (g) *Attendance.* Section 2-148(c) applies only to citizen members of the
 181 Board.]

182 **44-4. [Director of Community Use of Public Facilities] Reserved.**

183 [The Director must:

- 184 (a) Administer the programs and activities necessary to carry out the
185 purposes of this article;
- 186 (b) Administer appropriated funds and explore the possibility of obtaining
187 additional funds from non-county sources;
- 188 (c) Provide information and guidance to community groups, municipal
189 governments, county agencies and other users of school facilities as to
190 ways in which such facility use could be made more cost effective;
- 191 (d) In consultation with the board and with the approval of the chief
192 administrative officer, employ and train community school coordinators
193 and other necessary personnel;
- 194 (e) Directly with individual schools or through community school
195 coordinators (or other intermediate personnel), maintain effective
196 liaison and consultation with school principals, community school
197 councils and other community organizations and user groups in order to
198 fulfill the following responsibilities, among others:
- 199 (1) Encourage and assist in the formation of community school
200 councils;
- 201 (2) Schedule use of school facilities;
- 202 (3) Under arrangements with school principals, assure general and
203 proper supervision of non-school use of buildings and other
204 facilities, including the engagement of appropriate on-site
205 personnel;
- 206 (4) Generally coordinate logistical, financial and related aspects of
207 the after-school, evening, weekend and vacation period and other
208 non-school use of school facilities, as may be provided in
209 contractual or other arrangements between the county
210 government and the board of education;

- 211 (5) Survey community needs and develop outreach and other
 212 programs to meet those needs through optimal use of school
 213 facilities; and
- 214 (6) Assume responsibility for needed repair or replacement of
 215 property resulting from community use;
- 216 (f) Effect cooperation among activities under this article, community
 217 programs and activities carried on in former schools subsequently taken
 218 over by the county government and multipurpose community centers
 219 operated by the county government;
- 220 (g) Serve as executive secretary to the board; and
- 221 (h) Perform such other related duties as may be required.]

222 **44-5. Advisory committee.**

- 223 (a) There is [hereby established] an advisory committee to advise the
 224 [board and director as to programs and activities] Director on any
 225 program or activity conducted [pursuant to] under this [article; the
 226 committee shall bring] Article. The Committee must submit to the
 227 [board and director] Director a broad spectrum of ideas and
 228 recommendations [as to] for community use of school facilities,
 229 including]. The committee shall submit recommendations to the board
 230 on the following subjects]:
- 231 (1) ways [by which] to increase school facility use [may be
 232 increased] by public agencies and community groups;
- 233 (2) ways [in which] to improve information and other outreach
 234 efforts [may be approved];
- 235 (3) ways [in which] to make facility utilization [may be made] more
 236 cost effective; and[,]

237 (4) ways [by which] that procedural changes may result in a more
238 effective operation.

239 (b) The Executive must appoint members [Members] of the [committee]
240 Committee [shall be appointed by the board or designated by
241 organizations under arrangements specified by the board] and [shall]
242 must be representative of various county and community groups with an
243 [interests] interest in school facility use. Committee members [shall]
244 must serve without compensation. The [director shall] Director must
245 provide necessary staff support for the [committee] Committee.

246 *Approved:*

247

Valerie Ervin, President, County Council Date

248 *Approved:*

249

Isiah Leggett, County Executive Date

250 *This is a correct copy of Council action.*

251

Linda M. Lauer, Clerk of the Council Date

LEGISLATIVE REQUEST REPORT

Bill 3-11

Community Use of Public Facilities – Reorganization

DESCRIPTION:	Bill 3-11 would eliminate the Office of the Community Use of Public Facilities and re-assign its functions; eliminate the Interagency Coordinating Board for Community Use of Public Facilities and re-assign its functions; require the Department of General Services to administer and implement the School Facilities Utilization Act; require the Department to schedule and make available the community use of school and public facilities
PROBLEM:	The Organizational Reform Commission recommended that the functions of the Community Use of Public Facilities and the Interagency Coordinating Board be moved to the Department of General Services.
GOALS AND OBJECTIVES:	Although CUPF is an enterprise fund and no taxpayer savings would be generated, efficiencies resulting from this reorganization could reduce costs to users or assist in improving services.
COORDINATION:	Community Use of Public Facilities, Department of General Services
FISCAL IMPACT:	To be requested.
ECONOMIC IMPACT:	To be requested.
EVALUATION:	To be requested.
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Organizational Reform Commission Report. Amanda Mihill, Legislative Analyst, 240-777-7815
APPLICATION WITHIN MUNICIPALITIES:	Not applicable.
PENALTIES:	None.

This change would result in saving a substantial portion of the \$1.7 million currently budgeted for the HRC. We propose that the HRC and Committee on Hate/Violence be combined to make their efforts more concentrated and provide a singular focal point for research and dissemination of information. This new combined commission can be aligned with the Office of Community Partnerships or another suitable entity, as determined by the Council and Executive. Finally, the activities of the Interagency Fair Housing Coordinating Group – currently supported by the Human Rights Office – should be returned to the Department of Housing and Community Affairs, from which it was removed in 1996.

c) Interagency Coordinating Board for Community Use of Public Facilities (CUPF) – Current Budget - \$9,325,840.

- *The ORC recommends a major modernization of the property management system for Community Use of Public Facilities. We also believe it is appropriate that the functions of the Office and Board move to the Department of General Services.*

Since CUPF is an enterprise fund, no taxpayer savings would be generated by these reforms, but it is highly likely that the efficiencies resulting from the moves could reduce costs to users or assist in improving services, thereby allocating a portion of its \$9.3 million budget to more effective uses.

d) Criminal Justice Coordinating Commission (CJCC) – Current Budget \$158,000 - The CJCC performs an important function in helping to coordinate the programs and activities of the County's various criminal justice agencies. However, it meets only four times a year, does not require an annual report, and in other ways has had its duties modified in recent years. In the past, it has been staffed by County personnel who also had other duties, rather than by a dedicated staff of its own.

- *The ORC believes that staff support for the CJCC does not require an executive director post that is now staffed by a high-level appointee. We recommend elimination of this position. We also recommend that the CJCC be housed in the Police Department, which would provide for its part-time staff support.*

County Government to address important community needs and ultimately to build stronger, more inclusive, and self sufficient communities.

3. Reorganize the Commission for Women and eliminate the office.

County Executive's Position: **Support with Conditions**

I support the ORC recommendation regarding the reorganization of the Commission for Women. My FY12 Recommended Operating Budget will address the reorganization of this Commission, but in order to maintain the excellent work of the Commission for Women I will recommend a reduction, but not the elimination of all staff support. This recommendation requires implementing legislation which I will forward to the Council.

4. Reorganize the Human Rights Commission and eliminate the office.

County Executive's Position: **Support with Conditions**

I support the ORC recommendations regarding the reorganization of the Human Rights Commission. My FY12 Recommended Operating Budget will address this reorganization, but in order to retain the unique and vital work that this Commission provides, it will be necessary to retain some staffing for the Commission. This recommendation requires implementing legislation which I will forward to the Council.

5. Modernize Community Use of Public Facilities by moving it to the Department of General Services.

County Executive's Position: **Oppose with Explanation**

ORC recommends "a major modernization of the property management system" for Community Use of Public Facilities (CUPF), implying a significant deficiency in its technology background to efficiently perform its function. As addressed in greater detail below, CUPF is in fact heavily invested in technology and is deploying new web-based tools now and more in the near future.

ORC also recommends that CUPF is better situated as a function of the Department of General Services (DGS). While it is possible that integration with DGS' property management responsibilities may create certain synergies, it would not provide any cost savings or measurable efficiencies. Therefore, I do not believe the expense in time and effort to implement a consolidation of these functions would be justified. In addition, there is little overlap in the missions of these two functions, or opportunity to combine staff activities around scheduling operations or the planning, evaluation or supervision of such activities.

CUPF and technology: CUPF allocates and manages the use of more than 550 public facilities by approximately 6,000 individuals and groups scheduling more than 750,000 hours in and around normal school or government business

operations. To do so in the most efficient way, CUPF has automated a significant part of the scheduling process and continually seeks to expand its use of technology.

CUPF is heavily invested in the use of technology for scheduling and managing financial transactions, using the CLASS software also used by the Department of Recreation for its very significant registration and financial accounting operation in recreation program enrollment. CLASS is the overwhelmingly preferred software for private and public recreation operations nationally. CUPF uses this software in conjunction with online application/permit tracking, credit card payments, and reports.

The system also interfaces with the new ERP system to manage revenue and other financial transactions. Through integration with ICBweb (a custom application that provides real-time information on what is scheduled, where and when), customer reports are generated and used extensively by Montgomery County Public Schools (MCPS) and the County for assignment of staff support, management of utility and overtime costs, and are also used by County Security.

During the past year, CUPF created a paperless Request for Proposal process on its website for the selection of child care providers, which created efficiencies and customer service improvements that were recognized by MCPS, as well as the County Department of Health and Human Services and DGS' Office of Real Estate. Similarly, its paperless MCPS staff overtime approval process has been well received. Beyond the potential technology enhancements as a result of the Recreation and Parks permitting consolidation, CUPF is working toward the creation a hosted check payment server option for online customers and implementation of an imaging system to replace the current paper forms, and also employ check tracking and filing systems. Plans also include an online space availability checking feature. All of these indicate a function that is fully intent on exploiting technology to improve its service delivery.

Property management: CUPF does not manage property; this is General Services' function. However, CUPF must perform its work in coordination with DGS as well as MCPS facility management. The CUPF's greatest challenge is in negotiating and managing relationships, since it was created to prevent inequities that can result from an unmanaged "first-come, first-served" approach. In fact, CUPF was created over 30 years ago in response to county residents' concerns about fair and equal access to use of schools after hours because each school was making independent, often biased, decisions about who had access and what rate was to be charged.

Under the purview of the policy-making Interagency Coordinating Board (ICB), comprised of top-level decision makers from all major County agencies (Board of Education, MCPS, M-NCPPC, County Government, Montgomery College, and County Council), CUPF is able to respond quickly across agency lines to meet the needs of the school system, the County and its residents. This includes 24/7 on-call coverage and inclement weather closings. As the only independent office of its kind in the nation, CUPF is truly a model of effective cross-agency

collaboration. The operation of CUPF is intertwined closely with MCPS, and its success today is the result of many years of relationship building.

Financial impact: As noted above, no savings would be generated by moving CUPF, an Enterprise Fund, under DGS. It should also be noted that Section 44-5A of the County Charter requires reimbursing MCPS for the costs of supporting community use, which mean more than 70% of CUPF's budget is returned to MCPS to cover staff, utility, custodial, and maintenance costs, with the remaining 30% covering operations to include funds returned to the General Fund.

Another observation made by ORC was that with efficiencies, perhaps fees could be reduced. The ICB has continually worked to keep rates affordable to ensure access to public space by community groups (98% of which are non-profits) while at the same time meeting its own financial obligations. Without any tax dollar support, CUPF's fees remain among the most competitive in the area.

6. Reorganize the Criminal Justice Coordinating Commission and eliminate the Executive Director position.

County Executive Position: **Oppose with Explanation**

The Executive Director is part of the County Executive's Office and staff. I have already reduced my Office's direct support over the past few years with a 25% reduction in FY 2011 and an additional 15% recommended in my FY 2012 budget. The additional loss of another position would further compromise my staff's ability to fulfill the mission of the County Executive's Office. Placement of the Executive Director position as a collateral duty for an individual in another agency would compromise the ability to implement the work of the Commission. The Executive Director position must be a high-level, appointed position, directly representing the County Executive in order to integrate the Executive's priorities and work with the other high-level appointees on the Commission. In addition, placing the position or duties of the Executive Director in one department would create the appearance of either favoritism or a particular direction which would undermine the rationale of the Commission. Further, adding the duties to an already existing position would minimize the ability to coordinate inter-agency activities.

The Executive Director, as either a representative of me or as an ex-officio attends the following Board, Committee or Commission or agency meetings: the Disproportionate Minority Contact Committee of the Collaboration Council, the Juvenile Justice Commission, the Domestic Violence Coordinating Council, the Domestic Violence Fatality Review Team, the Commission on Veterans Affairs, the Criminal Justice Behavioral Health Initiative, and the Department of Correction and Rehabilitation's Re-Entry Program. Time constraints and the need for overall coordination would not permit that to continue if the Executive Director position were eliminated, regardless of whether those memberships are distributed among several individuals or one person.

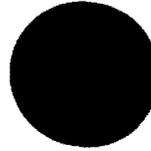


MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIRMAN

MEMORANDUM

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MONTGOMERY COUNTY
COUNCIL

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February 28, 2011

TO: Montgomery County Council

FROM: Françoise M. Carrier *Françoise M. Carrier*
Chair, Montgomery County Planning Board
Vice Chair, Maryland-National Capital Park & Planning Commission

SUBJECT: Response to the County Executive's Organizational Reform Commission Recommendations

This memorandum provides our response to the County Executive's February 21 proposal based on the Organizational Reform Commission (ORC)'s final report and recommendations. We recognize the difficulty of the decisions facing the County government as it finalizes the budget for fiscal year 2012, and are aware some tough decisions will have to be made. The ORC's task was a challenging one, and we applaud their efforts to find opportunities for cost-savings, efficiencies, and improved customer service. We remain in favor of streamlining functions and pursuing savings and efficiencies, and welcome continued dialogue with the Council on all possible opportunities. We support several of the recommendations contained with the ORC report and the County Executive's February 21 memo, and would like to share our concerns about a few others. Our thoughts on these are outlined below.

Preserving the Office of Community Use of Public Facilities

We wholeheartedly agree with the County Executive's recommendation to preserve the Office of Community Use of Public Facilities (CUPF) as an independent entity. We have enjoyed a highly collaborative relationship with this office over the years, and have recently transferred the permitting of our athletic fields to them in order to streamline the field permitting process for all users. Like our Enterprise Fund, CUPF is self-supporting and requires no tax dollars to operate. It makes little sense to transfer a successful, self-sustaining business operation when the impact of the management transfer is unknown and could have detrimental impacts on its operations and fiscal integrity.