

**Caroline County
Board of Supervisors Agenda
Executive Summary**

Meeting Date: **December 14, 2021**

Title: **New Business – MOU for Use of Former Ladysmith
Elementary School by the County**

(Check Mark)

<input type="checkbox"/> Consent	<input type="checkbox"/> Closed Meeting
<input checked="" type="checkbox"/> Action	<input type="checkbox"/> Public Hearing
<input type="checkbox"/> No Action (Information Only)	<input type="checkbox"/> Ordinance
<input type="checkbox"/> Resolution	<input type="checkbox"/> PowerPoint Presentation

Summary: In 2016, Caroline County entered into an amended Memorandum of Understanding (MOU) with Caroline County Public Schools for the use of a portion of the former Ladysmith Elementary School. The County uses its portion of the building primarily for Department of Parks & Recreation programs and activities and a satellite office for the Caroline County Sheriff's Office.

Under the current MOU, the County is responsible for all routine maintenance and costs associated with the use of the County occupied spaces, including maintaining the fields and track area in the rear of the property and custodial care for rooms and restrooms used by the County. All other costs to maintain the entire property in good condition and repair, including plumbing, roof, HVAC, electrical and structural components are the responsibility of, and paid for by the County, except as expressly provided otherwise in the agreement.

In addition, the County pays for a significant portion of the utility costs for the building.

CCPS has recently proposed good-faith amendments to make the MOU more palatable to the County in conjunction with expanding their footprint in the building to accommodate the LOTUS Academy (former Diversified Learning Center).

However, recent changes by CCPS to accommodate the LOTUS Academy have limited the County's ability to make productive use of the building. CCPS has expanded its footprint to take possession of 11 rooms formerly located in the County's portion of the

building and controlled by the County. All remaining rooms in the County's zone are now located west of the main public bathrooms, which are inaccessible during weekday daytime hours while school is in session. This leaves only a few individual bathrooms in classrooms in the County's remaining space that are inadequate to accommodate the public for programs.

In addition, CCPS has instituted changes that limit the Sheriff Office's ability to utilize its space for a satellite office. The Sheriff's Office is no longer able to question criminal suspects or witnesses at this location. As a result, Sheriff Lippa finds the changes to be unacceptable and is seeking another location for a satellite office in the Ladysmith area.

Further, the County's portion of the building developed a mold problem during this past summer due to a malfunctioning HVAC automation system not in the County's ability to control. The County moved its cleaning supplies, paper towels and toilet paper out of the small office space next to the gym into one of the larger rooms in mid-September. This reduced the County's footprint to the last eight rooms and the Sheriff's satellite office. During a visit on November 9, 2021, Director of Public Works/Utilities Joseph Schiebel found that the new supply room had mold growing all over the recently moved items. Because County staff occupies a portion of the space, the County commissioned an air quality sampling study on a few offices due to suspected mold issues. This report identified adverse indoor air quality issues related to airborne fungal concentrations.

All of these limitations and conditions call into question whether remaining in a formal MOU with the schools for the use of the building, and the monetary investment that comes with it, is in the County's best interest.

Budget Impact: The County's cost to utilize a portion of the former Ladysmith Elementary School has averaged \$44,430 per year over the last three fiscal years. The cost would decrease under changes to the MOU proposed by CCPS.

Requested Action from Board of Supervisors: Staff believes remaining in the building under a formal MOU is not in the best interest of the County due to the issues outlined above. As an alternative, CCPS appears to be amenable to renting space to the Department of Parks & Recreation on an as needed basis.

Staff and County Attorney Ben Emerson believe the County can withdraw from the MOU effective December 31, 2021 since the space allocated to the County and the use of the facility have changed significantly since the MOU was signed.