

Interagency Commission on School Construction

Bylaws

Article I. Name

- 1) There is an Interagency Commission on School Construction, as established by § 5-302 of the Education Article of the Maryland Annotated Code (Code).
- 2) In these bylaws, “Commission” means the Interagency Commission on School Construction.

Article II. Purposes

- 1) The Commission is an independent unit of State government.
- 2) The Commission shall have the enumerated powers set forth under Maryland law.
- 3) The purpose of the Commission is to develop and approve policies, procedures, guidelines, and regulations on State school construction allocations to local jurisdictions and the Maryland School for the Blind in an independent and merit-based manner based on State educational priorities and Statewide needs measured against the capacity for State funding.
- 4) In fulfilling the duties of the Commission, the Commission shall act in accordance to the requirement of the law and the following principles:
 - a) Perform its duties in a timely, impartial, ethical, and equitable manner;
 - b) Provide for reasonable and appropriate public participation as determined by the Commission;
 - c) Provide timely notice of meeting and actions of the Commission to the public;
and
 - d) Engage in any other actions or activities determined by the Commission to be necessary to carry out its responsibilities and meet its goals, purposes, and duties.

Article III. Membership

- 1) The Commission consists of the following members:

- a) The State Superintendent of Schools, or the Superintendent’s designee;
 - b) The Secretary of Planning, or the Secretary’s designee;
 - c) The Secretary of General Services, or the Secretary’s designee;
 - d) Two members of the public appointed by the Governor;
 - e) Two members of the public appointed by the President of the Senate; and
 - f) Two members of the public appointed by the Speaker of the House.
- 2) An appointed member of the IAC may not be:
- a) An individual who is a regulated lobbyist as described in § 5-702(a)(1), (2), (3), or (4) of the General Provisions Article of the Code;
 - b) A federal, State, or local elected official;
 - c) An employee of State or county government or a county board of education; or
 - d) An individual who has a business interest in, or contracts related to, school construction in any jurisdiction in the State.

3) Term

A member shall serve until his or her written resignation is submitted to the appointing authority, Chair, and Executive Director, or until the appointing authority who appointed the member appoints a replacement.

An appointed member of the IAC may be removed for incompetence, misconduct, or failure to perform the duties of the position by:

- a) The Governor, if appointed by the Governor;
- b) The President of the Senate, if appointed by the President of the senate; or
- c) The Speaker of the House, if appointed by the Speaker of the House.

4) Vacancy

In the event of a vacancy, the official who appointed the member shall appoint a new member to fill the vacancy.

5) Compensation

A member of the Commission may not receive compensation as a member of the Commission but is entitled to reimbursement for expenses under the Standard State Travel Regulations, as approved in the State budget.

6) Voting

- a) Each member of the Commission shall have one vote on each matter submitted to a vote of the Commission.
- b) A vote may not be exercised by proxy. A designee, as authorized by Code, is not a proxy and shall be authorized to fully participate and vote during meetings.

7) Duties and Powers of Commission Members

- a) In general, the members of the Commission shall manage the business and affairs of the Commission.
- b) The duties and powers of the Commission are as follows:
 - i) Review, understand, and carry out the requirements of law relating to the granting of funds, provision of technical support, and oversight of requirements related to public school construction in Maryland;
 - ii) Conduct public meetings as required to fulfill its duties and responsibilities;
 - iii) Call for appointment of subcommittees, which may have a number of members totaling less than a quorum of the full Commission;
 - iv) Appoint the Executive Director of the Commission and, if there is a vacancy in the position of Executive Director, appoint an interim Executive Director;
 - v) Evaluate the performance of the Executive Director;
 - vi) Review all Commission correspondence and materials in preparation for meetings; and
 - vii) Attend all Commission meetings, unless excused, and vote on matters being considered by the Commission.
- c) The following duties are delegated by the Commission to the Executive Director:
 - i) Employ Commission staff, including contractual staff, in accordance with the State budget;
 - ii) Supervise all officers, staff, and agents of the Commission to ensure the proper performance of their duties; and
 - iii) Any other duties the Commission, from time to time, deems appropriate.

Article IV. Commission Officers

1) Appointment of Officers

- a) The chair of the Commission is jointly selected by the Governor, President of the Senate, and Speaker of the House.
- b) The vice chair shall be appointed to a two-year term by the chair of the Commission with approval by vote of at least a majority of the Commission members.

2) Officer Duties

- a) The duties of the chair of the Commission are as follows:
 - i) Act as principal executive officer of the Commission, subject to the control of the members of the Commission;
 - ii) In general, supervise and control all the business and affairs of the Commission;
 - iii) Evaluate the performance of the Executive Director;
 - iv) Create meeting agendas;
 - v) Preside at all meetings of the Commission, when present;
 - vi) Appoint the Commission vice chair, subject to approval of the members of the Commission;
 - vii) Call for the appointment of subcommittees, which may have a number of members totaling less than a quorum of the full Commission, and appoint members of subcommittees;
 - viii) Provide notice of all meetings and Commission business and distribute meeting and other relevant material to the members of the Commission in a timely manner;
 - ix) Act as official spokesperson for the Commission; and
 - x) Perform all duties incident to the office of chair and any other duties as may be determined by the members of the Commission.
- b) The duties of the vice chair are to perform the duties of the chair if the chair is absent or unavailable. The chair may assign the vice chair duties as required to conduct the business of the Commission.

Article V. Meetings

1) Meeting Requirements

- a) The Commission shall have regularly scheduled meetings as required to conduct the business of the Commission.
- b) The date, time, and location of meetings shall be determined by the Commission. At the discretion of the chair, meetings may be held in person or virtually.
- c) The chair may cancel a regular meeting of the Commission. Reasonable public notice of cancellation must be given prior to the meeting.
- d) The chair may call special meetings that are in addition to regularly scheduled meetings. However, no votes may be taken at a special meeting unless reasonable prior notice is provided to members, staff, and the public.
- e) The chair may convene a work or information session of the Commission. These sessions shall be open to the public and no official action shall be taken during these sessions.

2) Quorum

- a) A majority of Commission members constitutes a quorum. In the event of a vacancy on the Commission, a quorum consists of a majority of members currently serving on the Commission.
- b) Action by the Commission requires the affirmative vote of a majority of the Commission members present.
- c) There shall be no effect on the quorum when a member of the Commission abstains or declines to vote or if a member is disqualified from participating under Article VI of these bylaws.

3) Public Participation

- a) The Commission will provide for public participation. Public testimony may be allowed at the discretion of the chair and shall be subject to any time limit established by the chair.
- b) The Commission shall establish reasonable rules and policies regarding public participation, including by not limited to, notice and procedures for the submission of written comments. These rules and policies are posted on the Commission's website.
- c) The Commission is subject to the Maryland Public Information Act.

4) Open Meetings

- a) The Commission is subject to the Maryland Open Meetings Act.
- b) Except for those actions authorized or required by law, the actions of the Commission shall be taken at a public meeting and all actions shall be made public.
- c) The Commission may take action in closed session in accordance with § 3-305 of the General Provisions Article of the Code.
- d) Each open meeting of the Commission shall be made available to the public through live video streaming.
- e) The Commission shall make publicly available on the internet a complete, unedited archived video recording of each open meeting for a minimum of 5 years after the date of the meeting.
- f) Any communications among a quorum could constitute a meeting if the communications demonstrate that a quorum was discussing an issue that should be addressed in an open public session. Commission members will exercise caution when communicating with each other about Commission business or affairs outside a public meeting.

5) Minutes

- a) Minutes shall be prepared by the Executive Director or the Executive Director's staff designee.
- b) Meeting minutes shall be prepared and presented to all Commission members promptly after the meeting. The authority to approve the meeting minutes in draft form is delegated to the Chair. The Executive Director shall direct the posting of the draft meeting minutes to the Commission website.
- c) At the next scheduled meeting, the Commission shall review and approve the minutes. The Executive Director shall direct the replacement of the draft minutes with the approved minutes on the Commission's website.

6) Publication of Meeting Notice

All meeting notices shall be published as soon as practicable before a meeting:

- a) On the Commission's website;
- b) In the hearing schedule on the Maryland General Assembly website at mgaleg.maryland.gov under the "meetings" tab; and
- c) At any location or by any other method determined appropriate by the Commission.

- 7) A draft meeting agenda and draft meeting materials shall be distributed by Commission staff to Commission members and local education agencies at least 7 days before the meeting date. The final meeting agenda and meeting materials shall be distributed to Commission staff and local education agencies and posted on the Commission website as soon as practicable before the meeting. The chair may allow a draft meeting agenda and draft meeting materials to be submitted within 7 days before the meeting.
- 8) A meeting agenda shall include the date, time, and location of the meeting, the topics to be discussed, and which portions, if any, of the meeting will be conducted in closed session. Meeting agendas and meeting materials shall be posted on the Commission's website as soon as practicable before the meeting.

Article VI. Ethics

- 1) The Commission and its officers are subject to the Maryland Public Ethics Law.
- 2) Each member of the Commission shall disclose to the Commission any conflicts of interest or potential conflict of interest whenever the conflict or potential conflict relates to a matter being considered by the Commission.
- 3) A member of the Commission who is disqualified from participating on a matter being considered by the Commission due to a conflict of interest:
 - a) May not:
 - i) Vote on the matter; or
 - ii) Discuss, advocate, influence, or attempt to influence other members of the Commission, or participate in any way on the matter; but
 - b) Shall be counted for the purpose of establishing a quorum of the Commission to conduct business.
- 4) The disclosure of a member's conflict of interest shall be made public at a meeting of the Commission.

Article VII. Amendments

- 1) These bylaws may be amended by a vote of a majority of the current members of the Commission.
- 2) Any proposed amendment to these bylaws shall be provided to all Commission members at least 30 days before the meeting at which the proposed amendment will be considered.