

Meeting Minutes – May 27th, 2021

Call to Order:

Dr. Karen Salmon called the video-conference meeting of the Interagency Commission on School Construction to order at 9:01 a.m.

Members in Attendance:

Dr. Karen Salmon, State Superintendent of Schools, Chair
Denise Avara, Appointee of the Governor
Dick Lombardo, Appointee of the Governor
Secretary Ellington Churchill, Department of General Services
Linda Eberhart, Appointee of the Speaker of the House
Brian Gibbons, Appointee of the Speaker of the House
Edward Kasemeyer, Appointee of the President of the Senate
Gloria Lawlah, Appointee of the President of the Senate
Secretary Robert S. McCord, Maryland Department of Planning

Members Not in Attendance:

None

Public Comment:

There was no public comment.

IAC Correspondence:

Carroll County submitted IAC correspondence regarding the Built to Learn (BTL) Act. Director Gorrell presented the letter and noted it was indicative of the 17 counties that share 11.5% of the funding allocations. Director Gorrell also noted that preliminary approvals of BTL funding to Counties with specific allocations are in the meeting agenda and that IAC staff will bring recommendations for action on the Built to Learn Act projects for 17 Counties that share 11.5% of the BTL funding to the IAC during the July meeting. Dr. Salmon clarified that this funding is supplemental to the Capital Improvement Program.

1. Consent Agenda – [Motion Carried]

Upon a motion from Mr. Gibbons and a second by Mr. Kasemeyer, the IAC voted unanimously to approve the consent agenda.

A. Approval of the April 29, 2021 Minutes

To approve the minutes of the April 29, 2021 Interagency Commission on School Construction Meeting.

B. Summary of Contract Awards

To approve contract procurement as presented.

C. Approval of Revisions to Previously Approved Contracts

To approve the revisions to previously approved contract awards to accurately reflect the adjusted reversion amounts as presented.

D. Completed Project Allocations Reversions

To approve, the reversion of the amounts identified below to the appropriate statewide appropriation account.

E. Approval of Montgomery County Easement

To approve the conveyance by the Montgomery County Board of Education of the Gaithersburg Elementary School #8 Easement.

F. Change Orders Information – [Informational Only]

Statistical information for Change Order Letters dated March 23rd, 2021.

2. FY 2022 100% Capital Improvement Program and Approval of NonPublic Aging School Program Reversions – [Motion Carried]

Arabia Davis, Funding Programs Manager for the IAC, presented recommendations for 91 funding requests and 9 planning requests for final approval of the FY22 100% Capital Improvement Program (CIP), as well as the reversion of unexpended appropriations of the Senator James E. “Ed” DeGrange Nonpublic Aging Schools Program (NASP). Arabia also noted a required amendment to the motion, changing the reversion of unexpended appropriation of the NASP from \$471,511 to \$471,411. This funding has been reverted as the required timeline of 3 years to spend allocations under the NASP has passed, allowing the IAC to transfer unexpended appropriation funding to supplement the FY22 CIP. A full list of recommendations can be found within the IAC Agenda. The supporting documentation has been amended to reflect all technical corrections and adjustments and will be available on our website.

Upon a motion from Mr. Lombardo and a second from Ms. Eberhart, the IAC voted unanimously to approve:

1. To approve the reversion of ~~\$471,511~~ **\$471,411** unexpended appropriation of the Senator James E. “Ed” DeGrange Nonpublic Aging Schools to the Unreserved Statewide Appropriation account for the Capital Improvement Program pursuant to Chapter 63, Laws of Maryland 2021(HB590) as presented in this item;
2. To approve the Fiscal Year 2022 Capital Improvement Program in the total amount of \$377.001million, including \$369.406 million for allocation to funding and planning projects as specified for each local school system in the attached document dated May 27, 2020, \$.5 million for Department of General Services (DG) design consultant fees and \$7 million new authorization held for unanticipated project costs; and
3. To authorize the IAC staff to make minor technical corrections or adjustments to allocations based on calculation of the project’s net state funding amount to avoid the over or under funding of a project.

3. Approval of Projects and Funding Under the Built to Learn Program – [Motion Carried]

Arabia Davis, Funding Programs Manager for the IAC, presented recommended allocations totaling \$250 million to be funded through the Built to Learn Program.

The Built to Learn Act of 2020 authorizes the Maryland Stadium Authority (MSA) to sell revenue bonds to fund up to \$2.2 billion in school construction projects approved by the IAC. Based upon current information from the Maryland Stadium Authority, the IAC will base its approval on total estimated available funding of \$1.8 billion until such time as the final available amount can be determined based upon available debt service payments to support the bonds. Upon initial estimates, MSA has begun to prepare for the first bond sale to support the Built to Learn program. Bond proceeds are anticipated to be available late summer/early fall.

IAC staff are recommending approval of the projects as presented for funding through the Built to Learn program at the maximum State Funding Allocation identified, contingent upon enactment of the Program MOU required by the Built to Learn Act. The IAC will continue to work with all LEAs to identify projects that can utilize potential available bond funds in FY 2022, including the recommended \$250 million and the potential for up to another approximately \$150 million for an estimated total FY 2022 allocation of \$400 million.

Upon a motion from Ms. Eberhart and a second by Ms. Avara, the IAC voted unanimously to approve, contingent upon final execution of a Program MOU between the IAC and the Maryland Stadium Authority as required by Economic Development Article § 10-650(e), projects as presented to be funded and executed through the Built to Learn Act, with allocations estimated to total \$250 million. Final funding amounts are subject to adjustment based upon finalization of project worksheets and review of project eligibility.

4. Carroll County - Winfield Elementary PSC #06.023.20 SR – Decrease Reverted Project State Construction Allocation – [Motion Carried]

Jamie Bridges, Regional Facilities Manager for Carroll County, presented a reversion item regarding a contract for the Carroll County Winfield Elementary mechanical replacement project (PSC #06.023.20 SR – Mechanical) and a corresponding project allocation reversion decrease to align the project allocation with the necessary contract amount. IAC staff recommend that the IAC amend the project allocation reversion approved at the July 2020 IAC meeting from \$1,732,949 to \$987,059. This reversion adjustment of \$745,890 will reduce the statewide reserved appropriation account and increase the project allocation to a maximum of \$3,912,301 for the mechanical project at Winfield Elementary – allowing CCPS to complete the project in time for the start of school year 2021-22.

Mr. Lombardo asked Jamie why the contract was terminated originally and why the project cost has doubled. Jamie clarified that the final allocation that is being recommended is less than the original project, and that the original termination was an internal decision by Carroll County for their convenience.

Upon a motion by Mr. Lombardo and a second by Ms. Eberhart, the IAC voted unanimously to approve a change to IAC Meeting held on July 9, 2019, Item 1.B.7 for Carroll County Public Schools - Winfield Elementary mechanical replacement project by changing the Project Allocation decrease amount for 06.023.2020 SR from \$1,732,949 to \$987,059 and changing the Increase to State Appropriation account 40.000.2020 from \$1,732,949 to \$987,059.

5. Charles County Public Schools - Cancellation of Daniel of St. Thomas Jenifer Elementary and T.C. Martin Elementary EEI Lighting Projects – [Motion Carried]

Kiaron Bailey, Finance Administrator, presented the cancellation of two Energy Efficiency Initiative Charles County Public Schools projects in accordance with Education Article §5-303(j)(3)(i).

Education Article §5-303(j)(3)(i) requires Capital Improvement Program (CIP) project allocations uncontracted after two years to be transferred to the Statewide Reserved Appropriation Account, and reserved for reallocation to other eligible CIP projects in the LEA. Two (2) FY 2013 CIP project allocations to Charles County Public Schools projects have not been contracted within the two-year deadline. Per the letter dated April 22, 2021 in the agenda, Charles County has canceled the two FY 2013 CIP projects as presented. Staff recommends approval of the proposed motion to transfer a total of \$148,000 in project allocations as detailed.

Upon a motion from Mr. Kasemeyer and a second by Ms. Avara, the IAC voted unanimously to approve, in accordance with Education Article §5-303(j)(3), the transfer of the project allocations for two (2) Charles County Public Schools FY 2013 Capital Improvement Program projects totaling \$148,000 to the Statewide Reserved Appropriation Account for reallocation to other eligible CIP projects in Charles County as presented.

6. Prince George's County Public School – Cancellation of FY 2014 Bowie High Capital Improvement Program (CIP) Project – [Motion Carried]

Kiaron Bailey, Finance Administrator, presented the cancellation of a FY 2014 Bowie High Capital Improvement Program Project in accordance with Education Article §5-303(j)(3).

At the request of the Prince George's County Public Schools (PGCPS), the IAC previously approved the termination of the contract for the air conditioning project at Bowie High School. It was the intent of PGCPS to redesign the project and rebid, but this has not occurred. Given the time that has lapsed and the lack of progress on the project the IAC staff recommend that the FY 2014 CIP PGCPS air conditioning project allocation at Bowie High School be canceled and the expenditures of \$219,808, refunded to the State Public School Construction Program. Staff recommends approval of the proposed motion to transfer the \$3,687,000 project allocation as detailed.

Upon a motion from Ms. Eberhart and a second by Mr. Kasemeyer, the IAC voted unanimously to approve, in accordance with Education Article §5-303(j)(3), the transfer of the project allocation for one Prince George's County Public Schools FY 2014 Capital improvement project totaling \$3,687,000 to the Statewide Reserved Appropriation Account for reallocation to other eligible CIP projects in Prince George's County.

7. Montgomery County Public Schools – Cancellation of FY20 CIP Project at Col. Zadok Magruder High School – [Motion Carried]

Ben Kaplan, Regional Facilities Manager for Montgomery County Public Schools (MCPS), presented a letter dated May 5, 2021 requesting the cancellation of a roof replacement at Col. Zadok Magruder High School.

This project was originally intended to replace a portion (38,000 SF of 163,000 SF) of roofing, but MCPS is planning a full modernization of Col. Zadok Magruder High's core spaces for completion in FY 2027. This partial roof replacement has been deferred until then, as the modernization project is anticipated to involve extensive roof work. IAC staff recommends approval of the motion to cancel the FY 2020 CIP project at Col. Zadok Magruder High School and to transfer the funds allocated to the project to the Statewide

Reserved Appropriation Account for Montgomery County Public Schools for reallocation to the John F. Kennedy High School Addition/Renovation project in the FY 2022 CIP.

Upon a motion from Secretary Churchill and a second by Mr. Kasemeyer, the IAC voted unanimously to approve the cancellation of one FY 2020 Capital Improvement Program project at Col. Zadok Magruder High School, and the transfer of the allocation of \$232,000 to the Statewide Reserved Appropriation Account for Montgomery County Public Schools for reallocation in the FY 2022 CIP.

8. Baltimore City Public Schools – Cancellation of the FY 2020 Capital Improvement Program (CIP) Project at Baltimore City College High School #480 – [Motion Carried]

Jamie Bridges, Regional Facilities Manager for Baltimore City Public Schools, presented a letter dated May 3, 2021 requesting the cancellation of the FY 2020 CIP pool repair project at Baltimore City College High School #480. In the letter, the LEA argues it would be more cost-efficient to complete the pool repairs as part of the City College renovation project – which is anticipated to be completed with Built-to-Learn (BTL) bond funds. IAC staff recommends approval of the motion to cancel the one FY 2020 CIP project at City College, and to transfer the funds allocated to the project per the motion.

Upon a motion from Ms. Lawlah and a second from Ms. Eberhart, the IAC voted unanimously to approve, in accordance with Education Article §5-303(j)(3)(i) the transfer of the project allocation for Baltimore City Public Schools FY 2020 Capital Improvement Program for the swimming pool repair project, PSC 30.110.15/20 SR, at Baltimore City College High School #480, and the transfer of the allocation of \$2,021,820 to the Statewide Reserved Appropriation Account for Baltimore City Public Schools for reallocation to the CIP.

9. Baltimore City Public Schools – E15M HVAC Status Report – [Informational Only]

Jamie Bridges, Baltimore City Project Manager, presented a status report on the Baltimore City E15M HVAC allocation. Secretary McCord thanked Jamie for his continuous efforts on the status report, and for providing explanations that are easy for the IAC to understand. Director Gorrell stated his desire to be delivering similar visual reports for each of the IAC's major funding programs upon the finalization of the IAC's Business Management System.

10. Adoption of Final COMAR Revisions – [Motion Carried]

Cassandra Viscarra, Chief of Staff, presented an IAC staff recommendation of the final adoption of proposed actions on regulations, published in the April 23, 2021 Maryland Register. Cassandra noted that the IAC had received one piece of public comment from the former Executive Director of the IAC, Dr. David Lever, included in a revised IAC Agenda delivered May 26th. Dr. Lever's public comment revolves around the change to the definition of "Limited Renovation," and the IAC has spoken to Dr. Lever directly and he understands that the change to the definition is primarily to increase flexibility to the LEAs with as much authority as possible to implement projects they see as needs. This is consistent from the direction IAC has received from the Educational Specifications Workgroup. No revisions to the approved proposed COMAR changes are recommended.

Upon approval of this item, notice of the final action will be published in the Maryland register and regulations will go into effect 10 days after publication.

Upon a motion from Mr. Gibbons and a second by Ms. Avara, the IAC voted unanimously to adopt the final COMAR Revisions as published in the April 23, 2021 Maryland Register (Volume 48; Issue 9; Pages 368-371).

11. Legislative Update – [Informational Only]

Cassandra Viscarra, Chief of Staff, presented an updated version of the legislative tracker as a reminder that the IAC still needs to adopt State Cost Shares for FY23 and FY24, and to release applications for the Healthy School Facility Fund. Both of these actions will be affected by pending legislation, Senate Bill 551, which was passed by both chambers but is yet to be signed. Whether or not the bill is enacted or not, the IAC will be prepared to take actions on both of these Items at the July IAC Meeting.

12. Leadership Recognition

In recognition of Dr. Salmon's final IAC Meeting as Chairperson of the IAC, Dr. Salmon was presented a Governor's Citation, a Department of General Services Secretary Citation, a Department of Planning Secretary Citation, and a Maryland General Assembly Citation. In addition, Dr. Salmon was presented a plaque on behalf of the IAC, in appreciation of Dr. Salmon's leadership as Chair of the IAC from 2016 – 2021.

Adjournment:

The IAC members voted unanimously to conclude the meeting at 10:09 a.m.