
STATE OF MARYLAND
BOARD OF PUBLIC WORKS

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PRESENT

HONORABLE BOYD K. RUTHERFORD

Lieutenant Governor

HONORABLE PETER FRANCHOT

Comptroller

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CONTENTS

Subject	Agenda	Witness	Page
Grant to Baltimore City for Sewershed Improvements	SEC 7, p. 10	Sheila McDonald	11
Grant of \$2.5 million to DHCD for Low Interest Loans to Ellicott Small, Minority, and Women-Owned Businesses	SEC 8, p. 12	Sheila McDonald Kenneth Holt	12
DNR Agenda	DNR	Mark Belton	19
Maintenance, Repair, and Accident Management Program for State-Owned Vehicles	DBM-1, p. 36	David Brinkley Larry Williams Jamie Tomaszewski	20
Payment of Settlement in <i>National Federation of the Blind, Inc., et al v. Linda H. Lamone, et al.</i>	DBM 10, p. 59	David Brinkley Linda Lamone Jeff Darsie Senator P.J. Hogan	29
USM Agenda	USM	Joe Evans	40
DoIT Agenda	DoIT	Luis Estrada	41
Acquisition of Property in Montgomery County for Construction of Purple Line	DOT 15, p. 142	Withdrawn	42

Repair of MTA Bus Incapacitated by Fire	DOT 8-M, p. 126	R. Earl Lewis Jim Knighton	43
Modification of Commuter Bus Service in Harford County to add Route 425	DOT 17, p. 144	R. Earl Lewis Jim Knighton	45
DGS Agenda	DGS	Ellington Churchill	47

PROCEEDINGS

LIEUTENANT GOVERNOR RUTHERFORD: As you can see, the Treasurer is not here today because last night she was inducted into the National Association of State Auditors, Comptrollers, and Treasurers Hall of Fame at their 101st --

(Applause.)

LIEUTENANT GOVERNOR RUTHERFORD: She is the first woman to receive that honor, and the second Marylander. You can probably guess who the first would have been: Louis Goldstein. And so that applause was appropriate. We'll let her know when she gets back. She couldn't make it back in time for this event.

I don't have a lot that I'm going to start with. The Governor is winging his way back and then will be headed down to MACo. I will go later in the week. To avoid some of the initial festivities, I go later. I don't partake in a lot of that.

With that, I'll turn it over to the Comptroller.

COMPTROLLER FRANCHOT: Thank you very much, Lieutenant Governor. And I join you in saluting Treasurer Kopp, who is following in the tradition of Louis Goldstein, at that wonderful organization,

national group. And being put into the Hall of Fame is well-deserved honor for her.

But I notice there are only two of us here today. You know, if you wanted to make Mark Newgent the head of the IAC I'd be happy to second the motion.

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: Ah, there we go.

COMPTROLLER FRANCHOT: But seriously, I just did want to put a word in about Ellicott City and Silver Spring because they experienced tragic events that I know you personally have toured, and the Governor has been very attentive to.

Obviously these two events resulted in deaths and a tremendous loss of property. We're seeing photos of the aftermaths of the devastated Historic Ellicott City where millions of dollars in property damage occurred and hundreds of business owners and residents are now recovering and rebuilding. And last week on Wednesday a fire and massive explosion in an apartment complex in Silver Spring resulted in the deaths of at least six people, and there are more people that sadly are going to be discovered, I think, as they move through the clean up. And dozens more were hurt and more than 100 residents were displaced. And that is something, when I toured it they were particularly

appreciative of the fact, Lieutenant Governor, that you were there also that morning getting a briefing on the tremendous force of that explosion.

And for those of you that don't read the *Post*, yesterday had an article about the explosion. And we're talking now a neighborhood of 12, 13 people who are going to be victims, fatalities. And the force of the explosion, according to the ATF, was something they hadn't seen since World War II. That's how big the, and for some reason the force of the natural gas explosion, they think it was, went down into the ground. If it had gone up they said there would have been 80 people killed.

So like all Marylanders, my wife and I, Annie, are joining Marylanders to pray for the victims and the communities affected in Ellicott City and Silver Spring. Like all State and county agencies, my office is committed to providing assistance to those affected by these two tragedies. And if I could, Lieutenant Governor, I'd just like to take a second and go over some of these.

First of all, businesses in Ellicott City that experienced damage or loss from the flood will have until September 19th to file any business related taxes for the month of August. I'd like to point out that these taxes have already been collected from customers and employees and this 30-day extension provides extra time for businesses to file without any penalty.

Second, I've appointed a member of my staff, Mariela Cruz, to serve as liaison to the families and victims of the Silver Spring apartment

explosion. Cognizant of the significant property and financial loss that so many of these families have experienced, my office is willing and ready to work with affected individuals to resolve any outstanding tax obligations with the State in a manner that does not impose further financial burden on them. While my office is committed to fulfilling our statutory responsibility of remitting appropriate taxes, we're just as committed to assisting our fellow Marylanders who need a helping hand. I say over and over again to Marylanders, I am not the IRS. I am the Comptroller. We are here to help you. Yes, we have to make collections. But no, we're not going to heap penalties, interest, fines -- and oh, by the way, we are going to answer the phone when you call and we're going to try to be on your side to the extent we can.

And then lastly, Lieutenant Governor, I mentioned a few minutes ago to you that my office is working with a number of Governor Hogan and your State agencies, and also with County Executive Ike Leggett and all of the folks at the county level, to convene a financial recovery workshop for the victims of the Silver Spring. And we frankly will probably bring and open it up to the Ellicott City businesses if they wish to participate. And I think the date is September 1st over in Silver Spring. And that is going to provide financial counsel to Marylanders and business owners as they reestablish their financial footing and rebuild their lives.

I just want to also comment about the first responders because when they showed up they didn't ask anybody if they spoke English. They didn't ask any of the victims over there in Silver Spring do you have all your documents? Got all your paperwork? No. They showed up and they did what Marylanders and Americans do, which is run right into the face of danger. They put out the fire. They saved people. And they acted with the greatest amount of heroism. And I just want to say that it's one of the reasons we have a great State, because we have people on the front lines who rush into danger regardless.

And then of course there are lots of people that have donated food items and money and clothes, and that is terrific because these folks are particularly affected because of that incident. So Lieutenant Governor, thank you again for your personal attention to that Silver Spring incident. Because, well, it's an ongoing situation.

LIEUTENANT GOVERNOR RUTHERFORD: Well I echo, you know, your comments. And you know, the gravity of the explosion when you look at the site you can barely recognize that there were two buildings connected. Because there is such a chasm between the structure that was essentially not as affected and what was the original structure that you see through to the, straight through to the back. Now there was a wall that was still up and the county took that down as a precaution. But the force of that explosion was such that it looked like a bomb had hit it.

And definitely the kudos to the first responders. When I was there they were in the recovery effort. It was 100 degrees. They were in their equipment. And they were sifting through and removing material. And it was very difficult work under very, very difficult conditions.

I'll just say briefly the State assistance that's being provided there ranges from our State Police and Fire Marshal. The Police of course are helping the county police in terms of securing the perimeter. The Fire Marshals are there helping the county, as well as ATF in terms of the investigation. Our Housing and Community Development has been there to provide some assistance in terms of temporary vouchers for those who have been displaced. There is also a concern of people in some of the adjoining apartments because, or neighboring apartments, because there was a period of time where the power was off. They had to turn the power off, and of course the gas was not there. And so there was relocation of some of those people as well. Department of Human Services, Human Resources is working with the county and social services agencies with regard to assistance there, as well as the Department of Labor and Licensing is there to work with some of the individuals and their job needs. And so, oh and probably one that we often don't think much about, but it's definitely something that's needed, Motor Vehicles is providing at no fee replacement of documentations, drivers licenses, identification cards, and they are doing that at the Wheaton, I want to say Wheaton Library, White Oak Branch, they are doing it

at their White Oak Branch of MVA. And so, because you know, these apartments were devastated. So all your records, all your documents, anything that you would have had is there.

And one thing that I had said when I was out there and talking to some of the residents as well as in, of course, the press, was that we wanted to make sure people came and sought assistance. We weren't concerned about their status, you know, in terms of citizenship or that or the other. We're there just to assist people who are in need. And we spoke to some, a couple of people who were particularly concerned about that. They weren't going over to the shelter because they were concerned. And we were saying, no, at this time we'll let the federal government worry about that stuff. We're just here to assist those who are in need.

So with that said, I guess we can move on to the Secretary's Agenda.

SECRETARY MCDONALD: Good morning, Lieutenant Governor, Comptroller Franchot. We have eight items on the Secretary's Agenda this morning. Number eight is a hand-carried item. We also have four reports of emergency procurements. We are prepared for your questions.

LIEUTENANT GOVERNOR RUTHERFORD: Well I'm going to talk about, first I want to just mention Item 7. That's the Maryland Department of the Environment. And we were talking a little bit about Ellicott City a few

moments ago. But I just want to point out the Board is asked to approve grants to the City of Baltimore for sewer repair and improvements in the Herring Run sewershed improvement basin. This is part of a consent decree but it also has to do with making sure that we don't have the overflows that have gone into the Harbor when we've had massive storms and it's correcting, essentially, very old sewer systems. And I think it's important that the public knows that, you know, the State is working with the City to address these issues and it's some \$20 million in grants to repair the sewer system in that area. More of a statement than a question.

Item 8?

SECRETARY MCDONALD: Item 8.

LIEUTENANT GOVERNOR RUTHERFORD: This is the hand-carried item and what we're asking the Board, or what's being asked of the Board, is to designate for the Department of Housing and Community Development as a fund manager, well they are as the fund manager for the video lottery fund that is designed for small, minority, and women-owned business accounts, to transfer \$2.5 million from that fund to make available to those small businesses, small women and minority-owned businesses in Ellicott City for low interest loans. And in some cases they are zero interest loans. And we're asking for approval of that \$2.5 million. I don't know, is Secretary Holt here?

SECRETARY MCDONALD: Secretary Holt is here.

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LIEUTENANT GOVERNOR RUTHERFORD: Ah, he's here.

MR. HOLT: Good morning.

LIEUTENANT GOVERNOR RUTHERFORD: Good morning.

MR. HOLT: How are you, Mr. Comptroller?

LIEUTENANT GOVERNOR RUTHERFORD: Maybe you can tell us a little bit about the details of how these funds would be used?

MR. HOLT: We have significant experience in making small business loans. The riots in Baltimore City a year ago basically created a rapid response mechanism for us in our department. We've been in the disaster recovery office in Ellicott City from the very beginning. We've had that fully staffed. We've received about 100 applications from affected business owners, also individuals looking for rental assistance and home ownership problems.

We've responded. We've got one business loan that's in process. We've got about three or four that are being underwritten. We probably have eight that are sort of in the process mill right now. These are going to be short term as well as very long term lending situations. As you know, the damage was significant. Some of these businesses may have to be relocated. This gives us the capital to rapidly deploy as an investment fund manager authorized by the Department of Commerce.

We'd effectively receive the \$2.5 million and then deploy it in accordance with our existing programs. The eligible applicants will be small

minority business owners, women business owners. We will adhere to the standards that the Department of Commerce has implemented with that program.

COMPTROLLER FRANCHOT: Okay, so if I could ask --

LIEUTENANT GOVERNOR RUTHERFORD: Yeah.

MR. HOLT: Yeah.

COMPTROLLER FRANCHOT: So this is going to be under your jurisdiction and you're going, you're committing to make sure that these dollars are made available to the businesspeople of Ellicott City as quickly as possible?

MR. HOLT: Absolutely.

COMPTROLLER FRANCHOT: Okay. That's good. And then if you could also, perhaps, get some information back to us as to what the thinking is about how to prevent this in the future. Because obviously this was a once in a thousand year rainstorm. But it seems --

MR. HOLT: There is significant infrastructure improvement that's required.

COMPTROLLER FRANCHOT: Yeah. Or maybe there's some berms or something they can put up on top of the hill to redirect some of the water, maybe not onto other properties but somewhere. Because that was just inconceivable the damage that was done there.

MR. HOLT: Well we --

COMPTROLLER FRANCHOT: And I have a lot of respect for Secretary Holt and I think you'll handle this in a very expeditious --

MR. HOLT: Thank you. We will.

COMPTROLLER FRANCHOT: -- manner. If you could keep us in the loop --

MR. HOLT: Absolutely.

COMPTROLLER FRANCHOT: -- as to where the money went, that would be good.

MR. HOLT: We'll track it and have a report for you on a regular basis.

LIEUTENANT GOVERNOR RUTHERFORD: You know, I want to announce too, and this is not something that the Board has to be concerned about, is that the Governor is requesting from the Legislative Policy Committee to transfer \$2.5 million from the Catastrophic Event Account to DHCD to also make available for loans through your Neighborhood BusinessWorks Program. So that has to be approved by the Senate President and the Speaker. But it is a request that he's making as well on that.

MR. HOLT: There will be a significant long term need for a significant amount of money. And there is no question, a lot of these solutions will require half a million dollars, probably, for renovation of the buildings and

structures. So \$5 million will go a long way but still may not even be adequate in the bigger picture.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. And I know it's not directly with you, but we are having conversations with County Executive Kittleman with regard to infrastructure and what needs to be done to try to mitigate this kind of challenge in the future.

MR. HOLT: Yeah.

LIEUTENANT GOVERNOR RUTHERFORD: One of the problems, and I went out there because I live in the county. I met the County Executive at 1:00 a.m. on Sunday night after the rain on Saturday. And the river, the Tiber River runs beside, underneath the street, and back underneath the street of Main Street. And so you had the water that flowed down the street, which all those videos show. But the river that was running behind a lot of these buildings was overflowing its banks and was flooding down. And so many of those stores, and I have photographs on my cell phone, the water came from behind the store and pushed all their goods, their fixtures, everything out into the street and down the street. And so it's how we can address the river, the culverts that are smaller when they come under the street, how that can be addressed to possibly widen them. And then like you said something that can maybe take some of the water away from flowing straight down there and then into the Patapsco. So.

MR. HOLT: We have been working with the Maryland Department of the Environment to access some Clean Water funds that the federal government has available for a veterans project at Perry Point. And there is a significant amount of capital there that's available at very, very low cost to effectively protect our water systems. And I think that that's a source of financing that we all ought to look at pretty actively. Because there's a significant amount of federal capital available.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. All right.
Thank you.

MR. HOLT: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Any other questions?

COMPTROLLER FRANCHOT: Yeah, I just wanted to follow up.
So you're talking about with the Legislature approves a total here of \$5 million --

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

COMPTROLLER FRANCHOT: -- with extra dollars down the road likely for the infrastructure improvements that need to be made?

MR. HOLT: Absolutely, significant extra money down the road.

COMPTROLLER FRANCHOT: Okay. If I could just throw out for consideration in the next few weeks, not for you Mr. Secretary perhaps, but for all of the relevant people, perhaps folks could consider an allocation not from

that but other dollars from some appropriate vehicle of \$1 million for the hundred families in Silver Spring to help them with their relocation costs. Those are not small businesses but this is a different group of victims that have nothing. I mean they don't have any business and they don't have any residence. They don't have any clothes. They don't have any documents. And so perhaps there could be consideration of putting a chunk of money there. And I hesitate because the Lieutenant Governor and I are known to be very tight with a dollar.

LIEUTENANT GOVERNOR RUTHERFORD: Stingy.

COMPTROLLER FRANCHOT: And we're tossing around millions of dollars here. So but I think the need is there --

MR. HOLT: Absolutely.

COMPTROLLER FRANCHOT: -- if someone takes a look at it.

LIEUTENANT GOVERNOR RUTHERFORD: Well you do have the rental assistance program.

MR. HOLT: Yes. And Mr. Comptroller, I will, and I hope this encourages you, we were immediately responsive. We have a rental assistance program that will provide rental assistance for at least six months for every individual who is affected. If it's 50, if it's 100, it doesn't matter. And by secretarial discretion I can extend this to accommodate whatever the needs are.

We also obviously are in the business of constructing affordable housing and there may be a need for us to be involved in the reconstruction of that

apartment complex. So we will provide whatever financing is needed to address the problem.

LIEUTENANT GOVERNOR RUTHERFORD: Well and I do want to say that County Executive Ike Leggett extended his thanks for reaching out to them very early in the process.

MR. HOLT: Absolutely.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Thank you. Any other items from the Secretary's Agenda?

COMPTROLLER FRANCHOT: No. I would move approval.

LIEUTENANT GOVERNOR RUTHERFORD: I guess I can second, and --

COMPTROLLER FRANCHOT: Yeah.

LIEUTENANT GOVERNOR RUTHERFORD: -- we're in favor.

COMPTROLLER FRANCHOT: Yeah.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

SECRETARY MCDONALD: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you.
Department of Natural Resources?

MR. BELTON: Good morning, Lieutenant Governor Rutherford, Comptroller Franchot. For the record, I'm Mark Belton, the Secretary of the

Maryland Department of Natural Resources. And we have 14 items on our Real Property Agenda for your approval this morning.

LIEUTENANT GOVERNOR RUTHERFORD: I don't have any.

COMPTROLLER FRANCHOT: I don't either. Move approval.

LIEUTENANT GOVERNOR RUTHERFORD: Second. I guess we're all in favor, so thank you.

MR. BELTON: Yes, sir.

LIEUTENANT GOVERNOR RUTHERFORD: Department of Budget and Management?

MR. BRINKLEY: Good morning, Lieutenant Governor, Mr. Comptroller. For the record, David Brinkley, Secretary of the Department of Budget and Management. We've submitted ten items for today's Agenda. We are withdrawing Item 4-S, leaving nine for your approval. And Item 2-S has been revised. So I have anybody here to address any, or I have people here to address any concerns or questions you might have.

LIEUTENANT GOVERNOR RUTHERFORD: I have a question on the first item, the fleet management. It's probably a simple question. I know this is a -- oh, I'm sorry. Introduce yourself.

MR. WILLIAMS: Okay. My name is Larry Williams. I'm the State Fleet and Travel Administrator for the Department of Budget and Management.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. I know this is a not to exceed contract. What was the prior spend, the spend under the prior contract?

MR. WILLIAMS: Around \$70 million.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. So around, so this is ten percent higher than what it was over the prior five years?

MR. WILLIAMS: Yeah. We anticipate growth in the program.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

MR. WILLIAMS: And it's been very popular, and so we just built in what we anticipate will happen in the next five years.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. How is, have there been any efforts, I know there's been some conversations at least amongst the staff on this floor, about reducing the size of our fleet. Has that reached you as well?

MR. WILLIAMS: Yes, sir. We are constantly looking at ways to reduce the fleet. I've been working with Secretary Brinkley and the Deputy Secretary. We're looking at ways to primarily get rid of some of the older vehicles that we have in our fleet that are pretty much being under-utilized. And we've started to identify those vehicles and are taking steps now to work to reduce those vehicles out of the fleet.

LIEUTENANT GOVERNOR RUTHERFORD: Particularly those that would have high maintenance --

MR. WILLIAMS: Yes.

LIEUTENANT GOVERNOR RUTHERFORD: -- issues. Okay. All right. Well thank you. That was my only question there.

COMPTROLLER FRANCHOT: Yeah, I have a couple of questions. Thank you for --

LIEUTENANT GOVERNOR RUTHERFORD: Sure.

COMPTROLLER FRANCHOT: -- picking this project out. I was hoping that it would be among your list of items that you were postponing to take another look at, Mr. Secretary. But let me go ahead and ask the question since it isn't. This is for \$77.5 million to a Sparks based firm called Element Vehicle Management Services to provide vehicle management and repair services for our State fleet, as the Lieutenant Governor noted. The company is the incumbent vendor according to my background materials and if approved they would be the beneficiary of a single bid contract. Because according to my notes one other vendor was disqualified because their bid was submitted after the deadline and the other one was found to be, and I quote from the background materials, "not to be reasonably susceptible of being selected for award." I have to follow up on these points because we're talking about obviously a lot of money over five years in the

absence of bid competition, which is not the idea that I have as far as procurement reform and a successful outcome.

First on the subject of the late bidder, how late was the late bid? Are we talking about several days or weeks? Or are we talking about 20 minutes late because they got caught in traffic?

MR. HOLT: No I, I think it was 24 hours, it was the next day. And our procurement person can speak to that.

MS. TOMASZEWSKI: Good morning, Comptroller --

COMPTROLLER FRANCHOT: Uh-huh.

MS. TOMASZEWSKI: -- Lieutenant Governor, Jamie Tomaszewski, Chief of Procurement for the Department of Budget and Management. The one bid, one offeror submitted their proposal a day late.

COMPTROLLER FRANCHOT: A day late.

MS. TOMASZEWSKI: So it was a day late.

COMPTROLLER FRANCHOT: Okay. Thank you. That's helpful. But to the extent, I'll take advantage of you still being there --

MS. TOMASZEWSKI: Okay.

COMPTROLLER FRANCHOT: -- to the extent that you can discuss the vendor that was disqualified because it was not reasonably susceptible, what exactly were the criteria that you can enlighten us on about that?

MS. TOMASZEWSKI: Well we provided opportunities for both of the offerors to respond to cures. They did respond to the first round of cures, did not answer all the questions that we requested of them. They were taking exceptions to the scope of work, basically not meeting the requirements that we were looking to meet for the contract. And so we did a second round of cures after oral presentations. They declined to do an oral presentation and they declined to respond to our second round of cures. So at that time we found them not reasonably susceptible.

COMPTROLLER FRANCHOT: Okay. And I assume neither of those two vendors, the late one or the non-complying one, non-responding one, neither of them are protesting?

MS. TOMASZEWSKI: Correct.

COMPTROLLER FRANCHOT: Okay.

MS. TOMASZEWSKI: Correct.

COMPTROLLER FRANCHOT: And how long has the incumbent company had the current contract, and how would you characterize their job performance? That might be --

MS. TOMASZEWSKI: I'll give it back to Larry for that.

MR. WILLIAMS: They've had the current contract four and a half years and they have done an outstanding job. We periodically survey our agency users to see if they are pleased with the work that Element has been doing and

we've always got very outstanding, glowing remarks back from them. They are very customer oriented and always doing training. And a great Maryland company.

COMPTROLLER FRANCHOT: Okay. So I'm probably not going to vote for this.

MR. WILLIAMS: Okay.

COMPTROLLER FRANCHOT: And not because I don't agree and think that this is a great Maryland based company. I'm sure it is. But we keep seeing these things appear. And somebody has got to have another bid in there in order to prove to us that the ten percent increase, admittedly it's a ceiling, I'm not suggesting that it actually is going to go up ten percent. But show us some proof that this is the best deal for the taxpayers. The Lieutenant Governor has got a whole task force that he's heading up and I'm very supportive of that. But this is an example of essentially a \$77 million single bid contract awarded to an incumbent vendor. And I've been pounding the table about that. So --

MS. TOMASZEWSKI: And we are in 100 percent agreement with you on that, Mr. Comptroller. So we did do market research to make sure that we were getting a price that was fair and reasonable for the State. The rate that was proposed by the incumbent is the same rate that they proposed almost five years ago, so we'll be maintaining the same rate for services with additional services included on this new contract that were not on the previous five-year

contract at the same price for an additional five years. So we'll be holding flat our rates for a ten-year period basically. And we did look at the market, even though we did not get good competition that we would like to have on this particular procurement we feel that we are getting the best benefit for the State with this contract.

COMPTROLLER FRANCHOT: Well I'm just signaling my --

MS. TOMASZEWSKI: I --

COMPTROLLER FRANCHOT: -- obviously I have a lot of respect for you guys. I just have a concern. And if we don't administer procurement reform through this process as well as the legislative reforms, etcetera, that the task force is working on, we're never going to make any progress and we're never going to know whether the taxpayers get a good deal. I don't want to stand in the way of fleet management and I'm happy to defer my concerns until the Treasurer returns and etcetera.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Well let's

--

COMPTROLLER FRANCHOT: But I'm, I, you know --

LIEUTENANT GOVERNOR RUTHERFORD: Let's --

COMPTROLLER FRANCHOT: -- it's just my personal opinion -

-

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Yeah, let me hear from the Secretary for a moment.

MR. BRINKLEY: Well what I was going to just suggest is since we do have a, only two people able to vote today --

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

MR. BRINKLEY: -- that we just pull this for two weeks and have it appear on the Agenda for September 7th.

MS. TOMASZEWSKI: We can, obviously it's not time for the contract to start.

MR. BRINKLEY: Yeah --

MS. TOMASZEWSKI: We can hold off.

LIEUTENANT GOVERNOR RUTHERFORD: It doesn't start until November.

MR. BRINKLEY: The contract's not till November 1st.

LIEUTENANT GOVERNOR RUTHERFORD: With additional information --

COMPTROLLER FRANCHOT: Well if the Lieutenant Governor wants to vote with me I'm happy to --

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: We'll defer it for two weeks.

MS. TOMASZEWSKI: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you.

SECRETARY MCDONALD: Governor, I think we'll mark this as withdrawn by the agency. But I would like the Comptroller to know, I got some statistics this morning that shows you are having a positive effect. The Board of Public works in fiscal year 2014 had 93 single bid items. In 2015 it went down to 42 single bid items. And this last fiscal year that just completed it was 31 single bid items. So in two years you went from 93 to 31.

(Applause.)

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

COMPTROLLER FRANCHOT: Well it takes two votes --

LIEUTENANT GOVERNOR RUTHERFORD: I was going to say, I think --

COMPTROLLER FRANCHOT: -- on the Board of Public Works to result in that kind of progress. So --

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

COMPTROLLER FRANCHOT: -- hats off to the administration and thank you for sharing that information. Please send it to each of us, if you would.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah. And that's good.

SECRETARY MCDONALD: I will. I just got it this morning.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah, particularly since the first year you mentioned was '14 fiscal year, which we weren't here. So --

SECRETARY MCDONALD: I know, and that was the 93.

LIEUTENANT GOVERNOR RUTHERFORD: -- we were fighting that tough fight and it's made a difference now. Okay. Any other questions on Department of Budget and Management's Agenda?

COMPTROLLER FRANCHOT: Yes. I have one last item, on Item 10.

MR. BRINKLEY: Item 10 will be Linda Lamone, the Board of Elections Administrator.

COMPTROLLER FRANCHOT: Okay. Oh, good. There we go.

MS. LAMONE: Good morning.

LIEUTENANT GOVERNOR RUTHERFORD: Good morning.

COMPTROLLER FRANCHOT: Good morning.

MS. LAMONE: Linda Lamone, State Administrator of Elections. And with me I have Jeff Darsie, our Assistant Attorney General for the State Board of Elections. And if I may, one of my Board members is also here, P.J. Hogan.

COMPTROLLER FRANCHOT: Oh good. Bring Senator Hogan up. Come on up here.

MS. LAMONE: I don't think he wanted to do that.

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: He was hiding back there.

COMPTROLLER FRANCHOT: Yeah. So thank you very much. And my understanding is that we're being asked to approve a \$251,000 settlement of a lawsuit brought against the State Board of Elections by the National Federation of the Blind. According to my notes the Elections Board received money from the federal level to create an online system that will allow military personnel to mark their absentee ballots online, which you apparently did. Despite this the Board is, and please correct me if this is being mischaracterized, you have refused to move forward with the new online balloting technology and the Federation heard about this and sued the State for access to the system and that's what we're settling up right now?

MS. LAMONE: Correct.

COMPTROLLER FRANCHOT: So apparently disabled voters will be able to use the online technology but members of the military for whom the online platform was developed in the first place will not have access, is that right?

MS. LAMONE: That's correct.

COMPTROLLER FRANCHOT: So seriously?

LIEUTENANT GOVERNOR RUTHERFORD: And why?

MS. LAMONE: Seriously.

COMPTROLLER FRANCHOT: We have federally funded technology that makes it possible for special constituencies to vote remotely. It's in place and we're now under a judicial mandate to use it. But our men and women who are serving our country far from home won't have access to it. Am I missing something?

MS. LAMONE: No you're not, unfortunately. The problem is the General Assembly required the State Board of Elections to certify we call it the tool before it could be made available to the general public, including our military and overseas voters. And the Chair of the State Board of Elections has refused to do that.

COMPTROLLER FRANCHOT: Is that who is here?

MS. LAMONE: No.

COMPTROLLER FRANCHOT: Who -- yeah, what, Senator Hogan --

SENATOR HOGAN: I can tell you.

COMPTROLLER FRANCHOT: -- what, why does the Board Chair have a veto power over --

MS. LAMONE: Under --

LIEUTENANT GOVERNOR RUTHERFORD: Or at least what are the reasons?

COMPTROLLER FRANCHOT: -- allowing our soldiers to take advantage of this technology if --

MS. LAMONE: Under State law the Board of Elections has to have four votes in favor of any action that it takes and when the original vote came before the Board to certify the tool the Chair and one of the other members, another member agreed with the Chair and they refused to certify it until we had a security review done on it. And so we have had now -- how many security reviews? Four, I believe. We've spent \$136,000 on them. Plus we spent \$27,000 to buy tools to assess the system on a regular basis for security issues. And we still can't get four members of the Board to certify it. And the only reason --

LIEUTENANT GOVERNOR RUTHERFORD: What is, what is the reason that they are stating on not certifying?

MS. LAMONE: Because it's not secure, that's the reason given. And the person, there is an advocate out there that the Chair apparently believes who believes it's not secure even though we've had all this testing done on it.

LIEUTENANT GOVERNOR RUTHERFORD: Are they pointing to anything other than saying it's not secure? Any additional studies?

MS. LAMONE: No.

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LIEUTENANT GOVERNOR RUTHERFORD: Or criticizing the existing studies?

MS. LAMONE: No.

LIEUTENANT GOVERNOR RUTHERFORD: All right.

MS. LAMONE: And obviously I'm not happy about this situation.

LIEUTENANT GOVERNOR RUTHERFORD: We'll have to see.

COMPTROLLER FRANCHOT: Well maybe we, I'm beginning to feel like I'm the skunk at the garden party here, but perhaps we could defer this for a couple of weeks and ask the Board Chair to come over and perhaps reconsider since it's now being mandated by the court for our citizens that have a sight disability.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

COMPTROLLER FRANCHOT: Maybe they could reconsider their concern unless it's founded in something and allow our overseas military personnel to utilize the system.

MS. LAMONE: And that --

LIEUTENANT GOVERNOR RUTHERFORD: How does this deferral affect your settlement?

MS. LAMONE: I'm sorry?

LIEUTENANT GOVERNOR RUTHERFORD: How would a deferral affect this settlement?

MS. LAMONE: Well I think that, that poses legal issues for the Attorney General's Office if we defer the payment of the legal fees. The court is very anxious to get this thing settled, as I understand it.

LIEUTENANT GOVERNOR RUTHERFORD: Is that correct, attorney, counsel?

MR. DARSIE: Yes. Yes. The --

LIEUTENANT GOVERNOR RUTHERFORD: Introduce yourself.

MR. DARSIE: My name is Jeff Darsie. I'm the Assistant Attorney General. The National Federation for the Blind, as prevailing parties, are entitled to attorneys fees and they filed a well-supported motion in May to recover those fees. I believe it was May, it could have been April. And the court has deferred taking action on their fee request in light of the proposed settlement of fees issue. The fees in this case I think are separate, the question is whether they are reasonable. They are clearly entitled as prevailing parties. So I think that question is separate from the issues about whether the tool can be certified in time for overseas military voters to use that technology.

MS. LAMONE: Yeah. I'm, if we're going to get a resolution on this we need to have it done sooner than later. Because under federal law we're required to get the absentee ballots out to our military and overseas voters at least 45 days prior to the general election. So that's coming up in early September.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

COMPTROLLER FRANCHOT: Well so exactly what bad things would happen if we didn't, if we pushed this off for a couple of weeks?

MR. DARSIE: Well it would just delay payment to the prevailing parties who may be entitled to it. I don't know what the district court judge would do with regard to whether he would go forward with proceedings to consider a different amount. I just have no way of knowing that.

LIEUTENANT GOVERNOR RUTHERFORD: So the Federation for the Blind filed for fees probably at a number higher than this number?

MR. DARSIE: Yes.

LIEUTENANT GOVERNOR RUTHERFORD: And so that's in front of the court now. You've reached a settlement for \$251,000 or thereabouts.

MR. DARSIE: Yes, that's correct.

LIEUTENANT GOVERNOR RUTHERFORD: So the judge could rule on that motion and just without taking additional information, correct?

MR. DARSIE: Well I think that would be unlikely.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

MR. DARSIE: But there could be additional litigation if the settlement is not approved today.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.
Comptroller?

SENATOR HOGAN: May I --

COMPTROLLER FRANCHOT: Senator, welcome.

SENATOR HOGAN: Thank you. Governor, Mr. Comptroller, P.J. Hogan, Vice Chair of the State Board of Elections. I just want to make it very clear that this is not internet voting. This is not online voting. Okay? You receive the absentee ballot electronically and this tool allows you to mark the ballot.

MS. LAMONE: It's like Turbo Tax.

SENATOR HOGAN: Yeah. You print it off and you send the ballot in, so okay? I want to be very clear about that. There's no guarantees in life. We're going to have people forever saying, oh, elections can be tampered with, is this, you know. We've had four security reviews done of this online ballot marking tool and all have said it's secure. That's why I voted to certify it twice. I'm tired, I knew full well we were going to get sued by, I mean I didn't, I assumed we were going to get sued by the National Federation for the Blind. And they have every right to. My only request to the Board would be to approve this settlement because that's the situation we're in.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

SENATOR HOGAN: But any direction you can give to the Board of Elections to certify this tool for all voters would be much appreciated. That's my opinion.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Thank you.

COMPTROLLER FRANCHOT: Very eloquent.

(Laughter.)

MR. BRINKLEY: Governor, if I could just add a comment? You're going to have another item on the Agenda later on, I think under DoIT.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

MR. BRINKLEY: Which is to do with technology for the counties for some additional monies that they've asked for.

LIEUTENANT GOVERNOR RUTHERFORD: Right.

MR. BRINKLEY: This settlement is more money than what the counties are asking for so they can fulfill their obligations for the upcoming presidential election. I just wanted to point that out to you.

LIEUTENANT GOVERNOR RUTHERFORD: Lawyers are expensive. Any other questions?

COMPTROLLER FRANCHOT: So yeah. No, I don't have any other questions. I just think it's, I'm a veteran, I find this to be completely unacceptable. And maybe a little bit out of the blue. But I'm, feel free to pull this one off too, if you want, because it's just wrong. And I have great respect for the Board members who are holding it up. But they've got to reconsider and look at the facts. And I don't see any other instrument around to express that without

sounding like we're just commenting and giving our opinion off the top of our heads. So I'm not going to vote for this and I don't think it should move forward.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Well maybe the Budget Secretary, if you could pull this off for the next Agenda item?

MR. BRINKLEY: I'll pull it off for the next meeting in September.

COMPTROLLER FRANCHOT: Yeah.

LIEUTENANT GOVERNOR RUTHERFORD: Right.

COMPTROLLER FRANCHOT: What date is that?

SECRETARY MCDONALD: It's three weeks from now, it's the seventh. Three weeks.

COMPTROLLER FRANCHOT: Is that going to let you get something going out if there's a different report back to us?

LIEUTENANT GOVERNOR RUTHERFORD: Invite the chairman --

MS. LAMONE: Well the State Board is meeting on the 25th of August, I believe. Is that, is that next week?

LIEUTENANT GOVERNOR RUTHERFORD: No, it can't be the fifth of August.

MS. LAMONE: Hm?

LIEUTENANT GOVERNOR RUTHERFORD: We're already past the fifth of August.

MS. LAMONE: I said 25th, I'm sorry.

LIEUTENANT GOVERNOR RUTHERFORD: Oh, 25th, okay.

MS. LAMONE: We certainly can put it back on the Agenda.

COMPTROLLER FRANCHOT: Good.

MS. LAMONE: I don't know whether I have four votes.

COMPTROLLER FRANCHOT: Feel free.

MS. LAMONE: And I --

COMPTROLLER FRANCHOT: I mean that's, the Senator asked for a message. I think that's part of that.

MS. LAMONE: But if you --

COMPTROLLER FRANCHOT: Yeah, here's the message. Be pragmatic. Be practical. Reconsider. These are people that are sacrificing lots for our country.

MS. LAMONE: Well you know how I feel.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

COMPTROLLER FRANCHOT: Yeah.

LIEUTENANT GOVERNOR RUTHERFORD: We'll see. University of Maryland? Or are there any additional questions on this?

SECRETARY MCDONALD: -- two through nine. It looks like you need a motion on two through nine. One and ten have been withdrawn.

COMPTROLLER FRANCHOT: Move approval.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. It's seconded and approved.

SECRETARY MCDONALD: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: University System?

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

LIEUTENANT GOVERNOR RUTHERFORD: Thank you.

COMPTROLLER FRANCHOT: I don't have anything.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah, I don't either. Let's see. I don't have any, I don't have any questions. So --

COMPTROLLER FRANCHOT: Move approval.

LIEUTENANT GOVERNOR RUTHERFORD: Second.

MR. EVANS: Thank you.

COMPTROLLER FRANCHOT: Great.

LIEUTENANT GOVERNOR RUTHERFORD: It's all approved. Thank you. Department of Information Technology?

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MR. ESTRADA: Good morning, Lieutenant Governor and Mr. Comptroller. For the record, I'm Luis Estrada, Deputy Secretary for the Department of Information Technology. Today we have 13 items on the Agenda. We're withdrawing Item 9-IT-MOD and Item 13 is hand-carried. We have agency representatives to answer questions that you may have.

COMPTROLLER FRANCHOT: I don't have any.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. I just have a couple of brief questions. You have a couple of retroactive contracts. And you've had turnover as one of the reasons within your procurement staff. How are you trying to address that issue so we don't have these missing dates?

MR. ESTRADA: So we have a vacancy in our procurement director and assistant director. That's certainly not the cause of the retroactive situation. But we're competing with industry and having professionals that have experience negotiating large, complex, risky IT contracts with the large vendors, it's difficult to retain that kind of expertise within the State. We are working with DBM to recruit for those positions.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Yeah.
Work force --

MR. ESTRADA: If you have any ideas, anybody you want to send over to us, we'll take, you know --

LIEUTENANT GOVERNOR RUTHERFORD: Well work force is an issue and we're trying to address that as well in the Procurement Commission, Modernization Commission. It's tough to compete with even in some cases our neighbors. As I look at one person in particular. Okay, I don't have any additional questions on this.

COMPTROLLER FRANCHOT: Move approval.

LIEUTENANT GOVERNOR RUTHERFORD: We're in favor.

MR. ESTRADA: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you.
Department of Transportation?

MR. LEWIS: Good morning, Lieutenant Governor Rutherford, Comptroller Franchot. For the record, my name is R. Earl Lewis, Jr., Deputy Secretary of the Maryland Department of Transportation. MDOT has 16 items for your approval today. At this time Item 15-RP is being withdrawn.

LIEUTENANT GOVERNOR RUTHERFORD: Fifteen? Okay.
Let's see. I'm sorry. I'm trying to get to 15. Is this being withdrawn because of the defer in the Purple Line? Or other reasons?

MR. LEWIS: Yes, until we can get more (indiscernible) on that.
Correct.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. I have a question on 8-M, maintenance service. And it has to do with the hybrid bus. Do we know what the cause of the fire was in the vehicle?

MR. LEWIS: The cause of the fire, I don't have the details on the cause of that particular fire. Someone from MTA may be here that has that answer.

MR. KNIGHTON: Just in time.

MR. LEWIS: Yes.

LIEUTENANT GOVERNOR RUTHERFORD: Is there someone who can --

MR. LEWIS: Yes, Jim Knighton is here.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

SECRETARY MCDONALD: Jim, they are on Item 8.

MR. KNIGHTON: Okay.

SECRETARY MCDONALD: Which is the New Flyer for the repair.

MR. KNIGHTON: Yes. Okay. Good morning, Mr. Lieutenant Governor, Mr. Comptroller, Jim Knighton, Chief of Staff with Maryland Transit Administration for the record.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah, I was asking about the cause of the fire associated with this vehicle, the hybrid bus.

MR. KNIGHTON: Okay.

LIEUTENANT GOVERNOR RUTHERFORD: Because we're having it repaired --

MR. KNIGHTON: Right.

LIEUTENANT GOVERNOR RUTHERFORD: And I just, is it something systemic? Is it just something that could happen or --

MR. KNIGHTON: Yes, this was something relating to the electrical system in this bus. But it's not a widespread problem. It's not something we've had with other vehicles in our fleet.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

MR. KNIGHTON: This was an unusual occurrence.

LIEUTENANT GOVERNOR RUTHERFORD: How many of these, this type of vehicle do we have?

MR. KNIGHTON: We have about 750 buses in our fleet. New Flyer is our manufacturer.

LIEUTENANT GOVERNOR RUTHERFORD: And there are 750 hybrid buses just like this?

MR. KNIGHTON: That's right. Yes.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. All right. Okay. Thank you. Any other questions?

COMPTROLLER FRANCHOT: I don't have questions. I'd move approval of the Agenda, if unless you have something.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Well one last, I'm sorry --

MR. KNIGHTON: Sure.

COMPTROLLER FRANCHOT: Sure. No.

MR. KNIGHTON: Mm-hmm.

LIEUTENANT GOVERNOR RUTHERFORD: Before we, Item 17. I mention Item 17 because it's an expansion of the commuter bus service.

MR. KNIGHTON: Yes.

MR. LEWIS: Yes.

MR. KNIGHTON: Absolutely, yes. Yeah, this is some reverse commute service to Aberdeen Proving Ground and other locations in Harford County from Baltimore City, out through Baltimore County. And this is another component of the MTA's BaltimoreLink initiative. The last time we were here we had some commuter bus service that was also part of BaltimoreLink. So this is another component of that, to get folks from the City out to jobs at APG.

LIEUTENANT GOVERNOR RUTHERFORD: To jobs, that's, that's a very good point.

MR. KNIGHTON: Yes, sir.

LIEUTENANT GOVERNOR RUTHERFORD: No, I wanted to emphasize that, that moving people to where the jobs are as best as possible. And I believe it was last week there was an announcement that the federal government was putting money into, \$10 million into the BaltimoreLink associated with the North Avenue --

MR. KNIGHTON: That's right.

LIEUTENANT GOVERNOR RUTHERFORD: -- corridor.

MR. KNIGHTON: Yes.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah, to match or go with the \$14 million that the State was putting into that project.

MR. KNIGHTON: That's right. We've moving forward on a number of different fronts, so yes.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Well that's, that's good. There's a program in, and it's not run by the state, but in Wisconsin where private nonprofits are doing something very similar for their manufacturing facilities that may sit outside of in this case Milwaukee, moving people. And it's ex-offenders that go through a particular training and getting them to jobs with the manufacturing facilities that are outside of there. And that's something that we're going to look a little carefully at as well.

MR. KNIGHTON: Absolutely.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. All right.

Well thank you. I think we have a motion on the --

COMPTROLLER FRANCHOT: Yes. Move approval.

LIEUTENANT GOVERNOR RUTHERFORD: It's seconded and approved. Thank you very much.

MR. KNIGHTON: Thank you.

MR. LEWIS: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you.
Department of General Services?

MR. CHURCHILL: Good morning, Lieutenant Governor, Mr. Comptroller. For the record, I'm Ellington Churchill, Secretary of General Services. The department has 30 items on our Agenda. We are withdrawing Items 4, 11, 25, and 27. We have staff available to answer questions.

SECRETARY MCDONALD: Excuse me, could you repeat the four? Because that's not, we hadn't noticed that you were withdrawing --

LIEUTENANT GOVERNOR RUTHERFORD: He said it pretty quickly.

MR. CHURCHILL: Four.

SECRETARY MCDONALD: Four?

MR. CHURCHILL: Eleven.

SECRETARY MCDONALD: Eleven?

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MR. CHURCHILL: Twenty-five.

SECRETARY MCDONALD: Twenty-five?

MR. CHURCHILL: And 27.

SECRETARY MCDONALD: Thank you.

MR. CHURCHILL: Mm-hmm.

LIEUTENANT GOVERNOR RUTHERFORD: Why are you withdrawing so many?

MR. CHURCHILL: Well a number of items had been reviewed by a previous Board of Public Works meeting. That would be Item 11 and Item 25. Item 4 we are still addressing federal funding.

LIEUTENANT GOVERNOR RUTHERFORD: Well I don't have any questions. I know we held over the master lease for Historic Annapolis and the sublease last time. My questions were answered on that. I don't have any additional questions on your Agenda.

COMPTROLLER FRANCHOT: I'd move approval.

LIEUTENANT GOVERNOR RUTHERFORD: And second. It's approved. And we're all done.

SECRETARY MCDONALD: Thank you, Governor.

COMPTROLLER FRANCHOT: Great. Good job.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you.

(Whereupon, at 10:59 a.m., the meeting was concluded.)

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