

**COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND**

2017 Legislative Session

Legislative Day No. 03

**Resolution No. 15-2017**

Introduced by: The President of the Council at the request of the County Executive

A RESOLUTION TO APPROVE A CASH ADVANCE OF FUNDS TO THE BOARD OF EDUCATION OF WICOMICO COUNTY'S ACCOUNT RECEIVABLE NO. 01C05103084 IN AN AMOUNT UP TO SIX MILLION FOUR HUNDRED SEVENTY-THREE THOUSAND DOLLARS (\$6,473,000.00), AND TO AUTHORIZE THE COUNTY EXECUTIVE TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT ON BEHALF OF WICOMICO COUNTY, MARYLAND WITH THE BOARD OF EDUCATION.

WHEREAS, the Board of Education of Wicomico County is expecting to sign contracts and begin work on the demolition and site preparation of West Salisbury Elementary School in February, 2017; and

WHEREAS, the State of Maryland has a school construction reimbursement program, which requires approval of the Governor and the State Legislature in the Capital Improvement Plan for the reimbursement of school demolition and construction costs at West Salisbury Elementary School; and

WHEREAS, the Board of Education of Wicomico County is requesting a cash advance in the amount of up to Six Million Four Hundred Seventy-Three Thousand Dollars (\$6,473,000.00) from Wicomico County so that demolition and construction work can begin in 2017; and

WHEREAS, when the Board of Education receives reimbursement from the State of Maryland in the amount of Wicomico County's cash advances of up to Six Million Four Hundred Seventy-Three Thousand Dollars (\$6,473,000.00), then the Board of Education shall pay that amount to the Wicomico County for crediting Account No. 01C05103084 Account Receivable – BOE; and

WHEREAS, the Board of Education expects the State of Maryland reimbursement and subsequent payment to Wicomico County to occur on or about July 1, 2018; and

WHEREAS, Wicomico County and the Board of Education have agreed upon an Intergovernmental Agreement which sets forth these understandings; and

WHEREAS, the Director of Finance has certified that the cash advance is not encumbered and funds are available for the cash advance.

**EXHIBIT “A”**  
**INTERGOVERNMENTAL AGREEMENT**  
**REGARDING ADVANCE OF COUNTY FUNDS TO BOARD OF EDUCATION**

THIS AGREEMENT is entered into between WICOMICO COUNTY, MARYLAND, a body politic and corporate of the State of Maryland (hereinafter referred to as “County”), and the BOARD OF EDUCATION OF WICOMICO COUNTY, a body politic and corporate of the State of Maryland (hereinafter referred to as “BOE”), with respect to the matter set forth below.

RECITALS

- A. BOE has plans to begin demolition of the existing West Salisbury Elementary School and begin construction of the new West Salisbury Elementary School.
- B. In order to sign contracts for the demolition of the old West Salisbury Elementary School and begin site preparation and construction of the new West Salisbury Elementary School, BOE is requesting multiple intergovernmental cash advances for the BOE West Salisbury Elementary School up to a total amount of SIX MILLION FOUR HUNDRED SEVENTY-THREE THOUSAND DOLLARS (\$6,473,000.00) (hereinafter referred to as the “Funds”). The cash advances shall be requested after all other funding sources for the project are exhausted.
- C. The requested demolition and construction funding is included in the State of Maryland Capital Improvement Plan, which BOE expects to be approved in May, 2017, and the actual cash reimbursement to the County of up to \$6,473,000.00 should occur on or about July 1, 2018.
- D. The intergovernmental cash advances of up to \$6,473,000.00 will permit the BOE to sign contracts for demolition and construction work in February, 2017, and then the demolition and construction work can proceed according to the terms of the contracts.

THEREFORE, the County and BOE agree as follows:

AGREEMENT

1. Cash Advances of County Funds:

The County shall make cash advances to Account No. 01C05103084 Account Receivables – BOE for the BOE West Salisbury Elementary School, as requested by the BOE and approved by the County Executive, up to a total amount of \$6,473,000.00. Each BOE cash request shall be supported by contract information and an AIA requisition. The BOE shall exhaust all other funding sources for the project before a County cash request is initiated.

Request, Acceptance and Use of Cash Advances by BOE:

- 1.1. BOE will exhaust all other sources of funding for the project before requesting a cash advance.
  - 1.2. BOE shall provide a cash advance request with contract information and an AIA requisition.
  - 1.3. BOE accepts up to a total of \$6,473,000.00 from the County.
  - 1.4. The Funds advanced by the County shall be used to pay a portion of the demolition and construction costs of West Salisbury Elementary School.
  - 1.5. When BOE receives reimbursement from the State of Maryland for the amount of County cash advances up to \$6,473,000.00, then the BOE shall pay that amount to the County for crediting Account No. 01C05103084 Account Receivable – BOE. The BOE expects the State of Maryland reimbursement and subsequent payment to the County to occur on or about July 1, 2018.
2. Amendments:
- No amendment or modification of this Agreement shall be binding on either party unless made in writing and executed by both County and BOE
3. Notices:

Any and all notices required, permitted or desired to be given hereunder by one party to the other shall be in writing, and shall be delivered to the other party personally or by U.S. first class, certified or registered mail, with postage prepaid, addressed to the other party, at the address set forth below:

TO WICOMICO COUNTY:

Attn: Bob Culver, County Executive  
Wicomico County, Maryland  
P. O. Box 870  
Salisbury, Maryland 21803-0870

TO BOARD OF EDUCATION OF WICOMICO COUNTY:

Attn: Donna Hanlin, Superintendent  
Wicomico County Board of Education  
2424 Northgate Drive  
Salisbury, Maryland 21802

IN WITNESS WHEREOF, County and BOE hereto have executed this Agreement on the date of the last signature below.

TEST/ATTEST:

WICOMICO COUNTY, MARYLAND

\_\_\_\_\_

By: \_\_\_\_\_ (SEAL)

Bob Culver, Executive

Date: \_\_\_\_\_

BOARD OF EDUCATION OF  
WICOMICO COUNTY

\_\_\_\_\_

By: \_\_\_\_\_ (SEAL)

Donna Hanlin, Superintendent

Date: \_\_\_\_\_



## WICOMICO COUNTY, MARYLAND

OFFICE OF THE COUNTY EXECUTIVE

P.O. BOX 870

SALISBURY, MARYLAND 21803-0870

410-548-4801


FAX: 410-548-4803

Bob Culver  
County Executive

R. Wayne Strausburg  
Director of Administration

### MEMORANDUM TO COUNCIL

To: Laura Hurley  
Council Administrator

From: R. Wayne Strausburg  
Director of Administration 

Date: February 2, 2017

Subject: Proposed Agenda Item

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Board of Education

The Board of Education of Wicomico County is requesting a cash advance of funds in the amount of \$6,473,000.00 to begin work on the demolition and site preparation of West Salisbury Elementary School.

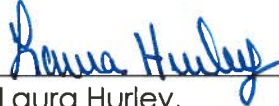
The County Executive has no objection to this request.

NOW, THEREFORE, BE IT RESOLVED, by the County Council of Wicomico County, Maryland, as follows:

1. A cash advance in the amount of up to Six Million Four Hundred Seventy-Three Thousand Dollars (\$6,473,000.00) from Wicomico County to the Board of Education of Wicomico County's Account No. 01C05103084 Account Receivable – BOE is authorized and approved; and
2. The County Executive is hereby authorized to execute on behalf of Wicomico County, Maryland, an Intergovernmental Agreement, in substantially the same form attached hereto as Exhibit A, with the Board of Education of Wicomico County.

Done at Salisbury, Maryland this 7<sup>th</sup> day of February, 2017.

ATTEST:

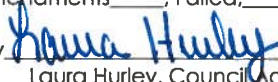
  
\_\_\_\_\_  
Laura Hurley,  
Council Administrator

COUNTY COUNCIL OF  
WICOMICO COUNTY, MARYLAND

  
\_\_\_\_\_  
John T. Cannon,  
Council President

Certification

This Resolution was Adopted , Adopted with Amendments \_\_\_\_\_, Failed, \_\_\_\_\_, Withdrawn, \_\_\_\_\_ by the County Council on February 7, 2017

Certified by   
\_\_\_\_\_  
Laura Hurley, Council Administrator