

**MEMORANDUM**

December 1, 2011

TO: Education Committee

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

SUBJECT: **Worksession:** Bill 36-11, Interagency Coordinating Board – Membership

Bill 36-11, Interagency Coordinating Board - Membership, sponsored by the Council President at the request of the County Executive, was introduced on November 1, 2011. A public hearing was held on November 29 at which only a representative of the Interagency Coordinating Board (ICB) testified (see testimony on ©11).

Bill 36-11 would allow the following members of the ICB to designate alternates to serve in their absence: the Chief Administrative Office, the Superintendent of Schools, the President of Montgomery College, and the Montgomery County member of the Maryland-National Capital Park and Planning Commission. Bill 36-11 would also update references to the Montgomery County Association of Secondary School Principals and the Elementary School Administrators Association.

**Issue for Committee Discussion**

There were no issues presented for Committee discussion at the public hearing and Council staff is not aware of any constituent correspondence on this bill. Council staff recommends 2 amendments to Bill 36-11:

- Add language to ensure that the members allowed to designate alternates to attend ICB meetings designate senior staff members. Council staff recommends the following language:

The Chief Administrative Officer, the Superintendent of Schools, the President of Montgomery College, and the Montgomery County [[members]] member of the Maryland-National Capital Park and Planning Commission may each designate a [[person]] senior staff member to serve in their absence as an alternate member of the Board.

This language is similar to the language in current law relating to the appointment of a Councilmember, the staff director, or a senior staff member to represent the Council on the ICB (see ©2, lines 13-15). In its testimony, the ICB noted that senior level staff members would be designated as alternates (©11).

- Throughout Bill 36-11, replace references to “citizen” with “resident” for consistency with other Code provisions (see lines 16, 18, and 21).

| <u>This packet contains:</u>      | <u>Circle</u> |
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Expedited Bill No. 36-11  
Concerning: Interagency Coordinating Board - Membership  
Revised: 10/28/2011 Draft No. 1  
Introduced: \_\_\_\_\_  
Expires: \_\_\_\_\_  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President at the request of the County Executive

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**AN ACT** to:

- (1) allow certain members of the Interagency Coordinating Board to designate alternates;
- (2) update references to the Montgomery County Association of Secondary School Principals and the Elementary School Administrators Association; and
- (3) generally amend the law regarding the Interagency Coordinating Board.

By amending

Montgomery County Code  
Chapter 44, Schools and Camps.  
Section 44-3

|                              |                                                            |
|------------------------------|------------------------------------------------------------|
| <b>Boldface</b>              | <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:*

**Sec. 1. Section 44-3 is amended as follows:**

**44-3. Interagency Coordinating Board.**

\* \* \*

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

(1) The voting members are:

- (A) the Chief Administrative Officer;
- (B) [The] the Superintendent of Schools;
- (C) the President of Montgomery College;
- (D) a member of the Maryland-National Capital Park and Planning Commission designated by the Montgomery County members of the Commission;
- (E) a Councilmember or the staff director or a senior staff member of the County Council who represents the Council;
- (F) one citizen appointed by the Superintendent and confirmed by the Board of Education; and
- (G) three citizens appointed by the Executive and confirmed by the Council.

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

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

- (A) a member of the Board of Education designated by the Board of Education;
- (B) a person designated by the [Montgomery County Association of Secondary School Principals] Montgomery County Association of Administrators and

29 Principals to represent secondary school administrators  
30 and confirmed by the Council;

31 (C) a person designated by the [Elementary School  
32 Administrators Association] Montgomery County  
33 Association of Administrators and Principals to represent  
34 elementary school administrators and confirmed by the  
35 Council.

36 (3) The Chief Administrative Officer, the Superintendent of  
37 Schools, the President of Montgomery College, and the  
38 Montgomery County members of the Maryland-National  
39 Capital Park and Planning Commission may each designate a  
40 person to serve in their absence as an alternate member of the  
41 Board.

42 \* \* \*

43 *Approved:*

44 \_\_\_\_\_  
Valerie Ervin, President, County Council Date

45 *Approved:*

46 \_\_\_\_\_  
Isiah Leggett, County Executive Date

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

48 \_\_\_\_\_  
Linda M. Lauer, Clerk of the Council Date

## LEGISLATIVE REQUEST REPORT

Bill 36-11

### *Interagency Coordinating Board - Membership*

|                                           |                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>DESCRIPTION:</b>                       | Bill 36-11 would allow certain members of the Interagency Coordinating Board (ICB) to designate alternates; and update references to the Montgomery County Association of Secondary School Principals (MCASSP) and the Elementary School Administrators Association (ESAA).                                                                      |
| <b>PROBLEM:</b>                           | As a result of scheduling conflicts and unforeseen emergencies, some members of the Interagency Coordinating Board are not available to attend all meetings. Additionally, the MCASSP and ESSA were subsumed within the Montgomery County Association of Administrators and Principals (MCAAP) as part of a reorganization.                      |
| <b>GOALS AND OBJECTIVES:</b>              | To ensure a quorum at all ICB meetings in order to effectively conduct business and decide policy matters with interagency representation by allowing certain <i>ex officio</i> representatives to designate an alternate to serve in that member's absence and to accurately designate responsibility for nominating ICB Board representatives. |
| <b>COORDINATION:</b>                      | Community Use of Public Facilities and County Attorney                                                                                                                                                                                                                                                                                           |
| <b>FISCAL IMPACT:</b>                     | To be requested.                                                                                                                                                                                                                                                                                                                                 |
| <b>ECONOMIC IMPACT:</b>                   | To be requested.                                                                                                                                                                                                                                                                                                                                 |
| <b>EVALUATION:</b>                        | To be requested.                                                                                                                                                                                                                                                                                                                                 |
| <b>EXPERIENCE ELSEWHERE:</b>              | DC Water and Sewer Authority authorizing legislation for Board includes use of alternates with voting privileges.                                                                                                                                                                                                                                |
| <b>SOURCE OF INFORMATION:</b>             | Clifford Royalty, Office of County Attorney<br>Ginny Gong, Community Use of Public Facilities                                                                                                                                                                                                                                                    |
| <b>APPLICATION WITHIN MUNICIPALITIES:</b> | N/A                                                                                                                                                                                                                                                                                                                                              |
| <b>PENALTIES:</b>                         | N/A                                                                                                                                                                                                                                                                                                                                              |




OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Isiah Leggett  
County Executive

MEMORANDUM

October 24, 2011

TO: Valerie Ervin, Council President  
FROM: Isiah Leggett, County Executive   
SUBJECT: Two Modifications to Section 44-3 of Montgomery County Code

On behalf of the Interagency Coordinating Board for the Community Use of Public Facilities, I am requesting that you introduce a bill to modify two parts of Section 44-3 of Montgomery County Code (Schools and Camps):

**44-3(b) 2 (B) and (C) – Non Voting Members – Language Update**

The language modification would remove references to the Montgomery County Association of Secondary School Principals and Elementary School Administrators Association, both of which were subsumed by the Montgomery County Association of Administrators and Principals (MCAAP) as part of a reorganization. MCAAP is the organization that represents all administrators and principals in Montgomery County Public Schools and has the responsibility of nominating two of the non-voting members on the Interagency Coordinating Board.

**44-3(b) 3 – Voting Membership – Ability to designate alternates**

This Bill authorizes certain members of the ICB (the Chief Administrative Officer, the Superintendent of Schools, the President of Montgomery College, and Maryland-National Capital Park and Planning Commission) to each appoint a person to serve in that member's absence as an alternate member of the Board.

After extended discussion and approval of Resolution No. 11-001, the ICB has requested the ability to designate alternates for the members listed above. As a result of scheduling conflicts and unforeseen emergencies, some members of the ICB are not available to attend all meetings. This change will ensure a quorum at all meetings in order to effectively conduct business and decide policy matters with interagency representation. This modification is consistent with how WASA addresses board attendance.

Thank you for your consideration.

IL:ab

Attachments

cc: Dr. Henry Lee, ICB Chair  
Ginny Gong, CUPF Director



OFFICE OF MANAGEMENT AND BUDGET

Isiah Leggett  
County Executive

Jennifer A. Hughes  
Director

MEMORANDUM

November 15, 2011

TO: Valerie Ervin, President, County Council  
FROM: Jennifer A. Hughes, Director  
SUBJECT: Bill 36-11, Interagency Coordinating Board - Membership

Attached please find the fiscal and economic impact statements for the above referenced legislation.

JAH:ad

c: Kathleen Boucher, Assistant Chief Administrative Officer  
Lisa Austin, Offices of the County Executive  
Joy Nurmi, Special Assistant to the County Executive  
Ginny Gong, Executive Director, Community Use of Public Facilities  
Joseph F. Beach, Director, Department of Finance  
Michael Coveyou, Department of Finance  
John Cuff, Office of Management and Budget  
Amy Wilson, Office of Management and Budget  
Alex Espinosa, Office of Management and Budget  
Patrick Lacefield, Director, Office of Public Information

Office of the Director

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**Fiscal Impact Statement**  
**Council Bill 36-11 Membership – Interagency Coordinating Board**

**1. Legislative Summary**

As a result of scheduling conflicts and unforeseen emergencies, some members of the Interagency Coordinating Board are not available to attend all meetings. This Bill authorizes certain members of the Interagency Coordinating Board (the Chief Administrative Officer, the Superintendent of Schools, the President of Montgomery College, and Maryland-National Capital Park and Planning Commission) to each appoint a person to serve in that member's absence as an alternate member of the Board. The goal of this change is to ensure a quorum at all Interagency Coordinating Board meetings in order to effectively conduct business and decide policy matters with interagency representation.

Existing language in subsections 44-3(b)2(B) and (C) is no longer accurate. Designation of MCAAP as the organization representing school principals and administrators is needed to reflect reorganization. Additionally, the Bill removes references to the Montgomery County Association of Secondary School Principals and Elementary School Administrators Association both of which were subsumed within the Montgomery County Association of Administrators and Principals (MCAAP) as part of a reorganization. MCAAP is the organization that represents all administrators and principals in Montgomery County Public Schools (MCPS) and is responsible for nominating two non-voting members to the ICB.

**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.**

This bill has no impact to revenues or expenditures.

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

This bill has no impact to revenues or expenditures.

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

Not Applicable

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

This change will not result in subsequent government action that will impact future revenues and expenditures.

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

Not applicable. ICB Members would select their own alternates. Alternates will make decisions which are consistent with positions held by the primary.

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

No change in CUPF staff responsibilities. Alternates will be expected to attend four meetings a year. Meetings last no more than two hours.

**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 allows for certain representatives to designate an alternate to serve in their absence to ensure a quorum at all meetings in order to effectively conduct business and decide policy matters with interagency representation. The legislation does not impose any new costs or responsibilities.


The bill also replaces references to the Montgomery County Association of Secondary School Principals and Elementary School Administrators Association both with Montgomery County Association of Administrators and Principals (MCAAP).

**12. Other fiscal impacts or comments.**

Not Applicable

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

Elizabeth Habermann, Program Manager II, Community Use of Public Facilities  
Adam Damin, Office of Management and Budget

  
\_\_\_\_\_  
Jennifer A. Hughes, Director  
Office of Management and Budget

11/14/11  
Date

**Economic Impact Statement**  
**Council Bill 36-11, Interagency Coordinating Board - Membership**

**Background:**

Bill 36-11 (Bill) would allow certain members of the Interagency Coordinating Board (Board) to designate an alternative because of scheduling conflicts and unforeseen emergencies such that some members of the Board are not available to attend all meetings. This Bill ensures a quorum in order to effectively conduct business and decide policy matters by permitting certain *ex officio* representatives to designate an alternate to serve in a member's absence.

1. The sources of information, assumptions, and methodologies used.

Not Applicable

2. A description of any variable that could affect economic impact estimates.

Not Applicable

3. The bill's positive or negative effect, if any, on employment, spending, saving, investment, incomes, and property values in the County.

Not Applicable

4. If a bill is likely to have no economic impact, why that is the case.

This Bill addresses a procedural issue only, and therefore there is no economic impact.

5. The following contributed to and concurred with this analysis: David Platt, Finance;  
Mike Coveyou, Finance

  
\_\_\_\_\_  
Joseph F. Beach, Director  
Department of Finance

11/10/11  
\_\_\_\_\_  
Date

Resolution No. 11-01  
Introduced: March 30, 2011  
Adopted: June 29, 2011

## **INTERAGENCY COORDINATING BOARD**

600 Jefferson Plaza, Suite 300  
Rockville, Maryland 20852

**Subject: Legislative Change to Expand Voting Representation**

WHEREAS, in October 1978, County Council Bill No. 43-78 created the Interagency Coordinating Board as an independent policy board for the coordination of non-school use of educational facilities; and

WHEREAS, the legislation specified that the Board shall consist of the following: the Chief Administrative Officer, the Superintendent of Schools, the President of Montgomery College, a member of the Montgomery County Planning Board, the staff director of the County Council, two citizens appointed by the Superintendent and confirmed by the Board of Education, two citizens appointed by the County Executive and confirmed by the County Council, and an ex officio nonvoting member of the Board of Education; and

WHEREAS, Bill No. 6-83, effective July 1983, modified the Board's composition to allow a County Council member, staff director of the County Council or senior staff member of the County Council to consistently represent the County Council on the ICB; and

WHEREAS, the remaining membership by virtue of official capacity, i.e., the Chief Administrative Officer, the Superintendent of Schools, the President of Montgomery College, and the appointed member of the Montgomery County Planning Board, may not transfer voting rights on the ICB to a designee; and

WHEREAS, in order to ensure a quorum at all Board meetings to effectively conduct business and decide policy matters with interagency representation, it is desirable to expand voting rights to designated alternates of the Chief Administrative Officer, the Superintendent of Schools, the President of Montgomery College, and the appointed member of the Montgomery County Planning Board.

NOW, THEREFORE, be it resolved by a vote of the Interagency Coordinating Board that the Board recommends the introduction of legislation to expand voting rights on the Interagency Coordinating Board to designated alternates of the following members: the Chief Administrative Officer, the Superintendent of Schools, the President of Montgomery College, and the appointed member of the Montgomery County Planning Board.

Testimony  
November 29, 2011  
Bill 36-11, Interagency Coordinating Board - Membership

I am Henry Lee, chairperson of the Interagency Coordinating Board, more commonly referred to as the ICB, and on behalf of the board, I am submitting the following testimony in support of Bill 36-11, Interagency Coordinating Board – Membership.

Since 1978, when the board and the office were established through Chapter 44-3 of the County Code, the ICB has been committed to ensuring public facilities are affordable and accessible to the community. Through the establishment of policies and fees, the board has been successful in maintaining an Enterprise Fund that balances incurred costs with affordability and access associated with approximately 5,000 community groups in more than 300 County facilities.

As one can imagine, this was no small task, especially in the 1970s when the concept was first proposed. Balancing the competing interests and expectations of community groups and primary tenants, while addressing security concerns and protection of the County’s assets has required consistent application of policies and guidelines with great diplomacy.

Over the years, issues that were once contentious with the placement of groups in schools have now been generally resolved. The ICB, supported by the very capable CUPF staff, has made significant strides forward in achieving a collaborative and productive partnership with MCPS. Relationships with schools are now at an all-time high.

The ICB is the only government body that convenes the top leadership of the County’s key entities and is the ideal platform to facilitate conversation, make binding decisions, or decisions that are interagency in nature. Participation by key high-level decision makers was instrumental in achieving expected results and explains why the community use model in Montgomery County is lauded as a model nationwide. In fact the California Center for Cities and Schools acknowledged the CUPF model “as probably doing the best job among all the agencies studied at managing robust community access, and doing so in a way that is self-sustaining.”

However, convening that level of participation has its challenges. Given all the changes occurring within government agencies, most with minimal notice or response time, and the pressures on those in key leadership positions, obtaining a quorum has been challenging, impacting the Boards ability to conduct business. The board has noted that in other high level committees the practice of designating alternates is in place.

Under the authorizing legislation, ICB members are not permitted to transfer voting rights to designees. Consideration of granting alternates a vote for certain members of the ICB was adopted by the board in June 2011 and Bill 36-11 is before you for consideration.

The ICB assures the Council that senior level staff members of the entity would be the designated alternates and would be expected to attend quarterly meetings.

Furthermore, the board recommends that the ex-officio voting members make every attempt to attend as many meetings as possible, in addition to the alternates, to ensure continuity of operations.

The other part of the Bill is an update to references in the original legislation to the Montgomery County Association of Secondary School Principals and the Elementary School Administrators Association. As a result of reorganization, the two above mentioned associations were subsumed within the Montgomery County Association of Administrative and Supervisory Personnel.

Thank you in advance for your consideration.