

APPROVED
14-2011

Rockville, Maryland
May 23, 2011

The Board of Education of Montgomery County held a regular business meeting at the Carver Educational Services Center, Rockville, Maryland, on May 23, 2011, at 7:00 p.m.

Present: Mr. Christopher Barclay, President
in the Chair
Ms. Laura Berthiaume
Ms. Shirley Brandman
Dr. Judy Docca
Mr. Michael Durso
Mr. Philip Kauffman
Mrs. Patricia O'Neill
Mr. Alan Xie
Mr. Larry Bowers, Acting Secretary/Treasurer

Absent: Dr. Jerry Weast

or () indicates student vote does not count. Four votes needed for adoption.

RESOLUTION NO. 245-11 Re: **RESOLUTION FOR CLOSED SESSION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Dr. Docca, the following resolution was adopted unanimously:

WHEREAS, The Board of Education of Montgomery County is authorized by the *Education Article* and *State Government Article* of the *Annotated Code of Maryland* to conduct certain meetings or portions of its meetings in closed sessions; now therefore be it

Resolved, That the Board of Education of Montgomery County conduct a closed session on May 23, 2011, in Room 120 from 5:30 to 6:30 p.m.; and be it further

Resolved, That the Board of Education of Montgomery County discuss the Human Resources Appointments as permitted under Section 10-508(a)(1) of the *State Government Article* with a subsequent vote in open session; and be it further

Resolved, That the Board of Education of Montgomery County receive legal advice concerning the school system's budget and maintenance of effort issues, as well as receive legal advice and consult with staff about potential and pending litigation as permitted under Section 10-508(a)(7) and (8) of the *State Government Article*; and be it further

Resolved, That the Board of Education of Montgomery County dedicate part of the closed session on May 23, 2011, to acquit its administrative functions and receive legal advice to review and adjudicate appeals, which is a quasi-judicial function outside the purview of the *Open Meetings Act* under Section 10-508(a) of the *State Government Article*; and be it further

Resolved, That the meeting continue in closed session until the completion of business.

Re: PLEDGE OF ALLEGIANCE

“I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.”

RESOLUTION NO. 246-11 Re: APPROVAL OF THE AGENDA

On recommendation of the superintendent and on motion of Mrs. O’Neill seconded by Dr. Docca, following resolution was adopted unanimously:

Resolved, That the Board of Education approve its agenda for May 23, 2011.

RESOLUTION NO. 247-11 Re: 2011 CHAMPIONS FOR CHILDREN AWARDS

On recommendation of the superintendent and on motion of Mrs. O’Neill seconded by Ms. Brandman, following resolution was adopted unanimously:

WHEREAS, The Champions for Children Awards were first presented by the Montgomery County Business Roundtable for Education in 2002; and

WHEREAS, The Champions for Children Awards are presented annually to the Outstanding Administrator or Supervisor of the Year, the Teacher of the Year, the Washington Post Distinguished Educational Leadership Award recipient, the Agnes Meyer Outstanding Teacher Award recipient, the 2011 Rookie Teacher of the Year, the Supporting Services Employee of the Year, the Volunteer Champion for Children, and the Business Champion for Children; and

WHEREAS, The Montgomery County Board of Education is proud to recognize the following recipients:

- Dr. Edward Shirley Award for Excellence in Educational Administration and Supervision—Mr. Michael D. Bayewitz, principal, Broad Acres Elementary School;
- Montgomery County Teacher of the Year—Mr. Brian D. Freiss, math teacher, Highland Elementary School;
- Washington Post Distinguished Educational Leadership Award—Mrs. Judy K. Brubaker, principal, Spark M. Matsunaga Elementary School;
- Washington Post Agnes Meyer Outstanding Teacher Award—Mr. Charles A. Orifici, instrumental music teacher, Clarksburg High School;
- 2011 Rookie Teacher of the Year—Mr. Todd E. Stillman, social studies teacher, Richard Montgomery High School;
- SEIU Local 500 Supporting Services Employee of the Year—Mr. Jerry M. Miller, plant equipment operator, Clarksburg High School;

- Volunteer Champion for Children—Mrs. Barbara Haslam, PTA and Cashell Elementary School volunteer; and
- Business Champion for Children—Kaiser Permanente

now therefore be it

Resolved, That the Montgomery County Board of Education and the superintendent of schools recognize and honor our staff members and community partners who by their hard work, vision, and achievements are creating a better tomorrow for our students.

RESOLUTION NO. 248-11 Re: **RECOGNITION OF THE ASIAN AMERICAN EDUCATION ASSOCIATION SCHOLARSHIP RECIPIENTS**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Ms. Brandman, following resolution was adopted unanimously:

WHEREAS, The Asian American Education Association awarded \$1,000 scholarships to five Montgomery County Public Schools students of Asian American heritage who plan to major in the field of education; and

WHEREAS, The Asian American Education Association promotes and values the inclusion of future educators whose heritages are diverse; and

WHEREAS, Montgomery County supports deserving Asian American students who have demonstrated a strong commitment to serving the needs of the Asian American communities; and

WHEREAS, The Board of Education takes great pride in the fact that Montgomery County Public Schools celebrates the contributions and accomplishments of Asian American students; now therefore be it

Resolved, That on behalf of the superintendent of schools, staff members, students, and parents of Montgomery County Public Schools, the members of the Board of Education commends the dedication and commitment to education of this year's Asian American Education Association scholarship award winners:

Jeongyeon Park from James Hubert Blake High School
Angelica Magno from Gaithersburg High School
Grace Hsu from Walter Johnson High School
Trieu-Giang Cao from Springbrook High School
Yenoch Ng from Springbrook High School

RESOLUTION NO. 249-11 Re: **RECOGNITION OF MCPS HIGHER EDUCATION PARTNERSHIPS**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Ms. Brandman, following resolution was adopted unanimously:

WHEREAS, Montgomery County Public Schools celebrates its commitment to work with local higher education institutions to bring the best possible professional development opportunities to our staff; and

WHEREAS, Montgomery County Public Schools recognizes and celebrates the 240 graduates of our 2010–2011 higher education partnership programs who have earned certifications, bachelor's degrees, and master's degrees; and

WHEREAS, Montgomery County Public Schools recognizes and celebrates the following paraeducators who were awarded bachelor's degrees resulting in dual certification in elementary and special education through our partnership with Washington Adventist University:

Ms. Jessica Colin, Great Seneca Creek Elementary School
Mrs. Janet L. Gawler, Cold Spring Elementary School
Miss Deanna M. Hooker, Takoma Park Middle School
Mrs. Stephanie J. Louloudes, Forest Knolls Elementary School
Ms. Samantha C. MacDonald, Viers Mill Elementary School
Ms. Karen E. Mendez, Rolling Terrace Elementary School
Mrs. Sujeewa D. Perera, Greencastle Elementary School
Mrs. Petra W. Remson, William B. Gibbs, Jr. Elementary School
Ms. Mary M. Twigg, Bethesda Elementary School

and

WHEREAS, These partnerships include programs that provide opportunities for Montgomery County Public Schools employees to obtain certification and earn degrees ranging from a bachelor's degree to a doctoral degree; and

WHEREAS, Montgomery County Public Schools recognizes and celebrates the contributions of Bowie State University, The George Washington University, Hood College, The Johns Hopkins University, McDaniel College, Montgomery College, Towson University, the University of Maryland at College Park, and Washington Adventist University to the professional development of our support professionals, teachers, and administrators; now therefore be it

Resolved, That on behalf of the superintendent of schools and all Montgomery County Public Schools staff members, the members of the Board of Education congratulate and recognize our higher education partners and their graduates for their contributions to the school system and for making a great education system an even greater system of educators.

RESOLUTION NO. 250-11

Re: **MCPS COUNSELOR OF THE YEAR AWARD WINNERS**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Ms. Brandman, following resolution was adopted unanimously:

WHEREAS, The Montgomery County Public Schools Counselor of the Year Award is celebrated to focus attention on the unique contributions of professional school counselors within Montgomery County Public Schools and the tremendous impact school counselors have in helping students in the county achieve school success, plan for a career, and be college ready; and

WHEREAS, Childrens' educational achievement is closely linked to their successful learning and development, and school counselors are trained to address the needs of all students and support their academic, personal, interpersonal, career, and healthy development outcomes; and

WHEREAS, School counselors are committed to students and their learning, and employ their expertise to identify barriers to learning, utilize data-based decision making, implement research-driven prevention and intervention strategies, evaluate outcomes, and improve accountability; and

WHEREAS, School counselors facilitate collaboration that enables parents and educators to establish a positive learning environment that enhances student growth and achievement; and

WHEREAS, It is appropriate that Montgomery County Public Schools recognizes the important and vital role that school counselors play in the personal and academic development of Montgomery County Public Schools students by honoring the "best of the best" with the School Counselor of the Year Award—one school counselor from every school level (elementary, middle, and high school); now therefore be it

Resolved, That on behalf of the superintendent of schools, staff members, students, and parents, the members of the Board of Education congratulates the recipients of the School Counselor of the Year Awards:

Miss Maryellen Bombara from Olney Elementary School
 Ms. Erika A. Huck from Thomas W. Pyle Middle School
 Ms. Marcia K. Johnson from Montgomery Blair High School

Re: **PUBLIC COMMENTS**

The following people commented before the Board of Education:

<u>Person</u>	<u>Topic</u>
1. Shannon Hamm	Bethesda-Chevy Chase Middle School #2
2. David Kaplan	Bethesda-Chevy Chase Middle School #2
3. James Pekar	Bethesda-Chevy Chase Middle School #2
4. Paul Beck	Bethesda-Chevy Chase Middle School #2
5. Cathy Fink	Bethesda-Chevy Chase Middle School #2
6. Winnie Holbrooke	Bethesda-Chevy Chase Middle School #2
7. David Lake	Bethesda-Chevy Chase Middle School #2
8. Fern Shepard	Bethesda-Chevy Chase Middle School #2
9. Jon Vin Winkle	Bethesda-Chevy Chase Middle School #2
10. Tom D'Agastino	Bethesda-Chevy Chase Middle School #2

11. Mary Warxer	Bethesda-Chevy Chase Middle School #2
12. Brian Weil	Bethesda-Chevy Chase Middle School #2
13. Sam Pugliese	Bethesda-Chevy Chase Middle School #2
14. Teddy Springer	Bethesda-Chevy Chase Middle School #2
15. Ken Weiner	Bethesda-Chevy Chase Middle School #2
16. John Saber	Bethesda-Chevy Chase Middle School #2

Re: **BOARD/SUPERINTENDENT COMMENTS**

Dr. Docca commented that she had attended the (1) Goals for Girls, celebrated at Gaithersburg Middle School; (2) Hispanic Alliance's Recognition of Scholars; (3) Construction Trades Foundation; and (4) George B. Thomas Learning Academy fundraiser.

Mr. Barclay remarked that he attended the MCCPTA's president and principals' dinner, and he congratulated the award winners. Also, he attended the Montgomery College graduation, and he hoped that the college and MCPS could strengthen their partnership.

RESOLUTION NO. 251-11 Re: **CONTRACTS OF \$25,000 OR MORE**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Kauffman, following resolution was adopted unanimously:#

WHEREAS, Funds have been budgeted for the purchase of equipment, supplies, and contractual services; now therefore be it

Resolved, That having been duly advertised, the following contracts will be awarded to the low bidders meeting specifications as shown below:

050B7 800023	Hardware and Associated Equipment and Services	
	<u>Awardee</u> USC Canterbury Corporation	\$ 27,000
060B9 800015	Two-Way Radios—Extension	
	<u>Awardee</u> Procom Corporation	\$150,000
6331000158	Health and Welfare Consulting Services	
	<u>Awardee</u> AON Consulting	\$190,000
BCS-8047	Sound and Intercom Systems Repair and Installation Services**	
	<u>Awardee</u> Commercial Cabling and Sound, Inc.	\$ 85,000
4127.3	Recycling Services	

	<u>Awardee</u> Potomac Disposal, Inc.	\$500,000
4237.1	Copier Maintenance and Supplies—Extension	
	<u>Awardee</u> Ikon Office Solutions, Inc.	\$150,000
4250.1	Pepco Energy Services Consultant—Extension	
	<u>Awardee</u> Enernoc, Inc.	\$114,000
4266.1	Docutech 6135 Copier Maintenance—Extension	
	<u>Awardee</u> Xerox Corporation	\$228,000
7142.1	Broadband Cable Network, Cabling Installation, and Integration—Extension	
	<u>Awardees</u> (See Note)	
	Netcom Technologies, Inc. System, Inc. TCV, LLC Total	\$300,000
7201.1	Replacement Parts for HP Equipment	
	<u>Awardee</u> PNA Holdings, LLC	\$ 95,000
9052.7	Portable and Team Bleachers—Extension	
	<u>Awardees</u> All Star Bleachers, Inc. Grandstand International, Inc. Sport Supply Group, Inc. Total	\$ 19,012 5,112 <u>8,992</u> \$ 33,116
9122.4	Breads and Rolls	
	<u>Awardee</u> H&S Bakery, Inc.	\$ 913,582
9137.2	Products for Summer School Lunch Program	

Awardees

Country Pure Foods/Ardmore Farms Juices	\$ 24,540
Feesers, Inc.	3,440
Foodpro Corporation	<u>11,298</u>
Total	\$ 39,278

9318.6 Public Address System Replacements at Various Locations**

Awardee

T. L. Garden and Associates/Life Safety Systems	\$150,000
---	-----------

TOTAL PROCUREMENT CONTRACTS OVER \$25,000 \$2,974,976

* Denotes Minority-, Female-, or Disabled-owned Business

** Planned Life-cycle Asset Replacement Bid (PLAR)

Note: Contract amounts will be based on individual requirements.

RESOLUTION NO. 252-11

Re: **CONTRACT APPROVAL FOR BID NO. 7141.2,
TELECOMMUNICATIONS AND NETWORK
WIRING, INSTALLATION, AND
INTEGRATION—EXTENSION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Kauffman, following resolution was adopted unanimously:#

WHEREAS, Funds have been budgeted for the purchase of equipment, supplies, and contractual services; now therefore be it

Resolved, That having been duly advertised, the following contracts will be awarded to the low bidders meeting specifications as shown below:

7141.2 Telecommunications and Network Wiring Installation,
and Integration—Extension

Awardee (See Note)

Ark Systems	
CTS, Inc.*	
Netcom Technologies, Inc.	
System, Inc.	
TCV, LLC	
Vision Technologies*	
Total	\$1,050,000

* Denotes Minority-, Female-, or Disabled-owned Business

Note: Contract amounts will be based on individual project requirements.

RESOLUTION NO. 253-11

Re: **CONTRACT A**

PPROVAL FOR BID NO. USM 2

12, COMPUTERS, ASSOCIATED HARDWARE, AND SERVICES

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Kauffman, following resolution was adopted unanimously:#

WHEREAS, Funds have been budgeted for the purchase of computers, associated hardware, and services; and

WHEREAS, The acquisition of computers, associated hardware, and services has been reviewed by legal counsel; and

WHEREAS, The vendors that have been awarded contracts for computers, associated hardware, and services have agreed to extend the contracts through June 30, 2012; now therefore be it

Resolved, That the Board of Education extends the contracts for the computers, associated hardware, and services through Fiscal Year 2012 for Montgomery County Public Schools for a total amount of \$21,307,551; and be it further

Resolved, That computers, associated hardware, and services in the amount of \$16,955,893 be lease/purchased for a four-year term under the Master Lease/Purchase Agreement with Banc of America Public Capital Corporation; and be it further

Resolved, That computers, associated hardware, and services in the amount of \$4,351,658 be purchased outright through Fiscal Year 2012 funds; and be it further

Resolved, That the proceeds from the aforementioned financing be used to reimburse Montgomery County Public Schools accounts to the extent that such equipment has been or will be acquired before closing; and be it further

Resolved, That the president of the Board of Education and the superintendent of schools be authorized to execute the documents necessary for these transactions; and be it further

Resolved, That having been duly advertised, the following contract will be extended to the vendors as shown below:

USM Computers, Associated Hardware, and Services
2007-12

Awardees

Apple	\$ 30,000
Bell Industries	1,640,451
Daly	384,500
Data Networks of America	14,632,450
Dell Computers	2,544,347
Hartford Computer	1,954,803
Microsoft	<u>121,000</u>
Total	\$21,307,551

RESOLUTION NO. 254-11

Re: **ACCEPTANCE OF CRESTHAVEN ELEMENTARY
SCHOOL MODERNIZATION PROJECT**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Kauffman, following resolution was adopted unanimously:#

WHEREAS, On behalf of the Board of Education, Board member Michael A. Durso inspected the Cresthaven Elementary School modernization project on Tuesday, May 3, 2011; now therefore be it

Resolved, That the Board of Education accepts the Cresthaven Elementary School modernization project and that the official date of completion is that date when formal notice is received from the architect that this project has been completed in accordance with the drawings and specifications, and all contract requirements have been met.

RESOLUTION NO. 255-11

Re: **ARCHITECTURAL APPOINTMENT—NEW
BETHESDA-CHEVY CHASE MIDDLE
SCHOOL #2 FEASIBILITY STUDY**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Ms. Brandman, following resolution was adopted with Mr. Barclay, Ms. Berthiaume, Ms. Brandman, Dr. Docca, Mr. Kauffman, Mrs. O'Neill, and (Mr. Xie) voting in the affirmative; Mr. Durso voting in the negative:#

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services to perform a feasibility study for the new Bethesda-Chevy Chase Middle School #2 project; and

WHEREAS, Funds for conducting feasibility studies were programmed as part of the Fiscal Year 2011 Capital Budget; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on April 20, 2006, identified Samaha Associates, P.C. as the most qualified firm to provide the necessary professional architectural and engineering services; and

WHEREAS, Staff in the Montgomery County Public Schools Department of Facilities Management has negotiated a fee for the necessary architectural services; now therefore be it

Resolved, That the Montgomery County Board of Education enters into a contractual agreement with the architectural firm of Samaha Associates, P.C. to provide feasibility study services for the new Bethesda-Chevy Chase Middle School #2 project for a fee of \$67,500.

RESOLUTION NO. 256-11

Re: **AWARD OF CONTRACT—A. MARIO LOIEDERMAN
MIDDLE SCHOOL RE- ROOFING**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by

Mr. Kauffman, following resolution was adopted unanimously:#

WHEREAS, The following sealed bid was received on April 26, 2011, for the A. Mario Loiederman Middle School re-roofing project:

<u>Bidder</u>	<u>Amount</u>
Interstate Corporation	\$433,000

and

WHEREAS, The bid is within the Department of Facilities Management staff estimates; and

WHEREAS, Interstate Corporation is a Maryland Department of Transportation-certified Minority Business Enterprise firm; and

WHEREAS, The goal for Maryland Department of Transportation-certified Minority Business Enterprise participation established for this project was 20 percent; and

WHEREAS, The low bidder, Interstate Corporation, has submitted 20 percent other minority-owned Maryland Department of Transportation-certified Minority Business Enterprise participation; and

WHEREAS, Interstate Corporation has completed similar work successfully for Montgomery County Public Schools; now therefore be it

Resolved, That a \$433,000 contract be awarded to Interstate Corporation for the A. Mario Loiederman Middle School re-roofing project, in accordance with drawings and specifications, contingent upon County Council approval of the Fiscal Year 2012 Capital Improvements Program.

RESOLUTION NO. 257-11

Re: **AWARD OF CONTRACT—BRADLEY HILLS
ELEMENTARY SCHOOL RE-ROOFING**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Kauffman, following resolution was adopted unanimously:#

WHEREAS, The following sealed bids were received on April 26, 2011, for the Bradley Hills Elementary School re-roofing project:

<u>Bidder</u>	<u>Amount</u>
Orndorff & Spaid, Inc.	\$ 92,764
Cole Roofing, Inc.	134,015
Interstate Corporation	143,000

and

WHEREAS, The low bidder, Orndorff & Spaid, Inc., was deemed to be non-responsive; and

WHEREAS, The next low bidder, Cole Roofing, Inc., is within Department of Facilities Management staff estimates; and

WHEREAS, The goal for Maryland Department of Transportation-certified Minority Business Enterprise participation established for this project was 20 percent; and

WHEREAS, Cole Roofing, Inc. has submitted 20 percent women-owned Maryland Department of Transportation-certified Minority Business Enterprise participation; and

WHEREAS, Cole Roofing, Inc. has completed similar work successfully for Montgomery County Public Schools; now therefore be it

Resolved, That a \$134,015 contract be awarded to Cole Roofing, Inc. for the Bradley Hills Elementary School re-roofing project, in accordance with drawings and specifications, contingent upon County Council approval of the Fiscal Year 2012 Capital Improvements Program.

RESOLUTION NO. 258-11 Re: **AWARD OF CONTRACTS—
GAITHERSBURG HIGH SCHOOL
MODERNIZATION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Kauffman, following resolution was adopted unanimously:#

WHEREAS, On December 8, 2009, the Board of Education authorized staff to utilize a construction management process for the Gaithersburg High School modernization project and awarded a contract for preconstruction services to Hess Construction + Engineering Services; and

WHEREAS, On March 8, 2011, the Board of Education awarded the contracts for the site work packages for the Gaithersburg High School modernization project; and

WHEREAS, The following low bids were received on April 13, 2011, and April 27, 2011, for the balance of the Gaithersburg High School modernization project:

<u>Low Bidders</u>	<u>Amounts</u>
2B-Building Demolition—Pleasants Construction, Inc.	\$1,410,000
3A-Concrete—Canyon Contracting, Inc.	2,553,855
4A-Masonry—George Moehrle Masonry, Inc.	8,803,800
5A-Steel—S.A. Halac Iron Works, Inc.	7,002,800
6A-Millwork/Casework—Steel Products, Inc.	1,401,600
7A-Roofing—Interstate Corporation	4,710,000
8A-Windows—Engineered Construction Products, Inc.	1,763,300
9A-Carpentry/Drywall—JP Construction, Inc.	1,643,499
9D-Flooring—Carpet Experts, Inc.	809,000
9E-Painting—Cochran & Mann, Inc.	532,300
10D-Metal Lockers & Shelving—Glover Equipment Sales Group	593,000
11A-Food Service Equipment—11400, Inc.	449,000
11B-Theater Equipment—Secoa	690,000

15A-Mechanical—C&H Mechanical Corporation	12,758,200
15B-Sprinkler—Fire-Mak, Inc.	797,700
16A-Electrical—Ennis Electric, Inc.	8,811,000

and

WHEREAS, On April 13, 2011, Hess Construction + Engineering Services received bid proposals for the remaining trade contracts for the project, which will be included in the guaranteed maximum price; and

WHEREAS, Detailed information on other bid proposals are available for review in the Department of Facilities Management; and

WHEREAS, The construction management contract contains provisions that permit Montgomery County Public Schools to assign the awarded trade contracts to Hess Construction + Engineering Services as part of a guaranteed price agreement to complete the Gaithersburg High School modernization project; and

WHEREAS, Staff in the Department of Facilities Management has negotiated and recommends approval of a guaranteed price contract with Hess Construction + Engineering Services for the completion of the Gaithersburg High School modernization project that includes the assignment of trade work awarded by Montgomery County Public Schools, along with all management and general conditions costs; and

WHEREAS, Hess Construction + Engineering Services has agreed to accept the assignment of the Gaithersburg High School trade contracts awarded on March 8, 2011, and May 23, 2011, and to complete the project for the guaranteed price; and

WHEREAS, The aggregate goal for Maryland Department of Transportation-certified Minority Business Enterprise participation established for this project was 13 percent; and

WHEREAS, The aggregate Minority Business Enterprise participation submitted is 19.44 percent Maryland Department of Transportation-certified, of which 1.90 percent is African American, 11.75 percent is women-owned, and 5.80 percent is other minority-owned; now therefore be it

Resolved, That the following trade contract packages be awarded to the low bidders for the construction of the Gaithersburg High School modernization:

<u>Low Bidders</u>	<u>Amounts</u>
2B-Building Demolition—Pleasants Construction, Inc.	\$1,410,000
3A-Concrete—Canyon Contracting, Inc.	2,553,855
4A-Masonry—George Moehrle Masonry, Inc.	8,803,800
5A-Steel—S.A. Halac Iron Works, Inc.	7,002,800
6A-Millwork/Casework—Steel Products, Inc.	1,401,600
7A-Roofing—Interstate Corporation	4,710,000
8A-Windows—Engineered Construction Products, Inc.	1,763,300
9A-Carpentry/Drywall—JP Construction, Inc.	1,643,499
9D-Flooring—Carpet Experts, Inc.	809,000
9E-Painting—Cochran & Mann, Inc.	532,300

10D-Metal Lockers & Shelving—Glover Equipment Sales Group	593,000
11A-Food Service Equipment—11400, Inc.	449,000
11B-Theater Equipment—Secoa	690,000
15A-Mechanical—C&H Mechanical Corporation	12,758,200
15B-Sprinkler—Fire-Mak, Inc.	797,700
16A-Electrical—Ennis Electric, Inc.	8,811,000

and be it further

Resolved, That the trade contracts awarded for the Gaithersburg High School modernization project be assigned to Hess Construction + Engineering Services; and be it further

Resolved, That a contract in the amount of \$93,402,140, to include the assignment of the trade contract awards, be awarded to Hess Construction + Engineering Services for the Gaithersburg High School modernization project, in accordance with drawings and specifications prepared by Samaha Associates, P.C., contingent upon County Council approval of the Fiscal Year 2012 Capital Improvements Program.

RESOLUTION NO. 259-11 Re: **AWARD OF CONTRACTS—HERBERT
HOOVER MIDDLE SCHOOL
MODERNIZATION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Kauffman, following resolution was adopted unanimously:#

WHEREAS, On December 8, 2009, the Board of Education authorized staff to utilize a construction management process for the Herbert Hoover Middle School modernization project and awarded a contract for preconstruction services to Oak Contracting, LLC; and

WHEREAS, The following low bids were received on May 3, 2011, for the Herbert Hoover Middle School modernization project:

<u>Low Bidders</u>	<u>Amounts</u>
2A-Site Work—Pleasants Construction, Inc.	\$6,090,000
3A-Concrete—Dance Brothers, Inc.	3,377,100
4A-Masonry—KaRon Masonry of Maryland, Inc.	3,516,000
5A-Steel—Strait Steel, Inc.	2,883,000
6A-Carpentry—Hancock & Albanese, Inc.	2,207,850
7A-Roofing—Interstate Corporation	2,690,000
8A-Windows—Glass and Metals, Inc.	693,205
9A-Drywall—JP Construction, Inc.	899,074
9D-Flooring—Carpet Experts, Inc.	440,000
9E-Painting—NLP Enterprises, Inc.	250,300
11A-Food Service Equipment—11400, Inc.	358,000
15A-Mechanical—R.W. Warner, Inc.	6,294,000
16A-Electrical—Young Electrical Contractors, Inc.	3,125,800

and

WHEREAS, On May 3, 2011, Oak Contracting, LLC received bid proposals for the remaining trade contracts for the project, which will be included in the guaranteed maximum price; and

WHEREAS, Detailed information on other bid proposals are available for review in the Department of Facilities Management; and

WHEREAS, The construction management contract contains provisions that permit Montgomery County Public Schools to assign the awarded trade contracts to Oak Contracting, LLC as part of a guaranteed price agreement to complete the Herbert Hoover Middle School modernization project; and

WHEREAS, Staff in the Department of Facilities Management has negotiated and recommends approval of a guaranteed price contract with Oak Contracting, LLC for the completion of the Herbert Hoover Middle School modernization project that includes the assignment of trade work awarded by Montgomery County Public Schools, along with all management and general conditions costs; and

WHEREAS, Oak Contracting, LLC has agreed to accept the assignment of the Herbert Hoover Middle School trade contracts awarded on May 23, 2011, and to complete the project for the guaranteed price; and

WHEREAS, The aggregate goal for Maryland Department of Transportation-certified Minority Business Enterprise participation established for this project was 15 percent; and

WHEREAS, The aggregate Minority Business Enterprise participation submitted is 25.52 percent Maryland Department of Transportation-certified, of which 2.53 percent is African American, 13.45 percent is women-owned, and 9.54 percent is other minority-owned; and

WHEREAS, That 7.06 percent non-Maryland Department of Transportation-certified Minority Business Enterprise participation also has been submitted, totaling 32.58 Minority Business Enterprise participation; now therefore be it

Resolved, That the following trade contract packages be awarded to the low bidders for the construction of the Herbert Hoover Middle School modernization:

<u>Low Bidders</u>	<u>Amounts</u>
2A-Site Work—Pleasants Construction, Inc.	\$6,090,000
3A-Concrete—Dance Brothers, Inc.	3,377,100
4A-Masonry—KaRon Masonry of Maryland, Inc.	3,516,000
5A-Steel—Strait Steel, Inc.	2,883,000
6A-Carpentry—Hancock & Albanese, Inc.	2,207,850
7A-Roofing—Interstate Corporation	2,690,000
8A-Windows—Glass and Metals, Inc.	693,205
9A-Drywall—JP Construction, Inc.	899,074
9D-Flooring—Carpet Experts, Inc.	440,000

9E-Painting – NLP Enterprises, Inc.	50,300
11A-Food Service Equipment—11400, Inc.	58,000
15A-Mechanical—R.W. Warner, Inc.	6,294,000
16A-Electrical—Young Electrical Contractors, Inc.	3,125,800

and be it further

Resolved, That the trade contracts awarded for the Herbert Hoover Middle School modernization project be assigned to Oak Contracting, LLC; and be it further

Resolved, That a contract in the amount of \$38,850,189, to include the assignment of the trade contract awards, be awarded to Oak Contracting, LLC for the Herbert Hoover Middle School modernization project, in accordance with drawings and specifications prepared by Moseley Architects, contingent upon County Council approval of the Fiscal Year 2012 Capital Improvements Program.

RESOLUTION NO. 260-11 Re: **AWARD OF CONTRACTS—RELOCATABLE CLASSROOMS**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Kauffman, following resolution was adopted unanimously: #

WHEREAS, Bids were received on May 10, 2011, for 13 separate packages of relocatable classroom moves and were evaluated based upon dollar value and each contractor's capacity for unit placement:

	Contractor	Amount
Package 1	Prevost Construction, Inc.	\$389,629
Package 2	J&L Services, Inc.	108,690
Package 3	EMH Environmental, Inc.	594,000
Package 4	Prevost Construction, Inc.	261,999
Package 5	EMH Environmental, Inc.	105,600
Package 6	U.S. Modular Group East, Inc.	321,000
Package 7	U.S. Modular Group East, Inc.	449,000
Package 8	Prevost Construction, Inc.	375,875
Package 9	U.S. Modular Group East, Inc.	417,000
Package 10	U.S. Modular Group East, Inc.	234,800
Package 11	U.S. Modular Group East, Inc.	69,400
Package 12	J&L Services, Inc.	86,981
Package 13	J&L Services, Inc.	200,202

and

WHEREAS, J&L Services, Inc. is a Maryland Department of Transportation-certified Minority Business Enterprise firm; and

WHEREAS, Prevost Construction, Inc. is a non-Maryland Department of Transportation-certified Minority Business Enterprise firm; and

WHEREAS, The Minority Business Enterprise participation goal for this project was set at 10 percent; and

WHEREAS, Bidders have submitted 10 percent Maryland Department of Transportation-certified Minority Business Enterprise participation; and

WHEREAS, All bidders have completed similar work successfully for Montgomery County Public Schools and/or other jurisdictions; now therefore be it

Resolved, That contracts be awarded to the above-mentioned contractors meeting specifications for the relocatable classroom moves for the amounts listed, in accordance with drawings and specifications prepared by JK Architects + Associates and The K Group; and be it further

Resolved, That if it is necessary to move any additional relocatable classrooms that are not part of the plan for this summer's moves, the Department of Facilities Management be authorized to solicit proposals from the qualified contractors and proceed with the contractor who submits the lowest cost proposal for the movement and installation of relocatable classrooms for a period of one year.

RESOLUTION NO. 261-11 Re: **CONSULTANT APPOINTMENT—
CONSTRUCTABILITY ANALYSIS**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Kauffman, following resolution was adopted unanimously:#

WHEREAS, It is necessary to appoint an engineering firm to provide professional constructability analysis services for construction projects on an as-needed basis; and

WHEREAS, A Professional Consultant Selection Committee, in accordance with procedures adopted by the Board of Education on April 20, 2006, identified Construction Consultants Associates, Inc. as the most qualified firm to provide the necessary professional constructability analysis services; and

WHEREAS, Staff in the Department of Facilities Management will negotiate fees for the necessary constructability analysis services based on the size and complexity of individual projects; now therefore be it

Resolved, That the Montgomery County Board of Education enters into a contractual agreement with the firm of Construction Consultants Associates, Inc. to provide professional constructability analysis services as requirements arise for a fee not to exceed \$90,000 for an individual project.

RESOLUTION NO. 262-11 Re: **BEVERLY FARMS ELEMENTARY SCHOOL—
GRANT OF EASEMENT AND RIGHT-OF-
WAY**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by

Mr. Kauffman, following resolution was adopted unanimously:#

WHEREAS, The Washington Suburban Sanitary Commission has requested a grant of easement and right-of-way at Beverly Farms Elementary School, located at 8501 Postoak Road in Potomac; and

WHEREAS, The proposed grant of easement and right-of-way, consisting of 1,350 square feet, is needed for the installation of a water main, meter vault, and appurtenances as a part of the school modernization project; and

WHEREAS, The Board of Education will assume responsibility for the initial expense and liability of damages or injury resulting from the installation as a part of the school construction project; and

WHEREAS, The Washington Suburban Sanitary Commission will assume responsibility for the expense and liability for all future maintenance and repair activities; and

WHEREAS, The proposed easement and right-of-way will not affect any land that could be used for school programming and recreational activities; now therefore be it

Resolved, That the president of the Board of Education and the superintendent of schools be authorized to execute a permanent grant of easement and right-of-way of 1,350 square feet to the Washington Suburban Sanitary Commission at Beverly Farms Elementary School.

RESOLUTION NO. 263-11 Re: **BROAD ACRES ELEMENTARY SCHOOL—DEED OF DEDICATION**

WHEREAS, Montgomery County has requested a Deed of Dedication for a public road in connection with the addition and core improvements to Broad Acres Elementary School, located at 710 Beacon Road in Silver Spring; and

WHEREAS, Historic data for the neighborhood contemplated the eventual construction and dedication of a portion of Beacon Road along the frontage of the school, but a portion has remained titled to the Board of Education and is used by the public for ingress and egress; and

WHEREAS, The proposed Deed of Dedication, containing 5,269 square feet of land along the frontage of the school, will not affect any land that could be used for school programming and recreational activities and will require Montgomery County to maintain the dedicated portion of the road; now therefore be it

Resolved, That the president of the Board of Education and the superintendent of schools be authorized to execute a Deed of Dedication to Montgomery County consisting of 5,269 square feet of land at Broad Acres Elementary School for a public road.

RESOLUTION NO. 264-11 Re: **GAITHERSBURG HIGH SCHOOL—GRANT OF EASEMENT AND RIGHT-OF-WAY**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Kauffman, following resolution was adopted unanimously:#

WHEREAS, The Washington Suburban Sanitary Commission has requested a grant of easement and right-of-way at Gaithersburg High School, located at 314 South Frederick Avenue in Gaithersburg; and

WHEREAS, The proposed grant of easement and right-of-way, consisting of 1,603 square feet, is needed for the installation of a water main, meter vault, and appurtenances as a part of the school modernization project; and

WHEREAS, The Board of Education will assume responsibility for the initial expense and liability of damages or injury resulting from the installation as a part of the school construction project; and

WHEREAS, The Washington Suburban Sanitary Commission will assume responsibility for the expense and liability for all future maintenance and repair activities; and

WHEREAS, The proposed easement and right-of-way will not affect any land that could be used for school programming and recreational activities; now therefore be it

Resolved, That the president of the Board of Education and the superintendent of schools be authorized to execute a permanent grant of easement and right-of-way of 1,603 square feet to the Washington Suburban Sanitary Commission at Gaithersburg High School.

RESOLUTION NO. 265-11 Re: **GAITHERSBURG HIGH SCHOOL—PLAT OF SUBDIVISION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Kauffman, following resolution was adopted unanimously:#

WHEREAS, The City of Gaithersburg Planning Commission requested a Plat of Subdivision in connection with the modernization of Gaithersburg High School, located at 314 South Frederick Avenue in Gaithersburg; and

WHEREAS, The record plat to be recorded will identify public utility easements, storm drain easements, and forest conservation easements; and

WHEREAS, Adoption of the Plat of Subdivision will benefit the school by delineating areas for environmental protection and locate utilities and storm drain structures in conformity with the modernization project; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to execute a Plat of Subdivision for Gaithersburg High School.

RESOLUTION NO. 266-11 Re: **HERBERT HOOVER MIDDLE SCHOOL—GRANT OF EASEMENT AND RIGHT-OF-WAY**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Kauffman, following resolution was adopted unanimously:#

WHEREAS, The Washington Suburban Sanitary Commission has requested a grant of easement and right-of-way at Herbert Hoover Middle School, located at 8810 Postoak Road in Potomac; and

WHEREAS, The proposed grant of easement and right-of-way, configured in two separate parcels, totaling 3,268 square feet, is needed for the installation of a water main, meter vault, and appurtenances as a part of the school modernization project; and

WHEREAS, The Board of Education will assume responsibility for the initial expense and liability of damages or injury resulting from the installation as a part of the school construction project; and

WHEREAS, The Washington Suburban Sanitary Commission will assume responsibility for the expense and liability for all future maintenance and repair activities; and

WHEREAS, The proposed easement and right-of-way will not affect any land that could be used for school programming and recreational activities; now therefore be it

Resolved, That the president of the Board of Education and the superintendent of schools be authorized to execute a permanent grant of easement and right-of-way of 3,268 square feet to the Washington Suburban Sanitary Commission at Herbert Hoover Middle School.

RESOLUTION NO. 267-11 Re: **CAPITAL PROJECTS TO BE CLOSED EFFECTIVE
JUNE 30, 2011**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Kauffman, following resolution was adopted unanimously:#

WHEREAS, The Board of Education annually closes capital projects and transfers any unencumbered balances to the unliquidated surplus account; and

WHEREAS, Staff in the Department of Facilities Management has reviewed capital projects that may be closed effective June 30, 2011; now therefore be it

Resolved, That the capital construction projects listed below, subject to final audit, be closed effective June 30, 2011, and any unencumbered balances be transferred to the following unliquidated surplus account:

<u>PDF No.</u>	<u>Project</u>	<u>Balance</u>
056502	Bethesda-Chevy Chase High School Addition	\$ 1,838
056503	William B. Gibbs, Jr. Elementary School	2,938
056504	Fields Road Elementary School Addition	101,982
076502	Luxmanor Elementary School Addition	210,183

and be it further

Resolved, That a copy of this resolution be sent to the county executive and County Council.

RESOLUTION NO. 268-11 Re: **PARTIAL CAPITALIZATION OF SELECTED CAPITAL PROJECTS**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Kauffman, following resolution was adopted unanimously:#

WHEREAS, The Montgomery County Office of Management and Budget has recommended the capitalization of countywide capital expenditures incurred as of June 30, 2011; and

WHEREAS, Montgomery County Public Schools external auditors concur with this recommendation; now therefore be it

Resolved, That the following projects be partially capitalized in Fiscal Year 2011 with amounts subject to final audit:

<u>PDF No.</u>	<u>Project</u>	(Amount in Thousands) Partial Capitalization <u>of Expended Funds</u>
926575	Current Replacements/Modernizations	\$ 155,876
816633	Heating, Ventilation and Air Conditioning Replacement	5,132
975051	Improved Access to Schools	509
896586	Planned Life Cycle Asset Replacement	522
766995	Roof Replacement	5,799
886550	School Gymnasiums	4,339

RESOLUTION NO. 269-11 Re: **HUMAN RESOURCES APPOINTMENT**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Kauffman, following resolution was adopted unanimously:

Resolved, That the following personnel appointment be approved effective July 1, 2011:

- **Heather L. Jones**, currently Pre-K–12 content specialist, Department of Curriculum and Instructional, as supervisor, Elementary Integrated Curriculum Team, Department of Curriculum and Instruction

RESOLUTION NO. 270-11 Re: **HUMAN RESOURCES APPOINTMENT**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Ms. Brandman, following resolution was adopted unanimously:

Resolved, That the following personnel appointment be approved effective July 1, 2011:

- **Edward C. Nolan**, currently Pre-K–12 content specialist, mathematics, Department of Curriculum and Instruction, as supervisor, Pre-K–12 Mathematics, Department of Curriculum and Instruction

RESOLUTION NO. 271-11 Re: **HUMAN RESOURCES APPOINTMENT**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Kauffman, following resolution was adopted unanimously:

Resolved, That the following personnel appointment be approved effective May 24, 2011:

- **Marie C. Bercaw**, currently acting coordinator, Certification Unit, as coordinator, Certification Unit, Office of Human Resources and Development

RESOLUTION NO. 272-11 Re: **HUMAN RESOURCES APPOINTMENT**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Dr. Docca, following resolution was adopted unanimously:

Resolved, That the following personnel appointment be approved effective July 1, 2011:

- **Jennifer A. Baker**, currently principal, Tilden Middle School, as principal, Walter Johnson High School

RESOLUTION NO. 273-11 Re: **HUMAN RESOURCES APPOINTMENT**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Barclay, following resolution was adopted unanimously:

Resolved, That the following personnel appointment be approved effective July 1, 2011:

- **Renay C. Johnson**, currently principal, Takoma Park Middle School, as principal, Montgomery Blair High School

RESOLUTION NO. 274-11 Re: **HUMAN RESOURCES APPOINTMENT**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Kauffman, following resolution was adopted unanimously:

Resolved, That the following personnel appointment be approved effective July 1, 2011:

- **Samuel A. Rivera**, currently principal, Benjamin Banneker Middle School, as principal, Springbrook High School

RESOLUTION NO. 275-11 Re: **HUMAN RESOURCES APPOINTMENT**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by

Mr. Kauffman, following resolution was adopted unanimously:

Resolved, That the following personnel appointment be approved effective July 1, 2011:

- **Monifa B. McKnight**, currently principal intern, Tilden Middle School, as principal, Ridgeview Middle School

RESOLUTION NO. 276-11 Re: **HUMAN RESOURCES APPOINTMENT**

On recommendation of the superintendent and on motion of Dr. Docca seconded by Mrs. O'Neill, following resolution was adopted unanimously:

Resolved, That the following personnel appointment be approved effective July 1, 2011:

- **Michelle E. Schultze**, currently assistant principal, Regional Institute for Children and Adolescents (RICA), as principal, Regional Institute for Children and Adolescents (RICA)

RESOLUTION NO. 277-11 Re: **HUMAN RESOURCES APPOINTMENT**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Ms. Brandman, following resolution was adopted unanimously:

Resolved, That the following personnel appointment be approved effective July 1, 2011:

- **Roni S. Silverstein**, currently director, Elementary Leadership Training, as principal, Fallsmead Elementary School

RESOLUTION NO. 278-11 Re: **RETIREMENT OF MONTGOMERY COUNTY
PUBLIC SCHOOLS PERSONNEL**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Kauffman, following resolution was adopted unanimously:#

WHEREAS, The persons on a separate list are retiring or have retired from Montgomery County Public Schools; and

WHEREAS, Each person, through outstanding performance of duties and dedication to the education of our youth, has made a significant contribution to the school system, which is worthy of special commendation; now therefore be it

Resolved, That the Board of Education expresses its sincere appreciation to each person for faithful service to the school system and to the children of the county, and also extend to each one best wishes for the future; and be it further

Resolved, That this resolution be made part of the minutes of this meeting and a copy be forwarded to each retiree.

RESOLUTION NO. 279-11 Re: **RETIREE HEALTH BENEFIT CHANGES**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Kauffman, following resolution was adopted unanimously:#

WHEREAS, The Board of Education of Montgomery County, Maryland, adopted an employee benefit plan effective December 15, 1958, that provides for insurance coverage for the benefit of both active and retired plan members and their qualified dependents; and

WHEREAS, The Board of Education has from time to time made changes to plan provisions for both active and retired plan participants; and

WHEREAS, Montgomery County Public Schools staff members, employee associations, and the retirees' association support the proposed changes to retiree benefit eligibility based on years of service; and

WHEREAS, The Board of Education Fiscal Management Committee reviewed and endorsed these recommended changes on April 12, 2011; and

WHEREAS, This is consistent with what other Maryland jurisdictions provide for retiree benefits; now therefore be it

Resolved, That effective July 1, 2011, the Employee Benefit Plan for retirees be amended; and be it further

Resolved, That retiree benefits will be based on the years of service as follows:

<u>Years of Service</u>	<u>Employer Share</u>	<u>Retiree Share</u>
10–15 years of service	40 percent	60 percent
15–20 years of service	50 percent	50 percent
20 or more years of service	64 percent	36 percent

and be it further

Resolved, That the Board of Education president and the superintendent of schools be authorized to execute the documents necessary to implement the retiree health benefit changes.

RESOLUTION NO. 280-11 Re: **MCPS EMPLOYEES' PENSION PLAN CHANGES**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Kauffman, following resolution was adopted unanimously:#

WHEREAS, The Board of Education approved the Montgomery County Public Schools Employees' Retirement System, effective July 1, 1968, for those employees who were not eligible to participate in the Maryland State Teachers' Retirement System; and

WHEREAS, The Montgomery County Public Schools Employees' Retirement System in 1968 provided a local core benefit equal to the benefit provided by the state retirement benefit, which was 1.81 percent for each year of creditable service; and

WHEREAS, The Board of Education also approved in 1968 a supplemental benefit of 10 percent of the core benefit to all employees, for a total of 2 percent for each year of creditable service to attract and retain highly qualified employees; and

WHEREAS, In 1980, following action by the Maryland General Assembly to establish a new pension system for employees hired after July 1, 1980, the Board of Education approved a similar pension benefit for Montgomery County Public Schools employees not eligible to participate in the state program and amended the local retirement benefit supplement for employees hired after July 1, 1980; and

WHEREAS, In 1998, when improvements were made to the Maryland State Teachers' Pension System, the Board of Education amended the Montgomery County Public Schools Employees' Pension Plan and implemented a similar formula used to calculate retirement benefits, implementing a multiplier of 1.4 percent for all creditable service after 1998 and setting the benefit for pre-1998 service to the greater of either the 1980 formula or a multiplier of 1.2 percent; and

WHEREAS, In 2006, the Maryland General Assembly approved House Bill 1737, which was signed by the governor on April 25, 2006, improving state pension benefits, increasing the 1.4 percent multiplier to 1.8 percent for all service after July 1, 1998; and

WHEREAS, In 2011, the Maryland General Assembly adopted a budget that included changes to the Maryland State Teachers' Pension System for contributions and cost-of-living adjustments after July 1, 2011, and changes to benefits for employees hired after July 1, 2011; and

WHEREAS, Montgomery County Public Schools staff is recommending the following changes to the Montgomery County Public Schools Employees' Pension Plan:

- Adoption of the July 1, 2011, changes to the Maryland State Teachers' Pension System for employees hired on or after July 1, 2011, regarding multiplier, contributions, vesting, average final salary, and retirement eligibility
- An increased mandatory employee contribution of 7 percent for all participants after July 1, 2011
- A cost-of-living adjustment for benefits based on service earned after July 1, 2011, subject to CPI with a cap of 2 percent
- Alignment of the MCPS supplemental pension benefit with the Maryland State Teachers' Pension System and local MCPS core pension plans

and

WHEREAS, The recommended changes were reviewed and supported by the Board of Education Fiscal Management Committee on May 9, 2011; and

WHEREAS, The Board of Education desires to provide the same pension benefit for all Montgomery County Public Schools employees, including those who are not eligible to participate in the state system; now therefore be it

Resolved, That the Board of Education increases the mandatory pension contribution to seven percent after July 1, 2011, for those employees not eligible to participate in the Maryland State Teachers' Pension System for their core benefit; and be it further

Resolved, That the Board of Education desires to change the provisions of the Montgomery County Public Schools Employees' Pension Plan to align with the Maryland State Teachers' Pension System for employees hired on or after July 1, 2011; and be it further

Resolved, That employees who receive their core benefit from the Montgomery County Public Schools Employees' Pension Plan who are hired on or after July 1, 2011, will be subject to 10-year vesting, an average final salary based on the five highest consecutive years, benefit multiplier of 1.5 percent, the rule of 90 for retirement eligibility, a normal retirement age of 65 (with 10 years of service), and early retirement based on age 60 and 15 years of service; and be it further

Resolved, That the cost-of-living adjustment in the Montgomery County Public Schools Employees' Pension Plan for benefits earned after July 1, 2011, be based on the Consumer Price Index with a 2 percent cap; and be it further

Resolved, That the Montgomery County Public Schools supplemental pension benefit be aligned with the Maryland State Teachers' Pension System and local core pension plans so that any individual's core and supplemental benefits are based on the same requirements; and be it further

Resolved, That the Board of Education desires to make lump sum present value payment mandatory at the time of retirement to employees whose benefit is less than \$100 per month; and be it further

Resolved, That the superintendent of schools is authorized to complete all legally required documents to implement these resolutions.

Re: **TENTATIVE ACTION ON THE FISCAL YEAR
2012 OPERATING BUDGET**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Kauffman, following resolution was placed on the table for discussion:

WHEREAS, The Board of Education adopted the FY 2012 Operating Budget of \$2,205,722,618 at the minimum maintenance of local effort requirement of Section 5-202 of the *Education Article, Annotated Code of Maryland* on February 16, 2011; and

WHEREAS, The county executive recommended \$2,123,491,884 for MCPS, \$82.2 million less than the Board of Education's Budget Request on March 15, 2011; and

WHEREAS, The County Council intends to approve a total of \$2,086,786,613 (including grants and enterprise funds), a decrease of \$118,936,005 from the Board of Education's request, on May 26, 2011; and

WHEREAS, The County Council intends to appropriate a total of \$1,950,909,291 (excluding grants and enterprise funds), a decrease of \$118,810,331 from the Board of Education's request; and

WHEREAS, The County Council plans to make reductions to the Board of Education's Fiscal Year 2012 Operating Budget Request of March 1, 2011, of \$118,936,005, from the various budget categories, as shown on the following schedule, consisting of a decrease of \$118,810,331, excluding grants and enterprise funds; and a reduction of \$125,674 in enterprise and special revenue funds, in appropriating \$2,086,786,613 for the Board of Education's FY 2012 Operating Budget:

I. Current Fund	BOE Request March 2011	Recommended (Reduction) Addition	Tentative Approved Budget
1 Administration	39,496,294	(1,197,519)	38,298,775
2 Mid-level Administration	139,404,916	(2,815,674)	136,589,242
3 Instructional Salaries	847,046,612	(27,287,479)	819,759,133
4 Textbooks and Instructional Supplies	25,284,894	(386,598)	24,898,296
5 Other Instructional Costs	14,120,980	(265,766)	13,855,214
6 Special Education	280,336,383	(8,562,722)	271,773,661
7 Student Personnel Services	11,351,034	(331,418)	11,019,616
8 Health Services	54,670		54,670
9 Student Transportation	93,644,620	(447,493)	93,197,127
10 Operation of Plant and Equipment	116,587,792	(930,702)	115,657,090
11 Maintenance of Plant	33,666,617	(1,270,220)	32,396,397
12 Fixed Charges	547,859,895	(75,314,740)	472,545,155
14 Community Services	208,495		208,495

Subtotal, including specific grants	2,149,063,202	(118,810,331)	2,030,252,871
	79,343,580		79,343,580
Less specific grants			
Subtotal, spending affordability	2,069,719,622	(118,810,331)	1,950,909,291
II. Enterprise Funds			
37 Instructional Television Fund	1,550,674	(125,674)	1,425,000
	3,266,430		3,266,430
51 Real Estate Management Fund			
61 Food and Nutrition Services Fund	47,025,335	(128,290)	46,897,045
71 Field Trip Fund	2,122,819		2,122,819
81 Entrepreneurial Fund	2,694,158	128,290	2,822,448
Subtotal, Enterprise Funds	56,659,416	(125,674)	56,533,742
Total Budget for MCPS	<u>2,205,722,618</u>	<u>(118,936,005)</u>	<u>2,086,786,613</u>

now therefore be it

Resolved, That based on an appropriation of \$2,086,786,613, that includes an appropriation of \$56,533,742 for enterprise and special revenue funds and \$79,343,580 for restricted grants, to be approved by the County Council on May 26, 2011, the Board of Education tentatively adopts its Fiscal Year 2012 Operating Budget.

Re: **DISCUSSION**

Dr. Docca thanked the Board's officers and staff who have consistently taken the MCPS mission to the County Executive and County Council to let them know how important schools are to the county. The operating budget has always been mostly personnel and what is left is not a lot of money to operate the school system. By cutting as much as the Council has, it makes it almost impossible to proceed with operations. There have been complaints about the benefits employees receive, the average salary is about \$75,000, and the pension is low compared to other states. Cutting the health benefits, steps, and COLAs will not meet the reductions of \$127 million. The following reductions will hurt MCPS: reduction of security assistants, paraeducators, teacher assistants and composition aides directly affect teachers and students; elementary and secondary counselors, staff development teachers, Reading Recovery and curriculum will be received by teachers

without support. These are devastating reductions in support of an award-winning school system. More important, there is a flouting of the state law on Maintenance of Effort, which was designed to prohibit supplanting funds by local governments. State funding is being diverted to pay for other county agencies. By not funding the school system, the Council is affecting the classroom. In the past, the Council has not overfunded the school system because MCPS has more students; parents move to Montgomery County for schools. She did not appreciate the vilification of MCPS employees in the uncivil budget discussions this year. Next year, there is a need to work together as a community.

Mrs. O'Neill agreed with the statement of Dr. Docca. This is a disappointing end to the budget process. There are some very difficult legal issues surrounding Maintenance of Effort. The Council president stated that there is no Maintenance of Effort for police or libraries. However, the only agency guaranteed in the Maryland constitution is education. Very clearly, when the Thornton Commission was established, Maintenance of Effort was a very basic foundation. Through the actions of the Council, MCPS will have \$1,300 dollars less per student. The Council's priorities include \$400,000 for Viagra. The Council restored six SROs and included \$300,000 for six more police cars. She questioned the Council's priorities.

Mr. Barclay associated his comments with those of his colleagues. The county's investment in perpupil spending has decreased since 2009. After presenting the budget last year to the County Executive, Mr. Barclay and Mrs. O'Neill went to the State Board to appeal for a waiver of Maintenance of Effort. When he reviews the spending per pupil, there is \$1,500 less per pupil since 2009. The Board understands the economics; however, there is a process as well as legal constraints. The Council made the decision to pull its waiver request for Maintenance of Effort. This is the Council's way to skirt the law. Mr. Barclay stated there was a high degree of frustration since there are other ways to handle the budget. The Council states it does not want the budget to impact the classroom; however, it is clear that the budget will have an impact on the classroom and every student. This budget is not acceptable since the Council made choices to use education dollars for other purposes. The delegation should not take this lightly since they worked hard for added funding. Also, the PTAs fought for education dollars. This has not been a very civil process. The Board has taken its responsibility to protect education and adhere to the law. However, the Council has chosen to abandon the law when convenient.

Mr. Kauffman agreed with his colleagues. He thanked the delegates because they brought home the dollars for MCPS, but now it is remarkable that the Council has supplanted those funds. If this were Baltimore City and the legislature intended that the money was for the school system and the local government took those funds, the legislature would have passed a law. Actually, the legislature did that 20 years ago, which resulted in the Maintenance of Effort law. Now, Montgomery County is doing the same thing that they would have criticized Baltimore City for doing. MCPS is a dependent body for funding from the county, state, and federal governments. When an agency is dependent, that agency asks for funding with the expectation that laws will be followed. Advocates urged the Board to talk with county officials and that advice was followed, but it takes two sides to have a conversation. It became clear that the Council was going to finish its part of the budget, decide on what items to restore, and use the MCPS budget to fund those priorities. It is frustrating when Council members stated that MCPS can absorb the reductions without impacting the classroom. How do they know that? Did they have hearings? Did the

Education Committee ask about implementation of the reductions? There was no substantive discussion with the Council. Mr. Kauffman pointed out that if the Council agrees with the intent of the Maintenance of Effort law, but does not agree with implementation of the law, it can be ignored. What is the civics lesson for students?

Ms. Berthiaume noted that the reductions of the past years have resulted in real pain, with 29 kindergartners in a classroom with all abilities and disabilities. She thought it was frustrating with the Council's priorities placed ahead of the MCPS budget. The county has not dealt with the outrageous system of retirement disability payments for police and firefighters. It's odd that the Council can find \$200,000 for Mr. Subin to chair a few meetings; however, there is no money to fund a couple of music teachers. The Board holds the education of students as a public trust, and it's the Board's responsibility to secure the resources for education. The Board stands at a critical moment in time. The Council president wants to reset Maintenance of Effort. That impacts all counties in the state. Will the Maintenance of Effort law stand? The Board believes that it needs to stand. The Council needs to understand that in fulfilling our public trust, the Board will fight for that law. We are not grandstanding, but doing our duty

Mr. Durso echoed thanks to staff and Board officers in developing and advocating for the budget. He wanted to point out some areas of possible savings, such as consulting teachers and consulting principals, car allowances and travel mileage, and one-day furloughs for employees.

RESOLUTION NO. 281-11 Re **AMENDMENT TO THE TENTATIVE ACTION ON THE FISCAL YEAR 2012 OPERATING BUDGET**

On motion of Mr. Barclay and seconded by Ms. Berthiaume, following resolution was adopted unanimously: #

Resolved, That the Superintendent's recommended reductions be amended as follows:

Reduce the number of reserve teacher positions by 20 for a savings of \$ 1.3 million. Also, reduce the tuition reimbursement back to the FY 2011 level ,resulting in a savings of \$1 million.

With the savings of \$ 2.3 million, restore positions as follows:

Infants/special education preschool (all positions)	\$280,000
Academic intervention (5 positions)	325,000
Security positions restore (all positions)	171,000
Vocational support (5 positions)	325,000
Special education teachers (4.5 positions)	314,000
Special education paraeducators (2.6 positions)	102,000

ESOL teachers (7.0 positions)	456,000
MS counselors (2.0 positions)	160,000
ES music teachers (2.0 positions)	130,000
Superintendent's Leadership Program	57,000

RESOLUTION NO. 281-11 Re **TENTATIVE ACTION ON THE FISCAL YEAR 2012
OPERATING BUDGET, AS AMENDED**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Kauffman, the following amended resolution was adopted unanimously:#

WHEREAS, The Board of Education adopted the FY 2012 Operating Budget of \$2,205,722,618 at the minimum maintenance of local effort requirement of Section 5-202 of the *Education Article, Annotated Code of Maryland* on February 16, 2011; and

WHEREAS, The county executive recommended \$2,123,491,884 for MCPS, \$82.2 million less than the Board of Education's Budget Request on March 15, 2011; and

WHEREAS, The County Council intends to approve a total of \$2,086,786,613 (including grants and enterprise funds), a decrease of \$118,936,005 from the Board of Education's request, on May 26, 2011; and

WHEREAS, The County Council intends to appropriate a total of \$1,950,909,291 (excluding grants and enterprise funds), a decrease of \$118,810,331 from the Board of Education's request; and

WHEREAS, The County Council plans to make reductions to the Board of Education's Fiscal Year 2012 Operating Budget Request of March 1, 2011, of \$118,936,005, from the various budget categories, as shown on the following schedule, consisting of a decrease of \$118,810,331, excluding grants and enterprise funds; and a reduction of \$125,674 in enterprise and special revenue funds, in appropriating \$2,086,786,613 for the Board of Education's FY 2012 Operating Budget:

II. Current Fund	BOE Request March 2011	Recommended (Reduction) Addition	Tentative Approved Budget
1 Administration	39,496,294	(1,197,519)	38,298,775
2 Mid-level Administration	139,404,916	(2,815,674)	136,589,242
3 Instructional Salaries	847,046,612	(27,287,479)	819,759,133
4 Textbooks and Instructional Supplies	25,284,894	(386,598)	24,898,296
5 Other Instructional Costs	14,120,980	(265,766)	13,855,214
6 Special Education	280,336,383	(8,562,722)	271,773,661
7 Student Personnel Services	11,351,034	(331,418)	11,019,616
8 Health Services	54,670		54,670
9 Student Transportation	93,644,620	(447,493)	93,197,127
10 Operation of Plant and Equipment	116,587,792	(930,702)	115,657,090
11 Maintenance of Plant	33,666,617	(1,270,220)	32,396,397
12 Fixed Charges	547,859,895	(75,314,740)	472,545,155
14 Community Services	208,495		208,495
Subtotal, including specific grants	2,149,063,202	(118,810,331)	2,030,252,871
Less specific grants	79,343,580		79,343,580
Subtotal, spending affordability	2,069,719,622	(118,810,331)	1,950,909,291
II. Enterprise Funds			
37 Instructional Television Fund	1,550,674	(125,674)	1,425,000
51 Real Estate Management Fund	3,266,430		3,266,430
61 Food and Nutrition Services Fund	47,025,335	(128,290)	46,897,045
71 Field Trip Fund	2,122,819		2,122,819
81 Entrepreneurial Fund	2,694,158	128,290	2,822,448

Subtotal, Enterprise Funds	56,659,416	(125,674)	56,533,742
Total Budget for MCPS	<u>2,205,722,618</u>	<u>(118,936,005)</u>	<u>2,086,786,613</u>

now therefore be it

Resolved, That based on an appropriation of \$2,086,786,613, that includes an appropriation of \$56,533,742 for enterprise and special revenue funds and \$79,343,580 for restricted grants, to be approved by the County Council on May 26, 2011, the Board of Education tentatively adopts its Fiscal Year 2012 Operating Budget.

Resolved, That the Superintendent's recommended reductions be amended as follows:

Reduce the number of reserve teacher positions by 20 for a savings of \$ 1.3 million. Also, reduce the tuition reimbursement back to the FY 2011 level resulting in a savings of \$1 million.

With the savings of \$ 2.3 million, restore positions as follows:

Infants/special education preschool (all positions)	\$280,000
Academic intervention (5 positions)	325,000
Security positions restore (all positions)	171,000
Vocational support (5 positions)	325,000
Special education teachers (4.5 positions)	314,000
Special education paraeducators (2.6 positions)	102,000
ESOL teachers (7.0 positions)	456,000
MS counselors (2.0 positions)	160,000
ES music teachers (2.0 positions)	130,000
Superintendent's Leadership Program	57,000

RESOLUTION NO. 283-11

Re: **CLOSED SESSIONS RESOLUTION**

On recommendation of the superintendent and on motion of Ms. Brandman seconded by Mrs. O'Neill, following resolution was adopted unanimously:

WHEREAS, The Board of Education of Montgomery County is authorized by the *Education Article* and *State Government Article* of the *Annotated Code of Maryland* to conduct certain meetings or portions of its meetings in closed sessions; now therefore be it

Resolved, That the Board of Education of Montgomery County conduct closed sessions on Thursday, June 16, 2011, in Room 120 of the Carver Educational Services Center to meet from 9:00 to 10:00 a.m. and 12:00 to 1:00 p.m. to discuss personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article* and Section 4-107(d) of the *Education Article*; review and adjudicate appeals in its quasi-judicial capacity; consult with counsel to obtain legal advice, as permitted under Section 10-508(a)(7) of the *State Government Article*; and discuss matters of an administrative function outside the purview of the *Open Meetings Act* (Section 10-508(a) of the *State Government Article*); and be it further

Resolved, That such meetings shall continue in closed session until the completion of business.

RESOLUTION NO. 284-11 Re: **REPORT OF CLOSED SESSIONS**

On recommendation of the superintendent and on motion of Ms. Brandman seconded by Mrs. O'Neill, following report was adopted unanimously:

On May 10, 2011, the Board of Education voted unanimously to conduct closed sessions as permitted under the *Education Article* Section 4-107(d) and *State Government Article* Section 10-508(a), *et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in closed sessions on May 10, 2011, from 9:00 to 10:00 a.m. and 1:05 to 2:20 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and:

1. Received legal advice and considered Appeal 2011-9, as permitted under Section 10-508(a)(7) of the *State Government Article* with a subsequent vote in open session in its quasi-judicial capacity outside the purview of the *Open Meetings Act* (Section 10-508(a) of the *State Government Article*).
2. Reviewed the Monthly Human Resources and Development Report with a subsequent vote in open session, as permitted under Section 10-508(a)(1) of the *State Government Article*.
3. Reviewed the Quarterly Sexual Harassment Report as permitted under Section 10-508(a)(1) of the *State Government Article*.
4. Received legal advice on pending litigation about the maintenance of effort law.
5. Discussed matters of an administrative function relating to the appointment of a Board member to the Oversight Workgroup (Latino Youth Collaborative Report) and strategies for the operating budget, which are outside the purview of the *Open Meetings Act* (Section 10-508(a)(3) of the *State Government Article* and Section 4-107(d) of the *Education Article*).

In attendance at the 9:00 a.m. closed session were Chris Barclay, Laura Berthiaume, Shirley Brandman, Judy Docca, Michael Durso, Phil Kauffman, Patricia O'Neill, Ikhide Roland Ikheloa, Suzann King, Glenda Rose, Laura Steinberg, and Pat Clancy. At 9:10 a.m.,

A = affirmative; N = negative; O = absent; AB = abstain

**MONTGOMERY COUNTY BOARD OF EDUCATION
INDEX
May 23, 2011**

ACCEPTANCE OF CRESTHAVEN ELEMENTARY SCHOOL MODERNIZATION PROJECT	10
ADJOURNMENT	35
APPEAL	35
APPROVAL OF THE AGENDA	2
ARCHITECTURAL APPOINTMENT—NEW BETHESDA-CHEVY CHASE MIDDLE SCHOOL #2 FEASIBILITY STUDY	10
AWARD OF CONTRACT—A. MARIO LOIEDERMAN MIDDLE SCHOOL RE-ROOFING	11
AWARD OF CONTRACT—BRADLEY HILLS ELEMENTARY SCHOOL RE-ROOFING.....	11
AWARD OF CONTRACTS—GAITHERSBURG HIGH SCHOOL MODERNIZATION	12
AWARD OF CONTRACTS—HERBERT HOOVER MIDDLE SCHOOL MODERNIZATION.....	14
AWARD OF CONTRACTS—RELOCATABLE CLASSROOMS	16
BEVERLY FARMS ELEMENTARY SCHOOL—GRANT OF EASEMENT AND RIGHT-OF-WAY	18
BOARD/SUPERINTENDENT COMMENTS	6
BROAD ACRES ELEMENTARY SCHOOL—DEED OF DEDICATION	18
CAPITAL PROJECTS TO BE CLOSED EFFECTIVE JUNE 30, 2011	20
CLOSED SESSIONS RESOLUTION.....	33
CONSULTANT APPOINTMENT—CONSTRUCTABILITY ANALYSIS.....	17
CONTRACTS OF \$25,000 OR MORE.....	6
CONTRACT APPROVAL FOR BID NO. 7141.2, TELECOMMUNICATIONS AND NETWORK WIRING, INSTALLATION, AND INTEGRATION—EXTENSION	8
CONTRACT APPROVAL FOR BID NO. USM 2007-12, COMPUTERS, ASSOCIATED HARDWARE, AND SERVICES.....	9
GAITHERSBURG HIGH SCHOOL—GRANT OF EASEMENT AND RIGHT-OF-WAY.....	19
GAITHERSBURG HIGH SCHOOL—PLAT OF SUBDIVISION	19
HERBERT HOOVER MIDDLE SCHOOL—GRANT OF EASEMENT AND RIGHT-OF-WAY	20
HUMAN RESOURCES APPOINTMENTS.....	21
MCPS COUNSELOR OF THE YEAR AWARD WINNERS	4

MCPS EMPLOYEES' PENSION PLAN CHANGES 24

NEW BUSINESS..... 35

PARTIAL CAPITALIZATION OF SELECTED CAPITAL PROJECTS..... 21

PLEDGE OF ALLEGIANCE 2

PUBLIC COMMENTS 5

RECOGNITION OF THE ASIAN AMERICAN EDUCATION ASSOCIATION SCHOLARSHIP
RECIPIENTS 3

RECOGNITION OF MCPS HIGHER EDUCATION PARTNERSHIPS 3

REPORT OF CLOSED SESSIONS 34

RETIREE HEALTH BENEFIT CHANGES 24

RETIREMENT OF MONTGOMERY COUNTY PUBLIC SCHOOLS PERSONNEL 23

RESOLUTION FOR CLOSED SESSION 1

TENTATIVE ACTION ON THE FISCAL YEAR 2012 OPERATING BUDGET..... 26

2011 CHAMPIONS FOR CHILDREN AWARDS 2