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P R E S E N T

GOVERNOR MARTIN O'MALLEY, Presiding;

HONORABLE NANCY KOPP, Treasurer;

HONORABLE PETER FRANCHOT, Comptroller;

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

AL COLLINS, Secretary of General Services;

T. ELOISE FOSTER, Secretary of Budget and Management;

JAMES SMITH, Secretary 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

GOVERNOR O'MALLEY: We have a number of issues on the Agenda. We have, I know we have our friends from Maryland School for the Deaf, and that is on the Secretary's Agenda? I'm sorry, Madam Treasurer, any opening thoughts?

TREASURER KOPP: Good morning.

GOVERNOR O'MALLEY: Good morning. All right. We'll go right to the Secretary's Agenda. And the item --

SECRETARY MCDONALD: Good morning, Governor. We have 15 items this morning and two reports of emergency procurements. Dr. Tucker is here from the School for the Deaf on Item 15. Dr. Tucker, would you like to come to the podium and explain the request from the School for the Deaf to name the new dining hall the Ijams-Vance Dining Hall.

DR. TUCKER: Good morning, Mr. Governor, Treasurer Kopp, and Comptroller Franchot in absentia.

(Laughter.)

DR. TUCKER: I'd like to welcome Mr. Chad Baker, who was our long time principal at the

Frederick Maryland School for the Deaf campus and now is the Director of Museum. Mr. Baker?

MR. BAKER: Nice to be here.

DR. TUCKER: It's always an honor to be here representing the Maryland School for the Deaf. Also it's an honor to recommend the naming of our new Frederick Campus cafeteria.

We've had a long process of nominating names. The community nominated the building to be named the Ijams-Vance Dining Hall. And that's to be named after two of our graduates from the Maryland School for the Deaf.

Molly Ijams is the first student who was enrolled at the School for the Deaf back in 1868; the first student who graduated as well. The following Fall she came back to teach and she taught at the School for 45 years.

May Frances Vance was the first African American student who came to Maryland School for the Deaf with a few other African American students in 1956. She was the first African American student to graduate from Maryland School for the Deaf in 1957. I'm not sure if her sister is here in the audience or

not. Her sister is trying to make her way to this building. Perhaps she's not here at this moment.

It's a huge honor to recommend both names because both --

COMPTROLLER FRANCHOT: I think she is here. I think I just ran into her.

DR. TUCKER: Oh, you did? Okay.

COMPTROLLER FRANCHOT: Out in the hallway. But anyway, go ahead. Sorry. Sorry to interrupt.

DR. TUCKER: Both of the names were the first recommended names of female students for a building at the Maryland School for the Deaf. Our other buildings are named after males. Chad, would you like to add anything?

MR. BAKER: Currently so far we've had five buildings named for men.

TREASURER KOPP: A-ha.

MR. BAKER: So this is a big honor to have two women, both graduates, to start to equalize the balance a little bit.

TREASURER KOPP: Congratulations.

MR. BAKER: Thank you.

DR. TUCKER: Thank you for your consideration.

GOVERNOR O'MALLEY: Hey, thank you. And we're going to take this matter -- well actually, we can move approval now. What's the item?

SECRETARY MCDONALD: We're on Item 15 --

GOVERNOR O'MALLEY: All right. The Comptroller moves approval, seconded by the Treasurer, enthusiastically I might add. All in favor signal by saying, "Aye."

THE BOARD: Aye.

GOVERNOR O'MALLEY: All opposed?

(No response.)

GOVERNOR O'MALLEY: The ayes have it.  
Unanimous. Congratulations.

(Applause.)

GOVERNOR O'MALLEY: We also have people here from Cumberland with regard to Canal Place, and that is Item 4.

SECRETARY MCDONALD: Item 4, which is from the Canal Place Authority. But I believe there is councilmen from Cumberland here, yes? Or is somebody from Cumberland here? Come to the podium and --



GOVERNOR O'MALLEY: Okay. We're going to take a brief pause here. I want to note the, I want to note the passing of Willard Hackerman, who was a total gentleman, a very successful businessman, charming, kind, smart, generous in every way. And his funeral was last week. And our hearts go out to his widow and his family. A wonderful man. Really one of a kind, true Baltimorean. And we're all going to miss him greatly. And as was said in his eulogy, and there are so many ways that Willard continues to be with us, given all of the projects and all of the efforts, all of the charities that he touched so deeply and in such a lasting and ongoing way. So our thanks to his family for sharing this remarkable man with us.

I'll ask the Treasurer or the Comptroller if they have any remarks?

TREASURER KOPP: No, I just want to join the Governor in his acknowledgment of Will Hackerman. Mr. Hackerman will remain in so many parts of Baltimore, Maryland in the minds of people. We forget among the other things he did was employ people at times of high unemployment, and promote them when other people were putting them down. He really cared a lot about the

people he worked with and the people who worked for him, demanding but rewarding. Just a true iconic American far sighted businessman.

GOVERNOR O'MALLEY: Mm-hmm.

TREASURER KOPP: And a good man. And someone who through his collection of Maryland maps --

GOVERNOR O'MALLEY: Mm-hmm.

TREASURER KOPP: -- actually is going to make it possible for future generations in understanding of the history of our State that would be totally lost without him.

It has been a tough couple of years. We have lost true giants in Maryland. And in almost every case happily they have left people who are picking up and understanding their teachings, understanding what they intended, and going forward. Whether it's Will Hackerman, or Walter Sondheim, Bishop Robinson --

GOVERNOR O'MALLEY: Right.

TREASURER KOPP: John Hanson Briscoe, and of course a little earlier William Donald Schaefer himself. That's a magnificent generation for which we will always be thankful.

COMPTROLLER FRANCHOT: Thank you, Governor.

And I couldn't agree with you more, Governor and Madam Treasurer, that Will Hackerman was larger than life. But I'd like to, you mentioned another larger than life figure at the end of your list, Madam Treasurer, and that's my predecessor William Donald Schaefer. I would like to just take a moment and remember him as Governor and Comptroller of Maryland, not to mention Mayor of Baltimore.

Governor Schaefer spent his entire career in public service committed to helping people. It's an example that all of us should follow, not just those of us in government but every single one of us in every day of our lives. That's why I created the William Donald Schaefer Helping People Award in 2012, to recognize Marylanders in every county of our State who have done so much to help our communities. And that's why for the third year in a row we're asking for nominations of deserving Marylanders who should be recognized for their generous efforts to help those in need.

We are looking for people or organizations who have improved the community, swiftly solved a

citizen problem through effective government intervention, directly aided the most vulnerable in our society, or created a public private partnership to improve the lives of Marylanders. And I am asking Marylanders all across the State to help me out here. So if there is someone that you think is worthy of recognition, please go to our website [marylandtaxes.com](http://marylandtaxes.com) for the nomination form.

Madam Treasurer and Governor, giving out these awards the past several years has really been a wonderful experience for me, hearing the inspiring things that so many of our citizens are doing for one another, gets very little recognition, so many great things being done. Being reminded of what makes Maryland such a wonderful place to live, work, and raise a family. That's the people we serve as elected officials and those who voluntarily and graciously, as I said with very little recognition, serve others.

Thank you, Governor. I would also like to make sure everyone was aware that former Senator Mike Wagner passed away, who when he was here was a real force to be reckoned with. Thank you.

GOVERNOR O'MALLEY: Okay. We, let me also by way of acknowledgment thank the crews, Jim Smith, of your, our State Highway Administration, Melinda Peters and all of those men and women who were out there in the snow. They did an outstanding job on our State roads and State highways. When things go poorly, it's national news. When things go well, it's no news. But tell them that a lot of people have come up to me to personally commend them, to ask me to commend them for the job they have done. So please pass on to them that the citizens of Maryland do appreciate how well our roads were cleared.

MR. SMITH: I certainly will. And I can tell you they get that message back and it means a lot to them, to have you make those comments. So thank you for the comments and I will definitely pass them on.

GOVERNOR O'MALLEY: Awesome, thank you.  
Mr. Comptroller?

COMPTROLLER FRANCHOT: I, you know, commented to the Governor how great I thought he, jumping in on the snow issue, was, how that was terrific. And he obviously saluted you, Mr.

Secretary, as do I. But I have some relatives who live in Georgia and they want you to come down as soon as possible.

(Laughter.)

COMPTROLLER FRANCHOT: And help the South out.

(Laughter.)

GOVERNOR O'MALLEY: Okay. We're on now Secretary's Agenda Item 4. The warm up show there was no additional charge, you get that with the price of admission here at the Board of Public Works. So we are, we're going to hear about Canal Place. We're joined by Councilman Nick Scarpelli, also Canal Place Chair Rick Thayer, Canal Place Executive Director Dee Dee Ritchie, and that must be you?

MS. RITCHIE: Yes, sir.

GOVERNOR O'MALLEY: Hi, Ms. Ritchie.

MS. RITCHIE: Hi. Good morning, everybody, and thank you for having us today. We're here today to have you bless the passing of our bond bill. It originally was to go to the City of Cumberland. There were some extenuating circumstances and that bond

money was transferred over to Canal Place, where it will be very well suited.

What this is is the construction of a permanent farmers market to be placed on Canal Place property in very close proximity to the Downtown Cumberland Mall. The pavilions, there will be four pavilions installed. They will be complete with electric and lighting. Part of the project is to provide ADA parking. And that will not only be closer to the farmers market, but it will also be closer to the Canal Place Train Station where our offices are held and where the scenic railroad is located. The farmers market has become very popular in Allegany County. We are working in cooperation with them and the City of Cumberland and the Downtown Development Corporation. And everybody is very anxious to get this project started. And again, we are just here for your blessing. Thank you.

GOVERNOR O'MALLEY: Thanks. Questions?

COMPTROLLER FRANCHOT: The Councilmember does a great job.

MR. SCARPELLI: Thank you. Actually it's more than a farmers market. It's going to be a city

marketplace. It's going to give all of you that live in the center section of Maryland a reason to come out to Western Maryland and enjoy exactly what we do have. So I thank the legislator, you, Comptroller Franchot, and also Governor O'Malley for all you have done.

GOVERNOR O'MALLEY: Thank you.

TREASURER KOPP: What, can you embroider on that a little more? Of what we from Central Maryland are going to find when we come to the new market?

MR. SCARPELLI: What you are going to find, you are going to find a local winemaker, you are going to find three or four people selling produce, an organic butcher is going to be there, a goldsmith is going to be there, and a plethora of other vendors.

TREASURER KOPP: Crafts?

MR. SCARPELLI: You can actually, women that wear high-heeled shoes, you know those little tips of your high heels that always get --

TREASURER KOPP: Uh-huh.

MR. SCARPELLI: Yes, you know what I'm talking about. We have a cobbler who is going to be able to fix those for you.

TREASURER KOPP: That sounds great.



MR. SCARPELLI: \$2.50 a shoe.

TREASURER KOPP: Excellent. Excellent.

MR. SCARPELLI: So that really gives you a reason to come to Western Maryland.

TREASURER KOPP: No, there are a lot of talented people who need a venue, which is what I was --

MR. SCARPELLI: You are absolutely right. And this is going to give not only all of us in Western Maryland, but all Marylanders an opportunity to at least come to Western Maryland, sell their goods two or three days a week.

TREASURER KOPP: That's excellent. Good vineyards, too.

MR. SCARPELLI: Very similar to the marketplace that they have, the marketplace they have in Lancaster, Pennsylvania?

TREASURER KOPP: Uh-huh.

MR. SCARPELLI: We're trying to parallel that, and also Roanoke, Virginia. We're trying to parallel that same effect. And as you well know, we in Western Maryland have had our fair share of

economic challenges this actually will be something that is going to spur the economy a little bit.

TREASURER KOPP: That's great. That's great. Building on One Maryland.

MR. SCARPELLI: And by the way, what you have done in Western Maryland as far as clearing the roads is absolutely phenomenal. Because we have been hit every other day. And in fact, I have a 16-year-old that has been so much that my wife can't --

(Laughter.)

MR. SMITH: We're trying to get him out of the house --

(Laughter.)

COMPTROLLER FRANCHOT: Governor?

GOVERNOR O'MALLEY: Mr. Comptroller?

COMPTROLLER FRANCHOT: I just want to acknowledge what a great city Cumberland is. And I've been out there many times, but the Queen City Creamery, hopefully it is still open, and the Canal Place. And Ristorante Ottaviani, and just a great place for all Marylanders to go out and visit and patronize. Great town.

MS. RITCHIE: Thank you.

GOVERNOR O'MALLEY: And perhaps on a theme today we also, I was out there just last week, two weeks ago, for the tribute to Jim Bestpitch, who was a great leader in Allegany County and Cumberland, and a descendent of one of the Maryland 400, and a giant of a personality that has gone to wait for the rest of us.

Okay, any other questions on this one? We like Canal Place. The Treasurer moves approval, the Comptroller seconds. All in favor signal by saying, "Aye."

THE BOARD: Aye.

GOVERNOR O'MALLEY: All opposed?

(No response.)

GOVERNOR O'MALLEY: The ayes have it.

MR. SCARPELLI: Thank you.

MS. RITCHIE: Thank you.

TREASURER KOPP: Thank you.

GOVERNOR O'MALLEY: All right. Anything else on the balance of the Secretary's Agenda? Dr. Langley? Dr. Langley for your annual appearance, right?

DR. LANGLEY: Yes, sir.

GOVERNOR O'MALLEY: Dr. Langley, I am very sad that this is our last Board of Public Works together.

DR. LANGLEY: But you can always come to our workshop every year.

GOVERNOR O'MALLEY: And you know, I was trying to find the exact location of that Barney flotilla ship, and somewhere it, someplace called Pig Point. But I couldn't find it marked on a modern map.

DR. LANGLEY: Ah, Bristol Landing and Pig Point are the same place. So --

GOVERNOR O'MALLEY: Bristol Landing and Pig Point are the same place?

DR. LANGLEY: Mm-hmm. Yeah. Bristol Landing was a steamboat landing and the family that owns it is actually very publicly minded. And that's where Dr. Luckenbach from Anne Arundel County has been conducting some fairly significant excavations for a few years now. And if you are just off the trailer park in Waysons Corner, just around the bend and between the two trailer parks?

GOVERNOR O'MALLEY: Yes.

DR. LANGLEY: That's where the Scorpion is.

GOVERNOR O'MALLEY: Ah. I have paddled over this way.

DR. LANGLEY: You didn't paddle with the right people. I'll take you.

GOVERNOR O'MALLEY: So Bristol Landing -- all right, I'm sorry. Go ahead with your presentation.

DR. LANGLEY: Oh, all right. Good morning, Governor, and Madam Treasurer, Mr. Comptroller. It's our 25th Anniversary of the Maryland Maritime Archaeology Program this year, my 20th. So we're happy --

TREASURER KOPP: Happy Anniversary.

DR. LANGLEY: Thank you. I've got some really interesting news and good news for you. We had, we were a little bit scuppered last summer equipment wise, but it turned out for the best. Because while we were waiting to, going through the procurement process for the new equipment you granted us, I borrowed some equipment from the National Park Service, who co-loaned it to us and one of our volunteer groups. And of course between weather and people's needs and project schedules, we only got to

use it a few times. And when I took it down to Nottingham, where we are partnering with Maryland National Capital Park and Planning, we ended up with something that looked worse than a Rorschach test. It was a little black smudge. And I thought, this is allegedly one of two vessels. And I thought it must be buried, it must be horrible. It wouldn't work.

So as soon as we got our new equipment in October we ran back down there and reran it, and I want to thank Kevin, at 6:00 this morning I'm going, my first slide isn't working right, and he fixed it. But this is what our new equipment did. What a difference! Give us the equipment and we can do the job. The vessel you are seeing there is one of two merchantmen and it came up, popped right up. As I said, all we had was a little black smudge. I wish I had saved it, but it was so bad I threw the image out. We took our new equipment down there and this vessel just leapt up at us. And quite clearly a merchant vessel, I know you can't see there. But it's, looking on this side we can see the bulkheading, we can look at the breadth of it. We knew there were allegedly two merchant vessels in that area from the late

eighteenth century and now we know where they are.

And so it's like giving us new equipment has made all the difference. So we are really excited to get back out there with it.

It meant that we did have to postpone a couple of projects and we moved them forward to this year. And one of them is the Levin J. Marvel, which is of course one of the few ram schooners we know to still exist. And that was the one I had the two young lads with me last year.

GOVERNOR O'MALLEY: Mm-hmm.

DR. LANGLEY: And so to keep them interested I've been working with them in scuba and I took the whole family into my emergency response class and certified them all for first aid, CPR, and AED, and now I'm trying to lure them into our youth working group for one of the NOAA sanctuaries.

So we'll be going back there and we'll be going back to Nottingham, of course, and doing more work there. And we've had, we had a few interesting opportunities that have come up. And I will always put aside one of our projects that we want to do if

there is one with a lot of students and other partners and we get a bigger return for our investment.

So we've been approached by Dr. Julie King, who I believe you all remember as the person who located Zekiah Fort. And Julie asked if we would partner with her and some of her students to survey on the Wicomico, especially near some of the landings where she is researching. And we said, yes, of course, that would be terrific to work with you and students in such an important area that hasn't been looked at. And Mr. Michael Sullivan who at Mt. Victoria has offered to house all the crew, students, us, and everyone else. So --

GOVERNOR O'MALLEY: That's a nice place. Will they let them stay in their house?

DR. LANGLEY: I was there for the Zekiah Forth Memorial. I think we stay in the cottages at the Cardinal.

GOVERNOR O'MALLEY: Oh.

DR. LANGLEY: But that's okay. So we're looking forward to that and that will be an interesting project. And it is an area where we need to look so a great, great test for all our equipment.



And in fact, there is so much to look at we think we are going to be going back there for probably two years, and expanding a little bit once we are in the area.

And one of the other opportunities, two opportunities that have arisen, is I know that before Spring NOAA is going to reopen its nomination procedure for sanctuaries. And they are taking, they have reinvented the process. It is very much community driven. And there is a large, not a formal consortium, but a large group of agencies, entities, nonprofits, individuals down in Charles County who are very keen to see Mallows Bay, if I could have the next slide, please? Mallows Bay included as a sanctuary. And NOAA of course can't commit to anything yet. But we're putting all the paperwork together to go in for a nomination for it.

It's at least 150 World War I era vessels, along with a number of others, perhaps Revolutionary War period right up to fairly modern times. But the big push is the number of World War I civilian Emergency Shipping Board fleet that were, they were sold after the War. There were supposed to be 750.

Only 250 were ever built, all over the country. And almost, I think six carried cargo. The War ended before they were used and the entire fleet was sold off for the cost of one vessel. They were left in the James River. There are some in Curtis Bay, if you are crossing the Key Bridge you can see them down below.

GOVERNOR O'MALLEY: Right.

DR. LANGLEY: And these are a number of the others. And they were --

GOVERNOR O'MALLEY: Where are they?

DR. LANGLEY: Pardon me?

GOVERNOR O'MALLEY: Where are they?

DR. LANGLEY: These are in Mallows Bay, Charles County. Right across from Quantico. And that plays a role because they were left in the River for a long time back in the, they were sold in 1920--

GOVERNOR O'MALLEY: What is that river there?

DR. LANGLEY: That's, Mallows Bay is right off the Potomac. That is, it's a half mile wide bay right off the Potomac, if you go straight across from Quantico. When we run remote sensing the Marines send helicopters over, but now they know who we are they

paddle over and visit. In fact, I lecture there. Every two years they invite me to come and do a talk on Mallows Bay now. They are very possessive of it.

GOVERNOR O'MALLEY: Mallows Bay.

DR. LANGLEY: Mm-hmm. It used --

GOVERNOR O'MALLEY: And that's before you get to, okay, right across from Quantico?

DR. LANGLEY: Right across from Quantico. It's much smaller on the map. It looks bigger here. When they sold the vessels initially the company was taking a few at a time up to Alexandria to break them down, but meantime they would leave them in the middle of the River. And they would break loose, they would catch fire. And since they were moored together, if one catches fire, they all catch fire. And every time the Marines had to respond. So they were the ones who said, no, no, no, you are going to corral these all into this bay so that we don't have to keep dealing with them.

TREASURER KOPP: So they were being held for scrap?

DR. LANGLEY: They were being held for scrap. They filled them with rocks. And now at low

tide they are almost all exposed. So now there's endangered species living on them, there are deer living on them, there are trees, some are still moored to the shore. The company went under in the Great Depression. But it was a bit shady anyway. It kept rising again with the same board members, different names. And it finally went under for good during the Depression. And Individual Wildcat Salvage provided ten percent of the per capita income for Charles County during the Depression. And of course there are a number of other interesting vessels there because to keep the men amused there were floating brothels, there were stills, there were, so we do find vestiges of these other forms of cultural resource.

(Laughter.)

DR. LANGLEY: But during --

GOVERNOR O'MALLEY: Floating brothels and stills?

DR. LANGLEY: The stills were mostly on land. But yeah --

GOVERNOR O'MALLEY: In Charles County?

DR. LANGLEY: Never. Only during the Depression, of course. But during the Second World

War Bethlehem Steel built the burning basin toward the back, that squared off area. And they put gates in and they tried to salvage the vessels on site, because there's a lot of metal in them, and decided, they are wooden vessels but there is a lot of cross strapping and spiking. And they decided it wasn't cost effective. And by the sixties when Ladybird Johnson wanted to do Beautify America they said we don't know what's living under these in the way of unpleasant chemicals, we don't want to disturb them. And it has become this living laboratory now. And we are working with a number, as I say, about four pages worth of agencies, entities, and nonprofits, and individuals to put together a nomination. It would be, NOAA of course can't say anything at this point, but I think they, they can't give us an edge or not. But there is only one sanctuary that is not in the ocean, it's in the Great Lakes. We would be the first riverine one. And I think that if the nomination even going in this year is appropriate as this is the beginning of the commemorative activities for World War I, of course, globally. And if we could see that it were a sanctuary by 2017 that would be a fabulous way to

commemorate the U.S.'s participation in World War I as well. So we're pretty excited about this. I've been working with a lot of folks.

Also the Travel Channel just approached me about some new show they are promoting and they want to use Charles County as one of their first episodes, Mallows Bay.

GOVERNOR O'MALLEY: What channel?

DR. LANGLEY: Travel Channel.

GOVERNOR O'MALLEY: Travel Channel.

DR. LANGLEY: The guy who did the, Ryan Unger, who did How The States Got Their Shape? He's going to be hosting it. And they are going to be interested in bringing tourists to, I don't know if I can tell you but I'll tell you anyway. It's called Tourjacked, and they are going to visit tourists at famous sites and say, can we kidnap you to come see something really unusual and interesting and you normally wouldn't see? And then bring them off to different places. And they want Mallows to be one of the features on the show.

GOVERNOR O'MALLEY: Huh, that's cool.

DR. LANGLEY: And now that Charles County has also made a county park around there we have a nice infrastructure to build on as well. So it's there, we are very positive about this, and very excited about it as well.

One of the other projects that came out of the blue a little bit, if I may, please? I was approached last year by one of our board members, Dr. James Delgado, who works with NOAA, but he had a different hat on for this. It's a multipartner project involving a wreck 4,000 feet down in the Gulf of Mexico. And Shell reported it when they were doing geophysical survey, and the Texas state became very interested thinking it was one of their missing state navy vessels. Because they had three that were built in Baltimore, two can be accounted for and one can't.

GOVERNOR O'MALLEY: Hm.

DR. LANGLEY: So Jim called me and said would you come on this mission? You can't come on the boat, there's not enough room. But would you go to Bob Ballard's Inner Space Center Command and there will be a command center in Galveston and one in Rhode

Island, and watch the video and see if we can tell if this is a Baltimore built vessel.

Well it looked Baltimore built but the dates aren't right. The vessel went, the state navy vessel was lost in 1849. Nothing on this site predates 1820 -- or it all predates 1820. And so we started looking at it. And there's also two other vessels which we looked at but couldn't do anything about because we haven't done the paperwork yet nearby. And they may well have been, if they were on the surface they would have been in sight of each other. And the state navy vessel was lost by itself, it was alone.

So this is the first vessel that Shell reported. It's called the Monterrey Wreck because Monterrey was the block of land they were surveying. And this one is armed to the teeth. And if I could have the next slide, please? And so we had to send down remote sensing. There's a pivot gun in the center.

GOVERNOR O'MALLEY: How old?

DR. LANGLEY: We think, we know that this dates to around 1818, we think. It's pre-1820 but it's post-War of 1812. And we're thinking Baltimore



built in the Gulf, a lot of our privateers went south after the War because they liked the money and they were working with all the Mexican and other Hispanic states that were then fighting for their independence. So they got their letters of marque from those states, changed the name of the ship to something Hispanic, and kept working.

TREASURER KOPP: So it's basically the bicentennial of the building or the sinking?

DR. LANGLEY: Well we know --

TREASURER KOPP: I mean, if it sank like in 1818 it was built before 1818.

DR. LANGLEY: Right, exactly so. It may well have served during the War of 1812 as a privateer and gone south. We can't prove this yet. There has not been enough work. But this vessel is copper clad. It's armed to the teeth. We removed a number of rifle butt plates. All of them are French or Brown Besses, a real mixture which is what you would see on a privateer because they just take what they can get. Several cannon, a deck stove. It's very much similar to a wreck called the Mardi Gras closer to New Orleans.

But when we looked at the other two vessels near it, one of them is carrying hides and tallow, blocks of tallow. It was definitely a merchant carrying just cargo. There is another copper clad one with one gun, I think. We want to go back and look more closely at those. So was this vessel escorting them? Were they prizes? It's aimed vaguely toward Galveston and a lot of people are all excited, saying, ooh, Jean Lafitte, but that's way cart ahead of the horse.

So at 4,000 feet obviously we were using Bob Ballard's vessel the Nautilus and a couple of ROVs with arms. And can I have the next slide, please? This is the stern of the vessel. You can see it's mostly the copper cladding that survived. You know, a lot of wood hasn't. But we're looking at the angling, we're looking at the fasteners. And it's looking very much like it could well be Baltimore built. We can't prove it yet. Can I have another one, please?

We also saw a lot of navigational gear. This means nobody survived. Because the first thing you take off with you is your navigation gear. So we saw sand glasses, lots of octants on all the vessels.

And the fact that they all are around 1818, there was a hurricane, a big one that took out a lot of vessels. They may well have all gone down in one weather event. We can't prove that yet, we're still researching. But finding a lot of navigational gear is indicative of not surviving.

May I have the next one, please? This was one of our, I think the coolest find. Other than we found a lot of really interesting ceramics as well. These are things that we can date the site by. This is in the surgeon's area and the glass bottles are all apothecary jars. And the two that you can see, the one that looks yellow and the one right behind it, these two are still sealed. And they were full of ginger, which is a seasickness treatment.

GOVERNOR O'MALLEY: Hm.

DR. LANGLEY: And so the ginger is still in them. So it's very interesting. A lot of ceramics came up. We're, this year because we're still doing analysis it's not right to go back and do more work on that. So we're sending out, we also found species. They have named two new species that they have only found here. Little wormy critters, I'm not a

biologist. But they are sending, we had, Maryland did put together one package, Maryland being me and some colleagues, put together a package of different wood samples that would have been used in ship building, so did Texas, and we sank then on the site to look at decay patterns. So they may retrieve those. Then next year we hope to have permission to look at the other two vessels and maybe return to this one.

So that has been rather exciting and sort of out of the blue. But my level of involvement has been they want me to look at the hull, mostly, and the English ceramics because that's something else. We already have, my counterpart in Texas, she happens to be an ordinance expert so she is doing guns. And we're hoping to have a report done by September on what we know so far.

GOVERNOR O'MALLEY: Great. Anything else exciting?

DR. LANGLEY: That's not exciting enough, oh my gosh.

GOVERNOR O'MALLEY: No, I found that exciting.

DR. LANGLEY: Let's see, Wicomico, Levin J. Marvel, no I think we, that's about it for the excitement. We were hoping -- oh actually we do have one more.

We had wanted a number of years ago to start a wreck tagging program to study the movement of pieces of wreck like they have been doing in North Carolina up and down the barrier islands. But the problem was Park Service, we had the brochures, we had the tags. They had one backpack GPS and no staff and you can't give that to the public. Now with the advent of smart phones and Fish and Wildlife funding a very enterprising intern for me, we have now been able to tag a number of wrecks. People with their smart phones can fill out the forms, take pictures, GPS the location, and file it. And we had eight filed in two months. Some of them were repeats, but that's okay. And so this young lad from the University of West Florida is going to come back and work with us some more this year.

GOVERNOR O'MALLEY: So it's crowd sourced archaeology.

DR. LANGLEY: Why not? Britain is doing it all over the place.

GOVERNOR O'MALLEY: That's very cool.

DR. LANGLEY: And it's been, it's been very cool.

GOVERNOR O'MALLEY: What platform do you use for that? Is it a Google? Or ESRI --

DR. LANGLEY: I think it's using Google because a lot of people can get it and download it for free.

GOVERNOR O'MALLEY: Uh-huh.

DR. LANGLEY: And that's, we're trying to make it free and cheap. And now that, they have a new Director coming in to Fish and Wildlife down at Chincoteague so I hope he's just as enthused. We're working it up the coast as we go.

GOVERNOR O'MALLEY: Mm-hmm.

DR. LANGLEY: So we also have a couple of other students that I am working with on different projects as well. One from St. Mary's College, our fellow from Southampton has pretty much finished up. But we always, you know, and the fellow from University of West Florida is a Marylander, but he is

just down there to do his degree. So he will be back up here and working with us again. So that's kind of fun to have that kind of technology actually working for us.

GOVERNOR O'MALLEY: That's great.

DR. LANGLEY: Yeah.

GOVERNOR O'MALLEY: How are the bees?

DR. LANGLEY: All dead. But I've ordered three new colonies, mine and yours, sorry.

GOVERNOR O'MALLEY: Did mine die?

DR. LANGLEY: Yeah, and they were the last to go. There was lots of food in there. That first freeze took them out. So at least we didn't have to worry about February. But they are on order. We'll have new ones.

GOVERNOR O'MALLEY: Wow.

DR. LANGLEY: Yeah.

GOVERNOR O'MALLEY: That's sad.

DR. LANGLEY: I was sad. Mine went in the summer. Yours lasted at least until January.

GOVERNOR O'MALLEY: Well, thank God for that anyway.

TREASURER KOPP: So what is the deal with the virus? Or the bacterium, whatever --

DR. LANGLEY: There is so much study going on. The latest thought, and it varies, it's not cell phone towers or anything else. Part of it is bees normally, like any creature, have a carrying capacity and they will crash periodically. Now it's being, it last happened in the late nineteenth century but we just didn't have the documentation and it was good times. Well now whenever it happens, so many things are dependent on it, it has become much more noticeable and exacerbated. But moving them stresses them. Monocropping. Right now the big villain is neonicotinoid, I can't even say it, one of the pesticides they are using. Possibly that's part of it, but it shouldn't be vilified completely. There is a virus, there is a fungus, there is a number of things. And I think it's just the interplay of all of these things that is causing some issues. But I've been doing a lot of lecturing on bees.

TREASURER KOPP: So you are more positive than some other folks?



DR. LANGLEY: Yeah, I think so. A lot of people are using, I kind of get away from using a lot of the, you know, responding to ailments with chemical treatments as well and trying to get back to better breeding on the bees. And but the problem is as long as we have to keep bringing them in from other areas. So I try and use Maryland beekeepers whenever, because they are already bred here, they are hardy to our climate. Except for maybe right now. Next year I am going to be building a little hayshed for them and things trying to insulate them. Because I don't think this is an unusual bit of climate. I think it's going to continue. So, drier summers and more erratic winters. So we'll have to be maybe putting little Tyvek coats on them, or something. Not the bees, the hives.

(Laughter.)

DR. LANGLEY: It's very hard to catch them to put coats on them.

(Laughter.)

DR. LANGLEY: And I did want to mention --

GOVERNOR O'MALLEY: We'll have to contact Under Armour, huh?

DR. LANGLEY: -- the materials I gave you today, we have our workshop is coming up Saturday, the 22<sup>nd</sup> of March. It should be a lot of fun. The mini-poster is what, April is Archaeology Month, and that's going to be our poster, the one with the, featuring the native sites, and our booklet isn't out yet. And also the keychain I meant to bring you last year, we had these, I was given some money and I said I can't accept it so would you donate it to our program for education and outreach. And we had these made. And rather than try to put NOAA's Green Protected Area logo, the Navy's log, the county's logo, and our logo, we said let's put the link to the safety guidelines for diving the site. And so it's to keep your keys floating. You know, if you don't put as many on as I do.

But it's, what we're doing is when people fill out their digital postcards that say I visited the site, here's what I saw, here's how many of us went, and to encourage them to do that, we're sending those to them. And if they said they had four people go, we'll send them four floating keychain holders.

GOVERNOR O'MALLEY: That's great. They are also very good for managing stress at the Board of Public Works.

DR. LANGLEY: I just had hand surgery, I've been squeezing them all day.

GOVERNOR O'MALLEY: All right. What item was this, that Dr. Langley was on?

SECRETARY MCDONALD: Item 12.

GOVERNOR O'MALLEY: Item 12. I want to personally move approval of Item 12 for Dr. Langley on our last meeting together.

TREASURER KOPP: Could I --

GOVERNOR O'MALLEY: Uh-oh.

TREASURER KOPP: -- just before we vote on Number 12 point out that Number 14, I think, is that 14? The State Treasurer's Lease Program one of the items that we're leasing is the, or paying for leasing, is the new side scan sonar --

DR. LANGLEY: Which was the first image you saw, yeah. And we're very grateful for it. It has been amazing. You know, if you have the tools, you can do the work. It is just head and shoulders above anything else we have used.

TREASURER KOPP: Anyway --

GOVERNOR O'MALLEY: That's great. So we're  
I guess voting on the balance of the Secretary's  
Agenda.

DR. LANGLEY: Thank you.

GOVERNOR O'MALLEY: The Governor moves  
approval --

COMPTROLLER FRANCHOT: Could I --

GOVERNOR O'MALLEY: I'm sorry, Mr.  
Comptroller?

COMPTROLLER FRANCHOT: Can I give a very  
excited second to the --

GOVERNOR O'MALLEY: The Comptroller moves a  
second.

COMPTROLLER FRANCHOT: -- for the item.

GOVERNOR O'MALLEY: Doctor, if you could  
come back here? I want to ask you something about  
this map. And all in favor signal by saying, "Aye."

THE BOARD: Aye.

GOVERNOR O'MALLEY: All opposed?

(No response.)

GOVERNOR O'MALLEY: The ayes have it. And it passes. Dr. Langley, show me where Pig Point is and Joshua Barney's thing?

There's Route 4. Uh-huh.

We now move on to the Department of -- no. I'm sorry? Natural Resources.

SECRETARY MCDONALD: Did you have a question on --

COMPTROLLER FRANCHOT: We didn't just approve the Agenda. We approved an item.

SECRETARY MCDONALD: Right, I think he was just, yes, exactly --

GOVERNOR O'MALLEY: Oh, okay. No, we'll go back. We did the whole Agenda. But we can go back and do the item. So we are moving for reconsideration by the Comptroller. And now we are moving just Item 12 enthusiastically by both of us. All in favor signal by saying, "Aye."

THE BOARD: Aye.

GOVERNOR O'MALLEY: All opposed?

(No response.)

GOVERNOR O'MALLEY: The ayes have it. That was Item 12, now.

SECRETARY MCDONALD: So Item 12, 15, and 4 have been approved but I think the Comptroller maybe has some other questions--

GOVERNOR O'MALLEY: Now we're on the balance of the Secretary's Agenda. Which item?

COMPTROLLER FRANCHOT: Item A1 and A2, please.

SECRETARY MCDONALD: Okay. Deputy Secretary Kim is here from the Health Department. These are two reports of emergency procurements that the Health Department completed in their own authority and are now reporting the circumstances to the Board. Mr. Kim, A1 and A2.

MR. KIM: Mr. Governor, Madam Treasurer, Mr. Comptroller, Thomas Kim, I'm happy to address your questions.

COMPTROLLER FRANCHOT: Yes. If I could, Governor?

GOVERNOR O'MALLEY: Sure. Here take it and show me. We're on a very important matter now. Not that yours aren't --

MR. KIM: May I also mention that I have here with me Chuck Milligan, Deputy Secretary for Health Financing.

TREASURER KOPP: Could you just tell us what these items do? Tell me what these items do?

MR. KIM: Sure. They are two modifications to two separate contracts within our Medicaid division. I'll ask Deputy Secretary Milligan to describe precisely what the nature of the changes are.

MR. MILLIGAN: Good morning. Again, I'm Chuck Milligan, Deputy Secretary for Healthcare Financing. Nice to see all of you again.

Al, let me start there, this is a contract, an emergency contract that we did in December to facilitate the conversion of what was known as our Primary Adult Care Waiver Program. This was our very limited benefit package for childless adults. This was part of an expansion from several years ago. But these were individuals who did not have full Medicaid benefits. They did not have hospital benefits. They couldn't see most specialists. These individuals became part of the Medicaid expansion that took place on January 1st under the Affordable Care Act. We

needed to do the emergency contract to convert them from the primary adult care, PAC, status into full Medicaid benefits. And the reason this was an emergency is that this was something we had anticipated getting done through the new system, the new eligibility enrollment system at the Exchange but when the priorities changes as we ran up to January 1st we needed to do this work internally. So that emergency amendment was worth about \$23,000 to do that conversion and get those 95,000 people full Medicaid benefits.

With respect to A2, this is an emergency amendment to extend the scope of our Medicaid enrollment broker. This is our vendor that counsels new Medicaid eligibles on choosing a Medicaid managed care organization, works with people to pick the right plan for them based on their providers, where they live in the State, and so on. For the people who applied through the new eligibility enrollment system known as the HIX, they had the opportunity in the HIX to choose an MCO as part of that experience. But that data did not come across to Medicaid. It was one of the items that was deferred for later to make sure



that the State was ready on January 1st with getting the eligibility established. So what that meant is a lot of people who chose their Medicaid MCOs in the HIX, we didn't get that data passed over to Medicaid so we needed to expand the services from our enrollment broker to counsel those people who may have chosen in the HIX but we didn't get the data to help advise them about their Medicaid MCO options.

So that is a contract amendment not to exceed \$2 million total funds, there is some federal match in there. We're hoping that the, as the data comes over from the HIX we will, and the need for those services at that volume from the enrollment broker. But in the meantime the enrollment broker is really our main vendor to help counsel those individuals and families about picking a Medicaid MCO. And again, that was done on an emergency basis in December when we realized we were not going to be getting that data and we needed to have an alternative means to counsel those people about their Medicaid MCO options.

So I'm prepared for any questions you might have about that, but those are the two items.

COMPTROLLER FRANCHOT: If I could, Governor?

GOVERNOR O'MALLEY: Sure, Mr. Comptroller?

COMPTROLLER FRANCHOT: Thank you.

Apparently, this is obviously required by State law, we're being informed today of this pair of emergency procurements that you just described that are related to the operation of the Maryland Health Exchange. As a matter of clarification we are not being asked to award these contracts today because procurements for the Maryland Health Exchange are not subject to the Board of Public Works' approval.

So the first one, as you mentioned, is a contract modification of just over \$23,000 with Xerox for development, operation, management of services pertaining to Maryland's point of sale pharmacy system. And the second one, as you described, is a \$2 million contract modification, this one to a Denver, Colorado based firm called Policy Studies to help those enrolled in HealthChoice and the Maryland Children's Health Program select the appropriate healthcare services.

So I do have a couple of questions, if you could help me? What is the basis for the rather

modest contract modification with Xerox? Is this, what, I didn't quite understand the scope of what \$24,000 is going to be focused on. So if you could help me?

MR. MILLIGAN: Sure. I'd be happy to answer that question, Mr. Comptroller.

COMPTROLLER FRANCHOT: Frankly, it seems like a relatively small amount of money to be doing an emergency procurement on. But help me.

MR. MILLIGAN: Sure. Well this was an existing contract. So it wasn't a new procurement, it was an amendment to our existing Xerox contract. Xerox, so DHMH has a direct contract with Xerox. There are other agencies that have contracts with Xerox about other things. So we had this contract in place. This, Xerox has actually been our eligibility system for the PAC program for many years. So when we had brought these childless adults into that limited benefit PAC program, Xerox was the eligibility infrastructure for that. That was where the eligibility determinations were made, the eligibility records were stored. And so Xerox had been prior to the Affordable Care Act and prior to all of the recent

events Xerox had been passing those PAC eligibility files to our Medicaid payment system, or MMIS, all along.

The relatively modest sum is that in the course of converting those PAC eligibles into full Medicaid benefits we had to map them into the right full Medicaid coverage groups so that they could receive, be placed in the right coverage groups which drives how we, the payment levels and capitation rates for the MCOs. So the reason the financial amount is relatively modest is the path, the roadway from Xerox to our MMIS for an eligibility interface existed already to support PAC. It needed to be converted and tested to make sure that when that was migrated to full Medicaid benefits it worked successfully and mapped people to the right coverage groups. So the relatively modest amount is because we had an eligibility connection already with Xerox.

COMPTROLLER FRANCHOT: Okay. So apparently it is to take care of these backlogged 2013 applications?

MR. MILLIGAN: They weren't backlogged. Mr. Comptroller, these were over 90,000 people who had PAC

benefits they were receiving. And so what PAC, just for the broader discussion, the primary adult care program allowed pharmacy benefits, primary care visits, and limited specialty visits. So we had people in coverage in our PAC program. This modest amendment was to really get these people into full Medicaid benefits and to make sure that they enjoyed the benefits of the Affordable Care Act --

COMPTROLLER FRANCHOT: Okay. I can see that. It's just in my briefing material it reads that this money is going to process any remaining backlogged 2013 applications as well as 2013 cases in preserved status to comply with the Affordable Care Act requirements. That's not right?

MR. MILLIGAN: We did have some applications that came in at the end of December for the PAC program that we did process in January. But the main information system, the bulk of that \$23,000 was really to do this conversion, not to do the follow on of completing the people that applied in December for PAC.

COMPTROLLER FRANCHOT: Okay. Let me just move to the \$2 million. My notes indicated the Policy

Studies, the Denver group, already serves as an enrollment broker for those who are eligible for healthcare through the Exchange. Just to clarify, does Policy Studies simply serve those who are enrolling in the Exchange? Or does it also provide services for those who are trying to take advantage of other State and federal healthcare programs?

MR. MILLIGAN: Policy Studies, Inc. was acquired a few years ago by MAXIMUS so the contract amendment is to our existing contract, now held by MAXIMUS. This is our vendor that advises Medicaid enrollees about their managed care options. So this contract doesn't support any of the sort of broader Exchange related work. The reason we needed to do this emergency amendment is we had expected that those people who chose an MCO in the HIX, we would get that data, we would enroll them in the MCO they selected, and the enrollment broker wouldn't have to do that work. It had been done because the applicant chose their MCO directly in the HIX. But because that data didn't come over we didn't know what MCO they might have chosen and so we needed to reach out to them to

capture that information and get them into the MCO they wanted.

COMPTROLLER FRANCHOT: I see. My background notes, once again, state, "because of technical problems plaguing the Health Information Exchange a large number of newly eligible enrollees who were anticipated to receive assistance with their managed care organization choice through the Exchange will instead require assistance from the enrollment broker to select a managed care organization."

So the Health Information Exchange, I take it that is the website that has been so heavily criticized as dysfunctional?

MR. MILLIGAN: Mr. Comptroller, the Health Exchange includes the website you are referring to and it includes also the entities that are advising people in the Exchange about choosing their insurance companies, Medicaid as well as commercial carriers. That work happened. I mean, the connector entities, the navigators, assisters, and others helped people choose their MCO so that work in the Exchange occurred and the data for many people who chose their MCO was captured in the HIX.

COMPTROLLER FRANCHOT: Okay.

MR. MILLIGAN: However, that data did not come over to Medicaid so we don't know the MCOs they chose. So we had to start that work through our vendor that does that MCO counseling activity.

COMPTROLLER FRANCHOT: Okay. So I'm just trying to figure out frankly what this "enrollment broker" actually does and how it fits into the process. If I am a potential consumer trying to figure out which plan is best for me and I need some help navigating the enrollment process, at what point do I come into contact with an enrollment broker? And does this broker actually provide a live person on the other end of the phone line? Or is this just another automated system or website that some poor soul will have to figure out on their own?

MR. MILLIGAN: Mr. Comptroller, our enrollment broker contract does several services. One is, they do provide live help, including in person help. The reason that we have the enrollment broker contract even with the Exchange's enrollment support is that some people go through the HIX and don't choose an MCO. So we get the file but they elected



not to make a choice. We get the eligibility record from the HIX but in Medicaid we need to ensure everybody is enrolled in an MCO and accounts the enrollment broker will then counsel people who may have just for whatever reason neglected or chosen not to pick an MCO.

But also the enrollment broker supports a lot of Medicaid eligibles who are enrolled in managed care who have no relationship whatsoever to the HIX because these are people coming over from, for example, the federal social security income programs, and disability programs, where the CARES care system operated at DHR is their eligibility system. So even if everything was working perfectly at the Exchange we would need to have an enrollment broker for people who didn't choose an MCO on the Exchange, as well as people coming over from the existing CARES eligibility system who are part of the HealthChoice program.

COMPTROLLER FRANCHOT: Okay, I've got that. So HIX is the Health Exchange?

MR. MILLIGAN: I'm sorry for the shorthand. The HIX is the IT infrastructure at the Exchange.

COMPTROLLER FRANCHOT: Okay. So how much was the original contract with Policy Studies in Denver?

MR. MILLIGAN: I don't remember that figure offhand. It has been a multiyear contract.

COMPTROLLER FRANCHOT: Anybody here, well maybe you can find that out.

MR. MILLIGAN: I will find that out.

COMPTROLLER FRANCHOT: What kind of performance metrics are being used to measure the effectiveness of Policy Studies? What assurances, I guess, can you provide the Board or those people watching at home that this broker will deliver a far better brand of customer service than apparently has been available up to this point on the Exchange?

MR. MILLIGAN: Our regular enrollment broker contract has various performance metrics, including when to do the outreach, how many touches to make. One of our performance measures is that we expect them to help 80 percent of all new Medicaid eligibles choose an MCO. Because if somebody doesn't choose an MCO we automatically assign them to an MCO. So, and then the person can change their mind if they were

assigned to one they didn't like but they get enrolled.

With respect to this emergency amendment we waived some of those service level agreements because they received many thousands of records in the very first week of January and they had a huge upsurge of volume they needed to take care of. And it would not have been appropriate to hold them to the same performance measures. But having said that, we have not at Medicaid heard any complaints whatsoever from new eligibles, advocate groups, or others, or the MCOs, that we have not performed well reaching out to those families and helping them choose.

COMPTROLLER FRANCHOT: Okay. I asked just because my view from just reading the newspaper is that the best ambassador for the entire program has been that poor pottery store owner out in Seattle. She actually answered the phones. She was cheerful and well informed as far as I can tell. And she conveyed a sense of patience and compassion for those poor souls who needed health insurance and knew that time was running out. So if you read that that pottery business somehow goes belly up out there in

Seattle, tell her to come to Maryland. Because that customer service could really help us out.

I'll wrap up the point, Governor. I appreciate having the floor. There is frankly nothing that I can say about the performance of the Maryland Health Exchange to date that hasn't already been said and that isn't painfully evident to the taxpayers of Maryland. That said, I do hope that this entire experience with the Exchange serves as a precautionary tale in future situations where the temptation might be to bypass the State of Maryland's traditional time honored procurement process and in so doing bypass this Board of Public Works for the sheer sake of expediency. I'm afraid this is precisely what has occurred in this instance in our desire to get this transformational new initiative done quickly. We didn't take that first critical step to getting it done right.

To be honest, we'll never know how differently things would have turned out if this Board had been given the opportunity to scrutinize the \$161 million in contracts that were instead awarded on a fast track to firms such as Noridian Healthcare and

others. I'm not about to suggest that this Board is a magic wand that could have foreseen and rectified all the problems that have plagued this program from the word go. But I will say there is no substitute for the transparency that is provided within this venue and there is no substitute for the experienced independent oversight that is provided by this Board and our most capable staff. There is no substitute for a forum that allows all three of us to ask pointed questions about the cost and necessity of services that we are buying and the technical credentials of those we are being asked to hire.

There is a damn good reason why this Board has stood the test of time since the Constitutional Convention of 1864. This is the only appropriate place to consider contracts like these. And I sincerely hope in the future State policymakers resist the urge to bypass this essential part of the procurement process in a well-intentioned desire to act quickly.

This is like when you are in school and you actually have to stand up in front of the class and give an oral report. That is what the Board of Public

Works provides. And for several years I have raised the point that this was a huge mistake to bypass this Board. And I'm just sad we're here. Because we all support everybody getting healthcare as quickly as possible. And sorry, Governor, for going on. But it is a, hopefully a lesson that we can learn from.

And I will refer folks to the August 10, 2011 Board of Public Works meeting where some of these same individuals were standing where I said very explicitly you will rue the day that you bypass the Board of Public Works. Because you risk, you risk exactly what we have right now.

MR. KIM: Mr. Comptroller, if I may?

TREASURER KOPP: Mr. Kim?

MR. KIM: Yes?

TREASURER KOPP: I have to say, I'm totally confused about which contract is which at this point. This says, A1 says the original award date was 2009. Is that so? Is this a modification on a 2009 contract?

MR. MILLIGAN: Madam Treasurer, this is a modification of an old contract that is still in

place, where we have had various services from Xerox including --

TREASURER KOPP: Predating, then?

MR. MILLIGAN: Predating the --

TREASURER KOPP: All of the things?

MR. MILLIGAN: Right. And in fact, the emergency contracts that we brought before you today are not Exchange contracts, just to be very clear. They have enabled Medicaid to help bring 140,000 people into --

TREASURER KOPP: So this contract, no I understand, this contract, this --

MR. MILLIGAN: Yeah.

TREASURER KOPP: -- 2009 contract, did that come to the Board of Public Works?

MR. MILLIGAN: Yes. Yes.

TREASURER KOPP: It did?

MR. MILLIGAN: Yes.

TREASURER KOPP: So this is what we're talking about today, in fact, has followed the normal procurement process?

MR. MILLIGAN: Both contracts that are up on Appendix A1 and A2 followed the normal process at BPW, yes.

TREASURER KOPP: Okay.

COMPTROLLER FRANCHOT: Did you find the original amount of Policy, whatever it is?

MR. KIM: \$62 million over seven years.

COMPTROLLER FRANCHOT: \$62 million?

MR. KIM: Correct.

COMPTROLLER FRANCHOT: And this adds \$2 million to it?

MR. KIM: Correct. If I may, Mr. Comptroller, as far as the larger issues that you have brought up regarding the procurement process itself, there's a couple of points to make here, and that can be characterized as pre-award processes and post-award processes. And what we found out in recent weeks, obviously, is that a lot of the problems related to the HIX resulted in the post-award process. But let me just articulate a couple points regarding the pre-award process. And we believe that that was sound based on a couple items here.



First of all, State legislation established that the Exchange could conduct procurement without participating in this particular forum, which obviously you are aware of. Soon after its formation --

COMPTROLLER FRANCHOT: But if I could just interrupt? Didn't it give you the option of coming before the Board of Public Works, the State law?

MR. KIM: It did not have the requirement to come to the Board of Public Works in terms of procurement. So that could be interpreted as an option. However, you know, due to the extremely aggressive timeline set forth by the federal government, there were, there was a particular need to have this special authority as ratified by the State in terms of law to have the procurement authority.

A couple other points is that, again these are points related to the pre-award, is that soon after the formation the Health Benefit Exchange adopted procurement policies with support of the Office of the Attorney General. The policies did provide for a rigorous competitive process for major procurements. Consistent with the policy the

selection for the IT vendor, Noridian, began in the Fall of 2011 and took several months. It was not a procurement that took place just in matter of weeks. The procurement review committee included members from various State agencies here within the State. The selection process factored in a number of categories, including the understanding of the technical challenge, the quality of the staff, and past performance, including reference checks, and meeting system requirements.

Each proposal was reviewed independently by the said evaluation team and proposals were then quantitatively rated collectively in six full day and six half day sessions across all evaluation categories.

Based on this review the team unanimously recommended the Noridian bid as the strongest technical proposal and at a competitive price. So in sum, you know, this was not a slap dash procurement that excluded key State experts. It was a deliberate process with a unanimous recommendation.

Now again, those were all steps that took place prior to the award. Problems that were

identified in post-award, as has been widely reported the software we purchased had significant defects. The State is doing everything possible despite these flaws to help Marylanders enrolls. The State is also evaluating all of our options with respect to the vendors and with respect to our IT platform for the next open enrollment period.

So, you know, unfortunately, as we have seen, a sound procurement methodology does not guarantee a successful project. The problems that occurred during the post-award period, irrespective of the procurement methodology include a prime vendor, even one with a very strong record implementing complex systems with the federal government, severely misrepresenting maturity of its off the shelf system. Two, the primary vendor outsourcing its leading role to an unauthorized subcontractor under an undisclosed profit sharing agreement. And three, infighting between the prime contractor and said subcontractor resulting in the stoppage of work during the most critical period of software development. Those are all factors that took place post-award. And we feel that the procurement process itself, in getting to the

award itself, would not have prevented those problems from occurring.

GOVERNOR O'MALLEY: Well said, Mr. Kim.

COMPTROLLER FRANCHOT: If I could just follow up and ask a question? Because I'm just listening to what you had to say. So who exactly was in charge of the Health Exchange? I mean, who was overseeing the procurement? Madam Secretary, I think you were mentioned in the testimony here, including all sorts of State government agencies. I mean, who was in charge? Who was the check and balance authority saying this is where we want to place the taxpayers' money?

MR. KIM: Well the decision ultimately to make the award, again, was a unanimous recommendation that was, the decision was made by the Health Exchange Board itself.

COMPTROLLER FRANCHOT: So, I don't know, Secretary Foster, can you help me understand what the, I mean, I understand the normal process that we have. I don't understand this process. And apparently a lot of folks from IT or different agencies were involved

in this committee. And so I guess my question is, is this your process? Or someone, whose process is it?

TREASURER KOPP: Do we have a procurement advisor --

MS. CHILDS: I can say that the law creating the Health Exchange did require that they develop procurement policies and procedures, and those policies and procedures were approved it's my understanding by the Board of the Healthcare Exchange. So there were written procedures in place but not necessarily similar to the State. I don't know that for a fact. But --

COMPTROLLER FRANCHOT: Well the Board is a distinguished group of people. I like a lot of them. Tom Saquella, I think, was a lobbyist here in town. That's great. And Georges Benjamin, boy, he's got a legendary status. So anyone that knew anything about IT?

MR. KIM: Again --

COMPTROLLER FRANCHOT: Well I guess, yeah, please, I'm sorry. I'm asking the wrong person.

MR. KIM: Again, the scrutiny related to the IT questions came obviously during the evaluation

process itself, whereby we did have again statewide experts in IT evaluating the products that were being presented to us, presented to the Exchange, rather.

TREASURER KOPP: So you are saying they were the experts and advisors and not the members of the committee, other than DoIT? Were there representatives of DoIT on the committee?

MR. KIM: We had representatives from obviously DHMH, DHR, and DHMH, and the Health Benefit Exchange itself. So four entities, three entities within the State of Maryland and --

COMPTROLLER FRANCHOT: I'm sorry, I missed that, Madam Treasurer. You said there was someone from DoIT?

MR. KIM: Yes.

COMPTROLLER FRANCHOT: Who was that on the committee?

MR. KIM: The extent of the DoIT involvement in the selection process in the evaluation committee was, I don't know exactly who the person was, but it was somebody that was under the former CIO, Mr. Schlanger.

COMPTROLLER FRANCHOT: Well, you get my point. But you've got all these wonderful people that you've listed on the Board, and then the committee, but there still seems to be only one person, that person, who had any significant IT experience. And you know --

MR. KIM: Well again, the CIO for the, the chief information officers from DHR, DHMH, and the Exchange itself were the IT experts on, you know, of the largest government departments that we have.

COMPTROLLER FRANCHOT: Well my only point is that you need to bring this before a public forum. You need to be able to withstand the scrutiny and the questions from people that are supportive of the program and want it to succeed. And this is, you know, the proof is in the pudding here. It didn't work. It was a flawed procurement process, perhaps because it was so new. And we're now having to deal with it.

But think what would have happened if some of the post-implementation problems had been flagged at the front end by a Board like this. And it, they aren't flagged if it's all done deep in the

bureaucracy somewhere. You've got to come out in the sunlight, in the day, and stand up and defend it, particularly when you are talking about hundreds and hundreds of millions of dollars of contracts. And you know, I've kind of, I'm going to stop asking anything because it just, I hope in the future every one of these big contracts, not just the emergency ones, will come before this Board, voluntarily by you and Dr. Sharfstein and go through this process. Because I can't guarantee it, but we might have ended up with something where, you know, more than three people signed up on the first day.

GOVERNOR O'MALLEY: It's my understanding that on our goal of signing up 260,000 people that we are at approximately 210,000. Mr. Kim, thank you. You represented I think the facts very well. And maybe we should have a morning sometime where we come back and go through the 22 other complex IT platforms we've implemented about which there were no glitches and therefore no reporting. That was kind of a joke.

(Laughter.)

GOVERNOR O'MALLEY: I don't really think they would report it even if we spent a whole meeting



on it. But, okay. On this item, the Treasurer moves approval, seconded by the Comptroller. All in favor signal by saying, "Aye."

THE BOARD: Aye.

GOVERNOR O'MALLEY: All opposed?

(No response.)

GOVERNOR O'MALLEY: The ayes have it. Now we're on the balance of the Agenda items. That was item?

SECRETARY MCDONALD: That was the two emergency reports.

GOVERNOR O'MALLEY: Those were the two emergency reports together. And now we're on the balance of the Secretary's Agenda items. Any on the balance --

COMPTROLLER FRANCHOT: No.

GOVERNOR O'MALLEY: The Comptroller moves approval, seconded by the Treasurer. All in favor signal by saying, "Aye."

THE BOARD: Aye.

GOVERNOR O'MALLEY: All opposed?

(No response.)

GOVERNOR O'MALLEY: The ayes have it. We now move on to Natural Resources Real Property.

MS. WILSON: Good morning, Governor, Madam Treasurer, Mr. Comptroller. Emily Wilson with Maryland Department of Natural Resources. We have five items today on our Agenda --

GOVERNOR O'MALLEY: Sure, we're going to wait one second to let --

TREASURER KOPP: Those of us with our ears -  
-

GOVERNOR O'MALLEY: -- to let the hum settle down. I think we're good.

MS. WILSON: Okay, thank you. We have five items on our Agenda today. Of note, on our Agenda today I believe is Item 3A, which is the conservation easement on the Girl Scouts of the Chesapeake Bay Council Property, otherwise known as the Grove Neck Property. It's at the confluence of the Sassafras River and the Chesapeake Bay. It scored a very ecologically significant 111. It's 171 acres. We acquired at a 19 percent discount. And this was a great partnership with the United States Fish and Wildlife Service and the Eastern Shore Land

Conservancy, in addition to us here at DNR. And on this property the conservation easement provides for specific protection of the federally endangered and globally rare Puritan Tiger Beetle, which is found on the cliff sides of that Sassafras River area in addition to where it's also found in Calvert County.

GOVERNOR O'MALLEY: Tiger Beetle families all over the world applaud you. These are all good ones. The Treasurer moves approval, seconded by the Comptroller. All in favor signal by saying, "Aye."

THE BOARD: Aye.

GOVERNOR O'MALLEY: All opposed?

(No response.)

GOVERNOR O'MALLEY: The ayes have it. We move on now to --

MS. WILSON: Thank you.

GOVERNOR O'MALLEY: -- the, thank you, the Department of Budget and Management.

MS. FOSTER: Governor, Madam Treasurer, Mr. Comptroller, good morning. There are 15 items on the Department of Budget and Management's Agenda for today. I'll be happy to answer any questions you may have.

GOVERNOR O'MALLEY: Questions? Mr.  
Comptroller?

COMPTROLLER FRANCHOT: Where is the item on  
the Lottery?

MS. FOSTER: The item on the Lottery is Item  
1, that's the contract for the installation and  
maintenance of the instant lottery ticket machines in  
the veterans organizations. And I think Mr. Martino  
is here.

MR. MARTINO: Good morning.

COMPTROLLER FRANCHOT: Welcome, Mr. Martino.  
Good to see you.

MR. MARTINO: Good to see you, Mr.  
Comptroller.

COMPTROLLER FRANCHOT: And thank you for  
your leadership over at the Lottery.

MR. MARTINO: Thank you.

COMPTROLLER FRANCHOT: I have a question  
here because it's a \$171 million contract for veterans  
organizations over ten years, is that --

MR. MARTINO: \$117 million.

COMPTROLLER FRANCHOT: \$117 million. And I  
believe the Comptroller's Office regulates these

facilities at least on the Eastern Shore, per the legislators' judgment. But my question is twofold. Why are we spending so much money on a relatively limited number of machines? And two, how in heaven's name could this thing be a sole source contract, if it is? I mean, why aren't the nine companies that are providing machines for the casino program not all bidding on something like this.

MR. MARTINO: So if I could take the second part of the question first?

COMPTROLLER FRANCHOT: Okay, go ahead.

MR. MARTINO: It's not, it was not a sole source contract. It was a competitively bid contract. There was only one --

COMPTROLLER FRANCHOT: I'm sorry, a single bid.

MR. MARTINO: Only one bidder submitted. Differentiation between what the Comptroller's Office regulates on the Eastern Shore, those are traditional Class 3 slot machines at the veterans organizations. What is anticipated under this procurement was legislation that was passed during the second special session in 2012 authorizing instant lottery tickets.

So these are preprinted tickets that go into a machine. It is a completely different device than what is anticipated on the Eastern Shore. It is a rather peculiar device. If you have been in the bingo halls in Anne Arundel or Calvert County, it is those type of devices.

The procurement anticipates, we believe that there are, on the Western Shore. So the non-Eastern Shore counties. They are not authorized there because they will continue to have their Class 3 slot machines and we believe that there are probably about 150 or so veterans organizations that would be eligible. Under the law they can have up to five of these instant ticket lottery machines in their facility. And the amount of payment is reflective of what we think the revenue that might be generated. We negotiated what we believe is a very fair deal for the State. The manufacturer of these devices will be paid 41.74 percent of the gaming revenue, that is the money left in the machines after the winners are paid. We anticipate that 50 percent will go back to the veterans organizations to support their efforts and

good causes there. And then the remaining eight and a quarter or so percent will go to the State.

COMPTROLLER FRANCHOT: And the reason why there is only one bidder?

MR. MARTINO: Given how kind of peculiar the device is, it's not something that the nine slot machine manufacturers that are under the master contract that you see at the State's casinos make. We certainly were very aggressive in trying to encourage as many bids as we can. These, the Diamond Games, which is the vendor here that has been selected, is the exclusive provider in Anne Arundel County. There is just, it's a rather limited market. Rather limited --

COMPTROLLER FRANCHOT: Okay, thanks. I appreciate that explanation, and keep up the good work over at the Lottery.

MR. MARTINO: Thank you.

GOVERNOR O'MALLEY: Okay. The Comptroller moves approval of the Department of Budget and Management Agenda items, seconded by the Treasurer. All in favor signal by saying, "Aye."

THE BOARD: Aye.

GOVERNOR O'MALLEY: All opposed?

(No response.)

GOVERNOR O'MALLEY: The ayes have it. We move on now to the University System of Maryland. Do we have a site for the Frederick Douglass statue yet?

MR. STIRLING: We do.

GOVERNOR O'MALLEY: Do we?

MR. STIRLING: We have a site in front of Hornbake Library that is being evaluated for a plaza.

GOVERNOR O'MALLEY: Awesome.

MR. STIRLING: About 3,200 square feet.

GOVERNOR O'MALLEY: Order, please? How big?

MR. STIRLING: About 3,200 square feet on the plaza in front of the Library.

GOVERNOR O'MALLEY: That's great. And will we get the art students to do the statue?

MR. STIRLING: What I have seen as far as the plan so far is benches and pavers with quotations from Frederick Douglass, lighting.

GOVERNOR O'MALLEY: But you could take a statue if someone felt like doing one, huh?

MR. STIRLING: I --



GOVERNOR O'MALLEY: Will it have his likeness on it anywhere?

MR. STIRLING: I haven't seen a design, sir.

GOVERNOR O'MALLEY: Okay. Well we'd be very interested. Anything else on your Agenda?

MR. STIRLING: They are doing private fundraising for that to the tune of \$250,000.

GOVERNOR O'MALLEY: Awesome. Cool. Great. About time, that's awesome. Mr. Comptroller?

COMPTROLLER FRANCHOT: Yes. Item 4-C, please?

SECRETARY MCDONALD: I think he needs to withdraw an item first.

MR. STIRLING: Yeah. Just for the record, we are withdrawing Item 1-S.

COMPTROLLER FRANCHOT: Okay. Item 4-C, sir, I see we're being asked to award a five-year, \$30 million contract to Compass Group, USA to provide the full complement of campus dining services at Frostburg State University.

TREASURER KOPP: That's five.

COMPTROLLER FRANCHOT: And these apparently are already contracted to a private sector. I'm going

to vote in favor of the contract. But I just would appreciate it if the system could provide us with the debate over the merits of the in house campus dining services versus those delivered by a private concessionaire? Because it seems the system is all over the map. University of Maryland Eastern Shore were seriously considering privatization. I think from some previous Board meetings, what's the, I guess the status of the UMES privatization conversation?

MR. STIRLING: I am going to ask Dr. Ronnie Holden from UMES to come up and address that.

COMPTROLLER FRANCHOT: Oh, great.

MR. STIRLING: He's here with us today. For the record, I believe it's Item 5-S.

COMPTROLLER FRANCHOT: I'm sorry, what?

SECRETARY MCDONALD: Item 5.

MR. STIRLING: Item 5-S.

COMPTROLLER FRANCHOT: Oh, I'm sorry.

SECRETARY MCDONALD: Everybody is just getting on the right page here.

COMPTROLLER FRANCHOT: I'm sorry.

DR. HOLDEN: Good morning.

COMPTROLLER FRANCHOT: Hi.

DR. HOLDEN: Within the University System there are only three campuses that operate their own in house dining services. And the University of Maryland Eastern Shore is the smallest one. We have issued an RFP and we are currently evaluating responses trying to determine whether or not we will continue to self-operate or privatize it. I can tell you 22 years ago we were privatized. And I asked the Vice President and made a recommendation that we bring it in house where we could provide a better food product and a better service to our students. I am 20 years later trying to evaluate whether or not we can continue to do that, or can a private company that specializes in these areas provide a better service for the University?

COMPTROLLER FRANCHOT: Well, terrific. I applaud that kind of review. Because I guess what I'm looking for from the system is some help because, you know, in addition to Frostburg, College Park and Towson have private concessionaires. Salisbury doesn't. UMES for the time being doesn't. I just wish the system maybe could take a fresh look at this debate and see if they couldn't review the service

contracts and advise us on the relative merits of public versus private sector delivery? I'm not exactly sure of what that would entail. But if someone could try to standardize the best opportunities that these two options give us. Which model is the best? I'm not sure. But I know the UMES one if you move to private you are going to lose some State jobs. And not that that is front and center, but if, I guess what I'd like to see is some kind of a review by the system as to what their criteria are so everyone isn't exploring different options with RFPs unnecessarily.

DR. HOLDEN: Mr. Comptroller, I would say that we are, as we evaluate our direction here we are assessing the whole issue. We have 11 non-managerial employees that are full time employees. Roughly there are 70 to 80 contingent employees. We had our, all our presentations last week. And of course, that was one of my concerns. We had provided the salaries of all the employees to those that were responding to the RFP. And the thing that we found was that all three of the responders stated in their oral presentations no employee would make less money than they are

currently making, they would be making more. And that anyone working more than 30 hours a week would be considered a full time employee with fringe benefits, which is more than what we are able to do at this point.

COMPTROLLER FRANCHOT: No, and apparently I misspoke. I guess College Park is in house, and I apologize for that. But there are obviously advantages, pros and cons, to both sides. And I would just respectfully ask that you send to the Board some review by the system as to what the criteria are. For example, the taste of the food.

DR. HOLDEN: The quality and the desires of the students.

COMPTROLLER FRANCHOT: Yeah, so --

DR. HOLDEN: And that's probably what makes it a little unique at each campus. You know, and the reason we started considering this was through town hall meetings with students, they would like to have more variety, they would like to see some branded products on campus. And so that's why we started exploring this whole concept. Because it was initiated by students.

COMPTROLLER FRANCHOT: Okay.

TREASURER KOPP: Could I just say, Mr. Salt [sic], if the Comptroller wants the Board of Regents to look at policy, I would not ever stop the Board of Regents from looking at anything they want to look at. But I hope it would be within the context of due regard to the differences of the different campuses, the student bodies, the geographies, the needs and interests, and not a boiler plate sort of thing for all campuses.

MR. STIRLING: I understand.

COMPTROLLER FRANCHOT: You know what I'm driving at. That there is, you know, lots of these that are going to be coming up. And I think we would benefit in voting on these if it was at least looked at to see whether there were some standard pros and cons --

MR. STIRLING: Processes --

COMPTROLLER FRANCHOT: -- that everybody could play off of. And I'm, you know, I'm not, I wouldn't demand anything from the Regents. I'd just like to suggest that the system send something to us that summarizes this, and albeit with the individual

institutions I guess have the autonomy to do what they want. But it would certainly help me to understand a little better which is the best option.

MR. STIRLING: I understand. We'll take that on and report it back to the Board.

COMPTROLLER FRANCHOT: If that's okay with the Governor?

GOVERNOR O'MALLEY: Sure. The Comptroller moves approval, seconded by the Treasurer. All in favor signal by saying, "Aye."

THE BOARD: Aye.

GOVERNOR O'MALLEY: All opposed?

(No response.)

GOVERNOR O'MALLEY: The ayes have it. We move on now to the Department of Information Technology.

MR. URBAN: Good morning, Governor, Madam Treasurer, Mr. Comptroller. I'm Greg Urban, Deputy Secretary at the Department of IT. I have eight items on the Agenda for you and I'd be happy to answer any questions.

GOVERNOR O'MALLEY: Okay. The Comptroller moves approval, seconded by the Treasurer. All in favor signal by saying, "Aye."

THE BOARD: Aye.

GOVERNOR O'MALLEY: All opposed?

(No response.)

GOVERNOR O'MALLEY: The ayes have it. Thank you.

MR. URBAN: Thank you.

GOVERNOR O'MALLEY: We move on now to the Department of Transportation.

MR. SMITH: Good morning, Governor, Madam Treasurer, Mr. Comptroller. Secretary Jim Smith, representing MDOT. MDOT is presenting 12 items today as Item 1 has been withdrawn. I'll be happy to answer any questions you might have.

GOVERNOR O'MALLEY: Okay. Hearing none, the Treasurer moves approval, seconded by the Comptroller. All in favor signal by saying, "Aye."

THE BOARD: Aye.

GOVERNOR O'MALLEY: All opposed?

(No response.)



GOVERNOR O'MALLEY: The ayes have it. We move on now the Department of General Services.

MR. COLLINS: Good morning, Governor.

GOVERNOR O'MALLEY: Remember what they say about those who are last, Secretary Collins.

MR. COLLINS: Yes, sir. The last shall be first.

GOVERNOR O'MALLEY: Yes, sir.

MR. COLLINS: Absolutely. Thank you, Governor. Good morning, Governor, Madam Treasurer, Mr. Comptroller. I'm Al Collins, Secretary of the Department of General Services. Today we have 14 items on our Agenda. We'll be glad to answer any questions you have on any of these items at this time.

GOVERNOR O'MALLEY: Hearing none, the Treasurer moves approval, seconded by the Comptroller. All in favor signal by saying, "Aye."

THE BOARD: Aye.

GOVERNOR O'MALLEY: All opposed?

(No response.)

GOVERNOR O'MALLEY: The ayes have it. And that concludes our meeting.

(Whereupon, at 11:36 a.m., the meeting  
was concluded.)