
STATE OF MARYLAND
BOARD OF PUBLIC WORKS
GOVERNOR'S RECEPTION ROOM, SECOND FLOOR, STATE HOUSE
ANNAPOLIS, MARYLAND

March 22, 2017
10:05 a.m.

MR. BEZANSON: Let me find the program description here.

LIEUTENANT GOVERNOR RUTHERFORD: The reason I ask, while you're looking for that, is because as you know the Governor and I have been very much involved with trying to address the opioid and addiction issues that we have in the State. And one of the places where we're confronted with that challenge is in our correctional facilities. And I know that there are a number of programs within our correctional facilities, and in some cases we're not able to get enough people through. And I know the Secretary has been working on this. But I just wanted to know a little bit. I was not familiar with this particular program and just if there's information --

MR. BEZANSON: Yes. This particular program serves a female population. And as you are aware, the Governor closed the main men's detention center in August, 2015 and we recently closed in October of '16 the women's detention center and relocated that population to the Central Booking building. The program requirement to have a separate meeting area for this court-ordered program for treatment services for women was being performed adjacent to the women's detention center in a trailer. The planned demolition of buildings would take those buildings down in the future so we had to have a permanent location adjacent to Central Booking to serve that population. And that is why we are proceeding with this request to approve this contract.

The program itself has been in existence for some time and if you have specific questions about it, Kate Dixon, the Director of Capital Construction, is familiar with the needs of that program.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. How is it working? How successful has the program been?

MS. DIXON: The program --

LIEUTENANT GOVERNOR RUTHERFORD: First I guess you need to identify yourself for the record.

MS. DIXON: Hi, I'm Katherine Dixon, Director of Capital Construction and Facilities Maintenance for the department. The program includes females that have drug treatment needs and they are segregated from the rest of the population to focus on a full day of programming where they attend group therapy sessions, individual counseling, acupuncture services, and other services which helps also shorten their sentence so they can be released when they complete the program.

LIEUTENANT GOVERNOR RUTHERFORD: Is there any kind of --

MS. DIXON: And I have a like three-page memo I could also send that goes into more detail about it.

LIEUTENANT GOVERNOR RUTHERFORD: Oh, please do. Because I was going to ask, the next question, and if there's any information that

you can add, is there any handoff process when they are released? Because, you know, they, recovery is an ongoing effort.

MR. BEZANSON: Yes, there is.

MS. DIXON: There is.

LIEUTENANT GOVERNOR RUTHERFORD: And so, you know, the person can feel okay, I'm ready, I'm, you know, the term sometimes is clean.

MS. DIXON: Right.

LIEUTENANT GOVERNOR RUTHERFORD: But they come out and they still have the same stimuli that caused them to go to the drug culture in the first place.

MS. DIXON: Right.

LIEUTENANT GOVERNOR RUTHERFORD: So is there any handoff, some transition, sober housing, recovery housing, or something that can help them readjust and deal with the stimuli that might be there? If you don't know, you can get that information back to us.

MS. DIXON: I'll get back to you.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

MS. DIXON: There is.

LIEUTENANT GOVERNOR RUTHERFORD: All right.

MS. DIXON: But I don't think it's housing. I think it's with counseling.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. All right.

MR. BEZANSON: Thank you.

MS. DIXON: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you.

Unless there's any -- any questions, other questions on the Agenda? Questions on the Secretary's Agenda?

COMPTROLLER FRANCHOT: No, move approval. Is this --

LIEUTENANT GOVERNOR RUTHERFORD: This is the Secretary's Agenda.

COMPTROLLER FRANCHOT: Okay. No, move approval.

SECRETARY MCDONALD: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: All in favor? Okay. Thank you. Department of Natural Resources?

MR. BELTON: Good morning, Lieutenant Governor, Madam Treasurer, Mr. Comptroller. For the record, I'm Mark Belton, Secretary of the Maryland Department of Natural Resources. We have eight items on our Real Property Agenda for your approval this morning.

LIEUTENANT GOVERNOR RUTHERFORD: All right. I don't have any questions. I do want to thank you again for the program at the Harriet

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

Tubman Visitors Center. It was very well organized and the visitors center itself was quite impressive.

MR. BELTON: Thank you, sir. The staff is very proud of it.

TREASURER KOPP: And if you would extend the thanks also to Ms. Settina?

MR. BELTON: I will.

TREASURER KOPP: Who did a terrific job.

MR. BELTON: Absolutely.

COMPTROLLER FRANCHOT: So I have a question --

LIEUTENANT GOVERNOR RUTHERFORD: Yes.

COMPTROLLER FRANCHOT: -- about Item 6, if I could, Mr. Secretary?

MR. BELTON: Yes, sir. We have representatives here from the Eastern Shore Land Conservancy and the Maryland Environmental Trust if you'd like me to call them up to answer your questions?

COMPTROLLER FRANCHOT: It's actually just a question for you, I think.

MR. BELTON: Sure.

COMPTROLLER FRANCHOT: Because when we originally approved this in February of last year, it was a \$4.4 million easement acquisition that was 100 percent federally funded. It now appears that the federal funds were

only \$3.59 million so we're being asked to make up the difference of \$800,000-plus in Program Open Space funds. I guess my main question is whether that would, if you were just asking us for the \$809,000 for Program Open Space, would this be a legitimate Program Open Space item?

MR. BELTON: It certainly would, Mr. Comptroller. The Natural Resources Article 5-903(e) points out that DNR with the approval of the Board of Public Works may use acquisition funds to make matching or refundable grants to land trusts and this particular property is an exciting addition to our public land system. The easement here is 678 acres right on the Sassafra River and one of its tributaries.

COMPTROLLER FRANCHOT: Great.

MR. BELTON: It's a very ecologically sensitive piece of property and it allows for access from the water for folks using those waterways.

COMPTROLLER FRANCHOT: Excellent. And is the, are you going to provide a boat ramp or a picnic area or a hiker biker trail so that citizens have, really do have access, as opposed to just, yeah, if you want to carry your kayak through the woods and put it in, fine, but --

MR. BELTON: Not at this particular time. But we will certainly be looking at that. It seems like it would be a great spot for it.

COMPTROLLER FRANCHOT: Thank you for doing that. Because, you know, I think sometimes we forget the families --

LIEUTENANT GOVERNOR RUTHERFORD: Right.

COMPTROLLER FRANCHOT: -- in our effort to protect ecologically sensitive land, particularly near water. And to the extent you can make sure that land preservation has community uses associated with it, I would be grateful.

MR. BELTON: Yes, sir.

COMPTROLLER FRANCHOT: Yep. Good. Well keep us in the loop on that, please.

MR. BELTON: Will do.

LIEUTENANT GOVERNOR RUTHERFORD: So the property is still an active farm?

MR. BELTON: It is.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

MR. BELTON: This is an easement. We won't be taking it over for active recreational use like a park.

LIEUTENANT GOVERNOR RUTHERFORD: And they will provide water access, that's what's, going to the Comptroller's point.

MR. BELTON: Yes, sir.

COMPTROLLER FRANCHOT: Yeah. But the issue is, when Mark put, I mean Mr. Secretary, thank you for putting your finger on it. Hopefully there is going to be a boat ramp and a trail and not just --

MR. BELTON: To make it more inviting for the folks from the water.

COMPTROLLER FRANCHOT: -- yeah, park on the side of the road --

LIEUTENANT GOVERNOR RUTHERFORD: Yeah, and walk through the cornfield --

COMPTROLLER FRANCHOT: Yeah.

LIEUTENANT GOVERNOR RUTHERFORD: -- or the soybean field and --

MR. BELTON: We'll work on that with the leaseholders.

COMPTROLLER FRANCHOT: Thank you very much, I appreciate it.

LIEUTENANT GOVERNOR RUTHERFORD: Any other questions? Well do we have a motion?

COMPTROLLER FRANCHOT: Move approval.

LIEUTENANT GOVERNOR RUTHERFORD: I'll second that. Okay. All in favor?

TREASURER KOPP: Aye.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Thank you.

MR. BELTON: Thank you, sir.

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

LIEUTENANT GOVERNOR RUTHERFORD: Department of Budget and Management?

MR. BRINKLEY: Good morning, Governor, Comptroller, Madam Treasurer. For the record, David Brinkley, the Secretary of the Department of Budget and Management. We have submitted eight items for today's Agenda. I am withdrawing Item 2-S, leaving seven for your approval. I have representatives here to address any concerns or questions you might have. Item 7-S-MOD has been revised and Item 8-S is a hand-carried item. It was deferred from our March 8th, 2017 DBM Agenda item. It was Item 2-S on that Agenda.

LIEUTENANT GOVERNOR RUTHERFORD: 2-S you're pulling out. Okay.

MR. BRINKLEY: No, well that was on that Agenda item. And then 2-S today is also --

LIEUTENANT GOVERNOR RUTHERFORD: Okay. I have a question on 5-S-MOD, Health and Mental Hygiene. This is the courier service.

MR. DEMBROW: Yes, good morning. May it please the Board, my name is Dana Dembrow, Director of Procurement for the Department of Health and Mental Hygiene. I'm not sure if Dr. Myers is -- oh, thank you. Come on up and join me, if you will. He's in charge of laboratories administration. This is a courier contract. It's an extension in order for us to complete the

procurement for our new courier to be enforced by July 1st. And we'll be happy to answer any questions. Dr. Myers?

LIEUTENANT GOVERNOR RUTHERFORD: Now this is courier services between where?

DR. MYERS: It's between the local health departments and the Laboratories Administration. On a regular basis, five days a week, we make pickups of clinical and environmental samples that are brought back to our central lab in Baltimore. They also function as an emergency courier system. For example, we had an Ebola case that occurred on Thanksgiving night a few years ago. We call up this company and they actually dispatch a courier and expedite getting specimens back to us.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. This is maybe a question in terms of just typographical. It mentioned samples between the local health departments and 201 W. Preston? Your lab is no longer 201 W. Preston.

MR. DEMBROW: That's correct. The central lab is now located at --

DR. MYERS: 1770 Ashland Avenue.

MR. DEMBROW: And that was a typo.

LIEUTENANT GOVERNOR RUTHERFORD: So this is a typo?

MR. DEMBROW: Yes, sir.

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

LIEUTENANT GOVERNOR RUTHERFORD: All right.

MR. DEMBROW: You are very astute in catching it. I did as well but it was too late to make the correction.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

MR. DEMBROW: It is our headquarters so we let it go.

LIEUTENANT GOVERNOR RUTHERFORD: I look for typos, just to let you know. Because I know where the buildings are located because of my former job and I was questioning why 201 W. Preston, a wonderful Soviet era building, would be listed here.

(Laughter.)

MR. DEMBROW: We are kindred spirits. I look for typos as well.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

MR. DEMBROW: So we apologize.

LIEUTENANT GOVERNOR RUTHERFORD: But it's a wonderful new lab. The lab is --

MR. DEMBROW: Yes, sir.

DR. MYERS: It's a beautiful facility.

LIEUTENANT GOVERNOR RUTHERFORD: -- we took a tour of that over in East Baltimore, right in the Hopkins area, and it's a great location and a great building. So thank you for your work.

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

MR. DEMBROW: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Any other questions on this?

COMPTROLLER FRANCHOT: On item --

MR. BRINKLEY: Governor, well maybe Dana, do you want Dana to do it? Or Dana, why don't you make the motion to correct the address for the record?

MR. DEMBROW: Oh, sure.

SECRETARY MCDONALD: Can I ask a question, though? In the contract description, though, was it in 2012 at W. Preston Street? Are you supposed to be advising in the modification --

MR. DEMBROW: It used, the Laboratories Administration used to be located --

SECRETARY MCDONALD: I know, so the contract description might be correct. It's the modification description we need to update. So we'll update the item. We will work on that, Secretary Brinkley --

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

MR. DEMBROW: So moved.

SECRETARY MCDONALD: -- to make sure that the record is corrected. Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: That's a good idea. All right. You had a question on eight?

COMPTROLLER FRANCHOT: Yeah, Item 8-S, please.

MR. BRINKLEY: Item 8. Kristy Michel and Dr. Salmon.

COMPTROLLER FRANCHOT: Oh, wow. Hi. Wow.

LIEUTENANT GOVERNOR RUTHERFORD: Good to see you.

DR. SALMON: Good morning. Nice to see you, Lieutenant Governor and Comptroller and Madam Treasurer. It's a pleasure as always to be before you today. And I do want to take an opportunity to thank the Comptroller for the number of questions that he asked at the last meeting because it gave us some time to go back and really re-reflect. And I hope that we'll be able to provide those answers to you today to your satisfaction. And we look forward to any questions that you have. And I'm going to bring up, Kristy Michel is with me and also Doug Strader to address any of these questions.

COMPTROLLER FRANCHOT: Thank you. Thank you, Madam Superintendent. And I didn't realize you were going to be here today. But that's terrific.

DR. SALMON: Always nice to see you, sir.

COMPTROLLER FRANCHOT: Yeah, no, it's very good to see you. And I saw you recently at the Blue Ribbon School gathering over at the --

DR. SALMON: We had a very nice dinner recognizing our six schools and I thank you also for being there and staying and taking pictures as long as we did that evening.

COMPTROLLER FRANCHOT: Yes. That was -- well, they're just terrific people.

DR. SALMON: It was great.

COMPTROLLER FRANCHOT: And those teachers and principals --

DR. SALMON: It was wonderful.

COMPTROLLER FRANCHOT: -- seemed to be having a good time. So I appreciate the letter sent to us by your Deputy Superintendent Ms. Michel. I have still several serious concerns with the contract. First, and it's clear from the letter that you sent us that there's nothing in the contract that would prevent test graders being hired, for example off of Craigslist, as has been done by Measured Progress and their subcontractors in other states. With all due respect, I consider that to be a problem. In Maryland we're better than that. I'm not prepared to approve a contract that has random people in Dover, New Hampshire or New York or Colorado paid \$11.00 an hour grading Maryland tests, when traditionally Maryland teachers do this and are compensated, I think.

DR. SALMON: I'm going to let Ms. Michel talk a little bit more about this.

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

MS. MICHEL: Sure. Good morning. For the record, my name is Kristy Michel, the Deputy Superintendent for Finance and Administration at the Department of Education. Comptroller, you are correct that Measured Progress will use Kelly Services to assist in finding graders for those assessments. They use a various number of methods to find folks to grade these tests. They do require, we require that they have a bachelor's degree. We have a preferred requirement that they have a degree in the content area that they will be grading. There are some stringent processes that they need to go through in order to become qualified to grade the test. So they do use a variety of methodologies, one including social media, and that does include Craigslist for their recruitment.

COMPTROLLER FRANCHOT: Is the company here?

MS. MICHEL: Yes, they are.

COMPTROLLER FRANCHOT: Could one of them come up?

Because I'd just like to --

MR. ERNST: Good morning. My name is Dave Ernst. I'm with Measured Progress. I'm here to answer any questions you might have.

COMPTROLLER FRANCHOT: You're what? I'm sorry, I didn't, I missed that.

MR. ERNST: My name is Dave Ernst and I'm with Measured Progress.

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

COMPTROLLER FRANCHOT: What's your position, if I could ask?

MR. ERNST: I am Vice President of Business Development.

COMPTROLLER FRANCHOT: Great. Terrific. So here's my question. We have, if not the finest, one of the top public school systems in the country. And it's not just because of our test scores. It's because of our teachers. And if someone is qualified to teach the content of the exam, why aren't they specifically recruited, our Maryland teachers, as the right people to grade it as opposed to, as the Deputy Superintendent just said, somebody from a temporary service?

MR. ERNST: Would you like to address that --

COMPTROLLER FRANCHOT: Oh, I'm sorry.

DR. SALMON: Everybody wants to answer.

COMPTROLLER FRANCHOT: Okay great.

(Laughter.)

MS. MICHEL: Well one of the issues is the grading needs to take place during the school year. So it is not beneficial to the schools, the students, to take teachers out of the classroom during the school year to grade those assessments.

DR. SALMON: Do you have anything, Doug?

MR. STRADER: Yes. And also, if I may, Doug Strader, I'm the Assessment Director with MSDE. Also the materials that are used for scoring are all reviewed and developed by our teachers. So the actual rubrics and so forth that are used by the scorers are reviewed by Maryland educators. But again, unfortunately with a January administration the window that's required for scoring would require too much time out of the classroom for our teachers. So that's why for particularly the HSA we don't rely specifically on Maryland educators. But they are involved in that entire process of developing those materials and benchmark papers which are used for scoring.

COMPTROLLER FRANCHOT: But isn't this conceptually an ideal way to get some extra compensation to Maryland teachers? And shouldn't we begin to think creatively about how we can assure that and because the alternative strikes me as -- you know I have a bachelor's degree. But I wouldn't be very good at scoring tests because that's just not my --

DR. SALMON: Well one of our requirements is that people are certified in the area that they're scoring.

COMPTROLLER FRANCHOT: Okay.

DR. SALMON: No offense to you, certainly, Comptroller. We will get you for financial literacy, so.

COMPTROLLER FRANCHOT: Yeah.

(Laughter.)

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

DR. SALMON: But anyway --

COMPTROLLER FRANCHOT: Maybe.

DR. SALMON: But anyway I think, you know, you bring up a good point. And I don't think it's outside of the realm of possibilities that we can't be more creative in the way we think about how we do this. Maybe there are people that want to do this on Saturdays or in the evenings. We can explore that. And I don't think it's off the table. I do want to say that we're reticent about having teachers be out of the classroom because obviously teacher time in front of kids is really important. But I think we can think more creatively about it. You raise a good point for us to investigate.

LIEUTENANT GOVERNOR RUTHERFORD: Well, you know, it doesn't sound like there's anything that prevents a teacher from going on Craigslist or registering with Kelly Services to do this part-time. There's nothing that stops them from doing this if they feel --

DR. SALMON: Correct.

LIEUTENANT GOVERNOR RUTHERFORD: -- they have the time to take hold. And with full disclosure, some, I don't know, 20 years, maybe 20 years ago, I was a recruiter for Kelly Law Services. So just to let you know that I don't have a problem with Kelly Services.

(Laughter.)

COMPTROLLER FRANCHOT: Okay. Yeah. But thank you for sticking up for Maryland teachers. Because I think the Superintendent brought up a good point, that even with the Lieutenant Governor's suggestion it's something that ought to be --

DR. SALMON: Absolutely.

COMPTROLLER FRANCHOT: -- offered as a first --

DR. SALMON: I totally agree.

COMPTROLLER FRANCHOT: -- first option, I guess.

TREASURER KOPP: As long as it doesn't take them out of the classroom.

DR. SALMON: And that's always the --

TREASURER KOPP: You know, I have two grandchildren in the classroom.

DR. SALMON: Yes.

TREASURER KOPP: Those teachers are there from 6:30 in the morning --

DR. SALMON: Yes, they are.

TREASURER KOPP: -- until 4:00 at night.

DR. SALMON: Absolutely.

TREASURER KOPP: And then they go home and work some more. And I think --

DR. SALMON: I agree. I have a daughter that's student teaching right now and that's her schedule.

COMPTROLLER FRANCHOT: Okay. So this is not my only lingering concern on this contract.

DR. SALMON: Okay.

COMPTROLLER FRANCHOT: I think the letter, frankly, or the communication that we got glossed over the issues that Measured Progress has had in states around the country. And I could sit here and quote, as I did last time, media report after media report with educators and education officials contradicting some of the statements that were made. But rather than me doing that, let me just ask you directly in an attempt to justify Measured Progress' complete failure in Nevada you stated in your letter, "Nevada has several highly populated districts with significant student counts where scalability of the test delivery system is crucial." Forgive me if I'm a little confused as to what exactly the difference is between Nevada and Maryland, according to those criteria. By my count Nevada had 460,000 students in 22 districts when Measured Progress failed to deliver the tests there. Maryland has 880,000 students in 24 districts.

DR. SALMON: Let me have Dr. Strader address that.

MR. STRADER: Yeah, the true issue there was the platform itself. And we did extensive research to make sure that the platform that they've presented for the Maryland contract can handle that capacity and that load. The

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

issue in Nevada, and Measured Progress can speak to this as well. But from my research and my colleagues in Nevada, the platform that they used was a different platform. It was an AIR open source platform. That's the instrument that students engage the test, the online test. So that's where the issue lied. So within that contract that's where the bulk of the issue was. With this contract they've introduced a different platform, which again we've done the research and we've confirmed with the states that they've used with that platform that they've had no issues. And that's what we followed up with in the letter.

COMPTROLLER FRANCHOT: Okay. And the, on the third item, which I'm always presented with when I bring this subject of overtesting up, is, oh, it's the federal government. We don't really like the overtesting either and we understand it interferes with the joy of teaching and we are, yes, all in favor of accountability, but this fetish with testing is not our priority, it's the federal government that is demanding it and if we don't do it we're somehow going to lose federal funding. So my question is, apparently Nevada, Montana, and North Dakota because of all Measured Progress' clients, 95 percent of the students in those three states did not take the test due to Measured Progress' failures. Did either of those three states, Nevada, Montana, or North Dakota, lose federal funding? Anybody know?

MR. STRADER: So when situations like this occur, the federal government requires the states to go through a plan of action on how they are

addressing this and how they can assure things like this don't happen in future cases. I don't believe that funding was pulled for that year because the intent was to assess all kids. But the State of Nevada as well as other states that do have issues do have to provide assurances and said that this won't happen again and go into great detail of how they're going to need to address that in future administrations.

COMPTROLLER FRANCHOT: Well and are there states that have had their federal education funding cut because of the, you know, this thread of we have to do this even though we don't like all of the details of it because the federal government is going to fine us otherwise. Has that ever happened?

DR. SALMON: Actually when I was New York as Superintendent, 46 percent of the students in my district did not take the state test. And subsequent to that there were letters sent out -- and I did leave and come back to Maryland thank goodness. And there were letters sent out that funding was going to be restricted because they did not meet the 95 percent participation. So it has happened. Not as extensively as probably we would think that it would. But it has happened in some jurisdictions.

COMPTROLLER FRANCHOT: Okay. Well I continue to be skeptical about this contract and I'm not convinced that Measured Progress is capable of fulfilling their end of the deal. And so with all due respect, I'm going to vote against it as I have. And I just don't like outsourcing this responsibility to

out-of-state contractors with highly questionable qualifications. And particularly on the scoring. And I hear what the Treasurer said. But I'm not talking about that. I'm talking about making it available to Maryland teachers as a first option, and then if you have certain holes, because some teachers don't want to earn extra income voluntarily by working on the weekends doing the scoring, then you can go to the Lieutenant Governor's Kelly Services, I guess. But not the other way around. Let's offer this first and foremost, at a minimum. If this contract is approved, Madam Superintendent, make sure that teachers get right of first refusal, if you would.

DR. SALMON: We'll certainly work on that and I appreciate your ideas.

LIEUTENANT GOVERNOR RUTHERFORD: Any questions, Madam Treasurer?

TREASURER KOPP: No.

LIEUTENANT GOVERNOR RUTHERFORD: All right. Well thank you. Any other questions on this, on, any other questions on this Budget --

TREASURER KOPP: I have to say --

LIEUTENANT GOVERNOR RUTHERFORD: Oh.

TREASURER KOPP: -- Madam Superintendent, I just was reminded of my mother-in-law, who every time I offered good advice, Mr. Comptroller, would say, we'll take that under advisement.

(Laughter.)

DR. SALMON: Yes, ma'am.

TREASURER KOPP: Did she respond after the advisement?

That's a classic.

DR. SALMON: Thank you all. I appreciate it.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you. Any other questions on Budget and Management's Agenda?

COMPTROLLER FRANCHOT: No. So I would, I would move -

-

SECRETARY MCDONALD: Separate --

TREASURER KOPP: Separate out --

COMPTROLLER FRANCHOT: -- the Agenda without Item 8 and then if that could be considered separately?

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Do we want to then, a motion on Item 8 alone.

SECRETARY MCDONALD: Do you make the motion?

LIEUTENANT GOVERNOR RUTHERFORD: I will make the motion. Do we have a second?

TREASURER KOPP: Second.

LIEUTENANT GOVERNOR RUTHERFORD: So that is approved two to one.

SECRETARY MCDONALD: Okay.

LIEUTENANT GOVERNOR RUTHERFORD: Now a motion on the entire Agenda.

SECRETARY MCDONALD: Except two.

LIEUTENANT GOVERNOR RUTHERFORD: Except for what was withdrawn and Item 8, which was done separately.

COMPTROLLER FRANCHOT: Move approval.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Second?

TREASURER KOPP: Second.

LIEUTENANT GOVERNOR RUTHERFORD: And we move it forward. Okay.

SECRETARY MCDONALD: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you. University System?

SECRETARY MCDONALD: Mr. Evans is here.

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

LIEUTENANT GOVERNOR RUTHERFORD: Okay. I guess we'll wait to let some of the room clear. I guess a lot of people were here for Budget and Management. Okay. I just have a, and maybe it's not necessarily a

question, on 1-LT, the lease in Hagerstown. I haven't been out to the facility. I have been to I guess a similar regional concept that you have a Shady Grove, the Universities at Shady Grove, I believe it's called?

MR. EVANS: Correct.

LIEUTENANT GOVERNOR RUTHERFORD: And is this, this is a similar concept in Hagerstown?

MR. EVANS: Yes, sir. I have Mark Halsey, who is the Executive Director for USM Hagerstown, here to bring him up to answer.

LIEUTENANT GOVERNOR RUTHERFORD: Please.

MR. HALSEY: Good morning. And yes, it is the second of two regional higher ed centers that are part of the system.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. I think we need you to reintroduce yourself.

MR. HALSEY: I'm sorry. Mark Halsey, H-A-L-S-E-Y. I'm the Executive Director at University System of Maryland at Hagerstown.

SECRETARY MCDONALD: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: And which six University System campuses are involved here?

MR. HALSEY: We have Salisbury, Towson, University College, College Park, Frostburg, and Coppin.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. And this one is for Eastern Shore?

MR. HALSEY: This one is for Eastern Shore.

LIEUTENANT GOVERNOR RUTHERFORD: Right.

MR. HALSEY: The approval was given by the commission so that program will be starting in the fall.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Now is this, on West Washington, is this right downtown where the revitalization of Hagerstown is occurring?

MR. HALSEY: Exactly. It's exactly across the street from our current facility and it is part of this larger renovation project that will tie together with the Maryland Theater, with the Washington County new academic building, and the plaza that will be built all on the opposite side of the street of Washington.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Yeah, I think you, the Maryland Theater was on the Agenda last week, I believe. Was it not? Was it a bond bill?

SECRETARY MCDONALD: Yes, it was. Absolutely. It was. From Hagerstown. A lot of good news going on in Hagerstown.

LIEUTENANT GOVERNOR RUTHERFORD: Good things in Hagerstown.

TREASURER KOPP: And the Barbara Ingram --

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

COMPTROLLER FRANCHOT: Can I ask a question?

TREASURER KOPP: -- is that, the Barbara Ingram School, do you all do anything with it?

MR. HALSEY: Barbara Ingram, there are, Barbara Ingram School is here, and then the Maryland Theater is here. And there's a deserted building in between that will be torn down. That building will be the Barbara Ingram expansion, essentially. There will be a four-story public school expansion. And then there will be a sky bridge that will connect through the back. What is now parking lot will become the plaza. That will connect to the rear of the building that we're proposing to lease.

TREASURER KOPP: Okay.

MR. HALSEY: So the students rather than going outside and down the street will essentially have a glass hallway to change classes with. Because they will be taking their science classes permanently with us and then will be using our first story building, or the first story of the building, for lunch.

TREASURER KOPP: That's great. That's a great model. Congratulations.

MR. HALSEY: Yes, sir?

COMPTROLLER FRANCHOT: Yes, just following up on the Lieutenant Governor's question about the seven University System schools that

are offering programs. How many current students are enrolled in classes at Hagerstown?

MR. HALSEY: Approximately 500.

COMPTROLLER FRANCHOT: Five hundred? And how many students per year go on to get their degrees through participation in the programs offered and do you have a sense of what kind of degrees people are pursuing?

MR. HALSEY: Well the model is for people to come into the center already with approximately 60 credit hours, or an associate's degree. So they will be transferring, whether it's from a community college or some other institution, but the large majority are the two fairly local community colleges, certainly local and Hagerstown Community College plus Frederick Community College. Those students then come in and do a bachelor's degree. We also have masters programs and one doctoral program. The origin of the bachelor's programs for those pursuing a master's I could get back to you. I don't know precisely. But --

COMPTROLLER FRANCHOT: How many, of the 500 students, how many get degrees this year? Be it --

MR. HALSEY: Oh. This year we will be graduating just over 100 students. We've had, up through last year, I don't have this May's number yet because, you know, graduation hasn't been announced yet. But through last May we've graduated 1,717 students.

COMPTROLLER FRANCHOT: Total?

MR. HALSEY: Total, since we opened in the spring of 2005.

LIEUTENANT GOVERNOR RUTHERFORD: Do you have a graduation ceremony? Or do they go back to the home school for graduation?

MR. HALSEY: We have a celebration of graduation.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

MR. HALSEY: Students officially graduate and are certainly invited and encouraged to go back to their home campuses. For many of our students they have never been to their home campus.

LIEUTENANT GOVERNOR RUTHERFORD: Right.

MR. HALSEY: So we have a dinner and a celebration and awards and it feels like and may smell like a graduation. It's actually a celebration of their graduation.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah. Okay.
Very good.

COMPTROLLER FRANCHOT: Well the Lieutenant Governor gives a mean commencement speech so --

(Laughter.)

MR. HALSEY: We need to talk.

LIEUTENANT GOVERNOR RUTHERFORD: I'd love to do it.
So okay. Any other questions for the University System?

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

TREASURER KOPP: What's the time frame for the --

MR. HALSEY: I'm sorry?

TREASURER KOPP: The time frame for the completion of all this work?

MR. HALSEY: Completion will be approximately a year. So they will, they've already done the demolition. So they will start construction basically upon your approval and signing the lease. Payment will not happen until we actually get occupancy and that will be for the first floor, which will be hospitality. We're hoping that we'll be in there by January for the spring semester. And then the STEM labs won't be available probably until approximately April of 2018, or about a year from now.

TREASURER KOPP: Great.

LIEUTENANT GOVERNOR RUTHERFORD: Very good.

TREASURER KOPP: Graduation speech in 2018?

LIEUTENANT GOVERNOR RUTHERFORD: Okay, thank you.

MR. HALSEY: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Any other questions for the University System?

COMPTROLLER FRANCHOT: Move approval.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Second?

TREASURER KOPP: Second.

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

LIEUTENANT GOVERNOR RUTHERFORD: And all in favor.

Thank you very much.

MR. EVANS: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: I am going to the commencement at University College this year.

TREASURER KOPP: That's great.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah. That should be fun.

TREASURER KOPP: Here?

LIEUTENANT GOVERNOR RUTHERFORD: Yeah, University of Maryland University College.

TREASURER KOPP: (Indiscernible).

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: That would be more fun. Okay. Department of Information Technology. And we have a new person here. Mike Leahy, welcome.

MR. LEAHY: Thank you. Good morning, Governor, Madam Treasurer, Mr. Comptroller. For the record, I'm Mike Leahy, the Acting Secretary of the Department of Information Technology. Today we have three items on your Agenda and there are personnel here to answer any specific questions you may have.

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

LIEUTENANT GOVERNOR RUTHERFORD: Okay. I had one question about 3-IT, but I think it's been resolved. As I understand this is a, basically a companion to a prior acquisition and this is the maintenance associated with proprietary software that you already have. So the maintenance would be proprietary as well. When I saw sole source --

MR. LEAHY: That is my understanding also, sir.

MR. RAHN: That's correct.

LIEUTENANT GOVERNOR RUTHERFORD: That's right. It is over at Transportation. So thank you. Okay. Any questions for, on Department of Information Technology?

COMPTROLLER FRANCHOT: Move approval.

TREASURER KOPP: Second.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. We're all in favor. So thank you very much.

MR. LEAHY: Thank you for the warm welcome. Thank you so much.

LIEUTENANT GOVERNOR RUTHERFORD: Batting .1000 right away.

SECRETARY MCDONALD: He is.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.
Department of Transportation?

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

MR. RAHN: Good morning, members of the Board. For the record, my name is Pete Rahn, Secretary of the Maryland Department of Transportation. MDOT is presenting 13 items for the Board's consideration today.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you.

TREASURER KOPP: Governor, could, do you have anything to say about the Purple Line?

MR. RAHN: I do. I do. You know, the President's budget is actually a recommendation to Congress and Congress, you know, establishes the budget and passes it. And so the news this last week was that President Trump's request for a budget did not fund New Starts and New Starts is the pot of money that we will be receiving funds from for the Purple Line in the amount of \$900 million.

So there's two issues here. Number one, many presidents have tried to cut New Starts and it has not succeeded in the past. A very influential member of the Senate Appropriations Committee, Senator Collins, has said that New Starts is not going to be reduced. So I'm fairly confident that we're going to see that program continue.

But the better news would be that we get a ruling from Federal Judge Leon in which we get a ruling now and we won't be even dealing with that issue in the next fiscal year's budget for the feds. It will come out of the existing

federal budget. And we are prepared to start construction within two weeks of the federal judge giving us a favorable ruling.

So we are proceeding. There are some acquisition right of way --

TREASURER KOPP: Right.

MR. RAHN: -- or real estate within your 13 items. And these are the critical pieces that we will have to have in place for the project to move forward. So if the piece is not critical to the path of the project, then we're not pursuing those yet. The ones you have in front of us are the pieces that we're absolutely going to have to have in place if the federal judge rules in our favor.

Ultimately if the federal judge rules against us in this case we would have to go to appeals. Appeals would probably take a minimum of six months. And we would end up seeing delay costs. But even the delay costs would be less than the cost to cancel. So right now we're trying to judiciously move forward with the Purple Line and to make those decisions that prepares us for the start of construction.

LIEUTENANT GOVERNOR RUTHERFORD: I can add too that in addition to the Governor's meeting with Secretary Price on ACA, he is also meeting with Secretary Chao today on a number of our transportation issues, including Purple Line as well as what to do with, and WMATA.

TREASURER KOPP: I hear what you say about getting through the District Court as quickly as possible. Are we on track to do that? What do your attorneys say?

MR. RAHN: We don't know, is our problem. The final arguments were all submitted in January.

TREASURER KOPP: Yeah.

MR. RAHN: And so we are now essentially two months into the judge's time to issue his ruling. We are totally at the judge's timeline. We've questioned how could we get messages to the judge that, you know, this really is putting a lot of public money at risk. And ultimately even if I were to send a letter that could open a process where the plaintiffs could issue a --

LIEUTENANT GOVERNOR RUTHERFORD: Right.

TREASURER KOPP: Right.

MR. RAHN: -- response and it starts the clock all over. So we are, we are sitting here waiting for the judge's ruling. And we believe if it's based, if the ruling is based on law, we will win.

TREASURER KOPP: Thank you. It sounds like you are doing what we can to keep our position.

MR. RAHN: There's been media recently, within the last few days, that has started talking about how much we've already invested of public funds and what a, I think a low ball estimate of what a cancellation of the contract

would cost us. So we are, we are pursuing this diligently within the boundaries of the law. But this project cannot move forward without federal funds.

TREASURER KOPP: Thank you.

COMPTROLLER FRANCHOT: I want to thank the Treasurer for bringing that up and the Secretary's comments. With all due respect to the Federal Court, this is an absolutely critical project. And it's in limbo unbelievably over these essentially frivolous issues that lack any real merit. And so if the, someone is listening in on this conversation, this is very upsetting to the State of Maryland and highly unusual to have this nonsense hanging out there and not be able to resolve it in an expedited fashion. And I just hope your efforts to deal with the courts will get this issue behind us and allow us to start construction and get the Purple Line trains bringing workers to employment centers and finally having the east-west transportation mode that the Washington region desperately needs, and that we can begin revenue service in the spring of 2022. And you know, we, if the judge, with all due respect once again, could just get in his or her car and travel around the region and see the traffic congestion and understand that this system is going to take cars off the road and help workers get to job centers and unleash all sorts of economic development opportunities, and we desperately need to get this project back on track and right now it's being -- well, it's frozen in limbo. And it's less the cost and it's more the impact of not moving forward with this project. And that's what I find inexplicable.

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

MR. RAHN: Mr. Comptroller, what we have done is because the judge's order impacted the federal funding and not State funding or State activities, we have continued to do the preliminary work to construction. So we have continued to design, do geotechnical work, acquire right of way, and so forth. And so we have been able to do that on the, with State dollars that we will by the end of the project we will have reimbursements from local governments as well as the federal government, which is the plan, in which the State's dollars in this project would represent \$159 million up front, and then a continuing payment from MDOT over the next 30 years. But, so we, we've been making progress but we are rapidly approaching the point at which we will be incurring delays to the contractor moving forward with their planned work.

COMPTROLLER FRANCHOT: Well with all due respect to the courts again, it's wrong to hold this up without a decision. Do your work and make your pronouncement. If I'm correct and the legal concerns here are frivolous, which I believe they are, do your job. And don't jeopardize the whole project because of inaction.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you. Any other questions?

COMPTROLLER FRANCHOT: Maybe I'll just send that transcript over and try to generate --

LIEUTENANT GOVERNOR RUTHERFORD: I don't know. Judges don't, judges don't care to be pushed a little bit. They're kind of like doctors in that respect. They just don't like to be pushed.

COMPTROLLER FRANCHOT: Uh-oh. Geez. Well --

LIEUTENANT GOVERNOR RUTHERFORD: No doctor comments?

COMPTROLLER FRANCHOT: No, I, yeah, don't include my orthopaedist here.

(Laughter.)

COMPTROLLER FRANCHOT: That's okay. Thank you for bringing it up, Madam Treasurer. Because I think it's a crucial project.

LIEUTENANT GOVERNOR RUTHERFORD: It is very important.

COMPTROLLER FRANCHOT: And I'm very frustrated that it's kind of hanging in space.

LIEUTENANT GOVERNOR RUTHERFORD: It's a deliberative process. I have a couple of questions. I don't know if there are others, 4-M and 5-M. Now they are road mowing projects, roadside mowing projects. It was interesting to me that there was only one bid for a Garrett County project but there were multiple bids for Allegany County as well as Washington County. The winner of the Washington County, and the -- I'm sorry. I think I got it

backwards. The Garrett County, there was one bid for Allegany County, multiple bids for Garrett County as well as Washington County. The winner of the Washington County bid, who is from Baltimore, bid on the Garrett County but did not bid on Allegany which my geography says is closer to Baltimore than Garrett, that we got one bid for Allegany County. I didn't quite get that. And even the Garrett County contractor probably could have driven to, even though it gets a little, the space gets a little distant there, but could have gotten to --

MR. RAHN: Governor, I don't have a good explanation for you. Maybe one of our procurement people will. But it's interesting to me to note here, first I would like to point out that when we got a single bid on this we went back out to bid. We marketed the project. And we got one bid. And it's interesting that the incumbent didn't even bid on the project. So there's, whether they know something about having to work within, within Allegany, I don't know what their reasoning was. But we did everything we could to get more than one bid. And for whatever reasons, this is what we have. I don't, Eric, do you know something that I'm not explaining?

MR. LOMBOY: Good morning. Eric Lomboy, Director of Procurement from SHA. We are uncertain of why we're having such difficulties in that area. We split the procurement so that we had it in geographically located, so we had the counties separated to try and encourage more competition so that it encourages small businesses, minority businesses to bid. We went back out,

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

talked to three people that didn't bid and weren't originally solicited that we knew that could do work in other areas. They chose not to bid the second time around. And we also went with six firms that were on the solicitation lists from the first bids, talking to them and solicited basically feedback of why they didn't. And most of them basically said they were either coded wrong in the system, which we're going to look into seeing how that works. So eMaryland Marketplace pulls up companies --

LIEUTENANT GOVERNOR RUTHERFORD: Right.

MR. LOMBOY: -- based on codes that they put in.

LIEUTENANT GOVERNOR RUTHERFORD: Right.

MR. LOMBOY: So apparently these firms had put their codes in incorrectly so they didn't actually do the work that we were looking for them to do. So then we followed with other companies. They were either time issues or capacity, so they didn't have the capacity to take on additional work, to bid in that area as well.

LIEUTENANT GOVERNOR RUTHERFORD: So people are working out in Western Maryland, it sounds like.

MR. LOMBOY: Yes.

LIEUTENANT GOVERNOR RUTHERFORD: I mean, at least those businesses are.

COMPTROLLER FRANCHOT: It doesn't sound like it to me. Because some of these companies aren't even in the grass-cutting business.

MR. LOMBOY: Correct.

COMPTROLLER FRANCHOT: So why when they received, why would that be a surprise to you guys if they are not bidding?

MR. LOMBOY: Well we go by eMaryland Marketplace's coding. We go out to the companies. And then when we don't get enough bids, we do follow up. Now some of them do say they may not be, you know, they may be construction companies but they are willing to do mowing. That's part of the business they are expanding to.

LIEUTENANT GOVERNOR RUTHERFORD: They put those NICS codes in --

MR. LOMBOY: Correct.

LIEUTENANT GOVERNOR RUTHERFORD: -- saying that they can do it and then they say --

MR. LOMBOY: And then other ones put them in but they don't actually do the work. One was I think a marketing and an advertising firm. Yet they had put the code in incorrectly.

LIEUTENANT GOVERNOR RUTHERFORD: They must have put the wrong code in.

MR. LOMBOY: Yes.

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

LIEUTENANT GOVERNOR RUTHERFORD: Yeah.

MR. LOMBOY: So that's, so we did our due diligence. It just ended up with the same thing.

COMPTROLLER FRANCHOT: But why doesn't your, I mean really, not to get down in the weeds. But why doesn't your district engineer out there just put something out among his, you know, network of people. I mean, this is not a sophisticated necessarily skill.

MR. LOMBOY: Right.

COMPTROLLER FRANCHOT: It's cutting the grass and landscaping. And there have got to be a lot of people out in Garrett County, similar to Allegany County. So if I could, you know, I just find it an odd thing to push up as the deciding detail here something called eMarketplace. Which I'm not very familiar with. I'm sure your district engineer knows eight companies probably that cut the grass and might be interested in a contract or at least bidding on it. So I guess the only, I'll bring up Lieutenant Governor, my Franchot remedy.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

COMPTROLLER FRANCHOT: Which is when you get a single bid contract that doesn't make sense, just vote against it and tell them to go back and come up with some bids. I know you've already done it once.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah, they did it.

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

COMPTROLLER FRANCHOT: Yeah, but it's not a, I mean, telling me that you guys go to some eMarketplace and rely upon other people's codings and just go out to Garrett County. There are only 6,000, 10,000 people in the whole county.

MR. LOMBOY: I understand, Mr. Comptroller. And with all due respect, we do also directly solicit firms. And in this case we did firms that aren't listed there that we knew were capable. Again for various reasons they chose not to bid. All we can do is market and attempt to get solicitations coming in. We can't force them.

COMPTROLLER FRANCHOT: Maybe the Lieutenant Governor is right and everybody is working over there and they are too busy to go after a \$200,000 contract. I tend not to believe that. And I'm, because I visit Western Maryland a lot, like he does.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

COMPTROLLER FRANCHOT: But that is an area that is economically challenged. And cutting the grass is -- well, when does this contract start?

LIEUTENANT GOVERNOR RUTHERFORD: It starts in April.

COMPTROLLER FRANCHOT: Well --

LIEUTENANT GOVERNOR RUTHERFORD: Is the Secretary willing to --

MR. RAHN: Governor, two things, Mr. Comptroller. One is, is that it's not mowing grass like you picture.

COMPTROLLER FRANCHOT: I understand.

MR. RAHN: Right? It's you need specialized equipment to mow the grass. You also have to have traffic control and you have to have all of that in place before you can send your tractor out with, you know, with its blades to start cutting. And it's also trimming trees and those sorts of things. Although I guess it's not trimming trees --

LIEUTENANT GOVERNOR RUTHERFORD: Brush, bushes.

MR. RAHN: -- that's a different.

MR. LOMBOY: Brush. Brush.

MR. RAHN: Yes, brush. And so who knows why, whether they didn't think it was enough money to incorporate all of the processes you go through to mow these particular lanes. But there's truly a safety issue here --

COMPTROLLER FRANCHOT: Mm-hmm.

MR. RAHN: -- in that the reason this starts in April is we need to get the roadways cut. And so that it doesn't attract more animals that like to jut out in front of traffic and it really is important to us to keep our right of way down.

COMPTROLLER FRANCHOT: What's the date today?

MR. RAHN: So this is April. This starts in April.

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

LIEUTENANT GOVERNOR RUTHERFORD: Okay. All right.

Any other questions on this Agenda?

COMPTROLLER FRANCHOT: I would so move.

LIEUTENANT GOVERNOR RUTHERFORD: Other questions?

I have a quick question. And this goes to, it's not, it's somewhat related to State Highway, but not. And this is a question for Sheila. You may know this. Why is it, and we should have taken this up in our procurement commission, why is it that State Highway and Maryland Transportation Authority do not have to bring their road projects to the Board of Public Works?

SECRETARY MCDONALD: That was just from a long time ago when they set up the procurement system in the seventies. And it is so that Secretary Rahn could award construction contracts and get the construction going, the horizontal construction going on the highways. Of course, as you know a design of the highways has to come here.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah, the design.

SECRETARY MCDONALD: The purchase for the property of the highways. Everything has to come here except it has just always been from the beginning that the State Roads Commission would still award the construction contracts even when the Board of Public Works was given everything. So it's all throughout our --

LIEUTENANT GOVERNOR RUTHERFORD: Okay. I think that's part two of our commission to really look at that.

SECRETARY MCDONALD: Yeah, it is all through --

LIEUTENANT GOVERNOR RUTHERFORD: Because I could be a real skeptic and think because road commissions historically in this country have not had the best reputation in the world. So historically. Not now but, you know, when you had these things, road commissions, that was --

SECRETARY MCDONALD: Well that's what it was. It was the SRC.

LIEUTENANT GOVERNOR RUTHERFORD: -- those were the plum jobs in a lot of places because they were very cozy with contractors. That's historic. And in a lot of states, maybe not Maryland, but a lot of states it was like that.

SECRETARY MCDONALD: So to be clear, the construction of these highways is subject to all procurement laws. They have to follow all the procurement laws, except --

LIEUTENANT GOVERNOR RUTHERFORD: They just don't have the oversight of the Board.

SECRETARY MCDONALD: -- review as compared to some other things that are exempt from the procurement law but you might review them.

LIEUTENANT GOVERNOR RUTHERFORD: Right.

SECRETARY MCDONALD: So he is, I trust, following all procurement laws with the State construction of highways. Just not bringing them to you, and that's been the law since we've been here.

COMPTROLLER FRANCHOT: Does the law say you can't bring it to the Board of Public Works?

SECRETARY MCDONALD: It --

LIEUTENANT GOVERNOR RUTHERFORD: It excludes them.

SECRETARY MCDONALD: Yeah, it does.

COMPTROLLER FRANCHOT: Specifically?

SECRETARY MCDONALD: It's very clear. Yes.

LIEUTENANT GOVERNOR RUTHERFORD: It specifically excludes them.

COMPTROLLER FRANCHOT: Doesn't that go back to the Baltimore Subway contracts?

SECRETARY MCDONALD: Well actually I think it probably does go back a little earlier than that --

TREASURER KOPP: It think it was before that.

SECRETARY MCDONALD: -- but I think that that --

COMPTROLLER FRANCHOT: Oh yeah.

SECRETARY MCDONALD: Yes, there was --

LIEUTENANT GOVERNOR RUTHERFORD: And I was remiss in not raising that in our commission.

MR. RAHN: It's okay.

LIEUTENANT GOVERNOR RUTHERFORD: It's always --

(Laughter.)

SECRETARY MCDONALD: That might be another year commission --

LIEUTENANT GOVERNOR RUTHERFORD: Okay. All right. Let's, do we have a motion on 4-M, that is the Allegany County maintenance contract?

TREASURER KOPP: I would move to approve it.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. And I'll second that. So that's two to one on that. And then the remainder of Transportation's Agenda, absent four?

COMPTROLLER FRANCHOT: Move approval.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Second?

TREASURER KOPP: Second.

LIEUTENANT GOVERNOR RUTHERFORD: We're all in favor. Thank you very much.

(Whereupon, at 11:55 a.m., the meeting was concluded.)