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BOARD OF PUBLIC WORKS

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PRESENT

HONORABLE BOYD RUTHERFORD

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HONORABLE PETER FRANCHOT

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PROCEEDINGS

LIEUTENANT GOVERNOR RUTHERFORD: Good morning.

ALL: Good morning.

TREASURER KOPP: You're not Governor Hogan.

LIEUTENANT GOVERNOR RUTHERFORD: Well as you see, yeah, I'm not the Governor. As you see the substitute teacher is in today. And I have a lot of questions on virtually every item on the Agenda.

(Laughter.)

TREASURER KOPP: They think you're kidding.

LIEUTENANT GOVERNOR RUTHERFORD: I know.

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: They don't. So yes, the Governor is not here today. He is in Washington meeting with federal officials on various issues, including meeting with our Secretary of Health and Human Services on ACA and other issues. And so I am the substitute and am here, and turn it over to the Treasurer for comments.

TREASURER KOPP: Thank you, Governor. We certainly wish our Governor well in Washington. We wish everyone in Washington well and hope they can get their acts together. I have nothing to say except to thank, again,

Secretary Belton and congratulate him. We all were in Dorchester County last week --

LIEUTENANT GOVERNOR RUTHERFORD: Was that last week?

TREASURER KOPP: -- a wonderful celebration.

LIEUTENANT GOVERNOR RUTHERFORD: Was that last week?

TREASURER KOPP: A wonderful celebration, the opening of the Harriet Tubman Visitors Center and wonderful reenactment of Harriet Tubman and terrific music from the University of Maryland Eastern Shore choir and brass, and some very fine speeches from dignitaries who were there, and the community. And one thing that really, that really hit me thinking about it afterwards, Mark, was that it really was a community effort. I mean, there were people standing, white people, black people, other people, all there together on behalf of the community for this really meaningful event. And I, a great deal of planning went into it and it went very smoothly and very memorably. And I thank you.

LIEUTENANT GOVERNOR RUTHERFORD: It was very good. Very impressive. And I encourage all those here to go to the park and take in the visitor's center. It's very informative. It is part of our history of Maryland and history of the United States.

MR. BELTON: It's got a great start, Lieutenant Governor. We had 6,000 visitors that first weekend.

LIEUTENANT GOVERNOR RUTHERFORD: Excellent --

TREASURER KOPP: It was just a terrific experience.

LIEUTENANT GOVERNOR RUTHERFORD: Mr. Comptroller?

COMPTROLLER FRANCHOT: Yes, no, I support what the Treasurer just said. I was down there. And it was just as cold there as it is today.

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: Maybe a little colder. I mean, it was a little cold.

COMPTROLLER FRANCHOT: But, it was chilly down there. But the speeches were great and I noticed that the Lieutenant Governor had to stand up after five brilliant speakers, had gotten up each of them individually, including the Governor, who all spoke eloquently. And all of a sudden he had to bat clean up to all that and I'm happy to report you did a very admirable job.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you.

COMPTROLLER FRANCHOT: I did not envy you having to get up and follow all of that brilliance. But it was a special day.

And I could, if I could just report on this year's tax season. The Comptroller's Office employees continue to work diligently to process Marylanders' tax returns in an efficient and timely fashion. To date we've

processed more than 1.4 million tax returns. We have disbursed more than a million refunds, well over \$1.5 billion, to Maryland families. We're averaging three business days upon receiving a Marylander's tax refund request and putting their money back in their bank account. And I just want to salute my employees. I continue to be proud of their commitment to the vast majority of Marylanders who pay their taxes on time appropriately under the honor system, frankly. And in return for that we try to make the filing process as easy and convenient as possible.

We continue to work diligently to assure that all citizens, businesses, and companies are paying their fair share in taxes. And I'm proud that we continue to frankly reward the honest taxpayers, the vast majority in the State, by being very vigorous and aggressive with taxpayers who do not follow the laws of the State. And tax fairness for me is not an abstract concept, it's a driving principle. That's why my agency, and I have to admit I'm a little personally reluctant to do this each year, but we released our annual caught in the web list comprised of our State's top tax evaders. This list includes 25 businesses and 25 individuals owing more than \$15.7 million in unpaid taxes, penalties, and interest. We are going to publish their names on the website for six months, or until payment has been received or a payment plan has been set up. Since the program's inception several years ago, our agency has collected nearly \$43 million in refunds and for these, in tax compliance. And for those individuals and

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businesses that purposefully evade taxes, ignore our efforts to work with them, continue to cheat their neighbors and their State, we're going to use every tool at our disposal to collect the money that is rightfully owed the State. And I emphasize the vast number of businesses and individuals on these lists, which we do annually, have the resources. It's not that they don't have the money. They just have lots of lawyers and they're all for their own reasons basically thumbing their nose at the State.

So in the next few months it's my hope that every name on the list will have either paid in full or contacted my office to establish a payment plan. Whether it's tomorrow, next week, or three to four months from now, we will collect what's rightfully owed. And the thing I love about this caught in the web, I guess, public posting, is that it is unbelievably effective. Because as soon as we put the names up, we get all sorts of phone calls saying, get me off that list. Because my wife doesn't like it, or my husband doesn't like it, or my family doesn't like it, or my businesses don't like it. And so it's effective and it works, although you can imagine it's a little bit, I'm a little reluctant to do it because it is a public exercise. But this is after years of communication. Nobody is surprised by being on this list. We tell everybody they are going to be on it. We've garnished their wages. We've attached their assets. We've put liens on all their properties. Everything, but they are so protected by the court system, I guess, that they, we just can't get through. So this is the last ditch effort. And we are pretty

sure that 50 percent of them will comply very quickly. Which is good. But thank you for putting up with that.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you. No. And thank you for reminding me to get my taxes done.

COMPTROLLER FRANCHOT: If -- yeah.

(Laughter.)

COMPTROLLER FRANCHOT: Yeah.

LIEUTENANT GOVERNOR RUTHERFORD: I usually wait until like the first of April to do that, though.

COMPTROLLER FRANCHOT: Yeah. Well that's, for those of us that owe money, that's pretty normal.

LIEUTENANT GOVERNOR RUTHERFORD: Right.

COMPTROLLER FRANCHOT: But I was just thinking that if I'm sitting next to the substitute teacher, here I am the tax collector, it's a pretty gruesome group up here I guess --

(Laughter.)

COMPTROLLER FRANCHOT: -- that we're foisting on the public. But it's a pleasure to be with you, Lieutenant Governor. And thank you for running this meeting.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Thank you.

TREASURER KOPP: Can I --

LIEUTENANT GOVERNOR RUTHERFORD: Yes --

TREASURER KOPP: -- it seems to me just off the top, I shouldn't say this because it's off the top of my head, with the federal IRS budget being cut so, and all this news going out that they are not following up tax delinquents, it becomes even more important, I would think --

COMPTROLLER FRANCHOT: Yeah, no, I think --

TREASURER KOPP: -- for us to do what we can. And if that includes public shaming, I mean that's --

COMPTROLLER FRANCHOT: Well as I say, it rewards the honest taxpayers, who are 99.9 percent of the public. It's just they do the right thing. And it's, as I said, it's on the honor system. We're not able to get out everywhere. And so we're essentially saying to them, you guys do the right thing. Here are some people, most of whom have a lot of money, who don't do the right thing. So we're aggressively going after them. Thank you, Madam Treasurer.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. All right. Before we get started with the Agenda, I see we have Greg James here, Deputy Secretary for the Department of Human Services, to come and talk about a concern that was expressed in the last Board meeting.

MR. JAMES: Good morning, Governor --

LIEUTENANT GOVERNOR RUTHERFORD: Good morning.

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MR. JAMES: -- Madam Treasurer, Mr. Comptroller, thank you for allowing me to appear before you today. When the Board last met you asked us to come back and provide an update on our efforts to deal with placements at the Judge Rotenberg Center, and indeed all of our out-of-state placements. And we committed to give the Board an update and I'm happy to be here today to provide that.

Since we last met there has been a considerable amount of activity on this. And I first want to stress that our efforts have not just been at the Department of Human Resources. We've identified, this is not just only a DHR challenge. This is a challenge for all of the human services agencies within the State of Maryland to ensure that we have an appropriate continuum of care for the children that we serve.

The reason that children go out of state is typically because we do not have a program that has available space at the time of placement to serve the needs of those youth in-state. So we have been in close contact at the leadership level, Secretary Schrader, Secretary Padilla, Secretary Abed, Superintendent Salmon, we've all been in contact working together to identify placement alternatives for the youth who are at JRC and looking for ways to bring those youth back to Maryland.

When we last met there were five youth at JRC and we had another three that were slated for placement there soon. As of today, we still have five

youth there. But the three that were on track to go there, we are no longer planning to send there. We've identified one potential in-state placement option for one of the youth. And for another, that youth is on track for a treatment foster care placement. And we're working on other in-state alternatives for that third youth.

I should also mention that we had two other youth from another program in Maryland that were on track to go out of state. When those came to the attention of the Secretary, she immediately reached out to Secretary Schrader, who reached out to Deputy Secretary Simons at the Developmental Disabilities Administration. Working in close collaboration with that Deputy Secretary, and Deputy Secretary Bazron at the Behavioral Health Administration, we were able to identify a strategy to allow us to keep those two youth in Maryland as well. So that's two additional youth who will not be going out of state.

On Friday the 10th we had an interagency meeting with a number of providers in Maryland, existing providers as well as some providers that have been identified by the Developmental Disabilities Administration who are interested in expanding capacity in state. We did a case review and the local departments, the local case workers who know these children, know their challenges, were present and went through and presented those cases to the assembled body. And we were able to identify two potential in-state placements for two of those youth with existing DHR providers. There are, we are working

with two existing DDA providers for additional placements for two additional youth.

For the fifth youth there, it's an older female who has been working very, very diligently to complete her high school diploma. And at this point it's the best judgment of the case workers that we need to make sure that she has an opportunity to get that high school diploma. So we're working on strategies to ensure that, whether that's remaining at Judge Rotenberg Center through August when she'll complete her degree, or trying to find an in-state alternative that will not disrupt the progress that that young lady is making towards graduation.

I'd also like to stress that we have had staff visiting that program in Massachusetts every week. They've been going up, visiting all of the youth to ensure that they're safe and there have been no incidents of maltreatment.

In addition to our immediate focus on bringing those youth back to Maryland, we are also laser focused on bringing up additional resources in the State to avoid future out-of-state placements and to address these needs. So as I mentioned, the Deputy Secretary, Deputy Secretary Simons at the Developmental Disabilities Administration has already reached out to two providers who have facilities in the State of Maryland, you know, homes or other facilities, that are ready to begin operations. They are interested in standing up and opening up three- or four-bed small programs that are specifically targeted serving the needs

of these youth. The timeline for that, for them to staff up and go through training, is roughly 60 days. And that's what we're working on with them to bring those programs online.

By the end of this month we will also be starting an interagency work group to bring together all of the child serving agencies, the departments who are involved in licensing these programs, so that we can work together for a comprehensive Maryland strategy to stand up additional programs very rapidly to address the specific needs of these youth. And that work will start by the end of this month. The process of standing up new programs will continue throughout this year. But it's our goal to have those new programs created as quickly as possible so that we can reduce the need for out-of-state placements to the absolute minimum.

I'd also like to mention that as part of our interagency efforts, we do vetting of any program that we use. We contact the local licensing authorities and ensure that the programs are appropriately licensed and they are in good standing. We do monitor for that. But we realize that even with all of those things, there's things that perhaps are known within the larger human services community that don't come to the attention of the media or that licensing agencies might not mention. So we have started a process of engaging with our sister agencies who also have considerable experience with these programs to provide us additional vetting of these programs. So we will no longer place a child at any

program that we have not also thoroughly vetted with all of our sister agencies on the off chance that they have additional information that we don't have going in, and that we have the best possible understanding of what's involved in those programs going forward.

COMPTROLLER FRANCHOT: If I could just, yeah, no, I first of all applaud the update, because this is an unbelievably difficult and challenging issue that you're confronting. And I applaud the fact that you're taking steps because I think obviously it's better to have these kids in Maryland under your direct supervision rather than in Massachusetts or other states where even in facilities that are not in the press where there's been abuse and kids being beaten, but as you say it's hard sometimes to remotely monitor. And I appreciate the weekly visits, but nonetheless they are out of state. And so my hats off to you for addressing a problem that I think Maryland as a wealthy state obviously is capable of providing a solution for these kids in state. And so within the context of this being a painstaking analysis of the current situation, I applaud you for that.

I do wonder whether you could send the Board a letter, perhaps, just itemizing the timeline on the five kids in the Massachusetts facility. Because I don't want to, as long as you're convinced that there's a plan to get them back in Maryland as soon as possible, if that is, except for the fifth, which has some educational component to it, that's great. And then give us some timeline on kids in other states, in other programs or other facilities perhaps, that also under your

comprehensive review are going to be coming back to the State where we have a higher level of accountability. Is that possible, to put that in writing to us? Just so that we have it -- it's more or less what you said. I just couldn't follow everything.

MR. JAMES: I will be happy to provide you additional updates in writing and keep the Board updated on the progress with those youth. I apologize. I did bring a written report for you that goes into more detail.

COMPTROLLER FRANCHOT: Great. Well I --

MR. JAMES: And so I'll be happy to provide the Board with regular updates on our progress. We look forward to coming back with more good news.

COMPTROLLER FRANCHOT: Excellent.

TREASURER KOPP: Mr. James, how long have you been in the human services in Maryland?

MR. JAMES: So Madam Treasurer, I started out working as a policy advisor in the Ehrlich administration. I spent about three and a half years there, usually working on, focused on DHR and Juvenile Services, and then transitioned up to Department of Human Resources as Chief of Staff and was there for about eight months. I then went to the private sector and then came back and have been with the department since, since the beginning of the Hogan administration. So it will be two years, now, again back with the department.

TREASURER KOPP: Yeah. But in and out for 15 years?

MR. JAMES: Yes, ma'am.

TREASURER KOPP: The reason I ask this, this is not a got you or anything, and I appreciate all that's been done since our last meeting. I think it obviously is taken very seriously. But I've been here a little longer and I've been involved with Human Services. I was there when the L.J. case started. I mean, that's, and my sense is that every decade or two we go through this same thing. Nancy Grasmick, when she was the head of the Office of Children and Youth, created a program called, Get'em Back Alive, where we were bringing all of our kids back. And it was supposed to be the work of coordinated departments and agencies because they are all our children. After kids were raped and beaten in a juvenile services home, somewhere, we brought them back.

What is it, I would really appreciate hearing from you and your folks, and not today necessarily, what is it we could do, since we thought we had an institutionalized policy for at least 30 years, maybe more. And good people who understood why we should do this. And yet maybe it's because every time we get to a budget cut you have to cut back or maybe it's because people find a very exceptional case and then another case that's not quite as exceptional but the first person is there already so we might as well build up. Whatever it is, based on your experience now I'd be very interested in hearing what you think we could

do to not only articulate a policy, bring the departments together, but then keep on it and make sure that we don't revert to the same process again.

My observance has always been I have nothing ideologically against outsourcing but we never have the people to monitor an outsourced contract and then something goes bad. So I'd really appreciate, and it doesn't have to be right now, some considered judgment. You and your colleagues.

MR. JAMES: So I think it's important to know that Maryland actually has made a tremendous amount of progress in reducing its reliance and bringing Maryland youth back, but reducing our reliance on out-of-state residential programs. If you look at the numbers --

TREASURER KOPP: Well it has been our policy to do that.

MR. JAMES: -- for 20 or 30 years, our numbers have gone down dramatically and the numbers today are dramatically different than they were when I was in State service 15 years ago. So the, I think at some point it feels as if we plateau. We reach a point where folks feel like we've gone as far as we can go. And I think that's a risk. And I think the other thing that perhaps we haven't had is a regular systemic evaluation of our continuum of care and why is it when we look at the youth who are out of state, and some of this has been a data system issue.

You know, our much maligned CHESSIE system at Maryland, at DHR, as bad as that system is, and I'm thrilled that we're replacing it, but frankly

our reduction of children in out of home placements overall within the State of Maryland, which has fallen by 50 percent, wouldn't have happened if we didn't have a data system like CHESSIE that allowed us to understand our kids. And even with the new data systems, with when CHESSIE came online, it was still a relatively limited set of information. So we're looking forward to getting better ways to analyze those cases. But even with data systems, a lot of it is just hard work and an interagency collaboration and building a culture that says that's what we're going to do first. That's what we're going to do always, is work together and collaborate on these issues.

And I think that's what our interagency work group is really focused on. It's not just about creating a handful of new programs to fill one gap in the continuum. It's about establishing a regular process and -- overhauling is the wrong word. But really restructuring our out-of-state placement process and our out-of-state review process. That it's not enough to just consider whether this one youth should go out of state. You need to then come back on a regular basis and look at all of the kids out of state and say, wait, I see a pattern here. And if there's a pattern there is probably a program that we should be creating. And that's what we need to look at. But I'm certainly not the greatest expert on Human Services within my department.

TREASURER KOPP: So whose bailiwick would that fall under?

If it's on a multi-departmental agency basis.

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MR. JAMES: So this interagency work group is being convened by the Children's Cabinet. They came together and decided that they needed to make this a high priority. That was one of the major reasons why the Children's Cabinet was originally created. And I think it's important that we retain focus on this critical issue going forward.

TREASURER KOPP: So what can this Board do to help you maintain that and increase it?

MR. JAMES: So Madam Treasurer, if it's all right, I would like to go back and I think I should consult with the other folks from the Children's Cabinet and we'll see if we can come back with a recommendation.

TREASURER KOPP: But if it's a report, we used to get, like quarterly or semi-annual reports from Dr. Grasmick on this thing.

MR. JAMES: Mm-hmm.

TREASURER KOPP: And it seemed to focus attention but then things went smoothly so we stopped doing it.

MR. JAMES: Yeah. Well I think that's success is sometimes the worst enemy of attention to these matters.

TREASURER KOPP: I really wish you well. I think it was great that the Comptroller brought it up.

COMPTROLLER FRANCHOT: Yeah, no, I'm, now she's woken me up. And you know, thank you, Madam Treasurer for highlighting this. And

I'd like to have the Deputy Secretary come to the next Board meeting. You don't need to make a big presentation necessarily. But just be here in case we have some follow-up concerns. Because I'm going to ask at every Board meeting how we're doing on this. And I'm specifically now interested in other people that, the Massachusetts institution that you're trying to get the kids out of. And that's something where kids were beaten and abused and spat upon, and the press reported on it. And nonetheless we were about to approve sending additional kids up there.

So recently the system has not worked very well. How many other kids are in other states' residential programs, ball park?

MR. JAMES: I believe the last count I had was 37 youth in out-of-state programs. And --

COMPTROLLER FRANCHOT: Okay. So I'd to be --

MR. JAMES: -- so I can provide more information on that.

COMPTROLLER FRANCHOT: Thank you.

MR. JAMES: I'd be happy to do that.

COMPTROLLER FRANCHOT: I'd like to have you, if you could, at the next meeting come by and just let us know -- that's the 37 including the five?

MR. JAMES: Yes.

COMPTROLLER FRANCHOT: Okay, how we're doing on getting the 37 home, except in if you have some special circumstance that especially justifies this. Because I think the Treasurer brought a good point up, which is out of sight, out of mind. And if it's all working okay, and there's no press, and there's nothing, then nobody would ever put their hand up. But I think the ideal outcome, if it's at all technically possible, is to get every one of these kids home as soon as possible. And I guess the only way to do that is to ask every couple of weeks how it's going. Not necessarily like this, Lieutenant Governor, with this --

LIEUTENANT GOVERNOR RUTHERFORD: Well I was going to ask --

COMPTROLLER FRANCHOT: -- but if you could be here, that would be great.

LIEUTENANT GOVERNOR RUTHERFORD: But would it, does it matter as much of him being here or submitting a report every two weeks or before every Board meeting in terms of the status?

COMPTROLLER FRANCHOT: Just speaking for myself, at least initially, if we could have him come back in a couple of weeks that would be terrific. Because reports are wonderful, and the Treasurer is very correct when she says we used to get reports, but I think this is something where I'd like to if possible and your schedule permits come back and just be here in case we can get

a further reduction of the 37. Because otherwise I think it falls, yeah, I don't mean to say that people don't pay attention to reports, and this letter is terrific and I appreciate it. But if you could come back two weeks from now that would be great.

MR. JAMES: Absolutely.

LIEUTENANT GOVERNOR RUTHERFORD: You can probably do that. Okay.

MR. JAMES: It was my plan and expectation that I would be back here before the Board every two weeks until the youth at JRC, that situation was resolved. So --

COMPTROLLER FRANCHOT: Thank you.

TREASURER KOPP: But, but you're DHR?

MR. JAMES: Yes, ma'am.

TREASURER KOPP: This is not a problem isolated with DHR. Right?

MR. JAMES: So the majority of youth in out-of-state placements are placed by DHR, simply because we place more youth than anyone else.

TREASURER KOPP: So DJS doesn't have --

MR. JAMES: But we are working with DJS as well on this so that, as we're looking to stand up programs if there's a program that's going to be created that can also address the needs of their youth, then we'd like to have that

taken into consideration and if there's a way for us to reduce their out-of-state placements as well.

TREASURER KOPP: Well I think, I don't know whether it's a question of going back and talking to whatever the Office of Children and Youth is now. The cabinet?

MR. JAMES: Governor's Office for Children would be the --

TREASURER KOPP: Governor's Office for Children? To get some idea of where we are in terms of Maryland and her children, and not necessarily just one department's responsibility.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah, we can look to see exactly where, you know, that data is residing.

TREASURER KOPP: Yeah.

LIEUTENANT GOVERNOR RUTHERFORD: It would make sense that the Office of Children, it used to be called Children, Youth, and Families. I don't know why they changed that but that's not me. But find out where that data resides so that you're equipped with it and we can bring in those who are involved, maybe the Director of the Governor's Office of Children, she could come in as well and talk about what we're trying to do in that area.

MR. JAMES: Absolutely. The Governor's Office for Children does produce an annual report on out-of-state placements, and we can provide that to the Board immediately.

LIEUTENANT GOVERNOR RUTHERFORD: So we can get the updated information. Okay.

TREASURER KOPP: Great.

LIEUTENANT GOVERNOR RUTHERFORD: All right. Thank you.

MR. JAMES: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Madam Secretary, I'm going to change the order just a little bit --

SECRETARY MCDONALD: Let's do it.

LIEUTENANT GOVERNOR RUTHERFORD: -- which is the privilege of a substitute teacher.

SECRETARY MCDONALD: It is.

LIEUTENANT GOVERNOR RUTHERFORD: And I'm going to ask General Services to present its Agenda.

MR. CHURCHILL: Good morning, Governor, Mr. Comptroller, Madam Treasurer. For the record, I'm Ellington Churchill, Secretary for General Services. The department has 18 items on our Agenda, including one supplemental. And we have staff available to answer questions at this time.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. I half-jokingly said I was going to go through each and every item so I'm going to start with Item 1, 1-C-MOD, Cheltenham Youth Facility.

MR. CHURCHILL: Yes, for design and construction of their youth detention facility. Lauren Buckler, Assistant Secretary for Design and Construction.

LIEUTENANT GOVERNOR RUTHERFORD: Hello, Lauren.

MS. BUCKLER: Good morning. For the record, Lauren Buckler.

LIEUTENANT GOVERNOR RUTHERFORD: My question is it's a modification for installation and labor of lockers in the facility that it said that was already included in the design document but there was a change of the purchasing agent. Is this \$80,000 the fee of the purchasing agent?

MS. BUCKLER: So the \$80,000 was included in the budget. Typically we buy equipment separately from the construction contract.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

MS. BUCKLER: We attempted to buy the equipment separately. We put it out for bid multiple times and received either single bids or no bids. So we moved it back to the construction project. The facility is open at this time and they are operating without these lockers. So we moved it back to the construction project as a change order. So it's shifting money to that contract, but it's money that was already authorized as part of this project.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. That wasn't explained at least in the summary. Maybe it was in the backup. But it wasn't explained because it said the only difference was the purchasing agent.

And that's, so you said you typically, I mean, this could have come in under a small procurement?

MS. BUCKLER: Small procurement commodities purchase --

LIEUTENANT GOVERNOR RUTHERFORD: Right.

MS. BUCKLER: -- is how we would have traditionally done it. The volume of the lockers was not very high. So we were having a hard time getting competition, especially at the time we were advertising because we were competing against new schools that were putting in --

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

MS. BUCKLER: -- a lot more lockers and drawing the attention of locker manufacturers and this small quantity was not drawing the bids that we needed.

LIEUTENANT GOVERNOR RUTHERFORD: All right. While you're there, Item 3. I'm going to skip number two.

TREASURER KOPP: Oh, I had a question.

LIEUTENANT GOVERNOR RUTHERFORD: Oh, you have a question on number two?

TREASURER KOPP: I do have a question on number two.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Good. Good. Never mind.

TREASURER KOPP: It's not a, why, number two was replacement and upgrading of lighting, the LED systems, right?

MS. BUCKLER: That's correct.

TREASURER KOPP: Why is there only one company? I don't get that. I mean, this is a very common thing to do in any large public, private building. Why would only one --

MS. BUCKLER: It could have been the timing that it went out. It could have been the size of the project wasn't attractive. You know, it was advertised to 333 vendors.

TREASURER KOPP: Right. I see all those things you went through. But it's \$90,000 and a company that can go in and put in lights. I mean, is that what it is?

MS. BUCKLER: It is. It's also at a correctional facility, which adds some challenges to vendors with clearances and timelines for getting into those facilities. So that does reduce some competition when we have those types of facilities.

LIEUTENANT GOVERNOR RUTHERFORD: One of the things, one of the challenges in correctional facilities is they actually have to count their tools after --

MS. BUCKLER: Correct.

LIEUTENANT GOVERNOR RUTHERFORD: -- when they are ready to leave because you can't have a missing tool that could be used as a weapon.

MS. BUCKLER: And they have to be escorted so there's additional times to get through security every time they come into the facility. They have to account for that timing with their staff. And they have to have staff that can meet the clearance.

TREASURER KOPP: And requiring background checks, is that a --

MS. BUCKLER: Yes.

TREASURER KOPP: -- in addition? And so there's this perfectly relatively simple task that people don't want to get paid for doing. Maybe \$90,000 isn't a lot of money to these companies. I would think it would be.

LIEUTENANT GOVERNOR RUTHERFORD: Maybe it's a sign that our economy is starting to do better. They're not hungry enough.

TREASURER KOPP: Yeah. And did they, did you go back and ask them why they didn't respond?

MS. BUCKLER: Without receiving, we didn't get any responses for why people didn't submit bids. We got the one bid on it.

TREASURER KOPP: Right.

MS. BUCKLER: It's coming in, at this point it was processed in error internally.

TREASURER KOPP: No, I get all that. So I guess the answer is no, we didn't go back and find out why the others didn't.

MS. BUCKLER: To have that many people not bid, there could be multiple reasons why that didn't happen. It wasn't that there were bids that weren't qualified, it was people didn't bid.

TREASURER KOPP: Okay. It won't happen again, huh?

MS. BUCKLER: I would hope not.

TREASURER KOPP: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Number three, 3-M-MOD, Johnson Controls. It's a relatively small modification, but the - well, not the modification. The question I have is that the original contract was \$22,500 and it's now up to, including prior modifications, \$268,000.

MS. BUCKLER: Correct.

LIEUTENANT GOVERNOR RUTHERFORD: Explain how we got to that point. We go from \$22,500 to \$268,000, almost \$269,000.

MS. BUCKLER: So when DGS declared the emergency, we didn't know what was wrong. We knew that the air conditioning was not working correctly. What we put out and got some quotes on was diagnostics of what is wrong with the system. So the original price of \$22,500 is under the COMAR

required emergency declaration of \$25,000. But we declared it an emergency because we anticipated multiple change orders once the diagnostics were done and then we could move forward with those diagnostic results.

So this particular change order is related to the control system and fixing the modules on that system to ensure that the air conditioning will turn on at the correct times and turn off at the correct times.

LIEUTENANT GOVERNOR RUTHERFORD: So the \$22,500 was just for the diagnostics which --

MS. BUCKLER: Correct.

LIEUTENANT GOVERNOR RUTHERFORD: -- and then since you already had them in the system or in the building you said, okay, go forward. Which building was this?

MS. BUCKLER: This is Central Services. So this is --

LIEUTENANT GOVERNOR RUTHERFORD: Right over here on --

MS. BUCKLER: -- down the street. This is the air conditioning for the whole Annapolis complex.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm. And it was declared -- okay. It just, I don't know, it just seems that I guess there's no way of bringing somebody else in given that -- was this during the summer?

MS. BUCKLER: This was during the summer when this started.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

MS. BUCKLER: We've been slowly piecemealing. This isn't the only modification that's been done. As we find something, we fix that, we start it back up again and see if it's working and find the next thing to fix, and fix the next thing. So it's been an ongoing problem solving case. We're hopeful that this is the final fix to this.

LIEUTENANT GOVERNOR RUTHERFORD: And that's, that system also controls the Government House as well?

MS. BUCKLER: Correct.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

MS. BUCKLER: Government House, the State House, the legislative buildings.

LIEUTENANT GOVERNOR RUTHERFORD: See I would say that this building, we could go without air conditioning. They went how many years without air conditioning here?

COMPTROLLER FRANCHOT: Which is that? Our office building?

LIEUTENANT GOVERNOR RUTHERFORD: This building.

COMPTROLLER FRANCHOT: Oh, this building.

LIEUTENANT GOVERNOR RUTHERFORD: The State House.

This was built before air conditioning, but the First Lady and the Governor would never let me cut off the air conditioning in Government House.

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: Okay. So I understand that emergency.

COMPTROLLER FRANCHOT: Lieutenant Governor?

LIEUTENANT GOVERNOR RUTHERFORD: Yes?

COMPTROLLER FRANCHOT: I just want to applaud you for bringing that up. I had the same concerns but you seem to be on top of it. But when exactly did the bid occur? Was that for the \$22,500 or was that for the additional?

MS. BUCKLER: It was for the \$22,500, is what the bid was for. And I believe, I believe that was back in October.

COMPTROLLER FRANCHOT: Okay.

LIEUTENANT GOVERNOR RUTHERFORD: Oh, in October. They could have swung it at that point.

SECRETARY MCDONALD: Yes, so an emergency was reported to the Board on October 19, 2016 --

LIEUTENANT GOVERNOR RUTHERFORD: All right. So it would have been before.

SECRETARY MCDONALD: -- for a \$22,000 contract that --

LIEUTENANT GOVERNOR RUTHERFORD: Right.

SECRETARY MCDONALD: And they did have six bidders on the \$22,000 contract.

MS. BUCKLER: Mm-hmm.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

COMPTROLLER FRANCHOT: As you know, air conditioning is one of my favorite topics.

(Laughter.)

COMPTROLLER FRANCHOT: And I noticed --

LIEUTENANT GOVERNOR RUTHERFORD: I didn't set this up.

COMPTROLLER FRANCHOT: -- yeah, no, I noticed last night the Baltimore County School Board voted to give the Superintendent the authority over days that need to be closed, the classrooms need to be closed because of high temperature. And that's a big switch because obviously the schools, he's on the other side of the issue as to whether the kids should be in those conditions along with the teachers. So along with the other Baltimore County news, which is all over the place these days it seems, but there was some other big news items up there. But this air conditioning issue at a school like Dulaney High School, which now has gotten, the renovation money is no longer there. So nothing is going to

happen. That school needs portable air conditioning units put in in the next several months or the people in charge up there need to get out of office. Because it is a disgrace, that Dulaney High School is in this position. And there are lots of other classrooms in addition to that. So thank you for justifying your agency's budget. Sorry that the issue got brought up. But it is now front and center for Baltimore County to get this job done quickly. And if they don't, it's just administrative malpractice. I mean, these kids are going to be in conditions that are just inhumane. So --

LIEUTENANT GOVERNOR RUTHERFORD: Thank you, Lauren.

MS. BUCKLER: Thank you.

COMPTROLLER FRANCHOT: -- if the *Baltimore Sun* editorial page wants to get hold of me, they have their number, my number. Because they disagree with me on this. But Mr. Secretary Churchill, you guys, you know, continue to be please open to advising a recalcitrant county on what they need to do to protect their kids. And it's doable and it should be done by the start of the hot days in May. Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Quick question on 8-LT, the tenant lease, the Maryland Veterans Administration.

MR. CHURCHILL: Assistant Secretary Wendy Scott-Napier --

MS. SCOTT-NAPIER: Good morning.

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MR. CHURCHILL: -- for Real Estate.

MS. SCOTT-NAPIER: Wendy Napier.

LIEUTENANT GOVERNOR RUTHERFORD: Good morning.

My quick question is I see that this is for parking in Downtown Baltimore for our veterans. We have veteran personnel in Downtown Baltimore?

MS. SCOTT-NAPIER: We do. It's a smaller staff but they do have a location.

LIEUTENANT GOVERNOR RUTHERFORD: Where are they located?

MS. SCOTT-NAPIER: They, I thought there were within proximity to the federal building.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

MS. SCOTT-NAPIER: But I will confirm for you.

LIEUTENANT GOVERNOR RUTHERFORD: Are they in a leased space down there?

MS. SCOTT-NAPIER: They are in leased space, yes.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. We need to move them to 6 St. Paul.

MS. SCOTT-NAPIER: Okay.

LIEUTENANT GOVERNOR RUTHERFORD: Get them out of that space.

MS. SCOTT-NAPIER: Okay.

LIEUTENANT GOVERNOR RUTHERFORD: Or they can even go to State Center. We have space there.

MS. SCOTT-NAPIER: I will confirm --

LIEUTENANT GOVERNOR RUTHERFORD: So and then we would not need to, I mean, we'd still need to pay parking if they are in 6 St. Paul. But if they were at State Center we wouldn't have to do that.

MS. SCOTT-NAPIER: Okay.

LIEUTENANT GOVERNOR RUTHERFORD: So let's work on that. Okay?

MS. SCOTT-NAPIER: Yes, sir.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you.

MS. SCOTT-NAPIER: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: We should have been able to answer that.

COMPTROLLER FRANCHOT: I had a question on nine.

LIEUTENANT GOVERNOR RUTHERFORD: Oh, you have -- okay.

COMPTROLLER FRANCHOT: Yeah, we're just handing off these different items. Item 9 on DGS --

LIEUTENANT GOVERNOR RUTHERFORD: Oh, this is the Comptroller's Office.

COMPTROLLER FRANCHOT: Yes. I'm very happy to see this Agenda item, because this is a lease for a taxpayer service office in Greenbelt that will allow our agency to better serve the residents of Prince George's County with the type of respectful, responsive, results oriented taxpayer service that we expect to provide. The nearly 2,500-square-foot space will provide higher capacity, more functional space, opportunities for high visibility signage that simply isn't possible in our current Prince George's site that we're moving from. Our Landover office has served the agency well over the years, but this new space will allow us to take taxpayer service to the next level for the residents of Prince George's County. And I'd just like to thank DGS, because you know when we asked them to review this they moved very quickly and they've gotten a very I think appropriate, better functional space for us. And I just want to applaud the Secretary.

MR. CHURCHILL: I thank you and I will echo that for our staff.

COMPTROLLER FRANCHOT: Yeah. You're a good realtor.

LIEUTENANT GOVERNOR RUTHERFORD: The real estate office does a very good job. 11-CGL? And Cathy --

MR. CHURCHILL: Cathy Ensor with the grant program.

MS. ENSOR: Good morning. Cathy Ensor, DGS.

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LIEUTENANT GOVERNOR RUTHERFORD: Good morning. Okay. This is the Arthur Perdue Stadium, and I see we have Delegate Anderton here also. Are you here supporting the stadium or for the water fowl?

DELEGATE ANDERTON: All of them.

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: Tell us a little bit about the stadium project.

MS. ENSOR: The grant is for renovation of the stadium project. We're not, we're still waiting for a contract so at this point we're coming in just to approve the grant --

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

MS. ENSOR: -- and the, certify the match at this point. And I would turn it over to --

LIEUTENANT GOVERNOR RUTHERFORD: Yeah well --

MS. ENSOR: -- maybe get some more detail about the actual project and --

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Well we'll hear from Delegate Anderton.

DELEGATE ANDERTON: Good morning, everyone.

LIEUTENANT GOVERNOR RUTHERFORD: Good morning.

TREASURER KOPP: Good morning.

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DELEGATE ANDERTON: Secretaries, staff, Madam Treasurer, I want to thank your staff for sending us these emails when we have items on the Board of Public Works Agenda. It's very useful. Thank you. You get a high five virtually from me.

(Laughter.)

DELEGATE ANDERTON: Mr. Governor, Mr. Comptroller, thank you for this opportunity again. So this project here with Perdue Stadium is, it's going to take what already is a good asset and make it that much more. Because instead of it being used solely for what you would consider athletic events, you know, like the Delmarva Shorebirds who employ 200 of our citizens there, it will now be able to be used as an outdoor amphitheater with individual seatings, high school, college graduations. I mean, the opportunities now fully expand beyond its current use by these upgrades. And so, you know, I'm greatly appreciative of your commitment and I look forward to the final phase of funding that we're expecting very soon to complete the project so that way it once again becomes a tremendous asset to not only the City of Salisbury but Wicomico County and the entire Delmarva Peninsula. As well as the Ward Museum --

LIEUTENANT GOVERNOR RUTHERFORD: I was going to ask you about that.

DELEGATE ANDERTON: -- absolutely. It's phenomenal. We're going to have an opportunity now for the youth in our community to spend

the summer learning about water fowl and, you know, things that encompass water fowl, I guess. You know, I'm going to shoot from the cuff here as best as I can.

LIEUTENANT GOVERNOR RUTHERFORD: The biology associated.

DELEGATE ANDERTON: And there's an item coming up that I also would like to touch on in the Natural Resources Real Property Agenda, and that is for the Henry S. Parker Athletic Complex. We are moving a baseball field to make way to create more softball fields for the USSSA tournament that we host in the summer with about 500 teams that come through, and it's millions of dollars of impact on Wicomico County. And you know, as we transition into more of a tourist destination inland Eastern Shore, it's a very vital project for us. And so I really look forward and appreciate and thank you for your support on that. And so it's a great day for Wicomico County. I'm blessed to be here and I'm incredibly honored to have this opportunity.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you.

TREASURER KOPP: Governor, Delegate --

DELEGATE ANDERTON: Yes?

TREASURER KOPP: -- can I just say I was reminiscing with the Deputy Treasurer. We were here in other roles when we started the Ward Museum --

DELEGATE ANDERTON: Right.

TREASURER KOPP: -- and met the --

DELEGATE ANDERTON: Yes.

TREASURER KOPP: -- Ward Brothers legacy.

DELEGATE ANDERTON: Yes.

TREASURER KOPP: And it's just, I think it's a wonderful unknown treasure, just like in some ways the Baltimore Museum of Art nationally is not known --

DELEGATE ANDERTON: Right.

TREASURER KOPP: -- even though it's a world class institution.

DELEGATE ANDERTON: Yeah.

TREASURER KOPP: I think the Ward Foundation, the Ward Museum, anything you can do or anything we can do to help you --

DELEGATE ANDERTON: Absolutely. I mean --

TREASURER KOPP: -- let the world to know about it.

DELEGATE ANDERTON: -- it is an awesome opportunity. I would encourage everybody to come by and visit. You know having gone to school in Crisfield, at Crisfield High School in the cafeteria there was a big mural --

TREASURER KOPP: Yeah.

DELEGATE ANDERTON: -- of Lem and Steve Ward that we used to sit in front everyday. And so, you know, it's a very historical, integrated part of our community, our way of life. And it's awesome.

TREASURER KOPP: Well between that and the Dorchester County last week, I think the Shore, people are really coming to see that the Shore --

DELEGATE ANDERTON: Right.

TREASURER KOPP: -- is the heart --

DELEGATE ANDERTON: Especially the inland parts of the Shore. You know, everybody knows where Ocean City is. You know, everybody knows Route 50. But now people are started to know where Route 413 is. And so that's awesome.

TREASURER KOPP: Well, I congratulate you on this.

DELEGATE ANDERTON: You know, yeah.

TREASURER KOPP: This is great.

DELEGATE ANDERTON: No, thank you. Yes, sir?

COMPTROLLER FRANCHOT: Well I want to thank Delegate Anderton for being here. You can come back anytime.

DELEGATE ANDERTON: I like --

COMPTROLLER FRANCHOT: It's all positive, good stuff.

DELEGATE ANDERTON: Absolutely. So you know, you're in Salisbury so much that people think your office is there, your actual office is there. They call, hey, can I go see the Comptroller today? I'm downtown, I'm down by the University.

LIEUTENANT GOVERNOR RUTHERFORD: He has an office on 13.

TREASURER KOPP: Yeah.

LIEUTENANT GOVERNOR RUTHERFORD: There's an office right there.

DELEGATE ANDERTON: Yeah. I said, you can go by there but I'm pretty sure he's in Annapolis. But so.

COMPTROLLER FRANCHOT: Let me just follow up, though, with your comments about the stadium --

DELEGATE ANDERTON: Yes.

COMPTROLLER FRANCHOT: -- which is named after Mr. Perdue.

DELEGATE ANDERTON: Absolutely.

COMPTROLLER FRANCHOT: And I think the vibrancy on the Shore, at least as far as that stadium, which is one of the best in the minor leagues and has been since it opened in 1996, it wouldn't even exist if Frank Perdue hadn't --

DELEGATE ANDERTON: You're absolutely right.

COMPTROLLER FRANCHOT: -- come up and made a huge philanthropic --

DELEGATE ANDERTON: That piece of property was, yes.

COMPTROLLER FRANCHOT: -- contribution. And so those, he put millions of his own money into the stadium and right next door at Salisbury University his son, Jim Perdue --

DELEGATE ANDERTON: Yep.

COMPTROLLER FRANCHOT: -- put up \$8 million of his own money in 2006 to build the new business school. And I just want to --

DELEGATE ANDERTON: Right.

COMPTROLLER FRANCHOT: -- indicate that I agree with the Treasurer that the Shore is a vibrant place, both on the coast and on the interior of the Shore. It's a wonderful place. But it's got, the poultry industry plays an enormous role in being the engine that's driving some of that vibrancy.

DELEGATE ANDERTON: Sure.

COMPTROLLER FRANCHOT: And thank you for reminding me of it when --

DELEGATE ANDERTON: No, absolutely.

COMPTROLLER FRANCHOT: -- coming forward on the stadium.

DELEGATE ANDERTON: Right. I mean, I truly appreciate all your support, you know. And it's, it's just, you can feel the change in the air when you're walking around Salisbury or Fruitland or Delmar. The air is just lighter and people are excited. They feel things that are coming. And so it's just really awesome to be a small part of that. Just to --

COMPTROLLER FRANCHOT: Well thank you for your leadership --

DELEGATE ANDERTON: No, thank you.

COMPTROLLER FRANCHOT: -- on that score, so.

DELEGATE ANDERTON: Absolutely. Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you.

DELEGATE ANDERTON: Thank you so very much.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you. It was good to see you.

DELEGATE ANDERTON: You, too.

LIEUTENANT GOVERNOR RUTHERFORD: And I would be remiss to not point out that my daughter graduated last year from Salisbury University and I spoke at her commencement, which was great. I didn't cry until I gave her the diploma. I was fine until then.

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: Cathy, one more, or Ms. Ensor, one more thing. I wanted to just, and this is more from I'd like to get contact with regard to 13-CGL, a grant to the Girl Scouts of Central Maryland. And it's for their Maryland Urban Program and STEM Center.

MS. ENSOR: Yes.

LIEUTENANT GOVERNOR RUTHERFORD: And I would like them to contact us, or either contact Diane Peters at our Department of Labor and Licensing. I am the Honorary Chair of the Million Women's Mentor Program in the State and it's for encouraging women and girls to go into STEM fields. And we'd like to coordinate with the efforts of the Girl Scouts of Central Maryland with regard to what they're doing so we can provide mentors for them, women who are in STEM areas to mentor some of these young girls.

MS. ENSOR: Okay.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you.

TREASURER KOPP: And Governor, could I also note that Delegate Rosenberg sent his strong support for this --

LIEUTENANT GOVERNOR RUTHERFORD: Oh, okay. I thought he was here --

TREASURER KOPP: No, I don't think so.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

TREASURER KOPP: I think he's downstairs on the floor.

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LIEUTENANT GOVERNOR RUTHERFORD: Oh, all right.

TREASURER KOPP: But he would be here.

LIEUTENANT GOVERNOR RUTHERFORD: He would be here. Okay. Or at the Orioles games.

TREASURER KOPP: Or somewhere.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah. That's where I see him often. And he scores the games.

TREASURER KOPP: Every game, yes he does.

LIEUTENANT GOVERNOR RUTHERFORD: Any other questions on DGS?

COMPTROLLER FRANCHOT: No, move approval.

TREASURER KOPP: No, good projects.

LIEUTENANT GOVERNOR RUTHERFORD: That's a move, do we have a second? I'll second. All in favor?

COMPTROLLER FRANCHOT: Aye.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. There we go. Madam Secretary?

SECRETARY MCDONALD: Good morning, Governor, Madam Treasurer, Mr. Comptroller. We have nine items on the Secretary's Agenda. We have one report of an emergency procurement. And we are prepared for your questions.

LIEUTENANT GOVERNOR RUTHERFORD: I have a question about five. Baltimore --

SECRETARY MCDONALD: Item 5? Right.

LIEUTENANT GOVERNOR RUTHERFORD: -- Central Booking Intake.

SECRETARY MCDONALD: I think Assistant Secretary Bezanson is here. This is the Baltimore Central Booking and Intake Center --

LIEUTENANT GOVERNOR RUTHERFORD: Right.

SECRETARY MCDONALD: -- award of a contract to PJ Dick.

MR. BEZANSON: Good morning. I'm David Bezanson, Assistant Secretary for the Department of Public Safety, to answer your questions, sir.

LIEUTENANT GOVERNOR RUTHERFORD: Good morning. My question has to do with the program, Addicts Changing Together substance abuse program. Do you know much about that that you can explain to me?

MR. BEZANSON: I can give you a brief explanation, as I --

LIEUTENANT GOVERNOR RUTHERFORD: Brief is good for now.

MR. BEZANSON: Okay.

LIEUTENANT GOVERNOR RUTHERFORD: I can follow up with the Secretary.

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

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 Sassafras 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.

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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

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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.

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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.

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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.

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.

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.)

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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

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.

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(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

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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 --

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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?

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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.

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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.

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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?

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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.

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,

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.

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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.

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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.

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COMPTROLLER FRANCHOT: Yeah, and what's the date today? I mean, there's still snow on the ground.

MR. RAHN: It's the 22nd, or whatever.

LIEUTENANT GOVERNOR RUTHERFORD: It's the 22nd of March.

COMPTROLLER FRANCHOT: Yeah, the 22nd of March. Nobody is going to be cutting grass initially in April because there's still snow on the ground out there. That's okay. I understand that. But why couldn't you just rebid this to the Allegany folks? They are right next door?

SECRETARY MCDONALD: Can I clarify for the record, so the transcript --

LIEUTENANT GOVERNOR RUTHERFORD: This one is the Allegany.

COMPTROLLER FRANCHOT: Oh, this is the Allegany?

SECRETARY MCDONALD: -- so the transcript is correct. There were three bids for Garrett County. There were three bids for Washington County. It is Allegany County --

LIEUTENANT GOVERNOR RUTHERFORD: Allegany County is the one--

SECRETARY MCDONALD: -- which is interesting because it's in the middle, that there was only one bid in Allegany County.

COMPTROLLER FRANCHOT: Okay.

LIEUTENANT GOVERNOR RUTHERFORD: That's why it's odd. Because you have the bids --

SECRETARY MCDONALD: Right, because there were three bids in Garrett.

LIEUTENANT GOVERNOR RUTHERFORD: -- further out and you have the bids closer in. And --

COMPTROLLER FRANCHOT: And so we're being asked to vote on three separate, or just one?

SECRETARY MCDONALD: There are three separate items. One is for Garrett, and got three bids. And one --

COMPTROLLER FRANCHOT: Okay. Well that, I'll just cut to the chase. Have me vote against Allegany --

SECRETARY MCDONALD: Number four, Allegany, right.

COMPTROLLER FRANCHOT: -- and for the other two and --

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

COMPTROLLER FRANCHOT: -- I'll let my objection just ride. Because --

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

SECRETARY MCDONALD: Okay. Thank you.

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 --

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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.)