

Meeting Minutes – July 8, 2021

Call to Order:

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

Members in Attendance:

Edward Kasemeyer, Appointee of the President of the Senate, Chair
Denise Avara, Appointee of the Governor
Superintendent Mohammed Choudhury, Maryland State Department of Education
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
Gloria Lawlah, Appointee of the President of the Senate
Dick Lombardo, Appointee of the Governor
Secretary Robert S. McCord, Maryland Department of Planning

Members Not in Attendance:

None

Public Comment:

There was no public comment.

IAC Correspondence:

None

1. Consent Agenda – [Motion Carried]

The IAC voted unanimously to approve the consent agenda.

A. Approval of the May 27, 2021 Minutes

To approve the minutes of the May 27, 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 adjustments to the State and local participation in the contract amounts.

D. Completed Project Allocations Reversions

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

E. Project Closeouts

To approve the final State project costs as presented and to remove the projects from the active project detailed financial report.

F. Approval of Property Disposition - Carroll County - North Carroll High School

To approve the disposition by sale of the North Carroll High school, located at 1400 Panther Drive, Hampstead, MD 21074 by the Commissioners of Carroll County to the Panther Real Estate, LLC for \$1,000,000 for the purpose of operating a private sports complex.

G. Approval of Property Transfer and Disposition - Dorchester - Middle Street Lot 4

To approve the transfer of 35,773 square feet of land, known as Tax Map 500, Grid 21, Parcel 146, along Middle Street, in Vienna, MD, 21869, from the Dorchester County Public Schools to the Dorchester County Government and the subsequent disposition of the property by the Dorchester County Government by transfer of the property to the Town of Vienna for future use as public use tennis courts and associated improvements to the property that the Town will complete.

H. Baltimore City HVAC Status Report – [Informational Only]

I. Built to Learn Final Funding Worksheets – [Informational Only]

The Built to Learn Act of 2020 requires the IAC to approve project allocations for and determine eligible State funding for projects funded through the Act. At its meeting on May 27, 2021 the IAC approved preliminary Built to Learn Act projects, subject to verification of the final funding worksheets. Please see the attached worksheets for final funding amounts.

2. Approval of the Built to Learn Program Memorandum of Understanding – [Motion Carried]

Cassandra Viscarra, Chief of Staff, presented the draft Built to Learn program Memorandum of Understanding (MOU) between the IAC and the Maryland Stadium Authority (MSA) for approval. Cassandra noted that enactment of the MOU is required prior to bond sales to support the Built to Learn program. The draft MOU was reviewed by the IAC's Assistant Attorney General and MSA's legal counsel.

Upon a motion from Mr. Gibbons and a second from Ms. Avara, the IAC voted unanimously to approve the Built to Learn Act of 2020 Program Memorandum of Understanding between the IAC and the Maryland Stadium Authority

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 for four projects in two Local Education Agencies (LEAs). Arabia mentioned that Built to Learn projects are approved on a rolling basis. Worksheets included in the informational consent agenda Item 1. I. provide the final allocation calculations for approved and proposed Built to Learn projects. There is a \$4 million minimum threshold for

projects under the Built to Learn program in order to facilitate projects that will improve the sufficiency of learning environments for Maryland's students.

Alex Donahue, Deputy Director for Field Operations, presented a projection of potential future Built to Learn projects. Alex noted that many of the presented projects require further development before they can be submitted for approval, but the presented forecast provides a general idea of future needs for the program.

Secretary McCord clarified that the use of an estimate of \$1.8 billion in available Built to Learn funding is a conservative number being used to ensure that funding for debt service is sufficient to support the bonds, although the legislation authorizes up to \$2.2 billion dollars of bond issuance. In response to questions from the Commission, Alex explained that each LEA is approaching their requests for Built to Learn funding differently, with some transferring requests for Capital Improvement Program (CIP) projects to the Built to Learn program while others are requesting projects that have not requested State CIP funding.

Upon a motion from Ms. Lawlah and a second by Ms. Eberhart, the IAC voted unanimously To approve the Fiscal Year 2022 Built to Learn projects as presented in this item with an estimated budget of \$37.898 million* and authorize staff to make budget adjustments based upon final project review and worksheet updates.

4. Adoption of FY 2023 and FY 2024 State Cost Shares – [Motion Carried]

Wanda Ascencio, Manager of Fiscal Services, reminded members that at their meeting in March the IAC staff presented the FY 2023 and FY 2024 State cost share calculations per the formula in COMAR 14.39.02.05. A decision on the State cost shares was postponed due to the potential for the cost shares to be impacted by legislation in Senate Bill 551. The legislation was subsequently enacted and requires that no LEA can receive a lower State cost share percentage than in FY 2022, holding harmless LEAs that would have received a decrease by the formula calculation. The proposed agenda item accordingly includes adoption of State cost shares at the higher of either their FY 2023 and FY 2024 calculated figure or their adopted FY 2022 State cost share.

Upon a motion by Ms. Eberhart and a second by Ms. Avara, the IAC voted unanimously to approve to adopt the Fiscal Year 2023 and Fiscal Year 2024 State Cost Share Percentages as presented in the item.

5. Revised FY 2023 State Cost per Square Foot for School Construction – [Motion Carried]

Wanda explained that on April 29, 2021 the IAC approved increasing the Statewide cost per square foot for school construction by 3.5% to \$353 per sf for building only. Since the IAC's approval, a review of national and regional building cost indices suggest increased volatility in pricing beyond what economists had predicted. As such, IAC staff recommend that the IAC revise the FY 2023 cost per square foot increase of 5% over the FY 2022 figure for a school construction cost of \$358 per square foot for building only. In response to questions from the Commission, Executive Director Gorrell explained that the cost per square foot can be adjusted as necessary to meet the needs of the project. IAC staff will continue to monitor market trends and recommend additional adjustments as necessary.

Upon a motion from Mr. Gibbons and a second by Secretary Churchill, the IAC voted unanimously to approve the revision of the FY 2023 Statewide per-square-foot (sf) school construction costs to \$358 per sf for building only (from \$353) and to \$426 per sf for building with site-development work (from \$421).

6. Adoption of CIP Instruction – [Motion Carried]

Arabia presented new Capital Improvement Program instructions for consideration and adoption. Historically, instructions for the CIP have been included in the IAC's Administrative Procedures Guide. However, IAC staff believe that, because of the IAC's expanded programs and responsibilities, a standalone set of instructions for the CIP will be more accessible to the LEAs and therefore recommend adoption of the instructions as presented.

Upon a motion from Mr. Gibbons and a second by Ms. Avara, the IAC voted unanimously to adopt the new Public School Construction Capital Improvement Program (CIP) Instructions as presented in this item.

7. FY 2021 School Safety Grant Program – [Motion Carried]

Kim Spivey, Deputy Director of Administration, presented a recommendation to revise the School Safety Grant Program administrative procedures guide and to approve allocations to 24 LEAs and the Maryland School for the Blind totaling \$10 million for the FY 2021 School Safety Grant Program. Kim noted that because of enrollment volatility in 2020 as a result of COVID-19, IAC staff have recommended allocations based upon 2019 enrollments and as presented in the Attachment 1: LEA Allocation Table.

Upon a motion from Mr. Lombardo and a second by Secretary McCord, the IAC voted unanimously:

1. To approve the School Safety Grant Program Administrative Procedures Guide, pending non-substantive edits by staff;
2. To direct staff to solicit School Safety Grant Program (SSGP) projects from LEAs and the Maryland School for the Blind with a maximum total allocation of \$10 million. Each LEAs distribution will be based on a combination of their proportion of total 2019 enrollment and their proportion of total facility square footage, with every LEA receiving a minimum allocation of \$200,000; and
3. To delegate authority to approve eligible projects within the total LEA allocation to IAC staff and IAC designees, with a report of project allocations submitted to the IAC at regularly scheduled meetings.

8. Baltimore City Public Schools – Cancellation of FY 2020 Capital Improvement Program Project Allocation - Maree G. Farring PK-8 – [Motion Carried]

Jamie Bridges, Planning Manager, presented an allocation cancellation totaling \$1.5 million for the Maree G. Farring PK-8 #203 in accordance with Education Article § 5-303(j)(3)(i).

Upon a motion from Ms. Eberhart and a second from Secretary Churchill, the IAC voted unanimously to approve the cancellation of one Baltimore City Public Schools FY 2020 Capital Improvement Program (CIP) project allocation – for the renovation / addition of Maree G. Farring PK-8 #203; and to transfer the allocation of \$1,500,000 to the Statewide Account reserved for Baltimore City Public Schools.

9. Harford County Amendment to the FY 2022 Capital Improvement Program – [Motion Carried]

Arabia presented a request from Harford County to realign funding from the Bel Air Middle school project to the Abingdon Elementary School chiller and pneumatic controls project due to available funding because the Bel Air Middle School project came in under budget.

Upon a motion from Secretary McCord and a second from Mr. Lombardo, the IAC voted unanimously to approve a request from Harford County Public Schools (HCPS) to:

1. Rescind \$1,815,455 allocated to the Bel Air Middle School roof replacement project (PSC # 12.035.22SR), and transfer the funds to the Prior Year Appropriations Account reserved for HCPS.

2. Amend the FY 2022 CIP to modify the project status of the Abingdon Elementary School project from a "B" status deferred due to State fiscal constraints to an "A" approved.
3. Reallocate the \$1,247,000 from HCPS Prior Year Appropriation Account to fully fund the Abingdon Elementary School Chiller/Pneumatic Controls project (PSC# 12.049.22SR).

10. Queen Anne's County Amendment to the FY 2020 and FY 2022 Capital Improvement Programs – [Motion Carried]

Arabia presented a request from Queen Anne's County Public Schools to rescind an allocation that has expired pursuant to Education Article § 5-303 and to amend the FY 2022 CIP to allocate funding from the LEA's reserve fund.

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

1. Rescind \$248,000 allocated to the FY 2020 Bayside Elementary School (PSC # 17.021.20SR), and \$312,000 allocated to the FY 2020 Kent Island Elementary (PSC# 17.007.20SR) roof replacement projects, and to transfer the funds to QACPS Reserved Prior Year Appropriations Account.
2. Amend the FY 2022 CIP to include the Bayside Elementary and Kent Island Elementary Partial Roof Replacements projects and to reassign the funding totaling \$560,000 from the prior year appropriation account to fully fund both projects.

11. Site Approval - Montgomery County Public Schools - WMAL Bethesda Property Elementary School – [Motion Carried]

Michael Bayer, Manager of Infrastructure and Development for the Maryland Department of Planning, presented a recommendation for approval of a site for the WMAL Bethesda Property Elementary School.

Upon a motion by Secretary Churchill and a second by Ms. Avara, the IAC voted unanimously to approve to approve the acquisition and use by the Montgomery County Board of Education (MCBOE) of 4.3 acres of undeveloped land within the northeast quadrant of the intersection of Greentree Road and Renita Lane (extended) north of Interstate 495, in Bethesda, MD, 20817, for the construction of a future elementary school; adhering to the actions identified in the state clearinghouse review, state identifier MD20210517-0399.

Adjournment:

The IAC adjourned at 9:50 a.m.