

Office of the Superintendent of Schools  
MONTGOMERY COUNTY PUBLIC SCHOOLS  
Rockville, Maryland

April 20, 2023

MEMORANDUM

To: Members of the Board of Education

From: Monifa B. McKnight, Superintendent of Schools

Subject: Delegation of Authority to Execute Permanent Easements, Utility Easements, Rights-of-Way, Rights-of-Entry, Memoranda of Understanding for Land-Related Issues, and Land-Related Agreements of a Routine Nature

The Department of Facilities Management receives a number of requests for permanent easements, utility easements, rights-of-way, rights-of-entry, memoranda of understanding for land-related issues, and land-related agreements of a routine nature. At its business meeting on March 24, 2014, the Board of Education (Board) delegated authority to the superintendent of schools to execute permanent easements, utility easements, rights-of-way, rights-of-entry, memoranda of understanding for land-related issues, and land-related agreements of a routine nature (Resolution No. 139-14). To provide greater administrative efficiency, it is recommended that the Board rescind Resolution No. 139-14 and approve a new resolution delegating broader authority for the superintendent of schools or his/her designee to approve and execute permanent easements, utility easements, rights-of-way, rights-of-entry, memoranda of understanding for land-related issues, and land-related agreements of a routine nature.

Delegation of authority to execute land-related agreements of a routine nature will provide greater administrative efficiency to facilitate capital improvement projects and reduce potential impacts to construction schedule. These land-related agreements are routine between Montgomery County Public Schools (MCPS) and Washington Suburban Sanitary Commission, Potomac Electric Power Company, Washington Gas, or municipalities, such as the City of Gaithersburg and the City of Rockville. These routine property agreements are necessary for anticipated maintenance of public utilities, roads, stormwater management systems, parks, and other types of infrastructure. Generally, these agreements do not have financial impacts and payment usually is not involved. However, costs above \$50,000 will be brought to the Board for individual approval.

The MCPS Office of the General Counsel and the Department of Facilities Management staff review and approve all agreements prior to requesting the signature of the superintendent of schools. If the Board agrees to this delegation of authority, the superintendent of schools will provide an annual report regarding all administrative actions associated with the land-related agreements previously mentioned.

The following resolution is presented to the Board for approval:

WHEREAS, The Board of Education holds all property in trust for the benefit of the county public schools, in accordance with Maryland's Public School Law; and

WHEREAS, The Board of Education has authority and control over the granting of permanent easements, utility easements, rights-of-way, rights-of-entry, memoranda of understanding for land-related, not including telecommunication-related items, issues, and other land-related agreements that encumber or impair Board of Education-owned property; and

WHEREAS, The efficient management of school property can be improved by expanding the authority delegated to the superintendent of schools to execute permanent easements, utility easements, rights-of-way, rights-of-entry, memoranda of understanding for land-related issues, and land-related, not including telecommunications-related items, agreements of a routine nature with governmental entities and adjoining land owners; now therefore be it

Resolved, That Resolution No. 139-14, adopted by the Board of Education on March 24, 2014, be rescinded and authority be delegated to the superintendent of schools or his/her designee to approve and execute permanent easements, utility easements, rights-of-way, rights-of-entry, memoranda of understanding for land-related issues, and land-related agreements of a routine nature with governmental entities and adjoining land owners, to provide greater administrative efficiency.

MBM:MBH:DEE:SPA:lm