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

**March 28, 2018**  
**10:10 a.m.**

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# PRESENT

**HONORABLE LARRY HOGAN,**  
Governor

**HONORABLE NANCY KOPP,**  
Treasurer

**HONORABLE PETER FRANCHOT**  
Comptroller

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# PROCEEDINGS

GOVERNOR HOGAN: Good morning, everyone.

ALL: Good morning, Governor.

GOVERNOR HOGAN: Welcome to the Board of Public Works. I want to begin today by extending my deepest sympathies to the family of Jaelynn Willey, the 16-year-old victim of last week's shooting at Great Mills High School in St. Mary's County.

Our hearts are broken over this tragic and senseless loss and all of Maryland is grieving with Jaelynn's family, all those who loved her, and with the entire Great Mills community. And they will continue to be in our thoughts and prayers. But as I said last week, prayers are not enough. We need action.

So I think we all agree that no parent should ever have to worry when they send their kids off to school in the morning whether or not their son or their daughter is going to come home safely from school. Last month we introduced emergency legislation on school safety that would take effect immediately to create an aggressive statewide standard for school safety. It would add \$125 million from our casino revenues in a lock box to accelerate and enhance school safety improvements, including secure doors and windows, metal detectors, security cameras, panic buttons, and other capital improvements; as well as another \$50 million a year in school safety grants that could pay for things

like additional mental health counselors and school resource officers. All together our supplemental budget proposals, we've proposed adding more than \$200 million for school safety over the next two years.

I think our most important priority is the safety of our citizens and nothing could be more important than helping our children feel safe at school. So today I'm urging the members of the House and the Senate on both sides of the aisle to come together and work together to try to make our schools safer. Thank you.

With that, I'll turn it over to Madam Treasurer.

TREASURER KOPP: Thank you. Thank you, Governor. Of course, we could not agree more, both with the grief that we share over the death of a very fine young citizen in Southern Maryland, and also her family and all those around her. I have to say at my little elementary school in Bethesda there was a meeting of students trying to understand what is going on, elementary school. What is going on? This is a problem which we all share and I think a resolution which we all share towards, just as you've said, in a multi-faceted way and right now without losing any time whatsoever.

I just wanted to take a moment, my brilliant staff who is not here right now -- oh, there you are. Joanna Kille just reminded me about the passing this week of Lefty Kreh. Lefty Kreh had visited this Board several times, an astounding man. As opposed to the young woman who lost her life, Lefty died

last week at the age of 95, a veteran of the Battle of the Bulge; a great sportsman; a writer; an inspirer and builder of communities. Lefty visited us in 2012, '11? Had been awarded Sportsman of the Year and brought a little lure for us. The lure is the number one selling lure around the whole world and he didn't name it after us, but he did bring it to us and it's over in our office if you want to see it. But he was the member of more than three fishing halls of fame. He brought great renown to the State of Maryland and to DNR. He worked for many years and I think I would just like to urge us to put in the record a recognition of Lefty Kreh, all he did for Maryland. And condolence to his family but appreciation of a long and very well lived life.

GOVERNOR HOGAN: Thank you. Mr. Comptroller?

COMPTROLLER FRANCHOT: Yes. Thank you, Governor, and thank you, Madam Treasurer. As you both referenced, on Saturday hundreds of thousands of students and their parents from all over the country marched in Washington in the March for Our Lives. My wife Annie and I were proud to take part in the March. There were some wonderful signs, if anybody is interested in the creativity of young people. But we were joined by my niece, who brought her two teenaged sons down from Connecticut. And it was all in all an absolutely inspirational experience.

These kids on the March, and there were millions of people around the world that joined in their own marches in their own communities, not just in

our country. But ironically in other countries they are marching for our kids, in other countries. Anyway, millions of people were focused on the issue of gun, common sense gun legislation. One gentleman was walking in the March and he had a complete skeleton from some medical lab or something on his shoulders. And around the neck of this skeleton, which he could, obviously was very obvious to people around him, was a sign saying, "This is what I will look like when Congress finally acts."

So being a politician I kind of, you know, just wanted to underline the fact that these kids were not interested in your prayers and in your thoughts. As the Governor mentioned, the big sign was action. That's what they want. They had a platform which frankly I think every American could come around in solidarity. They charted a path forward. This was the kids. There were no adults up on the stage. It was all run by teenagers. They charted a path forward in the wake of horrific school shootings that have devastated families and communities across the country. I was personally inspired by the courageous young people who decided to take a stance for something they believed in. One young person was so worked up that she literally got sick to her stomach while she was talking. I couldn't really see it because there were so many people, but that was what was reported to me by everybody. "Oh my goodness, she just got sick to her stomach." Well she popped back up and she said, "I just vomited on international TV."



(Laughter.)

COMPTROLLER FRANCHOT: "And I feel great!"

(Laughter.)

COMPTROLLER FRANCHOT: And she finished her talk. So God bless the young people. They chose, these young people, to bravely enter the political arena and fight for something greater than themselves, seizing the national spotlight to raise awareness for their cause, bringing an end to school violence. This is something that concerns each and every one of us, even those of us who may no longer have school aged children at home. We need to find a way to make school safer for all children so they may continue to be children. This is not a Maryland problem. This is a national problem. That's why Saturday was such a special day.

March for Our Lives was organized by the children to demonstrate their passion and commitment to making a brighter future for all of America's children. The NRA, of course, described it as a March for Lies. Can you believe that? In the face of this unbelievable gathering of young people, that organization had the arrogance to -- most of these kids were from schools that had had mass shootings, by the way. Okay. So I don't want to get myself in trouble here.

This isn't just a Maryland problem. This is a national problem. That's why it was such a special day. And March for Our Lives was organized by the children to demonstrate their passion and commitment to making a brighter

future for all of America's children. It's my sincere hope that their message will not fall on deaf ears. It's always good for our country when young people engage in the political process. And these students certainly represented themselves well. They should all be proud and more confident than ever in the future. And Maryland was represented all over the place in this gathering. I think there were 800,000 people on Pennsylvania Avenue between the Capitol and the White House. It wasn't really a march because there wasn't room to march. It was just packed with people. And they were optimistic. They were, you know, full of compromise and good ideas. They just want some productive action. Governor, thank you for your statement about school safety, and Madam Treasurer, for your comments. Because the more we can actually do, I think the more involved these young people will be.

Now some of them who spoke, Martin Luther King's granddaughter was only nine years old. So it's a while to go before she votes. But all of these young people to a person said, when we can, we're going to participate and we're going to vote. Thank you.

GOVERNOR HOGAN: Thank you very much. Secretary McDonald, we're ready to start with the Secretary's Agenda.

SECRETARY MCDONALD: Yes. Good morning, Governor, Madam Treasurer, Mr. Comptroller. We have 15 items on the Secretary's Agenda this morning. We're prepared for any questions you might have.

GOVERNOR HOGAN: If I could just highlight Item 8, please?

SECRETARY MCDONALD: This is the, I think the Stadium Authority is here. This is school construction. We have 8, 9, 10, and 11 --

GOVERNOR HOGAN: I don't really have questions about it. I just wanted to say this is one of four requests before us today from the 21st Century Schools program seeking approval for renovation of Govans Elementary and Medfield Heights Elementary. And I'm delighted to support both of these projects.

And I just wanted to talk about the fact that the approval of school construction funding is one of the most important functions of this Board of Public Works. We provide the fiscal oversight and accountability that taxpayers expect and deserve. And this Board, which is made up of the State's top fiscal leaders, is charged with overseeing the expenditure of billions of dollars in public school construction funds. However, once again there are some in the Legislature playing political games by attempting to remove all oversight authority from this Board. Their stated purpose is simply that it's politics and it's a personal vendetta against my colleague, the Comptroller.

Yesterday the House of Delegates passed a bill which was a good bill to modernize school construction. It was a proposal which we supported. But they snuck in an amendment here at the end of the Legislative Session, without any hearings, to strip the authority from this fiscal body and to turn over all

authority for billions of dollars in State taxpayer money for school construction to an unelected, unaccountable group of hand-picked lobbyists, political donors, and people with conflicts of interest in the school system at a time when citizens all over the State are crying out for more accountability and more oversight.

The former Baltimore County Superintendent is going to jail. Another former Baltimore County school official has been indicted. Another is serving as an informant to a federal corruption investigation of a sitting Senator. The State Board of Education just last week voted again, last week, unanimously, to conduct a second investigation into illegal grade tampering in Prince George's County. Howard County's former Superintendent left in disgrace after misleading parents and teachers about mold in the classrooms. This year we introduced our Accountability in Education Act to establish an independent inspector general in the Department of Education with the power to investigate allegations of corruption and unethical behavior in the schools. At the request of the State Board of Education, just last week we submitted a supplemental budget providing them with \$2.5 million to pay for the education monitoring unit and office of compliance and oversight.

The fact that the Legislature would choose now to corrupt a process that has worked effectively and delivered transparency, accountability, and oversight on these expenditures for 50 years, is simply outrageous. Mr. Comptroller?

COMPTROLLER FRANCHOT: Yes. Thank you, Governor. I would like to echo the Governor's comments. It is utterly shameful that legislative leadership would hijack the work product of a commission that has spent the last two years studying how we can modernize Maryland's public school facilities to retaliate, according to the Chairwoman of the Appropriations Committee on the floor of the House, against me specifically. And speaking of Chairwoman McIntosh, let me just take a second, Governor, to correct the record. Because there were some statements made on the House floor yesterday that couldn't have been farther from the truth.

It was amazing, really, to hear a legislator from Baltimore City continue to provide political cover to the City Schools officials who failed to do their jobs and have the audacity to blame this Board for the heating crisis that transpired earlier this year. Let me just say very clearly, it was a lie told to my former colleagues down on the floor.

Even though the Chairwoman knew what she was saying didn't have an ounce of truth, she said it anyway to advance a political agenda that is beneath the dignity of the institution of the Maryland General Assembly. So let's set the record straight. Yes, this Board did withhold \$5 million from Baltimore City to compel action on the dozens of school facilities that did not have air conditioning. Why? Because for eight or ten years, I'm sick and tired of hearing about kids and teachers who are literally getting sick and unable to learn or work

properly because of the persistent failure of leadership on North Avenue which Chairwoman McIntosh and some of her colleagues are willing to shamelessly provide political cover for.

But what Chairwoman McIntosh conveniently left out was the fact that the \$5 million was withheld from the City for only six months and by the time they came back to this Board they had a plan of action to finally address the lack of air conditioning in their schools. The rest of the State has air conditioning, what about the City?

What Chairwoman McIntosh didn't tell you was that when we withheld that \$5 million, Baltimore City Public Schools had over \$10 million sitting in their contingency fund. And guess what? They didn't spend a penny from those funds to address the HVAC problems that have gone unaddressed for decades. What Chairwoman McIntosh didn't tell you is the fact that \$5 million doesn't even come close to the cost of what it takes to replace an HVAC unit in one of those schools that closed this past January due to lack of heat. In fact, this Board approved an HVAC unit replacement for the historic Samuel Coleridge Elementary School, which I visited two years ago. And because City Schools were unable to get this project under contract in time, that school never got its heating system replaced. And in case you were wondering the projected cost to replace that unit was \$7.5 million.

So Governor, I'm absolutely, 100 percent, not apologetic for standing up for those kids who are forced to learn in inhumane conditions because of bureaucratic failure and inaction from their legislative representatives. And the fact that Chairwoman McIntosh is justifying her efforts to strip this Board of school construction oversight based on inaccurate information, and because we've, I guess, because we've chosen to hold school officials accountable. I mean, if that's the motivation that is extremely disappointing. And I'd say disgusting.

And Governor, let me say that I think it is absolutely shameful, and yes disappointing, that children are being used as political pawns in the inexplicable battle with this Board over actions that have directly provided healthier and safer learning environments for our kids. It's shameful, and yes, disappointing, that in a time when corruption, unethical behavior, and mismanagement continue to occur in public school systems across the State, that legislative leadership wants to reduce transparency and accountability in the way State taxpayer dollars are used and spent by local education systems. It's shameful and disappointing, but unfortunately it's not surprising.

These are the kind of smoke-filled, backroom type of actions that cause people to rightly lose faith in their government. That's why people are disgusted with Annapolis. Since the Board of Public Works was granted the authority to distribute school funding, State funding for local school construction

projects, in 1943, this Board has overseen and managed the process to distribute hundreds of millions of taxpayer dollars and ensure that these funds are being spent wisely. There is a reason why policy makers at that time entrusted this Board, as the Governor noted composed of the State's three fiscal officers, the authority to oversee school construction, as opposed to giving it to a panel of unelected bureaucrats and political appointees. Because when it comes to oversight of public funds and ensuring that our kids are learning in school facilities that are safe and healthy, there's no better place than this Board to have those discussions.

For the thousands of students, teachers, parents, and families across the State who don't follow the Capitol Hill, Washington style political tactics that are often deployed in this building, remember -- these are last minute amendments that are suddenly popped into a bill. There's no public hearing. There's no notice. Just *deus ex machina*, they fall from the sky in the committee and, bingo, there they are put in. Pow, they move out. Washington style political tactics.

I'd like to provide some guesses as to why legislative leadership has decided to take this astonishing and highly misguided action. Apparently some legislators on the first floor have vehement objections to our actions to put some public pressure on local school systems to address serious and in some instances inhumane conditions in their schools. Apparently some legislators are



upset that this Board, composed of two statewide elected officials and a very distinguished Treasurer elected by the Legislature, that we listened, we actually listened to the pleas and concerns from the thousands of students, parents, teachers, and families whose phone calls, emails, and letters apparently went unanswered by their school officials and local elected officials. We're talking about 50,000 kids in the Baltimore region who before this Board's leadership were enduring conditions that are inhumane. Kids were literally passing out due to heat exhaustion in the summer and kids who were wearing parkas in their classrooms due to lack of heat in the winter.

I can still remember the first time I toured Middleborough Elementary School in Essex, up on the eastern side of Baltimore County, where I heard horrific stories about teachers and students fainting; kids coming home in shirts drenched in sweat; kids who were literally unable to learn in classrooms with an indoor heat index of over 100 degrees. They pleaded with their school officials. They pleaded with their elected officials. And what did they get? Excuses after excuses after excuses.

They had one last shot, and that was the Board of Public Works. Thanks to this Board's leadership, Middleborough Elementary School is air-conditioned today. Thanks to this Board's leadership, the vast majority of HVAC projects have been completed or are being expedited in Baltimore City and Baltimore County.

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I suspect that thousands of students, teachers, and families are grateful to this Board for blowing the whistle on another issue, the mold crisis in the Howard County School System, demanding that those school facilities be taken care of immediately to ensure the safety, health, and welfare of those students, teachers, and staff. It's safe to say that the peace of mind those families enjoy every day their son or daughter walks into their mold free classroom is due in no small part to the open transparent forum this Board provides. I will most certainly not apologize for any actions in this Board's actions on that issue.

And this Board, long before it was politically convenient for the folks downstairs to get a quote in the record rebuking the corruption and unethical behavior in the Baltimore County Public School System, we questioned the highly irregular practices of a former Baltimore County Superintendent who broke our laws, robbed the trust and confidence of all Baltimore County residents, pled guilty recently to four felonies, and is awaiting sentencing. No. I'm not going to apologize for this Board's advocacy. We're talking about, oh, and what about the recent indictment of the other top bureaucrat in the system a couple of weeks ago in Baltimore County for bribery?

We're talking about ensuring that taxpayer investments in school construction and school maintenance are being used wisely and prudently. Because at the end of the day, that's what Marylanders demand and expect from

us. That's why they are paying our salaries. So no, I will not apologize for doing my job.

Because we did our job in demanding better school maintenance. We gave voice to thousands of students, teachers, and parents who rightly expect their school officials and elected officials to do more than just give them more excuses as to why things can't be done. Legislative leadership wants to retaliate. Those are their words. Wants to retaliate by reducing transparency, reducing accountability, reducing public input into the school construction process.

Now I'd like to remind everyone that this isn't the first time the General Assembly has tried to pull this stunt. They have tried to do it over the last two legislative sessions by inserting language in the budget. So it comes as no surprise that during an election year they have inserted language in what was supposed to be non-partisan legislation addressing our State's school facility needs. Let's compare and contrast, if we can, the Legislature's current proposal.

Currently the oversight and management of the Public School Construction Program is entrusted to this Board, which publicly meets every two weeks in the State House; whose meetings are livestreamed; whose meetings are transcribed; who are covered by the State House press corps; whose membership is comprised of two independently elected statewide officials and one legislatively appointed constitutional officer. What do the Senate President and the Speaker wish to do? They want to transfer to a panel of unelected political appointees and

lobbyists that meet in virtual privacy in some unmarked room in the State Education Building. Their meetings are not livestreamed, nor are they transcribed. Documents from IAC meetings are seldom posted on its website in a timely fashion. And should this bill prevail, the Speaker and the Senate President will have the ability to appoint four people on this commission. And we've seen time and again the consequences of legislative interference.

Governor, Marylanders expect and deserve better from their government. They expect and deserve leaders to promote accountability and transparency in the way their tax dollars are being spent, especially when it comes to school construction. It is utterly shameful that the legislative leadership has decided to go this route. I don't hold the rank and file legislators to blame. It's a top down, you know, this is it, party call. Sad, really. But it's utterly shameful that the leadership has decided to go this route. It's my hope that legislators will have the fortitude to resist pressure from leadership and oppose this heavily misguided bill.

Governor, thank you. I'm sorry for going on so long. But it's an important subject and I appreciate your interest in it. And I'm glad I made that comment for the record.

GOVERNOR HOGAN: Thank you. Any other questions?

TREASURER KOPP: Yeah. I just very briefly, I don't have the blue sheets and I don't have a script to read, and I know I will omit some points. But I'd just like to clarify a couple of things.

First of all, this Board in terms of school construction and many other things has whatever authority the Legislature gives it. It's not a constitutionally inherent authority. So obviously it can be changed. There's no question about the ability, the authority of the Legislature.

And yes, thank you very much, Governor, the Commission on 21st Century Schools did meet intensively, with participation from the public, from your obviously DGS, State Planning, the local school systems, everybody, for two years. And we think that the report that we came out with and the proposals that we came out with will go a long way towards setting a new goal, towards recognizing differentiation among schools, towards reducing red tape, opening up public-private partnerships, and in general bringing school construction into the 21st Century.

One of the items of discussion was the reconstitution of the Interagency Committee to bring onto it a little more competence in the most modern school building technology, some people who would actually know what the new technology is and what the new financing is. And so there was the thought to increase the Interagency Committee.

To set a goal for funding, a goal was set ten years ago that would amount to basically \$250 million a year. That was in 2005 or so dollars. We're now 2018 and to raise the bar, raise the goal. That's in there.

And very importantly, to do a new assessment of all of the schools across the State to find out what state they are really in. We haven't had that sort of assessment in over a decade. And there was strong unanimous feeling that there ought to be that assessment. And then to some extent the priorities and the needs could be assessed based on those hard facts of how the schools were across the State.

I will say there was concern at that time also, although it was not part of the legislation, that the Board of Public Works has taken over an overweening role in schools and education, a role that hitherto had been left to the local school boards and the local governments. I know in my county, for instance, when we have problems with our school we go to the school board. If we feel that the school board is not listening, we go to the county council which in our case has a committee on education, or to the county executive. And I'm sure, Mr. County Executive, you have received a lot of these calls. I don't know many instances when it hasn't been worked out in terms of priorities at the local scene where the education, I believe, and this is where we part, the educational decisions and the school siting and needs are first, are first and foremost articulated.

Most of the money in this State for school construction actually comes from the local governments, not from the State. Although in some jurisdictions the State pays just about half of it. So these are all worked out there and they are very difficult decisions.

Yes, there were schools without air conditioning and it was a very, very unfortunate thing. As you know, I don't work well in overheated situations and most people don't. There had been plans, however, for air conditioning the schools, new schools and redoing the old schools, not window air conditioning. This is the first time in my experience that the Board of Public Works has actually gotten into the point of saying, no, we want that school air conditioned with window air conditioners, window air conditioners, you go ahead with the other. That was never seen as the role of the Board of Public Works. So that's one thing.

And the other is that my mother used to say, it's not what you say, it's the way that you say it. And there comes a time when whether you're talking about local school officials, children, or people who work for us, for each of the departments of State government, when they try to avoid this Board of Public Works, and they should not, or when they come here with tears in their eyes, shaking, because they don't know how they are going to be treated, most have no alternative. But there was strong feeling in the Legislature and in the local

governments that they and their people should not have to submit to this sort of treatment.

And those are the two reasons, the historic role, the change from the historic role of the Board of Public Works and the actual treatment of employees, public employees, and other officials before here that I believe led to this bill which in fact reconstitutes the board, the IAC, puts two new appointees from the Governor on it, puts two new appointees from the Legislature on it. The Governor still has the majority appointment, of course. And gives it the charge of meeting under open meetings. Yes, there will be video and audio. Yes, there will be opportunity for public hearing and for public appeals. But within the context of the traditional method of the local governments and local boards of education setting out priorities based on educational needs in their jurisdiction, fitting in with a State criteria and requirements, looking at the needs across the State based on this new assessment and understanding, and coming up with lists of priorities. Which still have to be placed in the Governor's capital budget, where there is still the examination that there always has been. So you will have public examination at the IAC stage and at, we don't see how the capital budget is put together, but we certainly see how the public budget is treated and considered when it goes to the Legislature.



And I don't know what's happening with this bill. I was not party to this part of this bill. I don't know that we intended it. But from my perspective, that's why we are where we are.

COMPTROLLER FRANCHOT: If I could just respond because I have great respect for the Treasurer. She actually is the Maryland icon for school construction. And much of our program that we have is attributable to Nancy Kopp. And but I know in my heart of hearts that she does not support blowing up the system simply to increase the funding, which all of us support. I just know that.

TREASURER KOPP: I think the word is restoring the system.

COMPTROLLER FRANCHOT: Well this is a system that's been in place for, since 1943, and it's being blown up. And it's unnecessary. And I'm sorry to see it. I think I've made my points. I'm not going to apologize for being in favor of air conditioning. I'm not going to be apologetic for opposing mold and unresponsive superintendents. And I'm not going to be apologetic for asking that Dulaney High School be replaced. It's an embarrassment to the State of Maryland. It's falling apart. And I'm not going to apologize for criticizing Dr. Dance and others who are going to plead guilty to felonies who have been in charge of that. And thank you, Governor, for your strong leadership. And this is an issue that's gone on well before you arrived and I apologize if I got you into trouble.

GOVERNOR HOGAN: Well let me just wrap it up by saying, you know, I'm proud to serve on this body with both of my colleagues. And I think they both do a great job and I think that the work that this Board of Public Works does is critically important. We spend more money on school construction than just about anything else. And to say that the elected representatives that the taxpayers send here to oversee fiscal responsibility shouldn't be involved in that process to me is just not acceptable. And you know, we'll see what happens with this legislation but it should be killed.

Are there any other questions on the Secretary's Agenda? Any other issues?

TREASURER KOPP: Yes. I actually, on these schools. As you know, I support them very strongly. It's not that. Mr. Paul Berman has, a proud constituent of the Comptroller's actually --

COMPTROLLER FRANCHOT: Yes.

TREASURER KOPP: -- that has been helping us look at some of these projects as they come up in terms of energy efficiency and environmental impact, and so he asked what was going on in these schools. And I just want to say that what we heard back was very, very encouraging. And I wonder if you could just mention a few of the innovations in the schools?

MR. MCGUIGAN: Sure. Gary McGuigan with the Stadium Authority. Good morning. Yeah, all the schools are at least LEED Silver and

where we can we try and get LEED Gold. We have energy efficient controls and mechanical units which are also very simple to use, VRS systems where we can in the classrooms. We look at geothermal for each school and where it makes sense we put that in. I think we have two or three in the first year of schools. And use daylighting, which uses the sun with the controlling the temperature and of course turning lights off when the rooms aren't in use. So we treat that very seriously and we're happy with the results so far.

TREASURER KOPP: I know one of the things you mentioned, or that Paul mentioned, was reflective roofing material. Do you, are these things that we can then transport over to other State projects also?

MR. MCGUIGAN: Yeah, I think it would be very simple just to have it in the specifications as to, you know, what products should be used. It's not difficult at all. And there's competition within the products themselves so it's not sole source.

TREASURER KOPP: So it's different than it was every five years ago?

MR. MCGUIGAN: Yeah, it keeps changing.

TREASURER KOPP: I know, Governor, just to plug your Secretary, the Secretary --

GOVERNOR HOGAN: Which one?

TREASURER KOPP: -- of DNR --

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GOVERNOR HOGAN: Oh, DNR.

TREASURER KOPP: Well I'm moving to the second one. DNR is doing a lot of work in terms of adaptation and resilience in light of climate change, which folds into energy efficiency. And I know the Secretary of General Services is extremely interested in that and pushing. And but what I don't know, and what I was asking, is if some of the work that other agencies sort of separate from our agencies, like the Stadium Authority and schools, have learned things in all their projects that could be carried over, too. We don't always have to reinvent the wheel.

MR. MCGUIGAN: Yeah. One of the things that we did at the request of Senator Rosapepe is we, from doing all the schools, we took down all the ideas that we gained with value engineering and saving money and we have that list available. We shared it with the Senator. We shared it with people who have asked for it. It's not specifically related to energy but we could probably do a similar list for the energy uses, too.

GOVERNOR HOGAN: Thank you.

TREASURER KOPP: That's up to them.

GOVERNOR HOGAN: That's great.

TREASURER KOPP: But I think it's great.

GOVERNOR HOGAN: We'd love to see that.

TREASURER KOPP: Thank you.

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GOVERNOR HOGAN: Thank you.

MR. MCGUIGAN: Thank you.

GOVERNOR HOGAN: Is there a motion on the Secretary's Agenda?

TREASURER KOPP: So moved.

GOVERNOR HOGAN: Second?

COMPTROLLER FRANCHOT: I move approval.

GOVERNOR HOGAN: Yeah. Three-nothing on the Secretary's Agenda. We're going to move on to DNR.

MR. BELTON: Good morning, Governor --

GOVERNOR HOGAN: Secretary Admiral Belton.

MR. BELTON: Thank you, sir. Mr. Comptroller, Madam Treasurer, for the record, I am Mark Belton, the Secretary of the Maryland Department of Natural Resources. And we have a whopping two items on our Real Property Agenda for your consideration today.

GOVERNOR HOGAN: You guys have been busy, huh?

MR. BELTON: Yes, sir.

GOVERNOR HOGAN: Any questions on DNR?

COMPTROLLER FRANCHOT: Move approval.

GOVERNOR HOGAN: Second?

TREASURER KOPP: Second.

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GOVERNOR HOGAN: Three-oh, DNR. We'll move on to DBM.

Secretary Brinkley?

MR. BRINKLEY: Good morning, Governor, Mr. Comptroller --

TREASURER KOPP: Could I just go back for one moment? I don't know if it's DNR's. But those two local projects, where you are helping the locals --

MR. BELTON: That would be on the Secretary's Agenda. It was the Building Resilience through Restoration Program.

TREASURER KOPP: I wanted to do a shout out because that's exactly the direction we should be going in and I'm so pleased.

MR. BELTON: It is. I'm glad you mentioned that. That is, those projects are projects five and six of, the Board had already approved the first four. And I need to, you know, give a lot of accolades to the Governor here because it's a first in the country program using green infrastructure to protect the most vulnerable communities in the State. And what we're doing is doing living shoreline programs to help reduce the effects of sea level rise and storm surge in some of the places that need it the most, as identified through technology in the State of Maryland. It's a great program --

TREASURER KOPP: -- model for the nation --

MR. BELTON: -- and these are projects five and six. Yeah.

TREASURER KOPP: Thank you.

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GOVERNOR HOGAN: Thank you.

TREASURER KOPP: That's great. Sorry.

GOVERNOR HOGAN: Okay. We're on to DBM.

MR. BRINKLEY: Okay. Good morning, Governor, Madam Treasurer, Mr. Comptroller. David Brinkley, the Secretary of the Department of Budget and Management. We've brought seven items for your consideration. Five and six are supplementals, and seven has been by hand delivery.

GOVERNOR HOGAN: Great. Questions on DBM?

COMPTROLLER FRANCHOT: Item 6 for me, please.

GOVERNOR HOGAN: Item 6.

MR. BRINKLEY: Item 6, Kristy Michel or Dr. Salmon. They are both here.

COMPTROLLER FRANCHOT: Great. So welcome. Governor, we're being asked --

GOVERNOR HOGAN: Good morning, Dr. Salmon.

COMPTROLLER FRANCHOT: Madam Treasurer, Dr. Salmon, nice to see you.

DR. SALMON: Very nice to see all of you. Thank you for having us today. I'd like to give a little introduction, if I may?

COMPTROLLER FRANCHOT: Sure. Yeah.

DR. SALMON: Thank you very much. So today the State Department of Education is bringing forth this contract with New Meridian as the first step in our transition to the development of the Maryland Comprehensive Assessment System.

This transitional contract will provide us the necessary time to move forward with our own Maryland testing program based on the very rigorous Maryland College and Career Standards. Please remember that these standards were developed by Maryland educators across the State. Over the next 15 months, it is our plan to develop the Maryland Comprehensive Assessment Program. We're going to call it MCAP. Everybody needs an acronym in education and so that's our plan. This will include all of our assessments in English language arts, math, science, social studies, K-12.

As you know, several states have embarked on the process of developing their own statewide assessments using a combination of nationally recognized items and locally developed items. Under this plan, we need to contract with a vendor or a university to build a new statewide assessment in English language arts and mathematics incorporating nationally recognized items, such as items that Maryland has developed, and as well as to incorporate other items that we specifically developed for our standards.



Under approval of this transitional contract, MSDE is poised to immediately, immediately begin the new test development process, which will involve Maryland educators across the State. Thank you.

GOVERNOR HOGAN: Thank you, Dr. Salmon.

COMPTROLLER FRANCHOT: Yeah. Let me just ask, Pearson apparently there is going to be a \$60 million contract paired with this \$7.1 million contract? What is the situation with that?

DR. SALMON: Kristy and I'm going to defer to the experts behind me.

MS. MICHEL: Good morning. For the record, my name is Kristy Michel. I'm the Deputy Superintendent for Finance and Administration. We have a current contract with Pearson for \$60 million that will expire on June 30th. We're currently working on a new procurement (indiscernible) --

COMPTROLLER FRANCHOT: Okay. Thank you for that. So this is a \$7.1 million contract and then sometime in the next few months we'll see the \$60 million Pearson contract.

Let me just say that for any observers of the Board I think to put it mildly I've not been a big fan of our State's unhealthy obsession with overtesting. Don't get me and other opponents of Pearson and PARCC confused. We are strong proponents of putting appropriate and reasonable measures in place to track academic progress, promote accountability, and ensure that Maryland

students are getting the best educational experience and are achieving the outcomes that they need to succeed in today's highly competitive global economy. But what we currently have in place with the PARCC test is a State mandated assessment that has done absolutely nothing, nothing to improve the quality of teaching and learning in our public schools and which has cost the State of Maryland hundreds of millions of dollars when all of its associated contracts.

That's the reason, or there's a reason, why 19 other states have withdrawn from the PARCC consortium since 2010, and there is a reason why only five states, with one state, New Jersey, preparing to withdraw, remain. One of those five states is us. Instead of empowering our educators to employ teaching methods and materials that are specifically tailored to the academic needs of their students, we are tying our teachers' hands by forcing them to quite literally teach to a test that most educators and experts have acknowledged is an ineffective measure of academic progress. Instead of ensuring that our students are receiving as much quality instructional time as possible, we're currently subjecting them to hours and hours of mind numbing tests that quite frankly I think are doing more harm than good.

To put this in context, the average Maryland student takes 249 hours of standardized tests between pre-kindergarten and the 12th grade. And that 249 figure doesn't include test prep, teacher designed tests or quizzes, advanced placement, or international baccalaureate exams, or college readiness

tests like the SAT or ACT. The 249 hours the average Maryland student spends completing tests are spent on standardized testing mandated by the school district, State, or federal government. Honestly, how can we say we're educating our kids when they spend so much time forced to take part in these high stakes assessments that are poorly designed and inherently flawed? Instead of specifically designing a test that is tailored for Maryland students we have paid, oh here's the figure, \$172 million, \$172.4 million over the last four and a half years to write ridiculous test questions and prompts.

Don't take my word for it. Here's what the Maryland State Education Association, which represents 74,000 Maryland public school educators and school employees, had to say about the PARCC test. "The vast majority of Maryland educators do not hold the PARCC exam in high esteem. The assessment is disruptive to learning every spring, causing computer labs and media centers to shut down, students to be pulled out of classes for additional test prep, and many teachers leave their classes to proctor the test." Most significantly MSEA, the union, said, "We still question whether the assessment is a reliable indicator of student achievement, as well as whether it is developmentally appropriate."

So here you have it, teachers, students, parents all across our State have been sounding the alarms on PARCC. I cannot personally in good conscience give my seal of approval to another contract. And I understand very

clearly and appreciate the leadership of the Treasurer and the Governor in at least getting a decision to transition out of PARCC. But -- oh, I forgot to mention the way the procurement was conducted for this item quite frankly further reinforces my lack of confidence in the contract.

Dr. Michel, correct me if I'm wrong but it's my understanding that Rhode Island was the state that was charged with the procurement process for the PARCC test. Is that correct?

MS. MICHEL: Yes. Rhode Island initiated the procurement in consultation with the other states in the consortium. All of the states were involved in developing the RFP and reviewing the proposals that Rhode Island received. But Rhode Island took the lead in issuing an RFP and selected New Meridian as a vendor.

COMPTROLLER FRANCHOT: Okay. And I understand there were two bids received and New Meridian was selected by Rhode Island. What was the, how much was the other bid? Was that public information?

MS. MICHEL: I don't know if the other, the information on the other bid was made public. Once Rhode Island selected New Meridian as the vendor, they became a licensing or a tier two state under PARCC. And so they felt that it was their responsibility to transition the negotiation process to set the pricing that is in the contract before you today with a tier one or affiliate state in the consortium. So Illinois negotiated the final pricing with New Meridian.

COMPTROLLER FRANCHOT: Okay. But Rhode Island, I take it, did the procurement and then they immediately announced they were dumping PARCC after their leaders made a decision to listen to the thousands of students, educators, local superintendents, and parents who have rightly opposed the assessment. So the people that did the procurement immediately dropped out, is that true?

MS. MICHEL: Rhode Island became a tier two state under the PARCC consortium in April. They issued the RFP in December of 2016.

TREASURER KOPP: Is there, could we just --

COMPTROLLER FRANCHOT: Yeah, no --

TREASURER KOPP: -- very, very briefly have, go back and give us a description of what it is you all are talking about? The process and I have a feeling we're getting nibbles from different points in time or points of view. I'd like to hear yours.

MS. MICHEL: In the procurement process? Or the --

TREASURER KOPP: What we have before us and why.

DR. SALMON: Yeah, I think that's a question that I can answer. We look at this as a transition going forward. We want our own Maryland assessment. Again this is something, you know, I'm in my second year and I took the first year to really take a look at what we were doing with assessment. I really think we need to move forward. I'm very interested in the idea of computer

adapted assessments, which will take much less time for students but will also still measure our Maryland standards. Which we have to have some kind of a measurement because of our federal requirements and our State requirements for assessments. So I think we can do this. I am very optimistic that we can have our own Maryland assessment in 15 months and that other people will be coming to us and asking us for our assessment items. That's at least my goal.

TREASURER KOPP: So this, this --

DR. SALMON: This is getting us there.

TREASURER KOPP: This is to get us to there.

DR. SALMON: Yes.

TREASURER KOPP: And away from Pearson --

DR. SALMON: Absolutely.

TREASURER KOPP: -- etcetera?

DR. SALMON: Absolutely.

TREASURER KOPP: Thank you. I just --

COMPTROLLER FRANCHOT: Yeah, no, I certainly --

DR. SALMON: And we have had discussions, yes --

COMPTROLLER FRANCHOT: -- applaud you in that effort.

TREASURER KOPP: Yes.

COMPTROLLER FRANCHOT: But I'm wondering about the, what about the \$172 million that we already put in and the \$7 million that we're

being asked to vote on today, and the \$60 million I take it for Pearson down the road? So that is --

TREASURER KOPP: No, that's what I'm asking --

DR. SALMON: That will be a competitive, a competitive bid and hopefully it will be much less than that. And it may not be Pearson.

COMPTROLLER FRANCHOT: Yeah --

DR. SALMON: It may be somebody else.

COMPTROLLER FRANCHOT: -- but what about the money we already put in for which we got, as far as I can tell, almost a negative from the way in which these 26 original states are now down to five, everybody has fled it. Sure, I want a good Maryland test. But why do we need to do something right now?

DR. SALMON: Well because we --

COMPTROLLER FRANCHOT: What are you afraid of?

DR. SALMON: -- we need an assessment that will carry us through to meet our federal requirements. We stand to lose about \$310 million of federal money if we don't comply with our newly approved Every Student Succeeds Act plan which was just approved in January. So this is kind of, again, it's a transition. I think it's the most cost effective transition we could come up with. We need to have this assessment this year and next year, and then we

hopefully will have our new Maryland assessment after that that will be much, much more tailored to student needs.

COMPTROLLER FRANCHOT: Okay. I understand that and I applaud that.

DR. SALMON: Yes, sir.

COMPTROLLER FRANCHOT: I'm just going to vote against this because I think it's a waste of money and I think that the chances that, not that I am a big fan of the Donald Trump administration, but the chances of them doing something with our funding because of our moving from the PARCC test have got to be about equal to my chances of jumping over the moon. It's just not going to happen. So I appreciate your concern but it's a lot of money we've wasted already. It has exasperated the teachers. They say to me over and over again that they have really lost the joy of teaching in these schools and it's echoed by the principals. And it's also echoed often by the superintendents. You used to be a Superintendent over on the Shore. You know that superintendents are not apt to get outside the comfort zone. But they are complaining that these PARCC tests are a complete imposition. So let me ask, apparently they are going to be tested in another month. Why are we receiving a, I take it it's a sole source contract because New Meridian was the sole vendor, I guess, that --

DR. SALMON: Well it's the intellectual property that was transferred that is the basis for our assessments was transferred to the Council of



Chief State School Officers. And New Meridian at this point is the vendor selected by a competitive bid process to have that intellectual property and that's the only place we can get the test items from.

COMPTROLLER FRANCHOT: Yeah. So what bad things would happen, other than the potential for the federal government to do something which they are never going to do under the current administration, what is the harm that would be if we just took a time out from this year's PARCC, said correctly we made a mistake, we're going to put together a Maryland test, which I'm happy to support, and we'll have it ready for you by the end of next year and it's going to be something much more reasonable than the PARCC test? What is, what bad things would happen?

DR. SALMON: Well it's still my belief that we're required to assess students every year in grades three through eight, and also in Algebra I and English 10 at the high school. We also have our assessments tied to graduation. So students in order to get a Maryland high school diploma have to pass Algebra I and English 10. So there are those consequences as well. I do not believe that the federal government would allow us not to give any assessment at all in the next two years. Again, I think it's a transitional contract. I think it will allow us to do what we need to do for Maryland students. And I believe this is the path forward.

GOVERNOR HOGAN: Okay.

COMPTROLLER FRANCHOT: Thank you. Thank you.

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GOVERNOR HOGAN: Dr. Salmon, thank you. You know, I share a lot of the same concerns that the Comptroller has. However, I understand if we don't have an assessment in place it could jeopardize Maryland's ESSA plan and potentially lose \$310 million in federal funding. And no one wants to see that happen. But two things that the Board really has been talking about since I've been here is two things we don't like to see are sole source contracts and contracts that come to us at the last minute.

DR. SALMON: Absolutely.

GOVERNOR HOGAN: And this one seems to be both of those. So but clearly we have to come up with this new, and I know you're working with all due haste and your department is working hard on it --

DR. SALMON: I will promise you, Governor, that we will give you plenty of time and it will be definitely a competitive bid going forward.

GOVERNOR HOGAN: Great.

DR. SALMON: Now that I have full control over the situation, I believe we can achieve this goal.

GOVERNOR HOGAN: Well that's great to hear because I think most people in Maryland, not just the teachers, but teachers, parents, students, administrators, everybody really is frustrated with these PARCC tests and they want to see them end. Most other states have already gotten rid of them. I think there are only three states and the District of Columbia that haven't. And we're

one of them. And so in spite of my serious reservations about PARCC, I'm going to vote yes today only because we don't want to lose federal funding and we have to have something in place. But this extension really is going to be just to allow you and your team to move us toward the Maryland Comprehensive Assessment Program. And, you know, we need to maintain maximum time as you're putting this together for classroom instruction. And we don't want to see the old PARCC test with a Maryland flag stuck on the front of it, right?

DR. SALMON: No. I like the, that's why I suggested earlier the idea of computer adapted tests which, you know, students may take five items and then all of a sudden because of their performance on those five items they might be whisked over to this test item or to this one. We can definitely shorten these and make them more meaningful.

GOVERNOR HOGAN: Great.

DR. SALMON: That's my goal.

GOVERNOR HOGAN: And I know it's a big task ahead of you.

DR. SALMON: Absolutely.

GOVERNOR HOGAN: And I know it's a short time frame. But I think we all, everyone in the State expects it to be up and running at the end of this extension.

DR. SALMON: Right.

GOVERNOR HOGAN: WE don't want to see you coming back again to do PARCC tests again another year.

DR. SALMON: I promise that we will do our very best to make this happen and we will keep you in the loop this time so that everybody knows each step as it progresses.

GOVERNOR HOGAN: Thank you.

TREASURER KOPP: And to let us know what we can do to assist.

DR. SALMON: Thank you very much.

GOVERNOR HOGAN: Yes. Thank you.

DR. SALMON: I appreciate your confidence in this.

GOVERNOR HOGAN: Thank you very much, Dr. Salmon.

DR. SALMON: Thank you.

GOVERNOR HOGAN: Any other questions on the DBM Agenda?

TREASURER KOPP: I have a question, just a very brief question for -- no, sorry, that's the University of Maryland. I jumped ahead.

GOVERNOR HOGAN: We're getting to them soon.

TREASURER KOPP: Sorry. Sorry. Sorry.

GOVERNOR HOGAN: Next.

COMPTROLLER FRANCHOT: With the exception of that PARCC -- so what do we do on the --

SECRETARY MCDONALD: Item 6 --

COMPTROLLER FRANCHOT: Can we pull that out?

SECRETARY MCDONALD: You want to take a separate motion on Item 6?

GOVERNOR HOGAN: So we'll, I'll make a motion that we pull that out and I'll move that we approve.

SECRETARY MCDONALD: Item 6.

GOVERNOR HOGAN: Is there a second?

TREASURER KOPP: Second.

GOVERNOR HOGAN: Second. Is that, can it be the one motion, do them both?

SECRETARY MCDONALD: Two to one. There you go. That's good.

GOVERNOR HOGAN: Okay. And then we may have another question on something else?

TREASURER KOPP: I have a question just on five, very briefly.

MR. BRINKLEY: On five? Jesse?

TREASURER KOPP: That I think is yours, actually.

MR. BRINKLEY: It is. Jesse Lawyer, Deputy Director of CCU, he's here.

TREASURER KOPP: Again, no issue with the item. But the accounts, CCU, what do you do to oversee the way the folks who are actually doing this processing go out and serve processes? I mean, there's a whole range of our constituents, students with student loans, everything. How do you keep an eye and make sure things are done appropriately?

MR. BRINKLEY: Jesse?

MR. LAWYER: Good morning. My name is Jesse Lawyer. I'm the Deputy Director of the State of Maryland Central Collection Unit. This process is overseen by our Office of the Attorney General attorneys. The guidelines and requirements for performing the service and the documentation requirements, accuracy, and everything, are all verified individually for each one of these before we make payment.

TREASURER KOPP: So you know people are not going out and using heavy handed tactics to dun our constituents?

MR. LAWYER: We haven't had any examples --

TREASURER KOPP: You would know that?

MR. LAWYER: -- of that in the past. This contract actually went to the incumbent. There were two bidders and the --

TREASURER KOPP: I have no basis on which to question this particular contract. What I'm concerned about is the process because I've heard some complaints and I have no idea whether they are valid or not. So my

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assumption was that at some point the contracts were monitored to make sure the process was appropriate. And I was just asking how you do that.

MR. LAWYER: Well each one of the services are registered with the court. And so if there was ever an issue, it would come up during the actual hearing if service was improper. And if that occurred, then they would have to serve again. Maybe I'm misunderstanding your question.

TREASURER KOPP: I don't know how else to say it. It's a pretty straightforward question, I think. These people you have who are agents for you go out and serve people who presumably have not paid their bills, and then some of them say they might. And by serving it might mean, excuse me, sir, would you please pay your bill? Or it might mean I'm going to whack you over the head. I'm just asking how we monitor how it's done.

MR. BRINKLEY: Well I think what you're asking is exactly how contact is made. And I think initially there's a phone call, there's, it's not new when something gets referred to CCU.

TREASURER KOPP: Right.

MR. BRINKLEY: Number two, what Jesse is referring to is when there has to be something served in the courts to establish a lien or to establish that there's something valid there, we have the team of Assistant Attorney Generals that then ensure that the filings are made timely with the courts --

TREASURER KOPP: Yeah.

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MR. BRINKLEY: -- and then these are process servers that are, you know, hired to make sure --

TREASURER KOPP: Right.

MR. BRINKLEY: -- it's left at the home or something else. And I would suspect, I don't know this, we can find out, that it probably only applies to ten percent because 90 percent of the people have been reached either through correspondence or through a phone call, are well aware, and have been very compliant in ensuring some type of restitution for whatever is due.

TREASURER KOPP: Right. No, I'm sure that's correct. All right. Thank you. I might follow up with further questions. But thank you.

MR. BRINKLEY: Okay.

GOVERNOR HOGAN: Any other questions on DBM? Is there a motion?

COMPTROLLER FRANCHOT: Move approval.

TREASURER KOPP: Second.

GOVERNOR HOGAN: Three-nothing, DBM. We move on to the University System Agenda.

MR. EVANS: Good morning. Joe Evans representing the University System of Maryland. We have seven items on the Agenda. In attendance I have Dr. Wallace Loh, the President of the University of Maryland College Park. We're here to answer any questions.

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TREASURER KOPP: Could I just intervene with one question before we get to heavy duty stuff?

GOVERNOR HOGAN: Mm-hmm.

TREASURER KOPP: For you to take back, I think. 3-C, the Public Health Labs. Can you just go back to folks there? The whole project is being changed because the enrollment is so much higher, almost double what was anticipated, right? Right. I'd like to learn a little more about that, how that happened.

GOVERNOR HOGAN: Okay.

TREASURER KOPP: Thanks.

GOVERNOR HOGAN: Well, good morning, Mr. Evans. Did you have a question --

COMPTROLLER FRANCHOT: Yeah, Item 7, if that's okay?

GOVERNOR HOGAN: Well first of all I just want to thank Dr. Loh --

COMPTROLLER FRANCHOT: Yeah, please.

GOVERNOR HOGAN: -- and the representatives of College Park who have joined us this morning.

COMPTROLLER FRANCHOT: Yeah.

GOVERNOR HOGAN: But maybe you can ask your, go ahead, and then I'll --

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COMPTROLLER FRANCHOT: Yeah, go ahead. Yeah, no, I'm happy, I don't want them to stand up. I just have some questions that --

GOVERNOR HOGAN: Yeah, that Joe can probably handle.

COMPTROLLER FRANCHOT: Are you the --

MR. EVANS: I'll bring up Dr. Loh.

(Laughter.)

GOVERNOR HOGAN: Well while we're waiting for College Park, let me just say, University System --

TREASURER KOPP: Yes.

GOVERNOR HOGAN: -- we were very proud to have the UMBC Retrievers over at Government House --

(Applause.)

GOVERNOR HOGAN: Good morning, Dr. Loh.

DR. LOH: Good morning, Governor, Mr. Comptroller, Madam Treasurer. Thank you for this opportunity for us to present to you our amended proposal for the Terrapin Development Corporation. The last time we were here you raised some concerns, very good concerns that we have taken them into account and submitted a modified version. This modified version of the Terrapin Development Corporation has, company, I'm sorry, has the support of the 21st District Delegation, the City of College Park officials, and the Prince George's County officials. And this is the mechanism by which we would like to accelerate

and expand the economic development and real estate development in the greater College Park area.

Very briefly, as a reminder we began this about four years ago. And I was in large major inspired, Governor, by your vision that Maryland is open for business. And that is what we have done in College Park. So in the four years, we now have \$1 billion worth of private development in play or in the pipeline.

We promised 5,000 new jobs and we have already delivered on approximately 1,300. For example, 40 specialists in machine learning and artificial intelligence from Capital One have come. The Adobe Company is coming with about ten to 15. IonQ, a startup company that is a leading company in developing a quantum computer, has just added 45 new employees. And we will announce later this week a national company that will bring 330 new jobs.

So we are serving as an anchor as well as an engine for economic development, and for that we need to have land in order to have this development. And I want to thank you for declaring as surplus approximately ten properties that have been sitting there for decades underutilized. And now, and they are now part of the core of the campus and this is the place where we hope to have further development and expanded development. And I simply want to thank you for your support of the concept of making this area a major engine for economic development for the State.

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GOVERNOR HOGAN: Thank you, Dr. Loh.

COMPTROLLER FRANCHOT: Thank you, Dr. Loh. And thank you for your leadership. The flagship campus gets, we're very grateful for what you provide to that campus and I'm always glad that you appear before us because I think it was you that when I asked on your arrival I said, do you have a law degree? I think you did have a law degree. Is that right or not? Is that someone else?

DR. LOH: Well I said that I'm a public interest lawyer.

COMPTROLLER FRANCHOT: Yes. I said, what was that?

DR. LOH: That means that it's in the public interest that I don't practice law.

(Laughter.)

COMPTROLLER FRANCHOT: Yes.

GOVERNOR HOGAN: I like that one.

COMPTROLLER FRANCHOT: So --

TREASURER KOPP: I like that.

GOVERNOR HOGAN: I might have to borrow that one.

COMPTROLLER FRANCHOT: Yeah, thank you. So these three properties that are owned, we're being asked to sign off on an immediate transfer. I can appreciate that. And you want us to approve the transfer of seven additional properties. The first three I believe are valued at \$10.1 million for the three

properties. I have no problem whatsoever with what you just articulated as far as the Terrapin Development Corporation. I think it's great that you're moving forward in this. But I do have a couple of concerns which may lead me to vote against it, unfortunately. But do you have a ballpark dollar figure on the seven additional properties that the University is asking us to transfer to the TDC?

MR. COLELLA: Good morning. Carlo Colella, Vice President of Administration and Finance. The ballpark number for that is about \$18 million. As noted in the Agenda item, at the time that those come to development, if they come to development, there will be an appraisal method to evaluate those. Additionally if any of those become the subject of a ground lease, as we've noted in the amended item it would come back at the term sheet level to describe the ground rent that would be associated with that. So the valuation of that, for those seven properties, would come at the time that we're close to --

COMPTROLLER FRANCHOT: Okay. You mentioned the ground leases would be brought back for our approval. I'm not a developer, obviously, but I believe what you're saying is that you're proposing to bring forward sales and ground leases for Board approval when the parties have agreed in principle, not on the details, in principle on the terms of anticipated agreement, but there's no actual formal binding contract? Have I got that right or am I wrong on that?

MR. COLELLA: We could be coming back to the Board of Public Works at the term sheet level. That's the point in time where the party with whom we are entering into a lease, the specific uses of the parcels, the specific consideration in terms of ground rent, would all be established in a term sheet and it would be upon approval of the Board of Public Works we would go forward, bring those conditions to a full ground lease, and --

COMPTROLLER FRANCHOT: Okay.

MR. COLELLA: -- if there were no changes to that then we would not be returning. If there were any changes to the basic terms, we would of course come back.

COMPTROLLER FRANCHOT: Okay. Let me ask on that a follow up, what kind of changes are you talking about? Obviously if the private sector partner proposes a completely different commercial use, I assume that would be a change?

MR. COLELLA: Correct.

COMPTROLLER FRANCHOT: But what else would cause the Board to come back and seek approval? What are material changes?

MR. COLELLA: Material changes would include if we were unable to work out an arrangement with the selected developer, if the use changed from the uses that we had identified, and if the ground rent were substantially

different. And whether that's, you know, a five percent difference, a three percent difference, that would be something we would evaluate.

COMPTROLLER FRANCHOT: Okay. So MBE participation in leases of State owned property is mandated for women and minority owned businesses. I think the goal is ten percent of the total dollar value of leases, ten percent of the total number of leases. Are you establishing procedures in line with those State Finance and Procurement Article goals for achieving MBE participation?

MR. COLELLA: So as the land is transferred it would not technically be governed by that statute, but the goal of having significant minority participation is one that the TDC would take on.

COMPTROLLER FRANCHOT: Okay. The cause for my concern has nothing to do with the Terrapin Development Corporation, or your plans, or the Board. It simply has to do with the justification which I was told three months ago was because you wouldn't be able to attract the kind of private sector, this is what I'm recollecting, the kind of private sector investment that you desire. And I guess, you know, here you are talking about possible 99-year leases, which are basically fee simple transfers. What is the problem with bringing those back before the Board that the private sector has?

MR. COLELLA: By coming to the Board early in the process where we'd have the basic business terms identified, we would be assuring both

the Board and the private sector that the Board is comfortable with those terms. So we think it's actually an advantage for all parties to have those basic terms endorsed by the Board of Public Works before we continue trying to have the developers and their consultants and attorneys and TDC work months on end to get to a final documented ground lease. So it would save us some time and provide assurance to the developers that the Board is comfortable with the basic terms of the proposed deal.

COMPTROLLER FRANCHOT: Okay. But by asking for this exception, which it is, I assume we're setting a precedent, and I assume Towson and Salisbury and all the other members of the System are going to come before us and ask for similar arrangements for public-private partnerships. And I guess I just don't imagine a situation where there could possibly be delay by this Board which meets so frequently with what you come up with. And I haven't heard a logical reason, other than we just don't want to do it, or the private sector doesn't like it. But this is 30 acres of State owned land that we're essentially giving over to you and we're going outside of the regular order. We're creating a precedent based on something that is very subjective, which is we just don't want to do it and we don't think our private partners want to do it either. So we'd like you to change everything as far as the schedule. I'm not suggesting you're going to do bad developments. I'm just saying what is the hard reason why you need this other than we want it?



MR. COLELLA: Again, it's to make sure that before we exercise the development community beyond the term sheet level, we have an assurance that the Board of Public Works supports the development plan. So by coming at that term sheet level, we will be able to communicate to the development community that we do have control over the land, because that's an important factor in terms of the party that the developer is working with. And it also assures us that the Board of Public Works is comfortable with the basic business terms.

COMPTROLLER FRANCHOT: Well why don't you just bring those anyway, stick with the current system. Bring the term sheet to us. We can say, obviously, yeah, okay, this makes sense in concept and then you can go and do your negotiations and bring back something that is more precise?

MR. COLELLA: We think the business term level, the basic business terms are identified in the term sheet and without being able to assure the developers that if we, if the developer complies with those basic business terms the approval will be here, it may discourage developers from coming forward.

GOVERNOR HOGAN: Yeah.

COMPTROLLER FRANCHOT: Yeah. No. I'll defer to the Governor.

GOVERNOR HOGAN: Well, yeah, first of all, thank you for being before us today. Dr. Loh, thank you and your team for all the work. And this item is before us because back in December the Comptroller raised these

issues and we asked you to go back and take a look at it because transfer of the property with a sale would come before the Board but not with a land lease. And I mean, he does make some points about if you have to bring a contract of sale before us, why not a lease? But I understand completely what you are trying to accomplish. And that is we agree to the general concept, the price, and you can't have the Board negotiating the details with the private sector. So I mean I think this is a transformative vision for College Park and our flagship university and I just want to thank you. I think as best you could try to address the concerns of the Comptroller and the Board of Public Works. I went along with him back in December to say it's worth getting an answer to that question. And I think with the changes you've made that still would require you at least to bring, it's sort of like a letter of intent or an outline of the deal, to the Board, I think with leases as we would normally do with sales anyway. I think it was a good compromise and I'm going to vote to support it.

MR. COLELLA: Thank you.

GOVERNOR HOGAN: Thank you very much. Any other questions on the University System Agenda? And we'll pull that item out.

COMPTROLLER FRANCHOT: Yes. Thank you.

GOVERNOR HOGAN: And the Treasurer and I, I believe, vote yes. The Comptroller, no?

COMPTROLLER FRANCHOT: No.

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GOVERNOR HOGAN: And the rest of the Agenda, is there a motion?

COMPTROLLER FRANCHOT: Move approval.

TREASURER KOPP: Second.

GOVERNOR HOGAN: Second? Three-nothing. Thank you, Mr. Evans.

MR. EVANS: Thank you.

GOVERNOR HOGAN: Thank you, Dr. Loh, and your team.

DR. LOH: Thank you.

GOVERNOR HOGAN: We're going to move on to Information Technology.

MR. KIZIOR: Good morning, Governor, Madam Treasurer, Mr. Comptroller. For the record, I'm Stan Kizior. I'm Assistant Secretary for the Department of Information Technology. Today we have six items on the Agenda. There are agency representatives available here to answer any questions.

GOVERNOR HOGAN: Questions on DoIT? Motion?

TREASURER KOPP: I have just one general question, and very briefly. It was asked again by Paul Berman. But for instance in the Department of Public Safety and Corrections, number 2-IT, we go sole source because it's proprietary. I get all of that. The question is, now that more and more alternatives like the cloud and new software and hardware programs are coming

up, is there a way that we can protect ourselves with foresight so that we don't get sucked into something that makes us dependent on one vendor in the future?

MR. KIZIOR: Yes.

TREASURER KOPP: I mean, I think it's much better than it used to be. It used to be, they almost had you in handcuffs once you had a contract. But how do we plan when we go into anything to have an option B?

MR. KIZIOR: Option B is usually around portability with any application. So one of the first questions that you usually ask when you are looking at vendors is how difficult would it be for me to change products sometime in the future?

TREASURER KOPP: Right.

MR. KIZIOR: You know, it looks good for right now, but things happen, technologies change, needs change.

TREASURER KOPP: Even if you have to go sole source right now.

MR. KIZIOR: Right. Exactly. So it usually starts off at the RFP level, or even when you're at the contractual level. You have those initial discussions before you sign on with the vendor.

TREASURER KOPP: And is there a way to change actually the requirements of what you need and what you're looking for to give you some

degree of, I don't know, whether it's redundancy or maybe a little more than you would have needed otherwise, but buying in this risk protection?

MR. KIZIOR: Yeah, you could always add redundancy to any IT system for high availability or performance. You can always add onto any IT system to increase security. So yes.

TREASURER KOPP: Thank you.

GOVERNOR HOGAN: Thank you. Any other, is there any other questions on IT? Motion?

COMPTROLLER FRANCHOT: Move approval.

GOVERNOR HOGAN: Three-nothing on IT. We're moving onto Transportation.

MR. PORTS: Good morning, Madam Treasurer, Mr. Comptroller, Governor. For the record, my name is Jim Ports. I'm still Deputy Secretary of the Maryland Department of Transportation. The Maryland Department of Transportation is presenting 17 items today and I'll be happy to answer any questions you may have.

GOVERNOR HOGAN: Questions on Department of Transportation?

TREASURER KOPP: I have a question on the SHA, series of SHA projects where the engineer's estimate was significantly off one way or another. Is there anything that can, I mean, it sounds like it's a systemic issue

maybe due to changing prices of different factors or whatever. Anything that can be done because I'm not sure how useful it is to get the --

MR. PORTS: I think, Madam Treasurer, some of it is we are now doing our procurements differently. So some of them we're breaking up, some of them we're consolidating depending on locations and stuff. And I don't think the engineers have as much experience with these as they had in the past because they had kind of been routine prior to this. But I can assure you that Pete Rahn is specifically looking at this item through our accelerator program. So we're, we're measuring all of the estimates and how far they are off, whether it be up, down --

TREASURER KOPP: Right.

MR. PORTS: -- or any other ways. And so we are trying to work with our folks to get those estimates more in line with reality and we were just as disappointed as you were quite frankly on some of these.

TREASURER KOPP: Well it's just so interesting --

MR. PORTS: Forty-six percent.

TREASURER KOPP: -- that there were so many and most were under, a couple were over. And if that's how you're doing your planning, it looks like something has to change --

MR. PORTS: Correct.

TREASURER KOPP: -- to make it useful.

MR. PORTS: We agree. We agree.

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GOVERNOR HOGAN: Any other questions on Transportation?

COMPTROLLER FRANCHOT: Move approval.

TREASURER KOPP: Second.

GOVERNOR HOGAN: Second? Three-nothing, Transportation.

We move on to Department of General Services.

MR. CHURCHILL: Good morning, Governor, Madam Treasurer, Mr. Comptroller. For the record, I'm Ellington Churchill, Secretary for the Department of General Services. The department has 26 items on our Agenda today and we'll be happy to answer any questions you may have at this time.

GOVERNOR HOGAN: Well I see that my good friend the County Executive from Howard County, County Executive Kittleman is here. He's going to speak about Item 9.

MR. KITTLEMAN: Thank you, Mr., well thank you, Governor, Mr. Comptroller, and Madam Treasurer. If I can also have Karen Butler come forward from our Department of Social Services in Howard County --

GOVERNOR HOGAN: Great.

MR. KITTLEMAN: -- to answer any questions as well. First of all, I'm a proud Retriever grad. Go Retrievers.

(Laughter.)

MR. KITTLEMAN: I didn't get any sleep that Friday night. I'm here today --

GOVERNOR HOGAN: Did you pick them in your bracket like I did?

(Laughter.)

MR. KITTLEMAN: My wife did.

(Laughter.)

GOVERNOR HOGAN: Thank you for your honesty.

MR. KITTLEMAN: Yeah, I've got to be totally honest, I was trying to win mine. But okay.

(Laughter.)

MR. KITTLEMAN: The reason I'm before you, and I think, I'm not sure, I thought we passed it out, I don't know if people have that in front of you, good. In Howard County, when I got elected to office, I met with the nonprofits and they came to me and said we'd love to have something called a nonprofit collaborative. And I want to thank the Comptroller, who was there yesterday, and I got to see him, and also the First Lady was at HopeWorks, one of the nonprofits yesterday as well. But if you see on what I've given you, the Nonprofit Center has come together now to really bring together many of those services for the most vulnerable in our community. And I'll tell you one quick story about how great that is.

Not too long ago I was told by a woman who works at the Howard County Autism Society, that's also located in the collaborative, and a woman



came to find out what services they would have for her child. And while she was there, the person who worked for the Autism Society was able to sense and through more discussion found out that the woman was a victim of domestic violence. And so what she did was she picked up the phone, the woman from the Autism Society called over to HopeWorks, which is across the lobby from where the Autism Society is, and said, would anybody be able to talk to somebody today? They said, we can talk to them right now. So that person left the Autism Society, walked across the lobby, and got help immediately from HopeWorks. That's what we want to do in Howard County. That's what we have right now in the nonprofit collaborative.

What we're asking from you today is that we're building this Howard County community resources campus and you see on the back of what I've given you you see the diagram of that. It's our goal to have all these human services in one location so you can take a bus, the bus stops right in the middle of the parking lot the bus stops and you can go to the Nonprofit Collaborative, you can go to the Community Action Council, you can go to the Human Rights Office, you can go to the Housing Department, you can go to all these different agencies. And so what our goal and our dream is to have the Department of Social Services there as well. And we know that the Department of Social Services helps so many of the vulnerable families in Howard County and we just think it would be a great opportunity to have them all together.

What the Comptroller saw yesterday, we're in that one building. Just across the parking lot, I think I pointed out to him, that's where we'd like to have Department of Social Services.

We put some skin in the game. In our last budget year we put in \$400,000 to help with the move. And we know it's important for Howard County citizens so we're willing to contribute as well. But I just think this is a model that I think people from around the State can look at. We're fortunate in Howard County. We're fairly small geographically so we can be in one location and people can get there from anywhere in Howard County. But I would really urge your support for this. I think it's really the best way to make sure that those most vulnerable.

And the last thing I'll share is you all three knew my dad. But you might not know he was a single father. So all the other things he was doing in his life, civil rights, and working in the Legislature, he was a single father. Back in the sixties when it wasn't a big thing for fathers to be a single father. I remember that old movie *Kramer vs. Kramer*. But that's what it was. He had three young children. He took care of us.

Now he fortunately had the means to do some of the things. And he was able to do things. But if you're a single father, if you're a single mother, a single parent who doesn't have those means, if you're working two jobs, how do you do that by trying to go for your services, the Housing Commission, to go over

to HopeWorks if you need domestic violence or sexual assault assistance, to go to the Autism Society, to go to the Communication Action Council to get help with your energy needs? You need to have one place. Because as we all know, the best person to help their children is their parent and that's how the parents can be home, that's how they spend time with their families. This will enable them to do that, by having all the services in one location.

So we would urge, and I have Karen here to answer any questions about it specifically. We just urge your support for the lease to have the Department of Social Services a part of that.

TREASURER KOPP: It's a great vision.

GOVERNOR HOGAN: Mr. County Executive, thank you so much for joining us today. This is an incredible program. And we're trying to do the same kinds of things at the State level and you really are an example for the rest of the State. And I want to thank you for that and thank you for your great work. I'm going to strongly support this.

MR. KITTLEMAN: Thank you.

GOVERNOR HOGAN: I appreciate you taking the time to come down and be with us today and thanks for the great job you're doing for the people in Howard County.

MR. KITTLEMAN: Well it's a priority for us and we just wanted you to know that.

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GOVERNOR HOGAN: Thank you.

COMPTROLLER FRANCHOT: Yeah, I want to thank the County Executive for being on the tour. It was very informative. And I agree with the Governor and the Treasurer. I think this is a trailblazer and a template. Not that other jurisdictions aren't doing something similar. But the idea that people who have needs can't schedule everything on an every other day basis, they need to have their problems addressed in a kind of collaborative way, that's what County Executive Kittleman and Sandy Schrader, your Director of Intergovernmental Affairs, I think that was a terrific production --

GOVERNOR HOGAN: By the way, Senator Schrader is also with us here today.

COMPTROLLER FRANCHOT: Where is she?

GOVERNOR HOGAN: She's sitting over there being quiet.

COMPTROLLER FRANCHOT: Okay.

MR. KITTLEMAN: She's also my personal protection.

(Laughter.)

COMPTROLLER FRANCHOT: Yeah. But I also wanted to just applaud the First Lady of Maryland, who was there not simultaneously but just close to us. And for her interest in HopeWorks. And Jennifer Pollitt Hill is the fabulous Executive Director of that program. And also we met Michael Lee, who is the Executive Director of Making Change, which provides financial education

and asset building programs. You know, once again, they get a reduced rent. They have a place. They are available for people that obviously financial stress is something that causes a lot of friction. So I appreciate that. And then Sue Cooper, I believe, is the Director of Finance of Compass, which provides residential, day, and employment support to individuals with development disabilities.

The tour was led by Sheri Auger, Nonprofit Center Manager, and Joan Driessen, Executive Director of the Association of Community Services. Fabulous template for what every jurisdiction should be trying to create. And thanks to Howard County. Good job.

MR. KITTLEMAN: And just a mile down the road is the food bank.

GOVERNOR HOGAN: Thank you so much.

MR. KITTLEMAN: Thank you very much. I don't know if -- thank you.

GOVERNOR HOGAN: We appreciate it.

MR. KITTLEMAN: Thank you.

GOVERNOR HOGAN: Great job.

MR. KITTLEMAN: Thank you very much.

GOVERNOR HOGAN: Any other questions on DGS? Is there a motion?

TREASURER KOPP: Could I just, one sentence on the National Cryptologic Museum? Where is it?

MR. CHURCHILL: The National Cryptologic Museum, Cathy Ensor.

TREASURER KOPP: I'm just --

GOVERNOR HOGAN: NSA?

MR. CHURCHILL: Oh --

TREASURER KOPP: I'm sorry. I --

GOVERNOR HOGAN: Good morning, General.

GENERAL ISLER: Good morning.

TREASURER KOPP: -- it looked like something we should know about and I don't.

GENERAL ISLER: Well maybe I can answer. I'm not sure what your question is. But I'm Rod Isler. I'm Vice President and Chairman of the Campaign to Build the National Cryptologic Museum --

TREASURER KOPP: You're the one I want.

GENERAL ISLER: -- for NSA.

GOVERNOR HOGAN: He's the right one.

GENERAL ISLER: And this body has helped us from the very beginning.

TREASURER KOPP: Right.

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GENERAL ISLER: Each year \$1.5 million or so. We've submitted our matching fund paperwork. Got approval for that for the last two years. And we're in the process of doing that this year.

TREASURER KOPP: So where are we with things?

GENERAL ISLER: It's a \$42 million project. We currently have \$18 million in pledges and/or cash. And we hope to break ground in about a year.

TREASURER KOPP: That's excellent.

GENERAL ISLER: We're well on the way. We have approval from Congress and direction from the NSA to do this. We just need to have the money to finish the project.

TREASURER KOPP: And it is where?

GENERAL ISLER: Pardon me?

TREASURER KOPP: It will be where?

GENERAL ISLER: It's right outside the gate of the National Security Agency. It's all unclassified, that's why it's on the outside of the gate. The current museum is in the old Colony Six Motel, very, very well attended by our grade schoolers and high schoolers and college folks free of charge. And it will replace that building.

TREASURER KOPP: Well I think this is, you know, I've been waiting and waiting and waiting and --

GENERAL ISLER: Yes.

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TREASURER KOPP: -- this is going to be a great addition to Maryland's, forgive me, tourist attractions as well as educational system.

GENERAL ISLER: Very heavily visited.

TREASURER KOPP: I wish you the very --

GOVERNOR HOGAN: Let me just say that General Rod Isler here has done a great job chairing this group and pushing to move it forward. And I know he's been lobbying me for several years about it, twisting my arm.

TREASURER KOPP: Terrific.

GOVERNOR HOGAN: So I want to thank you, Rod, for joining us today and thanks for all the work you're doing.

GENERAL ISLER: Well thank you for your support, without which we wouldn't be where we are today.

GOVERNOR HOGAN: Thank you very much.

GENERAL ISLER: All right, sir. Thank you.

TREASURER KOPP: Thank you. Great.

GOVERNOR HOGAN: Other questions? Or is there a motion?

COMPTROLLER FRANCHOT: Move approval.

TREASURER KOPP: Second.

MR. CHURCHILL: Thank you.



GOVERNOR HOGAN: There you go. That's three-nothing. That concludes our Board of Public Works. I'll say the Comptroller and the Treasurer and I are going to reconvene at Camden Yards tomorrow for an official meeting.

(Laughter.)

GOVERNOR HOGAN: Opening Day. And then we'll be here again --

SECRETARY MCDONALD: Next Wednesday.

GOVERNOR HOGAN: -- next Wednesday, April 4th again. And lastly I want to give a shout out, happy birthday to Doug Franchot, 96th birthday yesterday.

(Applause.)

(Whereupon, at 11:43 a.m., the meeting was concluded.)