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BOARD OF PUBLIC WORKS  
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October 2, 2013

11:40 a.m.

P R E S E N T

HONORABLE NANCY KOPP, Treasurer, Presiding;

HONORABLE PETER FRANCHOT, Comptroller;

SHEILA C. MCDONALD, Secretary, Board of  
Public Works;

AL COLLINS, Secretary, Department of General  
Services;

T. ELOISE FOSTER, Secretary, Department  
of Budget and Management;

JAMES SMITH, Secretary, Department of  
Transportation;

EMILY WILSON, Director, Land Acquisition  
and Planning, Department of Natural  
Resources;

ZENITA WICKHAM HURLEY, Special Secretary,  
Governor's Office of Minority Affairs;

MARY JO CHILDS, Procurement Advisor, Board  
of Public Works; and,

MISSY HODGES, Recording Secretary, Board  
of Public Works.

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P R O C E E D I N G S

TREASURER KOPP: Good morning. As you may notice, the Governor is out of town and the Lieutenant Governor was called away in a family emergency and will not be able to be with us as he planned. So this will be an amazingly brief meeting, I believe.

(Laughter.)

TREASURER KOPP: But Mr. Comptroller?

COMPTROLLER FRANCHOT: I'm delighted to be here with the Treasurer. And my best wishes to the Lieutenant Governor and I hope his father is doing okay. And to the Governor who is on vacation, that's terrific. I think that's great. Just a dumb question, when both are out of State, who's in charge? I don't really know. But I guess two recovering legislators are going to sit here --

(Laughter.)

COMPTROLLER FRANCHOT: -- Board of Public Works. And let me just mention something that happened last week with unclaimed property.

That, as everybody knows, is the \$1 billion that I am currently holding for Marylanders. It has all been spent by the Legislature and the Governor, but in perpetuity we owe that money to whoever it is that it rightfully belongs to. And we spend quite a bit of time trying to reunite people with it. We went out to the fairs recently and set up kiosks. And I'm happy to report that over 2,000 fair-goers at the county and State Fair checked the database. Some of them who found money, it was just a little extra money. Maybe enough for a tank of gas or the take the kids to the movies or a spouse to dinner.

But one Marylander in particular at the Great Frederick Fair checked the database, found out that he had over \$25,000 in unclaimed property, tax free. So he's very happy. I'm sure he had a good evening at the Fair. Then there were three very happy people at the State Fair in Timonium. Wonderful, wonderful event. Three different fair-goers up there claimed more than \$20,000 each.

So I'm happy to report at the fairs we returned over \$330,000. I hope people go to marylandtaxes.com. It's everybody from Governor O'Malley to everybody else in the State that we're holding money for. And what I love about it is that unlike the Lottery you don't have to buy a ticket. It's free. Most of the money we return is tax free. And then just one other outreach --

TREASURER KOPP: So these people who all of a sudden have forgotten that they had . . . \$25,000 . . . I's a good time to --

COMPTROLLER FRANCHOT: Well these are people that, yeah, this could be a life insurance policy that one of their deceased relatives left to them, or passed away and didn't tell anyone. It's just a huge amount of money. And I agree, you and I of course would very--

TREASURER KOPP: It would be very nice.

COMPTROLLER FRANCHOT: It would be. Well, we would not let \$25,000 go unnoticed. But some people do. It's just finances are very, very difficult for a lot of people to deal with and talk

about. And so unfortunately these things end up in safe deposit boxes --

TREASURER KOPP: But there are, I think the point is there are circumstances where people really don't know it. It could have been held in trust. It could be in a box or something. So it behooves people to look at your list, even if they think they are quite sure they don't have anything, right?

COMPTROLLER FRANCHOT: She should be the Comptroller.

(Laughter.)

COMPTROLLER FRANCHOT: She's good. Because that's perfect.

TREASURER KOPP: No I think, it's right, great --

COMPTROLLER FRANCHOT: I agree completely. I mean, it's just amazing to me how much money we get. And as quickly as we reunite it with people more money comes in. So please, go to [marylandtaxes.com](http://marylandtaxes.com), if you or your network check it out. It's fun. And as I said you don't have to buy a ticket.



And then secondly on outreach we just opened a new field office for the Comptroller's Office on the Lower Shore in Salisbury at Seagull Square. It's a wonderful location on South Salisbury Boulevard. It's on the extended campus of Salisbury University. It's going to be much more accessible than the current office, our old office, in the courthouse. And the office frankly is now open, so please stop in if you are down there and say hi to our dedicated taxpayer employees, as we reference ourselves. And for that matter, visit the website to find out locations at all the full service branch locations from Salisbury to Cumberland, and all points in between.

Madam Treasurer, once again it's a pleasure to be here with you.

TREASURER KOPP: Thank you. Always a pleasure. I'd just like to take a moment to point out this is the 2nd of October. And I asked the Secretary of Budget if she would prepare, be prepared to say a couple of words about how Maryland is staying on top of the fiscal impact of this stalemate and action taken by Congress. Stalemate in Washington which has

resulted in the federal government being shut down. The federal government to some extent also including federally paid employees who work within the State. Not only work for the federal government in the State of Maryland but who are considered State employees, but federally paid. About 25 to 30 percent of our budget is directly or indirectly federally funded. Most of that as I understand is coming through as usual. Medicaid is coming through. The major programs are coming through. But there are clearly significant adverse impacts on the State and the taxpayers of the State. Many of us have friends and relatives who work for the federal government and who are home unwillingly right now. But at home, not being paid. But Madam Secretary, I just think it would be helpful for everybody to hear directly from the authority.

MS. FOSTER: Well thank you. Well obviously I would just start out by saying of course the best thing that could happen is for the federal shutdown to end very quickly. Shutting the federal government down does have an impact on our revenues. It has an

impact on our economy as a whole. The Bureau of Revenue Estimates has advised that annual federal wages in Maryland total about \$25 billion. So what that means is for a two-week period if federal workers don't receive their paychecks, that basically translates into a loss of five million a day in State revenues.

As federal workers don't get their paycheck it means that they are likely put in the position where they won't be spending their money on any taxable goods. And so as they change their spending patterns that translates into an almost \$15 million that will be lost in taxable economic activity in terms of the impact of the federal shutdown.

So the bottom line there means that businesses are going to feel the pinch. And as a result our economy will be hurt. And you know, our revenues could continue to decrease.

We have as a department been in touch with all of the State agencies asking them to give us an assessment of which programs would be adversely impacted by the federal shutdown. I've been

participating in the phone calls, conference calls with the White House and with the Office of Management and Budget as they give us updates in terms of the federal guidance. I guess the good news for Maryland right now is that most of our major programs aren't going to be impacted. We will continue to get funding for Medicaid. We will continue to get funding for the Child Support Enforcement Programs. Our unemployment benefits will continue. And the Maryland Health Exchange Program will continue to be operating throughout this period.

There are a couple of programs that we think certainly may be impacted, but not for this immediate short term. For the Food Stamps Program, it appears that we certainly have enough funding to go through the month of October and the same for the Energy Assistance Program.

The one area that we do have some concern about is the Supplemental Nutrition program for Women, Infants and Children. It's commonly referred to as the WIC program. That is a program that the federal government has said that they are not going to provide

funding for. The department does have monies to fund it for a limited period, so obviously we are staying on top of that and the decision will be made in terms of, you know, going forward. But I would just say overall I think for the time being we are probably in pretty good shape. We do have about 11,000 employees who are either fully or partially funded with federal funds. We have given guidance right now that certainly for those whose positions are fully funded with federal monies that they not be furloughed, that we just, that they continue to report to work certainly for the remainder of this week and we will be getting back in touch with agencies as we get more information.

But I would just say this is certainly a situation where everyday we are getting additional information. And that's basically where we stand.

TREASURER KOPP: My recollection is that in this year's State budget there was a fund set aside --

MS. FOSTER: Yeah.

TREASURER KOPP: -- to, is that --

MS. FOSTER: So when the General Assembly met in the 2013 session they did set aside \$100 million that could be used to address the adverse effects of sequestration. The Governor has used about \$9 million to address vulnerable populations, such as Meals --

TREASURER KOPP: Meals on Wheels?

MS. FOSTER: Meals on Wheels was certainly one of them. We used some money for Head Start. Those payments have already been made. So there are still additional monies there that can be used if need be. We have until the end of calendar year 2013 to make a decision in regard to how those monies would be used if need be. So we do have some cushion there. And obviously we always have our Rainy Day Fund, which is five percent of our revenues.

TREASURER KOPP: Yeah.

COMPTROLLER FRANCHOT: Well it's obviously a calamity for the State. But if you aren't sobered up already, think about two weeks from now when the debt ceiling battle is joined. So I describe it as a

calamity wrapped around a train wreck unless cooler heads prevail.

MS. FOSTER: Cooler heads prevailing would be key.

TREASURER KOPP: Well and I'm sure you'll keep us informed. But I think it's important for all the folks who work in the government and for the citizens and taxpayers of Maryland to understand that we have people in key positions like yours, Madam Secretary, who are on top of it, and a plan for dealing with even a catastrophe.

COMPTROLLER FRANCHOT: It's a calamity --

TREASURER KOPP: A calamity.

COMPTROLLER FRANCHOT: -- wrapped around a train wreck.

TREASURER KOPP: A calamity wrapped around a train wreck. Thanks.

COMPTROLLER FRANCHOT: And I appreciate also the leadership. But you know, the revenues to the State obviously we have to keep an eye on. But the real problem, the real problem is the \$90 billion-plus economic activity represented by the federal

government to the extent, Madam Treasurer, that begins to impact. There is fully a third, not of the revenues, which obviously are of concern --

TREASURER KOPP: Right.

COMPTROLLER FRANCHOT: -- but a third of the entire State's GDP. That's significant. And we appreciate the briefing from the Budget Secretary.

TREASURER KOPP: Well, you say, you have mentioned, Mr. Comptroller, several times in the last month and a half Bethesda. And just remember there are a lot of people working at NIH, or at the Naval Hospital, who will not be having lunch out. And it just is a rolling impact. So we're very sensitive to it. Thank you.

If there is nothing else, the first Agenda, the Secretary's Agenda.

SECRETARY MCDONALD: Good morning, Madam Treasurer, Mr. Comptroller. We have 13 items on the Secretary's Agenda and we have one report of an emergency procurement. We're prepared for questions.

TREASURER KOPP: Peter?

COMPTROLLER FRANCHOT: No.



SECRETARY MCDONALD: Item 12, there is an interesting item from the Stadium Authority. They are working on the Performing Arts Center at the Ocean City Convention Center. And with Michael Frenz from the Stadium Authority we have Mayor Meehan from Ocean City.

TREASURER: Your Honor.

MR. MEEHAN: Good morning, Madam Treasurer, Mr. Comptroller. Thank you for having us here this morning. I'll tell you, it's a beautiful day. It was a little tough leaving the Eastern Shore and coming west.

TREASURER KOPP: I bet.

MR. MEEHAN: Annapolis is beautiful and the ride was beautiful, but it was a little difficult leaving the Eastern Shore this morning. We're here today to ask that you award the contract for the second phase of this current expansion for the Performing Arts Center portion of the Ocean City Convention Center to the Whiting Turner contracting company. I'm here with the Stadium Authority and with our City Engineer. We're certainly prepared to answer

any questions if you have any. This will continue an almost 20-year partnership with the Stadium Authority and the State of Maryland in our Convention Center, one that has been very successful. And we look for this second part of this, the phase two, to make it even more successful. So we ask for your approval this afternoon.

TREASURER KOPP: Any questions? I congratulate you, Your Honor, on the 25 percent MBE participation.

MR. MEEHAN: Thank you. I think everything went very, very well.

TREASURER KOPP: Well we look forward to visiting when it's --

MR. MEEHAN: Good. Well we look forward to everybody visiting. That's --

(Laughter.)

TREASURER KOPP: Yes.

MR. MEEHAN: We only have one industry, that's tourism, and we're very fortunate. I would like to report, and I know the Comptroller will be happy to hear that, you know, even though we had some

inclement weather early in the season and things looked like they were going to be down a little bit, actually we're ahead. We had probably, when you look from May 1st to September 30th, the best season we've ever had. Our room tax, which is a good economic indicator, was up 5.11 percent in July and about 4.8 percent in August. So we're moving forward. We're continuing to entertain the visitors from around this Mid-Atlantic area. And, Ocean City things are looking good.

COMPTROLLER FRANCHOT: What I like about Ocean City, Madam Treasurer, it's open all year round. In --

MR. MEEHAN: Absolutely.

COMPTROLLER FRANCHOT: -- in contrast to the federal government.

(Laughter.)

MR. MEEHAN: I plan to keep it that way.

COMPTROLLER FRANCHOT: Thank you very much.

TREASURER KOPP: Very good.

Congratulations.

MR. MEEHAN: Thank you.

TREASURER KOPP: That's great. Anything  
else on the Secretary's Agenda? If not --

COMPTROLLER FRANCHOT: Move approval.

TREASURER KOPP: Move approval? Second.  
All those in favor? Congratulations, Madam Secretary.

SECRETARY MCDONALD: Thank you.

TREASURER KOPP: It was unanimous.

MR. MEEHAN: Thank you.

TREASURER KOPP: Thank you.

SECRETARY MCDONALD: I think we have Emily  
Wilson --

TREASURER KOPP: Natural, yeah, Natural  
Resources?

SECRETARY MCDONALD: -- Natural Resources  
department.

MS. WILSON: Good morning, Madam Treasurer  
and Mr. Comptroller. We have six items on our Agenda  
this morning and I'd be happy to try to answer any  
questions.

TREASURER KOPP: I've been asked to ask you  
to tell us about a highlight on your Agenda. Is there  
anything that stands out tremendously?

MS. WILSON: Actually I do like, it's Item

5A. It's the Kimble item. It's an addition to Green Ridge State Forest, two parcels. And I think what's particularly attractive about it is that we are creating a more direct public access point to this part of the Forest where we didn't have that direct access before. It scores an 88 and I think it's just an excellent addition to Green Ridge State Forest.

TREASURER KOPP: That's very good. That's another place that we have to go.

MS. WILSON: And we did get it at a discount.

TREASURER KOPP: That's very good.

COMPTROLLER FRANCHOT: Next question, I'm going to be supporting all the items on today's Agenda but I have an unrelated question which I would like your help with. Many folks obviously live up in Baltimore County and keep an eye on what happens in the county. Some of you may be familiar with a proposal to sell the North Point Government Center in Dundalk to a private developer. I'm sure the

Transportation Secretary, a former Executive in that area at least has a passing awareness of that.

Anyway, this particular proposal to sell the Government Center has upset quite a few folks who live in Dundalk. They are concerned about the prospect of losing the hub of their community. Their concerns escalated at a public meeting a couple of weeks ago when a Baltimore County Police Officer told the audience that the Center had already been sold. I'm not sure why the Officer would have gone out of his way to make mention of this. But apparently a spokesperson for the County said that North Point had in fact not been sold. And commented that it was just uninformed speculation.

Anyway, the reason I'm interested in this is because the State of Maryland has invested a considerable amount of money through the years to upgrade the public recreational facilities that are located at the North Point Center. And I have to think the State would be required to give its approval in some shape or form before a property sale can be transacted. I was wondering if either your or Ms.

McDonald perhaps could provide us with some sense of what the statutory requirements are in a situation like this. Specifically does the State need to issue its approval? Who is responsible for doing so? And what are the terms and conditions?

MS. WILSON: There --

SECRETARY MCDONALD: I think there probably is Program Open Space money in there --

MS. WILSON: Right. There is, and there are statutory provisions to address issues like this whenever there is a conversion when Program Open Space money has been invested in a property. Off the top of my head I cannot remember what the Natural Resources site is but there is, I'm not sure if Chip knows?

SECRETARY MCDONALD: I think that the conversion of Program Open Space land if it's going to be converted back to non-Open Space it has to be approved by three cabinet secretaries.

COMPTROLLER FRANCHOT: Mm-hmm.

SECRETARY MCDONALD: The Secretary of Natural Resources, the Secretary of Planning, and the Secretary of Budget. So there's three cabinet

secretaries that will approve, or not approve, the request of the county to convert the land back to non-Open Space. In addition to the approvals of those three secretaries they have to, they have to offer up land that's equivalent to it and put that into Open Space. I think we had that, exactly, we had that same thing happen with a school in Baltimore County --

MS. WILSON: Right.

SECRETARY MCDONALD: -- that they were asking how that process went there. I don't know, is that correct basically, Chip?

MR. PRICE: That's correct for acquisition. Chip Price, Department of Natural Resources.

SECRETARY MCDONALD: Well it says development, too, or --

MR. PRICE: This is development, Madam Treasurer, Comptroller. In this case we do have, Program Open Space has development money in that site. And we put some money into the tennis courts as well as some money into, there is a theater area inside the building itself. And those projects were funded within a 20-year time period. So we still hold the



county responsible for replacing the recreational opportunities that are there. So the process would be, and the county has contacted us already just saying that we might be doing this. And they wanted to confirm that we, that there was Program Open Space money there as well.

What the county would do is once they get their proposal they would come to us, to the Department of Natural Resources, and present their proposal, saying how they are going to replace whatever they take out of there, whatever they injure at that site, whatever recreational opportunities. And it will be reviewed by our department. And then it would be signed off on, as the Secretary said, by the Department of Natural Resources Secretary, the Department of Budget and Management Secretary, and also the Department of Planning Secretary. And they would have to approve the conversion of the original recreation opportunity to some other recreational opportunity.

COMPTROLLER FRANCHOT: So, Madam Chair, if I could just ask on the record if you could let us know

on the Board when, and I know we don't have a particular role, but I would like you to let us know if the county does approach you for more than just information purposes but actually is moving forward with the possible sale of the North Point Government Center. If you could notify me and any other member of the Board --

TREASURER KOPP: Yes.

COMPTROLLER FRANCHOT: -- that you think is appropriate I would be grateful.

MR. PRICE: Right. There is a formal process where they will actually, the county will submit a packet to us requesting that conversion.

SECRETARY MCDONALD: Right. But I guess the Comptroller is asking that even though the Board is not in the loop on that legally that --

MR. PRICE: Right. Once we receive it we will certainly inform the Board.

SECRETARY MCDONALD: But the other thing is there could possibly be capital grant money, general obligation bond proceeds in the project as well. I don't --

MS. BROGAN: I don't think so.

SECRETARY MCDONALD: There's not? Okay.

TREASURER KOPP: What are the criteria, I mean, so it goes to the three secretaries for what purpose? Just to attest that yes, there is a replacement of some sort?

MR. PRICE: Right, there is a replacement. It doesn't have to be in kind. In other words, if we had put money in to develop a tennis court they don't necessarily have to replace --

TREASURER KOPP: A tennis court?

MR. PRICE: -- build another tennis court. But the county would have to show us where they are providing a recreational facility of equal value from a recreational standpoint to the community. And in this case I think one of the major concerns, what I'm hearing, again we haven't received anything officially but we've had phone calls and such from the public, is they are very concerned about the stage, the theater area in that facility is what I understand. So we would be looking at that as well.

COMPTROLLER FRANCHOT: Madam Chair, I would like --

TREASURER KOPP: Yes.

COMPTROLLER FRANCHOT: -- the Secretary to look into the issue of grants and whether there are any outstanding or that we may have overlooked, and just also report back to us.

SECRETARY MCDONALD: Yes, I --

COMPTROLLER FRANCHOT: Thank you. I don't, now I don't know whether there are or aren't. But thank you for bringing that up.

TREASURER KOPP: But just so I'm clear, you all, how much discretion do you all have actually in signing off?

MR. PRICE: Well I think we have very good bit of discretion as far as determining the recreational value. We look . . . anytime

TREASURER KOPP: Including the stage area?

MR. PRICE: Including the stage area. We would want to see something better than what was taken, basically. We would want to see an improvement in the recreational facility for that area. So we

would have to go out, once we know what the project is, we would have to go out and review it, see what's being proposed to be taken, and then what's proposed to be replaced.

COMPTROLLER FRANCHOT: Thank you.

SECRETARY MCDONALD: We'll take a look at that. Thank you.

COMPTROLLER FRANCHOT: Great. Thank you. That was an unrelated item. I move approval of the Agenda.

TREASURER KOPP: Second. All those in favor? It's unanimous again.

MS. WILSON: Thank you.

SECRETARY MCDONALD: There you go.

TREASURER KOPP: Madam Secretary?

MS. FOSTER: Madam Treasurer and Mr. Comptroller, there are two items on the Department of Budget and Management's Agenda for today. I'll be happy to answer any questions.

COMPTROLLER FRANCHOT: Move approval.

TREASURER KOPP: Second. All those in favor?

THE BOARD: Aye.

TREASURER KOPP: Opposed?

(No response.)

TREASURER KOPP: It's unanimous again. And  
it's the University.

MR. EVANS: Joe Evans representing the  
University System of Maryland. We have four items on  
the Agenda for today. We're here to answer any  
questions.

COMPTROLLER FRANCHOT: Move approval.

TREASURER KOPP: Second. All those in  
favor?

THE BOARD: Aye.

TREASURER KOPP: Opposed?

(No response.)

TREASURER KOPP: Unanimous. Here we go.  
Information Technology?

MS. CROPPER: Good morning. Stacia Cropper,  
Department of Information Technology. We have four  
items on the Agenda, if you have any questions.

TREASURER KOPP: You're lucky.

COMPTROLLER FRANCHOT: Yes, it's a, anybody  
want to add stuff to the Agenda?

(Laughter.)

COMPTROLLER FRANCHOT: Move approval.

TREASURER KOPP: Second. All those in  
favor?

THE BOARD: Aye.

TREASURER KOPP: Opposed?

(No response.)

TREASURER KOPP: It's unanimous. I would  
like to recognize Joan Marshall, who is the Executive  
Director of the College Savings Program. We had an  
item just now on the Agenda. But if there is anyone  
in this room who does not have a college savings plan,  
please contact Ms. Marshall who is the nation's number  
one authority and the head of our own Maryland plan.  
Thank you. All righty. Moving right along,  
Transportation? Mr. Secretary?

MR. SMITH: For the record, Jim Smith,  
Secretary of Transportation. Good morning, Madam  
Treasurer and Mr. Comptroller. MDOT is presenting 17  
items. We'd be happy to respond to any questions.

COMPTROLLER FRANCHOT: No, I move approval  
and thank you for the job you are doing.

MR. SMITH: Thank you.

COMPTROLLER FRANCHOT: It's really very  
impressive.

TREASURER KOPP: Thank you. The motion is  
made, second. All those in favor?

THE BOARD: Aye.

TREASURER KOPP: Opposed, "Nay."

(No response.)

TREASURER KOPP: It's unanimous. Mr.  
Secretary?

MR. COLLINS: Good afternoon, Madam  
Treasurer, Mr. Comptroller. Al Collins, Secretary of  
the Department of General Services. The department  
has seven items on our Agenda and we'd be glad to  
answer any questions you might have on these items.

TREASURER KOPP: I don't. But just as the  
Comptroller brought up a slightly unrelated item, I do  
have to tell you on behalf, although he doesn't know  
it, of both the Comptroller and myself, the mortar is  
starting to fall apart again on the front steps of our



building. And before somebody catches their heel, twists their ankle, and sues the State of Maryland, you guys do a great job but somehow it just --

MR. COLLINS: That particular set of steps has been problematic. We're on it. Thank you very much. We're on it.

TREASURER KOPP: Thank you.

MR. COLLINS: Mr. Thomas, you've got that?

(Laughter.)

TREASURER KOPP: Is there a favorable?

COMPTROLLER FRANCHOT: Move --

TREASURER KOPP: Second. All those in favor?

THE BOARD: Aye.

TREASURER KOPP: Opposed, "Nay."

(No response.)

TREASURER KOPP: It's unanimous. That's it. Thank you very much.

(Whereupon, at 12:09 p.m., the meeting was concluded.)