

Montgomery County Planning Board

Montgomery Regional Office Auditorium  
8787 Georgia Avenue, Silver Spring, Maryland 20910

Donations and Public/Private Partnerships

Thursday, November 13, 2003

7:30 p.m.

Thank you for testifying on the Proposed Policy and Guidelines on Donations and Public-Private Partnerships. The times allowed for testimony are listed below with the speakers.

The timer includes a green, yellow and red light. At the yellow light you have one minute remaining. At the red light, please finish your thought.

We encourage coordinated testimony and appreciate having one or two spokespersons for a group. Time used for questions by Board members will not be deducted from your time.

Written testimony is also appreciated and will be read by each Board member. If you turn in written testimony, please provide **10 copies**. Thank you for your cooperation.

No.	Time	Name	Representing
✓ 1.	5	Trish Heffelfinger <i>written</i>	Maryland Soccer Foundation
✓ 2.	28	John Carman	Montgomery Parks Foundation
✓ 3.		Dick Pettit <i>no written</i>	Montgomery Parks Foundation
✓ 4.	5	Bruce Adams <i>no written</i>	Bethesda Community Baseball Club
✓ 5.	5	Jim Erickson <i>written</i>	Countywide Recreation Board
✓ 6.	5	Thomas Barse	Hyattstown Mill Arts Project
✓ 7.	5	Larry Gordon <i>written</i>	Friends of Recreation
<del>8.</del>	<del>5</del>	<del>Vishnu Naman</del>	<del>International Cricket Club</del>
✓ 9.	3	Cherian Eapen <i>no written</i>	Individual
✓ 10.	5	Norman Knopf	Chelsea Tower Condo.

**Testimony**  
**Of**  
**Trish Heffelfinger, Executive Director**  
**Maryland Soccer Foundation**  
**Re: Public Private Partnerships**  
**November 13, 2003**

Good evening, my name is Trish Heffelfinger. I'm the Executive Director of the Maryland Soccer Foundation, a successful public/private partnership with the Commission, the result of which is the Maryland SoccerPlex, Discovery Sports Center and South Germantown Recreational Park.

In 1997, when a few local soccer parents had a vision to build a premiere soccer facility for Montgomery County youth, it was clear that the cost to purchase land and then build upon it would be prohibitive. At the same time, the local soccer clubs and leagues were turning away kids who wanted to play soccer because there were not enough fields. In 1995, the Commission developed a master plan for South Germantown Recreational Park that contemplated development through a series of public/private partnerships and was designed with a soccer complex. As a wise man said at the time, the stars were aligned.

The first test of any public/private partnership is that it must meet the missions of both parties. In the case of the SoccerPlex, our Foundation wanted to build 24 high quality soccer fields that would be used by local Montgomery County players, but we could not afford to purchase the land and build the complex we envisioned. The Commission, which was dealing with increasing demands for ball fields and a shrinking capital improvements budget, had an exploding soccer population that could no longer be served by the County's inventory of ball fields, however they had available land. By developing the SoccerPlex through a public/private partnership, the interests of both parties were achieved and the citizens of Montgomery County are enjoying a magnificent

recreational park much faster than would have been possible without the mutually reinforcing and beneficial leverage of the partnership.

We are certainly proponents of public/private partnerships and believe that they can be excellent vehicles for the Commission to use to develop and enhance the Montgomery County Parks system. We applaud the Commission and its staff for seeking to develop a policy that will create a more consistent, streamlined process that addresses the needs of the private sector partner while it maintains the public sector's stewardship responsibilities.

We concur with the recommendations outlined in the *Draft Report on Public Private Partnerships*, and in particular, strongly support the appointment of one person within the Commission as the point person for partnerships. In our opinion, this position is critical to the success of this initiative. Once the Commission has determined that the project meets its mission and is in the public interest, this individual should become an advocate and mentor for the partnership and the project. Many of your potential partners will not be versed in the "public process" that they will inevitably be thrust into. They will need guidance and support to prepare for what can be a challenging and lengthy process.

In addition to the Partnership Director we also support the following points:

- As with any type of partnership, trust is essential for success. Both parties must be committed to the success of the project and the partnership. And they must be willing to share in the risks and be flexible as conditions change and opportunities emerge.
- The partners must be peers or close to peers for the partnership to function with maximum efficiency and effectiveness. We are as committed to the overall success of the Park as the Commission. Again, trust is critical.
- Positive regular communication is another key to a successful partnership.
- Conflicting focus on "process" vs "product" can derail the private partner from taking advantage of new business opportunities and changes in market conditions. On a related point, more rapid decision making than the Commission is normally used to is a critical factor that may be

addressed through the appointment of a Partnership Director, depending on the scope of the Director's authority.

- And lastly, mutual support is essential. Each party has resources or access to resources that can be beneficial to the other and each should be willing to share those for the benefit of the partnership.

The Maryland Soccer Foundation supports the *Draft Report on Public Private Partnerships*, and we commend Charlie Steinbreaker for producing a report that presents both the challenges and benefits of public/private partnerships. We are proud of our partnership with the Commission and are committed to ensuring that it remains a venture that provides significant benefits for the citizens of Montgomery County. We look forward to working with the Commission to perfect the ground rules and procedures for public/private partnerships. Thank you.

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November 5, 2003

Derick Berlage, Chairman  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

Dear Chairman Berlage,

In your correspondence of July 29, you asked the Countywide Recreation Advisory Board to review and comment on your proposed Policy and Guidelines for Donations and Public/ Private Partnerships. Our board has been exploring Public/Private Partnerships for several years and has made recommendations to the Executive to have processes better defined and resources specifically dedicated. We can see many of our recommendations reflected in your draft policy.

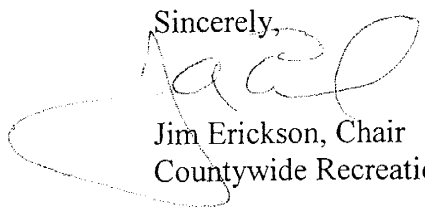
In these days of decreased tax revenues and expanding county budget priorities, it is prudent to consider all potential resource providers who may be able to contribute to Park & Planning service goals. The lack of a clear policy and process has been an impediment to success in the past.

This draft policy well defines the issues and balancing required in evaluating possible service benefits against potential risks, expenses, and other negative impacts. Public notification and involvement are critical to the process. These are well addressed in your processes for setting priorities and evaluating proposals. The Recreation Advisory Boards are available to assist in these processes. The importance of equity and scope of public benefits has also been stressed by our board. We feel that it is important to evaluate benefits to the larger public as opposed to a particular user group.

This proposed policy is a strong first step in codifying the intent of the Planning Board and establishing a method of implementation. The Countywide Recreation Advisory Board agrees with the proposed policy and offers our support in its future operation.

Thank you for giving us the opportunity to participate in this review.

Sincerely,



Jim Erickson, Chair  
Countywide Recreation Advisory Board

TESTIMONY OF LARRY GORDON, CHAIRMAN OF FRIENDS OF  
RECREATION,  
IN SUPPORT OF PROPOSED POLICY AND GUIDELINES  
ON DONATIONS AND PUBLIC/PRIVATE PARTNERSHIPS

Board of Directors

Larry A. Gordon  
*Chairman*

Mark Rittenberg  
*Vice Chairman*

Larry Goldberg  
*Secretary/Treasurer*

Robert Metz

Jurg Siegenthaler  
Charlie Steinbraker

MCPB AGENDA ITEM NO. 14  
November 13, 2003

Good evening Chairman Berlage and Members of the Planning Board. My name is Larry Gordon and I am testifying this evening in my capacity as Chairperson of the Friends of Recreation ("FOR") for Montgomery County.

FOR was created this year as an affiliate of the Montgomery Parks Foundation. The mission of FOR is to support, promote and provide revenue for public recreation programs, projects, facilities and services of the Montgomery County Department of Recreation. As such, private sector donations and public/private partnerships are the core of our efforts.

Moreover, FOR was established as a result of a two year study conducted by the Public/Private Partnership Committee of the County-wide Recreation Advisory Board and a subsequent written recommendation from the County-wide Board to County Executive, Douglas Duncan. A copy of that August 2, 2002 recommendation to Executive Duncan is attached to this testimony for your consideration. (See, Attachment "A"). The findings and recommendations

contained in that letter are generally consistent with those of the draft Policy and Guidelines before you tonight.

**Board of Directors**

Larry A. Gordon  
*Chairman*

Mark Rittenberg  
*Vice Chairman*

Larry Goldberg  
*Secretary/Treasurer*

Robert Metz

Jurg Siegenthaler

Charlie Steinbraker

Mr. Charlie Steinbraker, who is the author of your July 24, 2003 Draft Policy and Guidelines as well as a member of the FOR Board of Directors, presented his report and recommendations to FOR at our September 2003 Board meeting. The FOR Board subsequently voted to endorse the proposed Policy and Guidelines that you are considering this evening.

While FOR supports tonight's proposal, we do so subject to certain caveats. These caveats are as follows:

1. A permanently assigned team of government representatives should be established to become expert in and lead the application and review and process for Public/Private Partnership projects. The existence and identification of this team should be well publicized and promoted throughout the County.
2. The adopted Policy and Guidelines should be reviewed every two (2) years by a Committee of government and private sector members who have been actively involved with Public/Private Partnerships, and which Committee will

prepare and present a status report and any recommendations for change to the Planning Board.

**Board of Directors**

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Robert Metz

Jurg Siegenthaler

Charlie Steinbraker

3. The Policy and Guidelines should not be given the status of law or viewed as "one-size-fits-all." They should be sufficiently flexible to allow for case-by-case interpretations that will foster creativity and ingenuity, while still protecting the public interest.

4. The Policy and Guidelines should create a review and approval process that is goal-oriented and sensitive to time and financial constraints.

5. Finally, the Policy and Guidelines must foster the creation of true partnerships between the public and private sectors wherein both partners understand, share in, and commit to work expeditiously towards the achievement of common objectives.

Thank you for your consideration of our comments.

G:\128\Public Private Partnership\Speech.wpd





COUNTY-WIDE RECREATION ADVISORY BOARD

August 8, 2002

Honorable Douglas M. Duncan  
 County Executive  
 Montgomery County  
 101 Monroe Street  
 Rockville, Maryland 20850

Re: Public/Private Partnerships in Montgomery County

Dear Mr. Duncan:

This letter is submitted on behalf of the Montgomery County-wide Recreation Advisory Board (the "Board") to request your support and assistance in promoting and facilitating the establishment of public/private partnerships in recreation, parks and other service areas in Montgomery County.

Two years ago, our Board established a Public/Private Partnership Committee (the "Committee") to study the scope and status of public/private partnerships in Montgomery County and to foster the creation of such partnerships with the Recreation Department. The Committee hosted numerous presentations by private sector parties and government staff who had been involved with the creation of public/private partnerships in Montgomery County in order to learn how such partnerships had been created, documented, approved and implemented. Additionally, the Committee sought to identify any common problems or concerns associated with these ventures to help the Recreation Department avoid possible pitfalls.

Specific public/private partnership-related problems commonly identified by speakers included the following:

1. There is no full-time or part-time expert or advocate in the County to provide guidance and assistance.
2. It takes too long to complete the governmental review and approval process.
3. The review and approval process is confusing and typically involves participation by multiple agencies.
4. There is a lack of standard form documents or agreements.
5. Proposed projects are customarily given a low priority by government agencies.
6. There is no County information clearinghouse or archives center related to public/private partnership projects and procedures.
7. There is no comprehensive public policy statement by the County Executive or County Council regarding the establishment of public/private partnerships.

Department of Recreation

12210 Bushey Drive • Silver Spring, Maryland 20902-1099  
 240/777-6800, TDD 240/777-6891, FAX 240/777-6803

In response to these concerns, the Recreation Department, in conjunction with our Committee and with assistance from representatives of the Montgomery Parks Foundation, is actively pursuing the establishment of a "Friends of Recreation" or Montgomery Recreation Foundation 501c3 organization to facilitate recreation-related public/private partnership projects and contributions.

However, while we believe that this new 501c3 organization will help alleviate some of the identified concerns, additional steps must be taken by the County and M-NCPPC to further streamline the County's public/private partnership processes and procedures and to make them more user-friendly. To that end, our Board has unanimously endorsed our presenting the following recommendations for your consideration:

1. The County Executive should designate a single government staff point person to coordinate and advocate for public/private partnership projects and contributions. This should be a senior level position charged with developing knowledge and expertise (and publicizing the same) regarding procedures, precedents, and agency/501c3 contacts for public/private partnership activities throughout the County. This could be either a full-time or part-time position and would involve working directly with such entities as the Montgomery Parks Foundation, "Friends of" organizations, agency staff personnel who coordinate public/private partnership proposal reviews and approvals, and designated representatives of the County Attorney's Office and Park and Planning Legal Department. In particular, their highest priority should be given to recreation, parks and other human services.
2. The County and Planning Board should designate one or more existing attorneys in their respective legal offices to develop expertise in working with private foundations, 501c3 entities, "Friends of" organizations and other non-profit entities. This expertise would include knowledge of rules and procedures for forming such entities, advantages and disadvantages associated with the various forms of entities, applicable County/State/Federal rules and regulations, etc. These legal office designees would also be charged with creating standardized form documents to accommodate streamlining of public/private partnership document preparation and review.

Finally, due to our close working relationship with the Parks Department and Planning Board and because of the specific nature of our recommendations, we have taken the liberty of copying the individuals listed below with this letter.

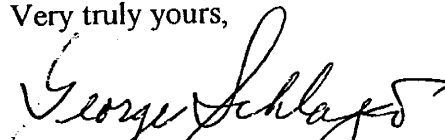
In sum, the County-wide Recreation Advisory Board strongly supports the formation of public/private partnerships in recreation and parks, as well as in other areas of County services, as a means of expanding available revenues/facilities/services, and accommodating direct allocation of funds for specific needs. To accomplish this goal, necessary entities must be

Honorable Douglas M. Duncan  
August 8, 2002  
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formed and government staff assigned to develop the expertise required to facilitate and promote public/private partnership ventures for the greater good of our County and its citizens.

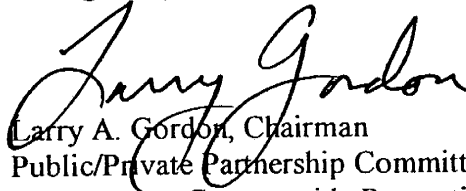
We thank you for your consideration of these matters and look forward to your earliest possible response and action, and to the opportunity to work with you in achieving these objectives. We remain available to meet with you and your staff to discuss these matters at your convenience.

Very truly yours,



George Schlapo, Chairman

Montgomery County-wide Recreation Advisory Board



Larry A. Gordon, Chairman

Public/Private Partnership Committee

Montgomery County-wide Recreation Advisory Board

cc: Honorable Steven A. Silverman  
Honorable Derick Berlage  
Mr. Gregory Bayor  
Mr. Donald Cochran  
Mr. David W. Edgerley  
Ms. Trudye Johnson  
Ms. Andrea Jolly  
Mr. Ken Nicholls  
Michele Rosenfeld, Esq.  
Charles W. Thompson, Esq.