
STATE OF MARYLAND
BOARD OF PUBLIC WORKS
ANNAPOLIS, MARYLAND

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PRESENT

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Treasurer

HONORABLE PETER FRANCHOT

Comptroller

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PROCEEDINGS

LIEUTENANT GOVERNOR RUTHERFORD: Well, good morning, everyone. It's good to be back here at the Board of Public Works. There have been so many of these virtual Board of Public Works meetings, I've lost count now. But at some point, I guess, they will get back to live, maybe after the first of the year or something of that nature.

But before we get started, I do want to say that my thoughts and prayers, as well as our entire administration and I think the State of Maryland, goes to those victims of the deadly gas explosion in Baltimore on Monday. And, you know, I'd like to express my gratitude to those first responders and neighbors who came to the aid of many people that were trapped in the wreckage that had occurred from that explosion. And I know the Comptroller and others have been, you know, asking for a full investigation. I expect that that's going on to see exactly what happened there. But it is something that's a tragedy. There was a pregnant woman who lived in the basement of one of the buildings, as well as a Morgan student, engineering student. We were just talking about sciences a few minutes ago. A young engineering student from Morgan unfortunately lost his life in a tragic accident. So I just wanted to mention that.

I do want to give an update on our coronavirus numbers. It's something that is still serious. It amazes me, I was speaking to my wife this

morning, how many people that they are still out there that think that this is a hoax or that it's not been important, it's not been serious. And I know a number of months ago I recited some of the statistics in terms of the Health Department in terms of what they had found from the H1N1 or the seasonal flu. And it was at that time around 62 people had lost their lives during the flu season. And at the same time, we were over 200 people had lost their lives in what had been at that time maybe a less than two-month period. And at this point, we are below 3,500, but 3,474 individuals have lost their lives to COVID. And that's really since, what, early March?

TREASURER KOPP: Yes.

LIEUTENANT GOVERNOR RUTHERFORD: So it is very serious for those individuals who just don't think it is that serious. But I am very hopeful that we're on the right track. As of today, we reported 541 positive cases yesterday, which brings us to a daily positivity rate of 3.59 percent. The World Health Organization has said anything below five percent is a mechanism to start, you know, reopening the economy and we're fortunate to be below four percent, and even the seven-day average is below four percent at 3.61. We are doing a lot of testing. We've performed over 1.5 million cumulative tests. And I say cumulative because there can be individuals who have been tested several times in the State. Our hospitalizations decreased yesterday by 41 total beds, a steep decrease primarily in our acute care but also our ICUs went down.

And so I know I speak for the Governor and our entire administration in terms of how proud we are of our citizens who have been, you know, really doing what they could to prevent the spread of COVID, the COVID virus, to others in the community. And, you know, they are doing a very good job of wearing a mask, of washing hands, and practicing physical distancing. And those have had an impact, we believe.

And I do want to also state, we were kind of shaking our fingers a little bit at those young folks out there because the positivity rate for those 35 and below has been higher for those individuals than some of us who are older, a little more mature. But I'm proud to say that that gap has shrunk. Just a couple of weeks ago, those 35 and below, their positivity rate was 6.4 percent. It is now down to 4.7 percent. So everyone is getting the message that as the Surgeon General has said the three Ws, wear a mask, wash your hands, and watch your distancing. And so we're very pleased to see that taking place and we're hopeful that this trend will continue here in Maryland and we'll see further reductions.

So I do want to switch gears one moment to recognize and mention an initiative of the Maryland Department of Agriculture and Maryland Department of Natural Resources, as well as several of our Eastern Shore businesses and organizations that are creating the Buy Maryland Seafood Days here in Maryland. We believe this initiative will have a big impact on supporting Maryland businesses and the economy, and particularly our seafood industry.

And I have here a Proclamation, if I can grab it and not break it, a Proclamation officially declaring Saturdays in September the Buy Maryland Seafood Days. And I'm not going to read the Proclamation. But we'll see it, send it over to the Secretaries. We have Secretary Jeannie Haddaway-Riccio and Secretary Joe Bartenfelder on the video call at this time. And congratulations. We look forward to that, and buying Maryland seafood, and particularly the blue catfish, getting them out of our State and eating them. And I understand they are good. So thank you all.

So as we, you know, get closer to Labor Day in the next few weeks, it would be good to take advantage of the bounty of Maryland seafood and supporting our local businesses. So you can go to, individuals can go to, visit maryland.org to find locations where you can buy Maryland seafood. I know that sounded like a commercial. But, when I was told of the initiative that was my question. Where do you buy Maryland seafood? Because if you go to, you know, Whole Foods or Giant or Safeway or something like that, you are buying seafood that could be coming from, you know, Columbia or Venezuela or, you know, Louisiana, or anyplace else. So just a reminder, you can go to the website and you can find that information and that will be helpful. Visit maryland.org to find that information.

So thank you and I'll turn it over to the Treasurer for a few words.

TREASURER KOPP: Well, thank you. And congratulations and thank you to both Secretaries. Good to see you, Mr. Secretary Bartenfelder.

MR. BARTENFELDER: Great seeing you, too, Treasurer.

TREASURER KOPP: Do you all still publish the cookbooks? Wasn't --

MR. BARTENFELDER: Yes, we do.

TREASURER KOPP: Are those online? Are those online?

MR. BARTENFELDER: Yes, they are.

TREASURER KOPP: Okay. One of the things --

MR. BARTENFELDER: -- this year, but we have them for every other year.

TREASURER KOPP: Okay. One of the things that I've started doing since March is a lot more cooking, and begun to look, as my neighbors have, where things are coming from. And the idea of Maryland seafood and Maryland recipes and cooking Maryland is all of a sudden a lot more interesting than it used to be to some of us who weren't into it. So I think if there was some way to let people know that we do have all these resources. I know I've got a paper copy that we're not all going out shopping these days. Comptroller, you can be cooking Maryland seafood and other Maryland food. We have the wonderful, the annual Maryland Agriculture Eating Day --

COMPTROLLER FRANCHOT: Maybe we could have a Board of Public Works cookbook.

TREASURER KOPP: So I want to thank you very much. It's -- and Madam Secretary, always thanking you. But Mr. Bartenfelder and I go back a long ways. And --

MR. BARTENFELDER: A little ways.

TREASURER KOPP: A little ways. And I really do think it's a great idea. I think people are much more sensitive now to where things have come from and what it is they are eating and what the impact is on their families than they were even a year ago. So I -- congratulations to you both.

MR. BARTENFELDER: Thank you very much.

LIEUTENANT GOVERNOR RUTHERFORD: I'll just interrupt for a moment, and Joe knows this very well, I mean, we have a lot of farms in the area, in the State, that have farm stores where you can go and you can buy, you know, vegetables that were picked fairly recently and you know, meat products that were a little while ago roaming around the field and now, you know, are ready to go on your plate. So happy cooking.

TREASURER KOPP: I didn't realize there were meat products at the farm stores.

MR. BARTENFELDER: And --

LIEUTENANT GOVERNOR RUTHERFORD: I'm saying --

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TREASURER KOPP: No, but there are a lot of people who are now shopping at farmers markets instead of at some of the big chain groceries, also. And you can ask where the stuff is from and they are from around here. So we're now really into that at the Kopp household. So I thank you.

MR. BARTENFELDER: Thank you both very much. It's all part of Maryland's best, fresh, local. And all those places around the State are identified on our website, our Maryland's Best website.

TREASURER KOPP: That's good.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Thank you, Madam Treasurer. Mr. Comptroller?

COMPTROLLER FRANCHOT: Yes, thank you, Lieutenant Governor. And I just want to echo what both you and the Treasurer said. And we have Secretary Haddaway-Riccio and Secretary Bartenfelder, trust me, these are two examples of fabulous public officials in the State of Maryland. I've worked with them on many, many different areas. I have complete confidence in them. And I salute not only this initiative, but also everything else that they've been doing. It makes me feel good as a Marylander, frankly, to have Joe and Jeannie in charge of major agencies. So well-deserved Proclamation. Jeannie, do you want to say anything?

MS. HADDAWAY-RICCIO: Well, thank you very much to all three of you for your support and this is a tremendous partnership between our

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department and the Department of Agriculture, as well as the many employees and employers that participate in our seafood and food production industries and, you know, Maryland seafood is definitely iconic but we also want people to know that it's sustainable. And so we're very proud of the work that we're doing again with Department of Agriculture, with the industry, and with the stakeholders to ensure that we have sustainably managed populations of our fisheries. So thank you all again very much.

COMPTROLLER FRANCHOT: I actually had a short statement -- thank you, Jeannie. And Joe, if you want to say something, you chime in. But Joe used to sit next to me on the Appropriations Committee in the House of Delegates.

TREASURER KOPP: But he was on --

MR. BARTENFELDER: I --

COMPTROLLER FRANCHOT: He was always trying to rein me in.

(Laughter.)

COMPTROLLER FRANCHOT: I did have a short statement about small businesses in addition to Maryland seafood. Obviously, everybody in Maryland is aware of the fact that our small businesses are struggling on Main Street to weather the devastating economic tornado that COVID-19 and the understandable health requirements have brought upon us. And I think we need

to do whatever we can to support these local businesses. We call them the lifeblood of the State's economy. The rhetoric is always there among politicians on both sides of the aisle supporting small businesses. But often the action, the actual money and support and permitting help that they need is weaker than our rhetoric, put it that way.

So I want to remind Marylanders that we're in the middle of Tax Free Week. It began this past Sunday here in our State. It runs through until Saturday, August 15th. For this week, any single qualifying article of clothing or footwear that costs less than \$100 is exempt from Maryland's six percent sales tax. And the first \$40 of a backpack or book bag purchase will also be tax free. I emphasize that you can buy an unlimited number of items. So the savings can add up. And it's not just for school aged children, it's for anybody, adult or child. And it has historically always been an enormously popular shopping week. This pandemic is obviously a very weird year that we're in. But I hope to see traffic going through these mom and pop stores on Main Street. If you are sheltering in place, feel free to go to the website of these stores, and many of them have them now, and the six percent sales tax savings is also available over the internet. And if you don't need anything, why don't you just call some of these stores and buy a gift card. Because it will help them through some tough times.

So let's support our brick and mortar stores. They have been there for us over the years and it has taken them decades often to build a small business

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that is like its own little ecosystem of customers and commerce and products and distributors and everybody is there. And unfortunately, a lot of them are forced out of business because of the effects of the pandemic. This annual tax free week benefits all of us in Maryland. It's a good deal for consumers, but it's a critically important week right now for many small businesses. And I just hope Marylanders will do the right thing and be patriotic and go down and support these folks. Because they have always been loyal to us, they pay a lot of taxes, they support a lot of little league teams. They are major kind of, they are the backbone of the State's economy. Let's see what we can do to help them stay afloat and survive. Thank you, Lieutenant Governor. And Madam Treasurer, both of you, I didn't mean to leave you guys out because I enjoy serving with both of you because I think you -- well, almost everything you guys say I associate myself with. So thank you very much.

TREASURER KOPP: Could I ask the Comptroller what is being done to advertise the tax free week?

COMPTROLLER FRANCHOT: Yes, well, if you google Franchot on Google News you'll see a lot of articles about --

TREASURER KOPP: Okay, good.

COMPTROLLER FRANCHOT: -- and interviews where we try to inform people. It's just that I mentioned it's a weird year. It is a weird year.

TREASURER KOPP: Yes, it is a difficult year.

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COMPTROLLER FRANCHOT: But we're under the impression that people are in fact responding both -- the key here is shopping local, as the Lieutenant Governor was mentioning with Maryland seafood. This is not -- obviously the six percent applies to the big box stores. But this is designed to help the small stores. I think a lot of people at least have been informed. I'm not sure how many people are eager to get out and shop right now.

TREASURER KOPP: I asked because I actually was looking for things for my grandchildren for school and talking to someone, and they said, well can you do it online?

COMPTROLLER FRANCHOT: Correct.

TREASURER KOPP: And I said, yes. And they said it never had occurred to them that you could do it online.

COMPTROLLER FRANCHOT: That's a good point.

LIEUTENANT GOVERNOR RUTHERFORD: That's a very good point.

COMPTROLLER FRANCHOT: The other question I get is that why do we need back to school clothes, because we're not having in person education at some schools in Maryland. My --

TREASURER KOPP: -- stuff --

COMPTROLLER FRANCHOT: -- even if your child is sitting at the computer remotely learning for a couple of months because of the virus, their feet are still growing even if they have bare feet on the computer. So --

TREASURER KOPP: Always.

COMPTROLLER FRANCHOT: -- you know kids grow so order some things for them. And then once again, adults are included. So do your best to be, do the right thing and help these stores out when they particularly need us.

LIEUTENANT GOVERNOR RUTHERFORD: Right. Now that's a very good point. Just because you're not going back to school doesn't mean the kids don't need clothes because they are growing out of them. It reminds me when we first moved back to the area, my wife, who is a California girl, she didn't completely understand the seasonal change. And so we moved here and we were going into the summer and my son, you know, was growing out of his jeans. And she was ready to buy new jeans at the beginning of the spring into summer. I said, no, you don't buy jeans this time of the year. You wait until, you know, because he's going to grow more. His old jeans, he can still wear them, you just cut them off and they can be shorts for him to wear all season, he's going to wear shorts all summer. I said, you don't buy jeans now. She's like, yeah, but it gets cool. I said, it's not going to be cool in the summer here. You know. So that's that California, it took her a while to understand that, that it just, it's hot and humid here. So.

TREASURER KOPP: Well, I have to tell you, my family moved here in 1963 from California, Northern California. And I remember somebody saying to my mother in the summer of 1963, the summers are a little difficult, they are a little warmer than you're used to, but don't worry. You'll get used to it in a year or two. That was 57 years ago.

COMPTROLLER FRANCHOT: Wasn't it Mark Twain who said the coldest winter he ever spent was July in San Francisco?

LIEUTENANT GOVERNOR RUTHERFORD: In San Francisco, yes. Yes.

COMPTROLLER FRANCHOT: -- great story.

LIEUTENANT GOVERNOR RUTHERFORD: My daughter and now son-in-law just moved to New York from San Francisco. And so they, they, now they both are from back here but they are getting used to the humidity all over again. So. All right.

TREASURER KOPP: Good luck to them.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah. Well, thank you all. And I guess we'll start with the Secretary's Agenda. Mr. Secretary? There he is.

SECRETARY GONTRUM: Good morning, Governor, Madam Treasurer, Mr. Comptroller. We have 26 items on the Secretary's Agenda this morning and ten reports of emergency procurement. Item 18 is being withdrawn.

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Items 8, 9, 10, and 20 have been revised. I'm happy to assist with answering any questions.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

TREASURER KOPP: I wonder, Governor, since the Secretary of Natural Resources is there, I think, if she could just tell us a little bit about this Item 7, the oyster restoration, how we're doing. And --

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

MS. HADDAWAY-RICCIO: All right. Well, good morning again, Governor and Madam Treasurer and Mr. Comptroller, and thank you for the question. The good news is that Maryland is on track to meet our Chesapeake Bay Agreement goal of restoring five major tributaries by 2025 and this MOU with one of our greatest partners, the Oyster Recovery Partnership, allows us to keep that timeline and keep that work on track. So of the five, we have two that are completed. The third, Tred Avon, will be receiving a second planting later this year. And we have draft blueprint plans that have been approved for both the Manokin and the St. Mary's River, which puts us on schedule to begin that work next year.

Specifically, this MOU will allow us to plant at least 500 million spat from the hatchery and will also allow us to utilize at least 30,000 bushels of shell that come from the oyster shell recycling program, which I know the

Comptroller is very fond of, and many of our restaurants participate in that and provide that additional substrate. And it will also allow us to start that pre-work that we need to do to get the Manokin underway. And I believe both Ward Slacum and Paul Schurick are with us today if you have additional questions for the Oyster Recovery Partnership.

TREASURER KOPP: No, I just wondered how we were doing in terms of our goal. And it sounds like we're right on track.

MS. HADDAWAY-RICCIO: Yes.

LIEUTENANT GOVERNOR RUTHERFORD: Good. Is it seasonal in terms of when you would plant? You mentioned the Tred Avon or that there was, you were planning to do it at a certain point. Is it seasonal? I have no idea in terms of raising oysters but you know, usually you plant, you know, trees and shrubs in the fall. Is there something seasonal associated with oysters?

MS. HADDAWAY-RICCIO: It is somewhat seasonal, particularly when it comes to planting the spat or the seed. And so typically that work happens through the summer and through the fall.

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

TREASURER KOPP: One last thing --

COMPTROLLER FRANCHOT: A little known fact in Maryland, the head of the board at the Oyster Partnership, which is a great organization, is

Jim Perdue, who is the chicken mogul and is often castigated by environmentalists for supposed problems over on the Shore. Well he happens to be a marine biologist by training and is heading up this very successful program that Paul and Ward and others are expertly leading. And I now know what spat is. You know, we're making progress so this is good because the oysters are natural filters for the algae in the Bay that causes a lot of the problems.

LIEUTENANT GOVERNOR RUTHERFORD: Yes. Very good.

TREASURER KOPP: Can I ask a related question? Which is there was an article in the paper I think yesterday or the day before about Virginia and do you know what I mean? Their new program to actually do restoration from a naval vessel of some sort, a boat, or like a tug boat I think, as opposed to from land. And people were saying what a great, interesting idea that is. Have you looked at that? Do you know, Madam Secretary, what I refer to? Because I can send it out. I don't know any more about it.

MS. HADDAWAY-RICCIO: Yes, I'm not familiar with that specific article. But you are correct. Virginia also has an agreement to restore five major tributaries and I do know that they are looking at different methodologies. One of the things that we always try to do, whether it's Maryland or Virginia or any other state working on a restoration project, we want to keep mortality to an absolute minimum and we want to maximize the benefits that we get from the restoration work. So I suspect that the methodology of using a vessel

may be associated with reducing mortality. But we have an interagency work group that helps develop the plans on how the restoration happens, and that includes federal partners and many stakeholders. So we can definitely pass that information onto them as well as our staff and see if it's something that Maryland might want to utilize, too.

TREASURER KOPP: I think the Chesapeake Bay Foundation was involved, but I don't have it before me. I'll get it to you.

MS. HADDAWAY-RICCIO: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Was it in the *Post*? Was that in yesterday's *Post*, *Washington Post*?

TREASURER KOPP: I saw it online so I don't remember exactly what -- but I'll find it and send it to you.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

MS. HADDAWAY-RICCIO: Thank you.

TREASURER KOPP: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: All right. Item 13, I think we have Secretary Grumbles here. Thank you, Madam Secretary. Secretary Grumbles?

SECRETARY GONTRUM: Item 13 is a grant from the Department of the Environment.

LIEUTENANT GOVERNOR RUTHERFORD: Yes.

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MR. GRUMBLES: Yes, sir.

LIEUTENANT GOVERNOR RUTHERFORD: So, Secretary Grumbles, it was good to see this water supply grant to the City of Luke. I know there was a lot of concern with the shutdown of the facility there. And I see Verso actually is contributing to the cost of this as well.

MR. GRUMBLES: Yes, sir. Water is life and infrastructure makes it happen so we're pleased to be part of this partnership to help fund the design of the water line from Westernport to the Town of Luke.

LIEUTENANT GOVERNOR RUTHERFORD: Good. Now there was still some questions about leeching of substances, I guess, into the river bay from the old mill there.

MR. GRUMBLES: Yes, sir.

LIEUTENANT GOVERNOR RUTHERFORD: -- in terms of addressing that particular --

MR. GRUMBLES: Yes, sir. We are in active litigation on that front. The State of Maryland through the Department of the Environment sued Verso in federal court. We are hopefully going to reach some type of settlement at some point. But we are partnering with the Environmental Integrity Project and the Potomac Riverkeeper Network. First and foremost, is to make sure that the leakage stops. The sources of the leakage have been controlled. There is a 1,200-page document and analysis of the environmental risks and where leakage may

have been. So we're in discussions. We're partnering with the West Virginia Department of Environmental Protection. We have Verso's full attention. And our goal is to make sure that the River is made whole and that the community is made whole and that the cloud that is hovering over the area and the facility because of the pollution is removed as quickly as possible so that the facility and the area can be beneficially reused and revitalized as soon as possible. So we're in discussions in federal court on that front. Thank you for asking.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you.

Thanks for the update on that. Okay.

TREASURER KOPP: Mr. Secretary, since you're there, I noticed Maryland was in the news this week because of a World Resource Institute report. Do you want to just tell us --

MR. GRUMBLES: Yes, thank you, Madam Treasurer. And thank you for your leadership on climate change and membership on the Climate Change Commission. The basic report that came out from the World Resources Institute was they graded the progress that all of the states are making in reducing emissions while growing the economy. And between, over the last decade, up through and including 2017, they measured that Maryland was number one in the country for reducing greenhouse gas emissions in the energy sector while also growing their economy. So we're very proud of that and we're going to continue to strive for more progress in decoupling the shrinking of emissions with the

growing of the economy, making sure that they go together as we're demonstrating and showing other states. So the World Resources Institute did that report and we can make it available easily. But if you google World Resources Institute and climate progress you'll see it and see that Maryland is ranked number one.

TREASURER KOPP: Let me just say, I think we have a long way to go and I have some questions about some specific numbers involved. But there is no doubt that according to this report of an internationally recognized institute, Maryland is in fact in the forefront of not only reducing emissions but doing it at a time where we're building our economy. And I just congratulate you for all your hard work. I know you've been very involved and leading the region through the Regional Greenhouse Gas Initiative to grow this accomplishment even beyond Maryland.

MR. GRUMBLES: Well, it's a team effort. And the Hogan administration is embracing an all sectors approach economy wide to make sure that we have environmental and economic progress together. Thank you, Madam Treasurer.

TREASURER KOPP: Well, and I assure you the Legislature and all of the citizens are going to be there, boosting, supporting, and pushing. But thank you.

MR. GRUMBLES: Yes, I know.

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LIEUTENANT GOVERNOR RUTHERFORD: Very good.

COMPTROLLER FRANCHOT: Yeah, and I know there are a lot of people that are involved, Secretary, and the Governor obviously should be complimented for his team. But there's one individual amongst all of the elected officials that deserves recognition. She's the Martin Luther King of climate change. Thank you, Madam Treasurer, for what you --

(Laughter.)

COMPTROLLER FRANCHOT: -- a constant reminder from you --

TREASURER KOPP: Thank you. This really is, it's an education that we have to keep delivering, even in these difficult circumstances, that we can grow safer and stronger at the same time.

LIEUTENANT GOVERNOR RUTHERFORD: Yes.

TREASURER KOPP: And I think, Mr. Secretary, I don't say this very often, but I think you are doing a very good job. And I thank you for your leadership.

MR. GRUMBLES: Thank you. We're recording that.

(Laughter.)

TREASURER KOPP: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Well, Secretary Grumbles has done an excellent job. And I know that a lot of the success in Maryland is due to him, but also a lot of conversion from coal fire --

TREASURER KOPP: Right.

LIEUTENANT GOVERNOR RUTHERFORD: -- to gas makes a significant difference.

TREASURER KOPP: Well, and we have to keep pushing the renewables --

MR. GRUMBLES: Yes.

LIEUTENANT GOVERNOR RUTHERFORD: Yes.

TREASURER KOPP: -- both on shore and off shore. The only way we're going to meet our legally mandated --

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

TREASURER KOPP: -- goals is --

LIEUTENANT GOVERNOR RUTHERFORD: And we have cleaner vehicles that are on the roads and so it's a combination of things that, you're right, in terms of the renewables. As technology improves, we'll be able to get more energy from the renewable sources. So thank you again.

MR. GRUMBLES: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: I know Jeannie is hanging around, you don't need to come back, but I do want to mention Item 14.

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It's an A/E contract, New Germany State Park, and its wastewater infrastructure. I just want to point that out, when we talk about, you know, tourism and getting out and about, if you all have not been to New Germany, you really are missing a treat. And particularly at this time of the year where it's hot and humid here, it is not as hot and humid in Garrett County. And New Germany is a beautiful park, wonderful cabins. I had, when I was there, my wife, who is very much a city girl, and I should mention 15 is Swallow Falls, they both have beautiful cabins that have air conditioning, they have electricity. You know, beds, you are not sleeping on a bunk, it's a real bed. It's nice. It's, you know, a little rustic but very nice cabins. The only thing New Germany has no cell service and no internet service. So if you do want to get away, there's a benefit there. So just my park plug, New Germany and Swallow Falls. Swallow Falls is beautiful. If you've got it, get a chance to get out there, too. That is a wonderful place.

Do we have someone from Morgan available to talk about number 17, Item 17?

SECRETARY GONTRUM: Yes. We have David LaChina for Morgan State University.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. David, I am very, very familiar with Northwood Development and I have been involved with that project since it was looking like it was going to falter. And had a meeting here in my office, now four and a half years ago, with the delegation and

three community organizations, the ownership of Northwood, their proposed developer, as well as Dr. Wilson. And I'm glad to see this project moving forward. Can you tell us about the status of that project?

MR. LACHINA: Thank you, Lieutenant Governor, and Secretary Gontrum. If you could pass the microphone to Mr. Evans, Mr. Evans, Sidney Evans, Vice President --

LIEUTENANT GOVERNOR RUTHERFORD: Oh.

MR. LACHINA: Yes, Sidney is on the line and he has been leading this project and the development moving forward. So he is in a better position to respond.

MR. EVANS: Good morning, Lieutenant Governor Rutherford, Madam Treasurer, Mr. Comptroller. I hope all of you are doing well, staying safe and healthy. And Dr. Wilson sends his regards. He is unavailable this morning. But as you know, President Wilson always sends his regards with respect to the State of Maryland and all three of you and the support that we receive from the State of Maryland. So let me start with that.

And Lieutenant Governor Rutherford, the project is moving along slowly. The shopping center, the old shopping center, has been razed and the construction is forthcoming. This particular item, the development agreement, is an agreement between Morgan State University and the Northwood developer to

outline the terms and conditions for the construction of the public safety building which will be owned by Morgan. However, as you -- and built by the developer.

You may recall back in August of 2018, we entered into a 99-year ground lease which we presented in front of this body. And that was approved. So this development agreement is really the document that establishes the rules of the game so that Morgan can manage and oversee the construction of the project. And the public safety building is one of the eight anchor facilities that will be part of the shopping center.

LIEUTENANT GOVERNOR RUTHERFORD: Right. And Sidney, you are understating the impact of what is actually taking place at that shopping center. It is really transforming. That was a shopping center that had been run down, had some issues in terms of crime, and it is being transformed into a town center type of development. And the ownership is partnered with the university there, where the university is part of, the business school and I don't remember if it's the human services school, is right next door to the shopping center on adjacent land. And the fact that you're going to be putting the book store there, the Barnes & Noble bookstore is going to be there on the Northwood property, along with the public safety building, it's going to transform not just that shopping center, but also the Morgan experience and the community. And that's why the community associations were so much involved. And I want to thank the former Senator, and once a Senator always a Senator, Joan Carter

Conway, for all the efforts that she made to, you know, get this moving and keep the project moving. And so it's good to hear that it's been razed and it's moving forward. I know we utilized Project C.O.R.E. funding as well as some other funding to help Morgan through this project. And it's good to see it happening.

MR. EVANS: Yes, Lieutenant Governor Rutherford. I mean, you are absolutely right. I didn't want to take up too much time talking about the shopping center. But you summarized it quite well. And I would say this is a perfect example of a public-private partnership. It's the State of Maryland, the City of Baltimore, Morgan State University, an anchor institution in the City of Baltimore. We have private developers involved, and we, as you stated, this project will transform the neighborhood. There are four community associations that have been involved in this project. As you know, Kim McCalla on our staff has been instrumental in moving this whole project forward. And we are very pleased where we are with the project. And we still have a road to travel. We're hoping the center will be complete sometime in spring of 2022. But once again, we thank you for your support, Mr. Lieutenant Governor, and the support of the Board of Public Works. It has been a real collective effort, from the Legislature to all the other people that have been involved. It's just really a great project and I know Dr. Wilson, if he were here, would be very proud and very thankful that we've gotten this moving in the right direction.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you.

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TREASURER KOPP: I echo the Lieutenant Governor's statement and very glad, Sidney, you pointed out Kim McCalla, one of the unsung heroes of State government.

LIEUTENANT GOVERNOR RUTHERFORD: Yes.

TREASURER KOPP: Thank her.

LIEUTENANT GOVERNOR RUTHERFORD: Yes, Kim does a great job. So. And Sidney does too, I have to say, Sidney who is a fellow Howard man working at Morgan. But I love Morgan, too. So --

COMPTROLLER FRANCHOT: Could I just ask Morgan, I heard on the radio today you're not having any in person student participation at the college. Is that correct for the fall?

MR. EVANS: That is correct, Mr. Comptroller. We recently completed our Board of Regents meeting this week and, supported by the Board, the university has changed its plans to offer instruction as a combination of face to face and hybrid. We are moving away from that plan and based on the science, the Yale study, and our concern for the entire Morgan State University community, we think this change in direction is in the best interests of the community. And as I mentioned, we had a very lengthy discussion with our Board of Regents and they supported the recommendation to change our direction.

COMPTROLLER FRANCHOT: Well, kudos to you and the board. Because you know, we're engaging in a huge medical experiment, as you know, with our K through 12 program, but particularly the private schools now, I guess, around the State. And I am particularly concerned that we just don't know what exactly the ramifications are going to be for our kids and the people that the kids are in contact with. So I think that's a terrific decision by the regents and I'm glad that you're doing it at Morgan. And I would just encourage every family to make sure you, first and foremost, protect your children from an as yet still mysterious virus. And I'm not, obviously, I've often praised Governor Hogan and Lieutenant Governor Rutherford and their team for being very aggressive on the public health aspects. But boy, I wouldn't send my children to college or to K through 12 school for at least September and October, until we have a better understanding of the virus and its impact upon both young people and their ability to infect other people, even if they are asymptomatic. But that's just me. Hats off to Morgan --

TREASURER KOPP: I agree.

COMPTROLLER FRANCHOT: -- keep us in the loop as far as how it goes.

MR. EVANS: Thank you. I will pass that on to President Wilson and to Chairman Mfume, and all our Board of Regents. It was a very tough decision. We had a well thought out, I'm sure Lieutenant Governor Rutherford

knows about, we had a testing plan, a protocol, quarantine, isolation, we had a very comprehensive plan. But after a very sincere and comprehensive discussion with the board, we decided to change our direction. And we think it is the best thing to do for our Morgan community and family. And we think it's the right thing to do. So I thank you very much for those comments, Mr. Comptroller.

TREASURER KOPP: Leadership is difficult. I congratulate you.

MR. EVANS: Thank you. Thank you, Madam Treasurer.

COMPTROLLER FRANCHOT: I had a question about A7, whenever --

LIEUTENANT GOVERNOR RUTHERFORD: Yes, this is as good a time as any.

SECRETARY GONTRUM: Item A7 is a --

COMPTROLLER FRANCHOT: Great. A7 is, Lieutenant Governor, this is a report of an emergency procurement by the, just one agency, the Department of Education, to a group called Mythics Emergent Group Company. And it provides annual support system maintenance for Oracle software. This is a two-year emergency contract, \$2.4 million. There's no competition because Oracle is essentially telling us this is the person, this is the group we have to hire. Not only for this agency, but for every agency that uses Oracle.

We had a discussion about this at the December 4, 2019 meeting, that in essence Oracle now is in charge of handpicking the vendors who are able to provide the support and system maintenance for the State's Oracle software. This is in contrast to when we had eight or nine other vendors who were able to do this kind of maintenance work at one point, and they would bid against each other and the State taxpayers would understand that the competition would generally produce the best deal. Now, Oracle has changed that and they have indicated there's only one vendor, Mythics, that's going to provide the services for all the State agencies.

So at the December 2019 meeting, Lance Shine, the Deputy Secretary of DoIT, informed the BPW that the Assistant Attorney General and Oracle were in negotiations that, he indicated, "were very close to resolution." It's been eight months since the December meeting. We're being asked to approve an emergency contract to send \$2.4 million just to the, just for the Department of Education. But Oracle is doing things for all of, mostly all of our agencies. So it very much appears that this dispute between the State and Oracle has not yet been resolved. And I wonder if Secretary Churchill could fill us in on where we are with this. And I know he does not, I know he does not approve of allowing Oracle to handpick who the State can award large IT contracts funded by the taxpayers to without any competition.

LIEUTENANT GOVERNOR RUTHERFORD: I think we have Bob Gleason, who is the --

COMPTROLLER FRANCHOT: Oh, good. Oh, there's Secretary Churchill.

MR. CHURCHILL: Yes, good morning. Thank you, Comptroller, Mr. Comptroller, Madam Treasurer, and Governor. Yes, I will ask Bob Gleason, our Chief Procurement Officer for the State of Maryland, to address the Board concerning your question. Bob?

LIEUTENANT GOVERNOR RUTHERFORD: Is Bob on mute?

MR. CHURCHILL: Or Mike Haifley, our Deputy State Chief Procurement Officer for the State of Maryland. Mike Haifley?

TREASURER KOPP: These technology guys.

LIEUTENANT GOVERNOR RUTHERFORD: I know. They are procurement people, not the technology people.

TREASURER KOPP: That was interesting.

SECRETARY GONTRUM: Your audio is echoing horrendously. Do you want to exit out and maybe come back into the meeting, please? And we will see --

LIEUTENANT GOVERNOR RUTHERFORD: Secretary Leahy is also there. He has been involved in this process.

SECRETARY GONTRUM: Secretary Leahy --

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COMPTROLLER FRANCHOT: I'm probably going to vote against this if we can't get someone on the screen, but I'm happy to defer it also. I don't want to obviously throw a monkey wrench into something that --

LIEUTENANT GOVERNOR RUTHERFORD: Secretary Leahy is here --

SECRETARY GONTRUM: We do have a representative from the --

MR. LEAHY: Good morning.

SECRETARY GONTRUM: -- as well, Ms. Ruth Baber, available to discuss this specific emergency report if --

MR. LEAHY: How would you like to proceed, Mr. Governor?

LIEUTENANT GOVERNOR RUTHERFORD: Well, if you have an update on the negotiations, you could provide that.

MR. LEAHY: Yes, sir. I spoke very recently both with our Assistant Attorney General and just this Monday with Oracle expressing our displeasure and concern with their practices to only limit licensing to a single vendor. Mr. Barr informs me that we have provided them with the names, as the Comptroller stated, of a number of vendors that had provided services in the past and that still have the capabilities based on our understanding. At this point, Oracle continues to tell us they are reviewing this matter, but had I known I would have had Mr. Barr available to speak about it.

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I am not hopeful that they are going to change their practices. And as we have discussed in the past, to the extent that vendors who create software attempt to create specific tying arrangements to maintenance, we believe that is anti-competitive, it's contrary to the interests of the State, and we will continue to attempt to move them away from that. And if they do not, find other platforms as systems come up for modernization to use new vendors.

LIEUTENANT GOVERNOR RUTHERFORD: But wouldn't you have to go to a different operating system, like SQL or something, to move away from Oracle?

MR. LEAHY: Yes. We would have to use a different database methodology than Oracle. That is correct. But as I said, when some of these systems that have been running for 10, 15, 20 years come into the modernization process, we will certainly look at the methodologies available. Because there are newer databases and newer technology. Oracle has been used for a very long time because they were very good at running particular kinds of systems, particularly in the education and the administration areas. But there are other folks with newer products out today. And we keep an eye on what they are doing and, as we know, because of the pandemic we have significant revenue challenges. But to the extent systems are in the queue to be modernized, we are going to look at all of the opportunities to make them more competitive.

COMPTROLLER FRANCHOT: Well, let me just focus everyone by saying I would like to move to remand this emergency procurement back to the agency and have further discussions with Oracle. Because I just find it to be completely unacceptable.

MR. LEAHY: Mr. Comptroller, I am happy to have those (indiscernible) and we'll work with Secretary Churchill and Mr. Gleason to make sure that they are aware of our position and that we find this unacceptable, as you said.

LIEUTENANT GOVERNOR RUTHERFORD: I guess though the challenge, I mean, we can remand. It doesn't really do anything to Oracle and Mythics is already on board because it was an emergency procurement. This is just the, you know, really the approval process for the Board. But they are being paid. I guess it's continuing to show our dissatisfaction, if anything. But it doesn't have a significant impact beyond demonstrating our dissatisfaction.

MR. LEAHY: Mr. Governor, I am, as I said, happy to have further discussions with Oracle, including Secretary Churchill and the procurement people. And I'll be happy to report to the Board as soon as we have those discussions.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Well, I mean, I just want to make that statement. Madam Treasurer, do you have any concerns?

TREASURER KOPP: Yeah. My understanding is the same as yours, Governor. And I agree with the frustration of the Comptroller entirely because it is now an emergency contract. I had a somewhat related question that I don't know who knows the answer to this. But I gather this is about a security fix to the software we have already, is that right?

SECRETARY GONTRUM: Ms. Baber, are you on the line?

MS. BABER: Yes, sir, I am.

TREASURER KOPP: Okay --

LIEUTENANT GOVERNOR RUTHERFORD: Did you hear the question? Did she hear the question?

MS. BABER: Yes, this is in regards to the security of our systems because we have not, we were not able to patch several systems that are running education programs. And unfortunately, we got into kind of a catch-22. Where we were in the process of this procurement in 2019 and there was a change that a contract over \$200,000 needed Board of Public Works approval and this contract fell into that category. However, we didn't have enough time, then the lead time we didn't have to award the contract. So it became retroactive, which put us about a year behind on patches and updates. And -- yes, ma'am?

TREASURER KOPP: I get that, I guess. But my question is, the impact of -- I agree that Oracle is taking advantage, not paying attention, etcetera. No question about that. What is the impact on the security of our students and

educational files, whether this is approved at this moment or not? Is there any, does it make any impact?

MS. BABER: At this time because this is retroactive, we do currently have support and patches. So all of the data and databases are in fact updated and the personally identifiable information on our students is secure.

TREASURER KOPP: Thank you.

MS. BABER: And we would not be able to move to other platforms, though, without having current support in place because you don't want to move -- in the event you have a problem, we want to be able to put in a ticket with Oracle to resolve that problem while you're moving to a different platform.

TREASURER KOPP: Well I think this Board has to understand, perhaps from Secretary Leahy, I don't know from whom, of how we get Oracle to look at other options for the State. Because I gather there are other options that are being withheld, essentially. Comptroller, is that your --

COMPTROLLER FRANCHOT: Well I would, yes, I am very straightforward on this. I obviously don't want to interfere with the security of education documents. But it sounds like we're just being toyed with right now. And I would suggest that we not only remand but we repeal this particular contract and tell Oracle that the Board of Public Works will not tolerate them telling us where to spend millions of dollars on large IT maintenance projects that,

particularly because at one point in the not too distant past there were nine vendors who were capable of doing this work. So yes, I understand Oracle saying, well, I just want to do it unilaterally. But I just, you know, this is, it's obvious that this is not going to be resolved without the Board saying something strongly here. And to the extent it doesn't interfere with the Department of Education, which I guess was part of the (indiscernible) money, I'm fine obviously moving this. I'd love to have the support of my two colleagues, because otherwise we're going to see these things appear on our calendar. And I just think they are wrong.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. I wanted to just open it to discussion before, you know, taking up your motion and, you know, I don't have a concern about remanding. We can't cancel the contract without causing problems, though. I'm not going to say that, you know, I think your original motion I'm willing to second. But I want to clarify that canceling the contract puts us in a very difficult situation because we will not have the maintenance. And if there are additional security patches that come out, then our data is at risk. So you know, at least we know from the standpoint of the emergency they are already on staff providing that and support. It's really a, you know, I don't want to downplay the role of the Board when it comes to emergencies. But it's really just, you know, taking care of book work by approving an emergency. So but not to cancel that contract.

It would be a question for the Assistant Attorney Generals whether there is some legal authority that the State may have, either under, you know, a State version of a, you know, unfair trade practice or, you know, a State version of anti-trust, that we are in a situation where we are in a very uncompetitive situation involving Oracle. And that's a question I think for those who are in that business, the Attorneys General, with regard to what is on the State statutes that allow us to do it. I know some states have a State version of unfair trade practices or little FTC type of remedies. But I don't know if Maryland has that or not. And that would be a question for them that we go back and say we'll see you in court. And make sure it's the Attorney General that actually litigates, not that they hire some outside lawyers, which always bothers me that we often hire outside counsel when we have 700 paid lawyers that probably could be litigating some of these things.

TREASURER KOPP: For my part, I would support the motion to take this item out of the Agenda and remand it. And in the meantime, direct the department and the appropriate people to pursue further action in the issue of Oracle essentially trying to take over our procurement system.

LIEUTENANT GOVERNOR RUTHERFORD: Okay so --

COMPTROLLER FRANCHOT: That's fine. I mean, I don't agree with anyone that this is, canceling this contract would cause problems. But if you feel more comfortable with remanding it, I would just importune the Secretaries

to tell Oracle. I'm not interested in litigating with Oracle, I'm just interested in having them stop their bare knuckle practices of taking advantage of us. And so they are not allowed to hand pick their own vendor for major IT contracts where there are other companies that are willing to bid and compete. That's the only way we're going to know whether the taxpayers get a good deal is through competition, Company A, Company B, Company C. That's not the case here. So, and we're not talking about a small amount of money, we're talking about a large amount of money agency-wide. So I for the time being would change my motion to simply remand this and instruct the agencies to have better communications with Oracle.

TREASURER KOPP: And report back to us on progress made.

LIEUTENANT GOVERNOR RUTHERFORD: Okay, so we have a second and I think we're all in favor of that motion to remand. Okay. Yeah, that's A7. Any additional questions with regard to the Secretary's Agenda?

COMPTROLLER FRANCHOT: Yes. Item A10.

LIEUTENANT GOVERNOR RUTHERFORD: Yes.

SECRETARY GONTRUM: A10 is --

LIEUTENANT GOVERNOR RUTHERFORD: Board of Elections.

SECRETARY GONTRUM: -- State Board of Elections. I understand we have Administrator Lamone and Deputy Administrator Charlson available to answer questions.

COMPTROLLER FRANCHOT: Okay. I'd like to just get briefed quickly as to the preparations for the November presidential election. We are now 83 days away from Election Day, 71 days from the beginning of early voting. It appears that we are nowhere close to being fully prepared to execute the Governor's election plan. The Maryland Association of Election Officials have sounded the alarms as early as I think June 26th in a letter to the Governor and the presiding officers regarding the monumental changes that local elections boards will face as they are in essence being tasked with running not one, but two elections, one by mail and one in person.

I for one, despite the challenges that we saw back in the June primary, favor mailing every Maryland voter an absentee ballot and foregoing the unnecessary, burdensome, and costly requirement to voters to fill out an application that's mailed to them and then get the ballot mailed by the local boards. I say that with the assumption that the State Board learned the lessons from the failures and the sloppy and unnecessary errors that we saw in the June primary and that moving forward the State Board would do its due diligence to make sure we don't see the same errors again. But as the Association noted, vote by mail applications should not be sent to every registered voter. Sending an

application would cause voter confusion and the local boards of election, who do not have enough personnel to manage processing vote by mail requests, will face a significant burden while preparing for the general election. If this sounds confusing, it is confusing because here we are at a time of slashing budgets, being asked to cut teacher and employee pensions, gut social safety net programs. Apparently we're willing to spend \$5.6 million to print and mail applications because of a misguided and unfounded claim that there is widespread fraud in universal vote by mail, a refuted talking point that the President continues to tweet about all in an effort to plant seeds of doubt, unfortunately, about the outcome of the November presidential election.

As I've stated in the past, Maryland should be doing a universal vote by mail this November while having some poll centers open for those who need to vote in person and forego the need for an application for an absentee ballot in order to allow our local boards of elections to focus their efforts to prepare for what will be, as we all know, an election that will be conducted largely by mail.

I have tremendous concerns about our local boards of elections' ability to execute what seems to be an impossible mission. And once again, let me just say one more time for the record, we cannot expect different outcomes when we have the same leadership that has consistently mismanaged these enormously complicated efforts to, in the time of pandemic, allow people to vote

by mail so that they are protected as far as not having to go and stand for hours with folks that may be, you know, subjecting them to infection of the coronavirus.

I'm not sure whether the Senate of Maryland agrees with us. Lieutenant Governor, you and I called for a change in leadership. I stand by that. I don't know whether the Senate disagrees and thinks everything is going to be fine, or the Governor thinks everything will be fine, or the State Board of Elections think everything is going to be fine. But since we have the State Board's leadership here, and I know many Marylanders out there are anxious and concerned as well as I from this impending train wreck of an election, impending train wreck of an election, November 3rd, in the great State of Maryland.

Administrator Lamone, what assurances can you give us that the sloppy errors that we saw back in June won't take place again this November? Have we picked a different vendor to handle our printing and mail?

MS. LAMONE: Good morning. Linda Lamone, Administrator of Elections. Lieutenant Governor, Mr. Comptroller, Madam Treasurer, it's nice to see you all. We are focused on the election -- excuse me just a second. Our job is to provide a secure and safe environment for our voters and that's what we're focused on doing. One of the big challenges is, as you noted, Mr. Comptroller, that the Governor has under his emergency powers directed that the State Board mail to every registered voter an application for a mail in ballot. Like you, I am very concerned with the bandwidth of the local boards to handle the volume of

mail that they are going to be getting back requesting the ballots and we have as a result been searching with our sister agencies for a data center that might be available to us. For example, Mr. Comptroller, we approached your office and because of the change in the tax deadline, your people are, I'm told, tied up, understandably. And so we have reached out to another agency to see whether or not they have the physical facilities as well as the staff to help us process these applications when they come back. So far, we have not been successful. But we are continuing to work on it.

One of the other issues that we have, of course, with all of the in person voting that we're going to be offering is the staffing for the polling places, or vote centers as we are calling them now, and the facilities. We are very appreciative that Governor Hogan is helping us recruit election judges. Since he issued his invitation to State employees to serve, over 5,300 people have contacted one or more local boards of elections and to offer their services and we're hoping that that trend continues.

We are launching a comprehensive voter education program I think next week. It has been in the planning now for a while. We have a lot more time this time to educate our voters as to how the election is going to be conducted. And if you have any ideas of folks or groups that we should be reaching out to, we would love to hear from you. And we have added additional

audits and checks into the system to make sure that the kind of thing that happened in June does not happen in November.

COMPTROLLER FRANCHOT: Let me ask you about the vendor, because last time the sloppiness of the primary, the vendor said it was your fault and you said it was the vendor's fault, and it was some group out in Minnesota that nobody really has any relationship with, I guess. Are we using the same vendor?

MS. LAMONE: So far, we are. We put out a procurement several weeks ago seeking other vendors and we got, it's still -- I can't discuss the details of the procurement but so far we have not gotten anyone that is acceptable of award. So it's a problem. But we have added additional resources to monitor the existing vendor and asked for a lot more reports from them. And they are being very cooperative. They have assigned a new project manager to their staff. They have agreed that we can make on site, unexpected, unannounced visits to their facilities. And my staff is very committed to making sure that things aren't repeated.

COMPTROLLER FRANCHOT: Okay. In your letter last week to Governor Hogan, you said you expect to mail the applications for absentee ballots beginning August 24th with the final batch expected to be mailed by August 31st at the latest. Is that still the case?

MS. LAMONE: It's actually, I think, Mr. Comptroller, they are going out sooner than that. But they are. It takes the, we're using a different printer for this mailing and it takes them about 14 days to print four million or so outgoing envelopes, return envelopes, the application, and the instruction sheet, and then insert everything into the envelopes. So they have started production. I think Allegany and Montgomery County are in the process. But as I said, it takes at least two weeks, 14 days, for them to print four million, plus times four.

COMPTROLLER FRANCHOT: Has your staff done any estimate of how many out of those four million absentee ballot requests, how many might actually be filled out and sent in?

MS. LAMONE: Nikki, I think, is on the line. And I think that she has looked at that. Nikki, can you assist here?

MS. CHARLSON: Sure. Good morning. For the record, Nikki Charlson, Deputy Administrator for the State Board of Elections. Thank you for a good question. Turnout is certainly something that we are all focusing on. So we are planning for turnout generally over 85 percent. We know that voters are engaged and certainly their participation in the April and June elections showed us that, with some record breaking turnout. We, you know, we don't have any data for this type of election. So we are looking at how do we decide, how do we estimate the number of voters that are going to vote by mail, which is your question, Comptroller, and in person. And we, over the next couple weeks as we

are certainly seeing an uptick in the number of voters asking to receive their ballot by mail, we expect if not this week, next week, to surpass our number of ballots sent for the 2016 general election so we know we are going to have an exponential increase in the number of people requesting ballots. Over the next couple of weeks, we expect to be able to get a better sense of that trend line and that will help us plan for in person voting. And again, as Linda already mentioned, and Mr. Comptroller, you expressed the concern about the ability to process those applications. And so I would like to reiterate what Linda said, is that if you have any thoughts on data centers, we really are spending a good amount of effort trying to find someone to make sure that the applications we receive are promptly processed so we can get ballots in the mail when ballots are ready later next month. So --

LIEUTENANT GOVERNOR RUTHERFORD: Have you all spoken to Secretary Leahy about data centers?

MS. CHARLSON: There have been some discussions with DoIT as well as the Comptroller's Office and some other sister agencies. So if there are other people we can contact, we would love to get that so we can open those lines of communications and see what we can do with our sister agencies.

COMPTROLLER FRANCHOT: Let me just ask you if I could about the U.S. Postal Service, which has been in the news lately because a gentleman was appointed recently Postmaster General. He happens to be a

Donald Trump megadonor who knows nothing about the Post Office. And allegedly he is implementing policies that have reduced operational efficiencies at the Post Office. Among them, apparently, saying there is no overtime anymore, that you can only have one trip out, so all of the postal people are complaining that this is some kind of effort to cheat on the elections down the road because everybody knows that a lot of the, the Post Office is integral for this. And I'm just wondering what your concern is about the ability of the Postal Service. I think most recently he took all of the 34 top executives in the Postal Commission and shuffled their responsibilities up and down the line. It would be like me, just as tax season was starting, taking all my division directors and putting my head of IT in charge of my I don't know what department that they know very little about. So what is your assessment and the time that you think it will take the U.S. Postal Service to deliver the four million applications, then get the responses back to you, then remail the ballots out to millions of Marylanders who request the absentee ballot, and --

TREASURER KOPP: And --

COMPTROLLER FRANCHOT: -- get it back? I mean, how long is that going to take?

TREASURER KOPP: Excuse me, Comptroller --

COMPTROLLER FRANCHOT: Yes?

TREASURER KOPP: -- it's my understanding also that this Postmaster General is increasing the cost to the states per letter of each of these things sent out.

COMPTROLLER FRANCHOT: Well, I just repeat. He's a Trump megadonor who has no knowledge or experience with the Postal Service. And at this point, to be reconstructing the agency raises some real concerns. But I guess I wanted to ask the Board of Elections, have you guys factored that in and what is your thinking on this?

MS. LAMONE: Yes. And we are, like my colleagues around the country, concerned. But we have a very good relationship with the current management team of the Postal Service in Maryland. My staff, I think they talk at least every week. They are well prepared to start receiving this large number of mailings that's going to be going out in the next couple of weeks with the applications. We have also, we're going to be messaging to the voters with hard messages about you have to pay attention and get your ballot, or whatever, in as soon as possible. State Board has moved the deadline for requesting an absentee ballot, or a mail in ballot as we're calling them now, back a week. We are going to encourage our voters to use the online systems to register to vote and update their voter registration and request a ballot rather than the postal system. And for return ballots, we're going to have an increased number of ballot drop off boxes around the State so that people don't have to use the Post Office if they don't

want to, or it's getting close to the deadline. So we're trying to think of things to do to help our voters deal with the situation because there's nothing frankly that we can do to change what the Post Office is trying to do on a national level.

COMPTROLLER FRANCHOT: Yes, but you can evaluate and stay on top of this. For example, this is Wednesday. Last Friday, there was no mail delivered in Takoma Park. There was no mail delivered on Saturday in Takoma Park. There was no mail delivered Monday in Takoma Park. So everybody is on the listserve saying, gee, what happened to the Post Office? Allegedly, there were several employees who tested positive for coronavirus. So this was not due to necessarily this pretend Postmaster General that's around. But you know, there was no mail, period. Not even junk mail. And so even in the best of times, I think the Postal Service has been heavily damaged by something because, well, I'm concerned. So I assume you are going to take, you're going to take this into your planning. How many drop boxes will be available for the November election and are they secure?

MS. LAMONE: I'm going to ask Nikki on the number, and yes, they are secure. We have policies and procedures in place for them on the security issue. For example, they all have to be viewed by security cameras. We are currently in discussion about increasing the numbers -- Mr. Comptroller, I'm sorry, I don't remember exactly how many we currently have. But we have approached the vendor about increasing that number significantly and he has

given us his delivery schedule. Nikki, can you, do you know how many we have right now?

MS. CHARLSON: I sure do. Sure. So thank you. Nikki Charlson, for the record. We had 75 ballot drop off locations for the June 2nd election. And as Linda said, we've ordered more. So at this point, we will have 127 drop off locations around the State. We've been working with the local boards of elections to identify areas in their communities that are high population that didn't have a drop off box in the primary and looking to supplement those locations with a drop off box in the general election. And again, that's, as Linda said, that's one of the ways that we can mitigate some of the risk associated with the Postal Service and would ask that as you all are out and about and talking about the election to emphasize the use of the drop off boxes. We had about 15 percent of our voters use them in the primary to return their ballots and we expect that growth to continue. And again, as Linda said, ask them to use the online systems to request the ballot if they are comfortable with that, and just mail everything earlier than we would, we've become accustomed to because of these expected delays.

COMPTROLLER FRANCHOT: That's excellent. I'm glad to hear that. Once the local board receives an absentee ballot from a drop box, what exactly happens? Does it get fed into a scanning device immediately? Or do you have to wait until the election deadline?

MS. LAMONE: Right now, the local boards are not permitted by law to start processing the mail in ballots until after election day. We have asked the State Board to, under the Governor's order, and I don't think there's going to be any problem with this at all, to allow the local boards to start processing these probably 30 days before the election so that they are not swamped with everything coming and having to do everything at the same time. So they --

COMPTROLLER FRANCHOT: Excellent.

MS. LAMONE: -- they take the ballot from the box, bring it back to the office. They scan the envelope, which then shows for anybody trying to track their ballot that the ballot is at the local board office. It has been received. They review the oath for a signature and if there is no signature we have issued them instructions on how to contact the voter to get a signature to cure it. And then they store the ballots until they start counting them, albeit that would, in the normal course of an election it would be after Election Day, but we're positive that the State Board is going to -- not positive. We're pretty sure the State Board is going to allow them to start canvassing earlier and embargo the results, of course. And then when they start counting the ballots, they then reverify that the envelope was timely received and the oath is signed and then if it is timely and the oath is signed, they open the ballot and then they scan the ballot, open the envelope and scan the ballot. That's --

COMPTROLLER FRANCHOT: Well I would strongly encourage you, along with the State, and everybody involved in this, I'm not an election expert, but these things should be fed in and scanned in advance of election day and on election night when the results are published from the in person voting, it should include the up to that date absentee ballots. Because --

MS. LAMONE: Yeah, I agree.

COMPTROLLER FRANCHOT: -- otherwise people are going to think something is not on the level.

MS. LAMONE: Right.

COMPTROLLER FRANCHOT: So let me just ask again, what's being done with this public outreach program about explaining this unbelievably complicated process right now? I actually, one of my legislators sent me a little site on their listserve and I applied for an absentee ballot, because I didn't want to wait. I filled it out. My wife and I both got it. I filled it out and fortunately she glanced at mine before I sent it in the mail back because lo and behold I had filled it out wrong. Why did I fill it out wrong? I had marked for some reason the little box that said primary ballot rather than general election ballot. I'm a lawyer. I'm the Comptroller of the State. I guess I would be expected to check the right box. But what happens if someone --

LIEUTENANT GOVERNOR RUTHERFORD: -- come on, Mr. Comptroller. Everybody knows you're not being paid to do it. You weren't billing the time. If you were billing the time, you would have read it.

COMPTROLLER FRANCHOT: Yeah. But thank goodness, my wife is a more careful lawyer than I am. But seriously, what happens if you, not just the signature, but if there is some obvious discrepancy where someone marks the primary election rather than the general election? Are we going to be able to correct those also?

MS. LAMONE: Yes. And I, that's no longer possible. We're working on the online system and we've made some changes to it to make it easier to use. Those changes are being tested this week. As soon as we test to make sure everything still works, we'll post the easier to use online mail in ballot application. We've removed the primary election as an alternative because, obviously, we're beyond the primary election. So I don't think it's going to be a problem.

COMPTROLLER FRANCHOT: Okay. Apparently my wife when she filled out the online application, and I take it this was with the Montgomery County board, or was it the State board, but someone over on the online application required a Maryland driver license or an MVA issued ID to complete the online form. I take it that is a security provision?

MS. LAMONE: It's required by law, Mr. Comptroller.

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COMPTROLLER FRANCHOT: Excellent. And so we're not going to have a tsunami of voter fraud. Is that State law or local law? Or who --

MS. LAMONE: State law.

COMPTROLLER FRANCHOT: What else is required?

MS. LAMONE: Oh boy.

MS. CHARLSON: If I may?

MS. LAMONE: Yes.

MS. CHARLSON: Nikki Charlson. So under State law, if a voter wants to use the online system to register and/or request a ballot, the law requires that the user provide a driver's license number, the last four digits of his or her social security number, and the date that the license was issued. And by license, I mean either a driver's license or an MVA issued ID card, to use the system. If a voter doesn't have that or doesn't want to use the system, they can use the paper form which does not require all of that information.

COMPTROLLER FRANCHOT: That is not required, those 11 steps on the online thing are not required if they do it at the polling station or if it's a paper application? Is that what you are saying?

MS. CHARLSON: Right. Yes. That's correct. We prefer, under federal law we have to ask for either a driver's license, the last four digits of the social security number, or provide the applicant with a choice to say I don't have either of those. So there are slightly different requirements for using the online

system which was enacted by the General Assembly for the reasons that you stated, Mr. Comptroller, that it provides stronger user authentication.

COMPTROLLER FRANCHOT: Yes, no, thank you. Lieutenant Governor, you had some strong opinions when we were on the other day and I still share those. But I think the problem here is less with the State Board and the county boards and more with what the State is going to do to help logistically. And I'm not talking about a small number of people, I'm talking about a large number of people, helping deal with this ocean of mail that's going to come in either through absentee ballots or through mail in ballots, if the Governor changes his mind. But regardless, it is going to be a train wreck if we do not have enormous logistical help and instead of 127 drop boxes we should have 2,000 or 3,000 of them across the State. Because that's something that would allow us to tabulate these returns on the day of the, and announce them on the night of the election.

But this is, I think the thing we can't control here is the Post Office. And I emphasize the Post Office is terrible right now. I mean, if you mail something in Takoma Park, I almost want to, if it's to a Bethesda address, I almost want to mail it, get in the car and go over to Bethesda and hand deliver it. Because it takes seven, eight, nine days for something to get delivered and first class postage. And I'm not blaming the U.S. Post Office. I'm just saying for us to have a successful election, we may have to really beef up the State's assistance

to the State Board and to the local election boards. And I leave that up to people that are smarter than I am, and I'm just the Comptroller. But boy, let's make sure it works this time.

TREASURER KOPP: Governor, could I just chime in, and I'm not saying I'm smarter, but as I not too often do say I agree completely with what the Comptroller has said and appreciate his leadership. Just not to rehash, actually in the primary about 97 (percent) of all the votes received were received by mail. It worked. The turnout was excellent, both Democratic and the Republican primaries. It worked. And it wasn't this two-step process that has obviously made things much more complicated and increased costs and I think will result in reduced voting. But we will be doing the best we can under the Governor's order, trying to continue to sustain an increased voting turnout.

I agree with the Comptroller, Linda, completely. I think we need more than 127 drop boxes. The drop boxes were quite successful. I don't, we have to depend on the mail, the Post Office, but I think we should do it as little as possible and going to absentee voting directly would help in that very significantly. We have over four million voters. Even if half of those voters voted by mail directly and successfully, that still leaves two million going to polling places, voting centers, whatever they are going to be called.

Our objective, it seems to me is quite clear, and I think everyone agrees on it, is to make sure that we do all we can to see that the November

general election is conducted in a way that maximizes participation with the least risk to the voters and the election workers, and that we don't unnecessarily create long lines, which we wouldn't have to with absentee voting, with mail voting, and that we don't endanger people. And I think all this Board can do to support you all in doing that, we are there to do that. I think the people of the State want it. I think making your site more understandable, I'm glad to hear you are doing that because I had a little difficulty myself when I registered for an absentee vote. I think it was unnecessarily complicated. But I think the train wreck, we're looking at the most important election that we have seen in our lifetimes, maybe in anyone's lifetime. Maryland at least ought to be a leader and a model of how to get things done. I'm terribly concerned about what's happening in the rest of the country, too. But we can only deal with Maryland. And whatever we can do to help, to help you both with the logistics, with finding a good data center, with reducing unnecessary mailing, and with reducing unnecessary mailing meaning a direct not two-step process, which I know you are not responsible for, the Board isn't responsible for. But it would be great if the Governor could see his way clear to making it simply more direct and safer. And reducing the need for people to be standing in line for hours simply to cast their vote. So Comptroller, I'm with you.

LIEUTENANT GOVERNOR RUTHERFORD: Well, I'm just going to say a couple of things. First of all, in you know, the Comptroller's

earlier statements, and I know he didn't accuse the Governor of this, but the Governor's decisions were not based at all on, you know, Trump-like conspiracy theories of voter fraud. I know he didn't say, I know he wasn't, I just wanted to separate that. But also, you know, from the Board of Elections report themselves, the primary election, 160,000 ballots came back as undeliverable. So that is a substantial number of votes that just possibly never took place. And it probably was higher than that that went to addresses that just, the person no longer lives there but it was just sitting in a box and now it gets thrown away or whatever happens.

I know just from our experience, my son has not lived in Maryland in 16, going on 17 years. We tried to get his name taken off of the election rolls. He's registered to vote in California. And they said he has to send in a certified letter saying to do this when, I mean, he didn't even do what we asked him to do when he lived with us, let alone if we ask him to send a certified letter. He's not thinking about that kind of thing. And so we received a ballot for him. And you know, it just, you know, fortunately we tore it up and threw it away. But there is a cost associated with that. If people request, they can go online, request this ballot, they can, and they are not called absentee, as Director Lamone said, you know, for a mail in ballot, that is a process that they can make.

As you remember, back in April I said even before the primary and before the special election that the Board should have been sending out postcards

or something to people to make sure they update their voter registration information. Maybe it was too late to do that, but they weren't able to do it. They didn't do it. And we saw 20,000 votes or ballots did not reach people in Baltimore City in that 7th special election. And there were several thousand that didn't get into Howard County and Baltimore County. So just the whole idea right now, based on their history, I don't have faith that they would be able to carry out total mail in. And so requesting the ballot I think is something that, you know, we can do our best to get the information out in terms of requesting this ballot. You're doing it online. Some can do it online. But I think that is a step they can take and then we know the people who want the ballots.

If you're questioning the mail, that's something that is beyond all of our control at this point. It kind of argues against, to a certain extent, the mail in. There are going to be some voting sites. We know even when we had the election this past, the primary election, because people didn't receive ballots, they were lining up at polling places. So there's going to be some of that even if we do this and I think given some time, say in two years, we could possibly move to a full, you know, vote by mail and people will be used to it and we could clean up the voting rolls. But right now I think this is the way we're going to go and the State is willing to assist in some logistics if the counties need that.

I will talk to Secretary Leahy further about the data center request that came in, because I know we have different data centers and some may be,

have the capacity to assist. And as was mentioned, we have 5,000 volunteers to help out with elections. We also have college students that are not going to be in classes that may be willing to volunteer at election sites in their areas. And actually, under law anyone over 16, 16 and above can actually do that. So high school students can probably get some of that public service credit that I think many of the counties' high school requirements will require for graduation. So I just wanted to give that --

COMPTROLLER FRANCHOT: Well, that's excellent. And trust me, I heard everything you said and you and I are actually kind of think alike on a lot of these things. But let me ask the Administrator, based on what the Lieutenant Governor said, is there some way of the voter rolls being legitimately vetted, for example for people that have died and no longer obviously are eligible to vote? Or for young people that have moved and registered in other states? Isn't there a way without requiring a certified letter to make sure the voter rolls are correctly winnowed from election to election to make sure people who are no longer Maryland residents and people who are deceased are not on the rolls?

LIEUTENANT GOVERNOR RUTHERFORD: Yeah. Or at least if you haven't voted in the last let's say four or five, or whatever number you want to come up with, elections, that there is something that says, hey, and we have same day registration. So it's not like you are going to be denied the right to

vote. But if you haven't voted in say the last five elections, which is every two years, then maybe, you know, your registration should be suspended --

COMPTROLLER FRANCHOT: Let me ask the Administrator what, how you guys view the fact that there are people living in California who are voting in California, but have never been removed from our list? I'm not suggesting they vote in Maryland. Obviously, they don't. But what do you guys do to deal with that issue? And particularly deceased people. I know there's a social security list that you could easily cross ref your voter file with and at least eliminate people that are up with St. Peter.

MS. CHARLSON: So thank you for the question. For the record, Nikki Charlson. So generally list maintenance, is what we call it in elections, is governed by State and federal law. So we have federal law that talks about how long voters can stay on the list and there is a process that the federal law sets up that creates if two mailings are sent to a voter, if one mailing is sent and returned, a second mailing is triggered. And if we don't hear from the voter, they move to the inactive list. And they reside there for up to two federal elections, four years, before they can be cancelled. So in, Lieutenant Governor, your son's case, if we didn't receive, if the Howard County Board of Elections didn't receive any mail back, they don't know that he's not there. So that's federal law. So to try to, so under State law, we do receive regular files from the Department of Vital Statistics about voters that are deceased. And so we do remove them and we

receive that regularly. We are also one of the founding members of a national consortium of election offices that share regularly voter registration data and part of that analysis includes driver's license records, the social security master death records list that you referenced, Mr. Comptroller, and all of that data gets mixed up and -- well, mixed up isn't the right verb. Gets analyzed, and we are then told, okay, Maryland, I have Nikki Charlson in Maryland, and New York, you also have her on the list, because that's where I moved from. So find out where she really is. We think she's in Maryland. So that enables New York to send a mailing to find out where I am. So I don't know, Lieutenant Governor, whether California is part of this consortium. Linda might know that. But that, I think we have over half the states now. So as more and more states join that consortium, we really can connect more of the dots. But if we don't receive mail back for a voter, and when the voter registers in another state, if that voter doesn't say to California, I'm registered in Maryland, we don't really know where that the voter has moved. So we are doing our best using data sources to find that out. But we also ask voters. And the letter we need is not certified. It just needs to be in writing and signed and sent to the local board, and then they can go ahead and cancel them. So it's a complicated process in that we're using all sorts of data to do that, and one of the things that we are looking at is are there additional sources of data that we could ask the Legislature to enact that enable us to expand the universe of sources that we have because that is governed by --

COMPTROLLER FRANCHOT: I'm glad to hear that. I think that's terrific, what you are articulating there. Just in conclusion for me, how many Maryland voters do you have currently registered to vote? Even with all the vetting?

MS. CHARLSON: It's just over four million. Maybe it's 4.1 million. I'm not sure exactly. But it's just over four million.

COMPTROLLER FRANCHOT: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: The only thing I want to say is that you said something about suspension or they are on, their voting registration is suspended after two presidential elections. My son has been gone for 17 years. So he has not voted here through the last two presidential elections, one four years ago and then four years before that. So, but we still received a ballot. Now, we may not receive, I don't know if we receive, and I can't remember those little brochures that come in that tell you all the candidates. I don't know if we received anything in his name on that. But he did receive a ballot this past summer. So that --

MS. CHARLSON: So he -- sorry. So the removing him from the list or suspending, we call it cancelled, happens only if we've had a bad address. So we've had mail come back to the local board of elections --

LIEUTENANT GOVERNOR RUTHERFORD: So it's not that they have not voted in the last two presidentials.

MS. CHARLSON: Correct.

LIEUTENANT GOVERNOR RUTHERFORD: It's that the mail comes back, you suspend it.

MS. CHARLSON: Correct. Right. We don't cancel anybody for not voting.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. All right. So there really is no suspension. Okay. Other than the mail --

COMPTROLLER FRANCHOT: Yeah, but at least there is some review and I'm glad to hear it's not a certified letter that's required.

LIEUTENANT GOVERNOR RUTHERFORD: It's still difficult to get my son to send a letter, unless I write the letter.

COMPTROLLER FRANCHOT: Yeah, everybody is on edge about the honesty of the election because of the person that I probably should not mention in these circles, which I already have today. But there is a lot of anxiety out there because of the conspiracy theories that somehow the election is rigged. It isn't. And I'm glad to get the testimony from Administrator Lamone about the fact that we're at least paying attention to that. But in my own experience, the idea that Lieutenant Governor Rutherford is going to fill out his son's ballot and send it in is so ludicrous and it so puts you at so much legal risk and there is so little gain, it's one vote out of four million --

LIEUTENANT GOVERNOR RUTHERFORD: But we're not talking about that. I'm talking about the waste --

COMPTROLLER FRANCHOT: -- I just find this --

LIEUTENANT GOVERNOR RUTHERFORD: Mr. Comptroller, hold on. Mr. Comptroller, hold on. I'm talking about the waste associated with 160,000 ballots that came back because they could not be delivered. And I'm talking about these additional ballots, like my son's. I'm talking about the waste aspect. I'm --

COMPTROLLER FRANCHOT: Yeah, and I'm addressing what is going on out in the nation as a whole, which is this -- not you. You know, and I've constantly given credit to the Hogan administration on different issues. What I'm talking about is what's going on nationally, which is people saying there is vast voter fraud. There isn't.

LIEUTENANT GOVERNOR RUTHERFORD: No --

COMPTROLLER FRANCHOT: Obviously there is not. So why can't we, you know, as the Treasurer said, cut to the chase here, get the ballots out, understand and communicate through our people that there is no fraud, and you know, we're trying to do an efficient and as clean an election as possible. But you know, it's an unfortunate situation. And I disagree. I think the Postal Service is going to be a Trojan Horse here and we're going to have tens of thousands of votes delivered after the election. And I just think it's going to be a mess. That's

why I used the word train wreck. Anything that all of us can do obviously is important to avoid it. But I think the Governor, and I agree with the Treasurer, the Governor really should take another look at this two-step fandango that we're talking about. Thank you. I'm happy to move on.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Do we have a motion for the Secretary's Agenda?

COMPTROLLER FRANCHOT: I would move approval, except for the item that we're remanding.

LIEUTENANT GOVERNOR RUTHERFORD: Yes, we remanded one. It was, I think it was seven.

COMPTROLLER FRANCHOT: Seven.

SECRETARY GONTRUM: That's correct, A7.

TREASURER KOPP: Second.

LIEUTENANT GOVERNOR RUTHERFORD: All right. I think we're all in favor. Thank you. Department of Natural Resources.

COMPTROLLER FRANCHOT: Could we possibly take a five-minute break sometime?

LIEUTENANT GOVERNOR RUTHERFORD: Would you like to do that now? That's fine.

COMPTROLLER FRANCHOT: I would, but --

LIEUTENANT GOVERNOR RUTHERFORD: Okay. We'll take a short break.

COMPTROLLER FRANCHOT: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Be back at five after.

TREASURER KOPP: Okay.

COMPTROLLER FRANCHOT: Great.

(Short recess taken.)

LIEUTENANT GOVERNOR RUTHERFORD: Department of Natural Resources.

MS. HADDAWAY-RICCIO: Hello. Good afternoon, Governor, Madam Treasurer, and Mr. Comptroller. For the record, I'm Jeannie Haddaway-Riccio. I'm the Secretary of the Maryland Department of Natural Resources. We have 19 items on our Real Property Agenda today for which we are seeking approval and that includes Item 6A, which is a 356-acre acquisition in Harford County. It's a very exciting acquisition because this property is adjacent to some existing county parks and will ultimately allow us to protect 1,600 acres of land and two miles of waterfront. And so I just wanted to take a second to highlight that. And with that, I'm happy to answer any questions that you may have.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. I was going to ask about that and I'll come back to it. Can I ask though about 2A and that is Program Open Space, Beverly Trinton (Triton) Nature Park? There is a, I guess an illustrious history associated with it, or not so illustrious, I should say, history associated with the park. But it seems as though the county has been using the property in a way that was contrary to the Open Space funding for a number of years. Is that correct?

MS. HADDAWAY-RICCIO: Yes. So when property is acquired using federal land and water conservation funds or State Program Open Space funds, there is a requirement that those properties be open to the public and that is to protect the taxpayer because public money is being used to acquire that property. And about a year ago, we started doing a wholesale review of land and water conservation funded properties to ensure compliance and Beverly Triton was one where we found some non-compliance. I do want to just credit the county and the community association for working with our department to correct that and the item that is before you is actually making a number of improvements to the park that will enhance public access to all of the features, including the seven acres of beach that, Governor, I believe you were referencing.

LIEUTENANT GOVERNOR RUTHERFORD: That was leased out to the community or beach association. We haven't asked for that money

back, have we? Put it back in Program Open Space, since they were illegally renting out a portion of the property? You know --

MS. HADDAWAY-RICCIO: Well, I believe the lease was for a dollar a year and really we've been --

LIEUTENANT GOVERNOR RUTHERFORD: But we want our seven dollars.

MS. HADDAWAY-RICCIO: -- we've been focusing on working with them to get through the process and improve access. And again, both the county and the community association have been a great partner in that. So I think this has ultimately ended as a success story and will be a great asset to both Anne Arundel County and the State.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you.
Madam Secretary --

TREASURER KOPP: -- for going through it. And because we're going through all of our properties with that in mind, and that's great.

MS. HADDAWAY-RICCIO: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Madam Treasurer, this is a question for you. Do we ever check to see if we actually collect those dollar a year leases and easements to get, actually get a dollar, you know? I guess it --

TREASURER KOPP: -- the Comptroller that.

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LIEUTENANT GOVERNOR RUTHERFORD: Is that the Comptroller? Okay.

COMPTROLLER FRANCHOT: Do they have credit cards? Because we're not taking a lot of cash these days.

LIEUTENANT GOVERNOR RUTHERFORD: Well and it would cost them more, it would cost us more to collect that dollar on a credit card. So okay.

TREASURER KOPP: And they'll tell us the check is in the mail and we'll never know.

LIEUTENANT GOVERNOR RUTHERFORD: More Postal Service. Back to 6A, I believe the County Executive was going to be here to talk about that project? Is he on, Barry Glassman? I don't know. Maybe he's not. I thought he was. Do we have Barry Glassman with us? I guess not. Okay.

MR. GLASSMAN: Yes, Governor?

LIEUTENANT GOVERNOR RUTHERFORD: Oh, there he is.

MR. GLASSMAN: How are you, Mr. Comptroller, Madam Treasurer, Madam Secretary, good to see you. Can you hear me okay?

LIEUTENANT GOVERNOR RUTHERFORD: Yes. Yes. Very well.

MR. GLASSMAN: Governor, we've been working in Harford County probably over a decade to get this farm that will give us an additional mile

along the Chesapeake Bay and tie into all the way from Tydings up to our Swan Harbor Farm, one of the most beautiful spots in Harford County and I'd say in the State of Maryland. And it's a unique partnership with the State, the county, and Aberdeen Proving Ground, the Army, through our Harford Land Trust. So we were able to cobble together all three of us and I think it's probably going to be a gem for us to get and even during this difficult time. And it's a great victory for the county and the State.

LIEUTENANT GOVERNOR RUTHERFORD: Excellent. What park, Secretary Haddaway-Riccio, you said that it was near one of our parks. What park is that near?

MS. HADDAWAY-RICCIO: So it's near two Harford County parks. One is Swan Harbor Farm and the other I believe is the Millard Tydings Park.

LIEUTENANT GOVERNOR RUTHERFORD: Oh, okay.

TREASURER KOPP: -- Tydings.

MS. HADDAWAY-RICCIO: Yes.

LIEUTENANT GOVERNOR RUTHERFORD: All right.

MS. HADDAWAY-RICCIO: So they are all adjacent and will now all be preserved and a nice asset for outdoor recreation opportunities.

LIEUTENANT GOVERNOR RUTHERFORD: Very good.

MR. GLASSMAN: It gives us up to about 1,200 acres along that Bay frontage.

LIEUTENANT GOVERNOR RUTHERFORD: Wow.

MR. GLASSMAN: And no development and put it in preservation. So it's a great, that property was under some development pressure so it's a great find for us.

LIEUTENANT GOVERNOR RUTHERFORD: All right. Well, thank you.

TREASURER KOPP: Mr. County Executive, I want you to know that my chief advisor on BPW matters, Joanna Kille, went up there and visited it and reported back, "Wow, it's a simply beautiful place."

MR. GLASSMAN: Yeah. She is, Joanna and I worked together when I was in the Senate on a lot of agricultural projects. So she's a good source and advisor.

TREASURER KOPP: Well she was quite enthusiastic.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you. Any other questions --

COMPTROLLER FRANCHOT: Mr. County Executive, how is your goat farm doing?

MR. GLASSMAN: Okay, Comptroller. I've got to straighten you out. I'm a sheep farmer, not a goat farmer.

(Laughter.)

COMPTROLLER FRANCHOT: Okay.

MR. GLASSMAN: Some think they are very similar.

LIEUTENANT GOVERNOR RUTHERFORD: Mr. County Executive, you need to give him one of those, what did you have, those tattoos, those iron on tattoos that you have.

MR. GLASSMAN: I'll have to give him one of those. They'll stay on for about -- the Governor still has his probably. They don't --

LIEUTENANT GOVERNOR RUTHERFORD: They stay on for weeks, even with a shower and scrubbing.

(Laughter.)

MR. GLASSMAN: President Trump probably wouldn't like them. They had chemicals from China on them. They probably won't come off for six months.

LIEUTENANT GOVERNOR RUTHERFORD: Those things, those things were so -- yeah. They look great but, you know, back five and a half years, six years ago, he convinced me to put one on my arm and he had them on his, you had them on your calves, I think. And taking showers and scraping at it, I think my wife was thinking I hadn't taken a shower because it just would never come off. Okay. Side stories. Well, thank you. Any other questions on Department of Natural Resources?

TREASURER KOPP: I do have a question, Madam Secretary, on just out of curiosity, no problem, Item 13A in Frederick County, Mar-Lu-Ridge.

MS. HADDAWAY-RICCIO: Yes.

TREASURER KOPP: I'm just curious about the appraisals, which go from \$1.3 million to \$388,000. What, who accounts for something like that?

MS. HADDAWAY-RICCIO: So these appraisals were conducted before you also graciously approved our new evaluation, our easement valuation system. So if you recall, we have had this incident and this experience in the past and you all have often raised that. It's very difficult to appraise easements because there are so many different factors that it's really hard to get market comps on an easement. So now that we're under the new EVS thanks to your approval, I think you will see more consistent numbers coming in from our department.

TREASURER KOPP: Okay. I just -- thank you.

MS. HADDAWAY-RICCIO: Sure.

COMPTROLLER FRANCHOT: Move approval of the Agenda.

TREASURER KOPP: Second.

LIEUTENANT GOVERNOR RUTHERFORD: All right. Thank you. Thank you, Madam Secretary. We're all in favor.

MS. HADDAWAY-RICCIO: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: University System of Maryland.

MR. HICKEY: Good afternoon, Lieutenant Governor, Mr. Comptroller, Madam Treasurer. I'm Thomas Hickey. I'm representing the University System. We have eight items for your consideration and we're happy to answer any questions.

COMPTROLLER FRANCHOT: Could I --

LIEUTENANT GOVERNOR RUTHERFORD: Yes.

COMPTROLLER FRANCHOT: -- ask Mr. Hickey if I could about the reopening of the higher ed campuses. Other than Morgan State, I take it almost everybody is doing some combination of in person classes and also housing some students in dormitories. And obviously, we all want the kids back in college and even K through 12. But as I've mentioned before, this is a very deadly, hidden, and very mysterious pandemic that we're going through with information changing every day. So in response to those students and parents that may be concerned about the public health risk of in person higher education institutions, I have a couple of questions. Are you planning to offer COVID testing for students, faculty, and staff?

MR. HICKEY: The Chancellor announced two weeks ago that all students, faculty, and staff that are returning to any of our 12 institutions this fall

are required to have a COVID-19 test within 14 days of arrival. So that's a mandate that the students, the faculty, and the staff have to have this testing done.

COMPTROLLER FRANCHOT: Okay. And then after they arrive, how frequent will testing be either required or offered?

MR. HICKEY: That has not been determined. There are multiple meetings and work groups within USM. There is a return to campus work group. There is a testing and tracing work group, which is led by Dr. Bruce Jarrell, who is the Interim President of University of Maryland Baltimore. There is not a lot of -- and I'm not an expert on this so please don't quote me. We also provided you and your staff with written responses to your questions that were reviewed by these work groups.

COMPTROLLER FRANCHOT: Okay, great.

MR. HICKEY: -- the testing and tracing, it's going to be, at this time it is going to be daily symptom monitoring for anyone who returns to our campuses.

COMPTROLLER FRANCHOT: Okay. Well I happen to think that testing is crucial and since a lot of this virus is spread asymptotically, I would strongly recommend that you guys, you know, have some kind of mandatory testing once the college students return to campus, and have it apply to your faculty. I don't think you have to have it done every week. I think you have to use a test that has a quick turnaround. Some of these tests take forever to get

lab results back. What is the policy going to be if a student or a teacher tests positive?

MR. HICKEY: On campus students will be isolated in dedicated dormitory space. Commuter students will be instructed to isolate off campus. Both groups will be advised to isolate in accordance with the current CDC guidelines. That's currently 10 days after symptom onset and 24 hours without fever and use of fever reducing medication. Faculty --

COMPTROLLER FRANCHOT: So if you could communicate back to the Regents, I think they are playing with fire here. Because it is obvious the pandemic is being spread through the community. I know the positivity numbers. I hear them all the time. But this is subject to -- let's look at the Johns Hopkins positivity numbers, number one, and let's assume that there's going to be more community spreading of this virus, particularly when these kids come back. So I would urge that there be much more frequent testing once the kids are back, and the faculty, and that the tests be conducted if possible at State labs, I think, rather than the private labs since they tend to have long backups. But are you going to regularly disclose to members of the campus community, not their names, but at least the number of people that are testing positive?

MR. HICKEY: Yes. So on our campuses, the campuses will disclose when the disease is present on the campus and progress towards containing the disease. It also includes special communications to students who

have known risk factors. The institutions are already working in partnership with their local public health officials on communication of test results and contact tracing.

COMPTROLLER FRANCHOT: Well, I hope that everything works out very smoothly and there is no shut down of the campuses. But I think Morgan is probably the leader right now in indicating what could happen. If we have to go to no in person presence on the campuses or the dormitories, what are we providing folks who may not have the technology to learn virtually?

MR. HICKEY: So a couple of things. Our institutions have been increasing the amount of broadband capacity offered to the students through the use of Wi-Fi hot spot devices, as well as improving the campus based broadband. And they have also been working to provide hardware devices to students who need it.

COMPTROLLER FRANCHOT: Well, I obviously applaud the system. It's a very impressive one. It's one of the nation's leading higher ed systems that we have. But I mean, this is not rocket science. This virus is alive and well. It's all over the country. It's going to come back to Maryland. I hope it doesn't, but inevitably it's going to. The flu season is approaching. This could possibly have an unhappy ending as far as having to send students home during, if they have arrived on campus. And I just hope the system is geared up to do the right thing, I guess. Because it's not their fault. It's the fact that there is a

pandemic still alive and well and it's not going to care whether it's a Maryland college or a Virginia college or some other college. It's going to spread if we don't get it under control.

So what exactly are you going to do to, if you have to transition to all virtual? Is there some seamless way to do that? Have you thought that through at the regent level?

MR. HICKEY: So the health, safety, and welfare of our students, faculty, and staff is the paramount concern of both the Chancellor, the Presidents of our institutions, and the regents. So we take our lead from the public health officials, both State and local. As you indicated, we're 12 institutions. We're all over the State of Maryland. So conditions in different parts of the State are going to dictate what may or may not occur on our campuses. So we're going to work, we are working very, very closely with the local public health officials. You might have heard yesterday that University of Maryland College Park, our flagship institution, has delayed in person classes until September 14th. So --

COMPTROLLER FRANCHOT: Excellent. Thank you. Could you please give them a big hug, a kiss from me, for doing that? Because the political pressure is to keep, you know, stay open, we don't want to return tuition, all that stuff. Thank God they did that. Because at least it makes it acceptable to be cautious here. Thank you. I guess I heard of that, but it kind of got lost --

MR. HICKEY: It was just announced. It was just announced. And the purpose --

COMPTROLLER FRANCHOT: Thank you. That makes it --

MR. HICKEY: -- is to get a handle on the testing.

COMPTROLLER FRANCHOT: Good news. Good report. Anyway, you get the drift. This virus is nowhere near being controlled around the country. Governor Hogan and his team, as I say over and over again, and Lieutenant Governor Rutherford, I think the team has done a commendable job. But this is a very delicate situation between now and the end of the year, I think.

LIEUTENANT GOVERNOR RUTHERFORD: The challenge that the universities have, and I know that College Park when it talked about the 80/20, 20 percent of their courses being in person, I understand it was the lab courses, it was the performing arts courses, where you kind of have to be present to do that. But the other 80 percent, for those of us who were liberal arts majors, could be virtual. I know in the case of Morgan and also in talking to the new President over at Coppin, they do still expect to have a very limited amount of students on campus, not just for those sciences areas, but something that's unique probably to some, to those schools is that they have students that really don't have any other place to go. And they ran into that when they shut down in March, that there were students that at Morgan, in talking to Dr. Wilson, that did not have a home to go back to. And so they had to accommodate some of those students.

And they are not just, you know, international students, but you know, some of the students unfortunately college becomes a refuge for them and, and so that's something that I know Morgan is still working with and Coppin is going to be working with going forward. So there is still going to be some limited presence on campus but maybe not in the classroom session, except for those ones that are hands on science lab courses and performing arts. Okay. Any other questions on University System?

COMPTROLLER FRANCHOT: Move approval if --

TREASURER KOPP: One last question about that, Tom, about what the Comptroller, is there going to be a site where people involved with College Park or any of the campuses can go and see in one place what is being done, what the reports are, concerning the incidence of the virus, what actions are being taken?

MR. HICKEY: I will ask that question of the testing and tracing work group and I will provide an answer to all of you.

TREASURER KOPP: Thank you. I was asked that by a neighbor who actually is a parent, and is happy that his student is going to still be home, actually. But it would provide greater confidence, I think.

COMPTROLLER FRANCHOT: Yeah, just remember, testing does not cause the infection. Testing just tells us what's going on and protects the health and safety of people.

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TREASURER KOPP: Well, and it tells you what's going on at that particular point in time.

LIEUTENANT GOVERNOR RUTHERFORD: It's a snapshot. It's a snapshot, right. And the reality is, early on we were, when we had limited tests, we were only testing people who were sick. So we really didn't have a handle on the full spread because we didn't know, we weren't getting the asymptomatics that were probably spreading but not giving any symptoms or very mild symptoms that they didn't recognize that they were ill. Because if you remember in the very beginning, you had to have a doctor's note to get a test and the doctor had to decide whether you fit a certain criteria that has changed. You know? The initial criteria didn't include having gastrointestinal issues. And so as time went on, as the Comptroller says, we've learned more and are still learning more. Now we're doing widespread testing and so we're finding that there is more out there where, quite frankly, we were always undercounting in terms of the amount of people who were infected. And there are probably people who have recovered now and never were told that they had it and didn't know that they had it. So thank you. Do we have a second for approving the University System?

LIEUTENANT GOVERNOR RUTHERFORD: Okay. We're all in favor. Thank you, Mr. Hickey.

MR. HICKEY: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Department of Transportation? Secretary Slater?

MR. SLATER: Good afternoon. Good afternoon, Governor, Madam Treasurer, and Mr. Comptroller. For the record, my name is Greg Slater, Secretary of the Maryland Department of Transportation. The Maryland Department of Transportation is presenting 31 items for your consideration today and myself and representatives are here to answer any questions you may have.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

COMPTROLLER FRANCHOT: I'm deferring to the Treasurer because I know she has some questions about, I hope, about the Purple Line.

TREASURER KOPP: No, I was just wondering if you could give us an update of where we are with the Purple Line.

MR. SLATER: Sure. I'm happy to. You know, I'm not able to go into any specifics on the legal strategy side or what seems to be pending litigation. But I can certainly kind of give an update on where things sit.

You know, you're probably aware that on Monday a Baltimore City Circuit Court Judge issued a temporary restraining order that the Purple Line Transit Partners are enjoined and restrained from demobilizing and abandoning the Purple Line Project as it establishes that extended delay under the P3 agreement. So unless extended, the restraining order goes until the middle of September.

So the order came as we were discussing things. They started to demobilize in a way that was really hard to recover from, taking large cranes down, those types of things. So we needed to make sure that we protect the project. You know, it's hard to comment on specifics of the settlement because we're, you know, that way we respect the confidentiality of that. But there are really multiple aspects of the challenges that we're working through today and based on a provision in the P3 agreement, either party has the ability to walk for an extended delay of more than 365 days. So PLTP believes they have met that threshold and made that decision to do that. And we just don't believe that they have that right because all of those claims are still in the dispute resolution process. So we are, they are exercising a right and we are challenging that right. But recently, they started to kind of demobilize on a larger front. So we felt that that legal action from our legal team was necessary.

When it comes to the disputes themselves, it really comes down to the costs, but who is responsible for them in the P3 agreement. But we remain committed to a fair and amicable settlement and we're hopeful.

It's important to note that in those P3 environments, risks are allocated where, you know, the government entity takes on certain risks and the private sector takes on certain risks. And so in the Purple Line, the State is certainly benefitting by getting that rail line sooner than it would be able to afford it and paying back those dollars through availability payments and then through

the operations of the Purple Line. And then the private sector, it's providing that capital and expertise and then benefitting from that return on investment. So that contract and those risks are all in there. So we're in the middle of probably some sticky things, but we're going to continue to work hard and we remain committed to getting the Purple Line done. That's really our goal.

TREASURER KOPP: There are several levels. The most basic being are we assuring the people who live along the Purple Line where construction is still being done, or is not still being done, that we're on top of it and communicate with them so they know what's happening in their neighborhoods?

MR. SLATER: Sure. Let me, you know, I think you raise an excellent point. So I'll reach out to our community liaisons and make sure that that is happening. I know our team has been very focused on making sure that groups like the Board of Public Works and our elected officials and everybody are kind of up to speed. But I'll circle back with our community liaisons to make sure that those conversations are happening --

TREASURER KOPP: I know the Comptroller often speaks of small businesses. Well, there are small businesses along the lines whose welfare depends on the status of the project. And then there's going to be the whole question of what comes next, obviously. Who pays for what, how we go about

doing it. But I'm just thinking right now of those folks in Prince George's and Montgomery County who want to know what's going on in their backyard.

MR. SLATER: Absolutely. I think you raise a good point. And I'll confirm that, and I'll circle back with the Board and let you know that that is happening and --

COMPTROLLER FRANCHOT: I have great confidence in you, Mr. Slater, so I hope it all works out. I'm happy to look at, if there are additional contributions that the State has to make, I think we should be flexible and try to get a compromise. I'm specifically concerned about if we take over the project, are we going to be able to, even if we complete the project, are contractors going to be willing to vouch for and warrant to the extent they haven't been involved in the current construction? Are they going to be able to warrant that these, this project is safe?

MR. SLATER: Those are the level of issues that we're working through now, like what that process is and whether it's a, if we were not able to reach a resolution with our current P3 team, you can remarket the P3 or you can go in and kind of manage it yourself, continue the construction, and then focus on the operations components of it. But we're looking at all of those now and trying to understand from an economic analysis standpoint how those all (indiscernible).

COMPTROLLER FRANCHOT: Well I'm (indiscernible). I'm sorry (indiscernible). I'm not sure if someone else is coming in on it. But Mr.

Secretary, you know, I just think in the long term we're probably better off, you know, paying half a loaf if we have to. But let's, you know, for the companies involved and for us involved, I would hate to see us jettison out of this and take the whole project on ourselves just because I can't imagine you being able to pay for and contract easily with what's left. However, so I'm just saying, look, if it costs a couple of hundred million dollars for the State to keep this project moving along on schedule, have at it. Don't worry about me, particularly, I guess. But I think it may be in the best interests of the State to, what do they say, split the baby, or something? I don't know what the right phrase is. But this is a tricky, tricky project. I assume the private sector is aware that they would, they run a great risk, too. If they blow this up, it's going to stigmatize P3s all over the country.

MR. SLATER: Sure. Certainly, sir. And so, you know, we will continue to focus on, you know, the contract and what's best for Maryland taxpayers, but also get control to get that project completed.

COMPTROLLER FRANCHOT: Thank you. I have a lot of confidence in you, Greg, but --

TREASURER KOPP: I assume you'll keep us informed to the extent you can and with whatever confidentiality is required.

MR. SLATER: Yes, Madam Treasurer. Absolutely.

TREASURER KOPP: Thank you.

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COMPTROLLER FRANCHOT: Move approval. I don't have questions on --

TREASURER KOPP: Well --

COMPTROLLER FRANCHOT: -- I don't want to preempt you --

TREASURER KOPP: -- could I just ask you to describe just briefly Item 6? I received some inquiries from members of the Legislature about the electric toll collection management services and what this --

MR. SLATER: Absolutely. We're moving towards all an electronic toll collection. There's a transition process from the existing vendor to the new vendor. This is kind of the last and final extension on this one. I do have Executive Director Jim Ports on the call and John O'Neill from the MDTA team if there are any specific questions to that. But we're working through kind of the transition process, making sure that work, making sure the technology works, making sure the right processes are in place, and as part of meeting our customer needs at this transition. This would be the last one, but I do have our MDTA team --

TREASURER KOPP: I mean, this is like the 28th, 29th modification to a --

MR. SLATER: It is.

TREASURER KOPP: I mean, I suppose you could go for 30 or 40, but so this is the end of this before we go to a new phase?

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MR. SLATER: Yes.

LIEUTENANT GOVERNOR RUTHERFORD: Have we started the bidding process on a new provider?

MR. SLATER: Yes. You know, I believe they are already on board. Let me check with --

MR. PORTS: Yes.

MR. SLATER: -- this is kind of the overlap piece.

MR. PORTS: Yeah, can you hear me?

MR. SLATER: Yes. Please go ahead.

LIEUTENANT GOVERNOR RUTHERFORD: Yes.

MR. PORTS: Okay. This is Jim Ports, Executive Director for Maryland Department of -- I'm sorry, Maryland Transportation Authority, for the record. So this is the Conduent contract. They are, they had been our vendor for many, many years. That's why you see a lot of modifications and renewals. And this last one, Madam Treasurer, we didn't, we were trying not to utilize this, quite frankly. But between CATS, our new vendor for the 3G system, and Transcorp, who will be doing a lot of the customer service back end information, due to COVID, it really pushed us back quite a few months. One, on the CATS side, we encountered the same thing as many other people did across the nation with the, you know, trying to get parts and people in to service. They also had some COVID cases on their end, which prevented them from completing some of the

work. And then the Transcorp part, again I mentioned that's most of the customer service center type of work, you know, they have to train their employees. And they could not bring them in for quite a while. One, they couldn't hire people. And two, they couldn't bring them in in a setting where all the computers are to train them due to the COVID. So the CATS issue with the hardware being late also delayed some of the Transcorp opportunity to train people on that information. So to make sure that we had as smooth of a transition as possible to this new 3G system, which I know you are very familiar with because I know we briefed you on it a while back, to have a smooth transition -- and let me back up a second. We also paused a lot of our notices for tolls due during the COVID crisis. And those are sitting in a queue and we need, one, Conduent to help us push them through the system, and transition those notices of tolls due over to CATS eventually. So we're trying to keep Conduent on board to make it a more smooth transition, if you will. And we're pretty confident this will be the last one that we have.

TREASURER KOPP: Thank you.

MR. PORTS: And Mr. Comptroller, I just want to mention that I heard you loud and clear on the tax free week that you talked about. And I know that MDTA usually hands your papers on that to, from our toll collectors, but of course during COVID we don't have toll collectors right now. So what I did is I asked our social media guru this morning after your talk to see what we could do

as far as pushing that message out to all of our customers and all of our followers on social media. And I'm happy to say that he has already completed that like six or seven minutes after I asked him. So we are getting the word out in a little different way.

COMPTROLLER FRANCHOT: You may not know this, but I believe that your buses up in Baltimore have placards on them announcing tax free shopping. Thank you.

MR. PORTS: Mm-hmm. Oh, yes.

MR. SLATER: Our MTA buses are on site in Baltimore as well helping with the explosion and all of them have that tax free shopping logo.

COMPTROLLER FRANCHOT: I may drive up to Baltimore just to follow them around for a while. Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Put it on your car, too, so.

COMPTROLLER FRANCHOT: Thank you, Mr. Ports.

LIEUTENANT GOVERNOR RUTHERFORD: I have just a curiosity question on 11-E, Maryland Transit Administration. It's a bus frame straightening machine. It's interesting, because typically with an automobile or truck, light duty truck, if the frame is bent, you total the vehicle. And once in a while -- at least in the old days. I don't see too many of those vehicles anymore. But in the old days, you would see a vehicle driving down the road that was kind

of what they called dog tracking, where the rear wheels were a little off center from the front wheels. And you knew that that had been to a rebuilder who rebuilt the totaled vehicle and then sold it to somebody. And in most cases the person knew that it was a rebuilt vehicle. But you would see that dog tracking as it goes down the road. I didn't know you could straighten a frame, and in this case I guess buses being so long, that's something that is done.

MR. SLATER: Absolutely, sir. Thank you. Great question. So really, you know, it's becoming more and more standard. So you, the machine, now it's all done cold as opposed to kind of heating up the frame. So it maintains some of that structural strength. So this machine is a standalone bay at the end of our shop where our personnel are like hand-picked and trained on how to do this. So we have a certain amount of specialty, you know, there's a big part of training associated with this purchase. So the machine is, you know, basically a hydraulic push-pull with clamps directly to the frame as a safety feature, so no chains or like linkages are used as part of the process. And so it's a computer automated, laser measurement, super accuracy high tech machine. And they use this cold bend process that allows the steel to maintain more of its strength during the straightening process than the application of heat would in that shop environment. So --

LIEUTENANT GOVERNOR RUTHERFORD: Right.

MR. SLATER: -- you know, a prominent portion of the frame work doesn't include, on a bus, doesn't include that main structural piece. So there's parts of the frame outside of that main structural piece. And this machine allows that kind of precise automated fit in much less time so we can get the bus back to service, versus having to take those buses out of service and impact our operation. But it's mainly for those incidents that we have where we do have some main structural damage but all things to contribute to the safety and getting that service back out, and keeping the buses safe but also serving our customers the best way. But the technology has come a long way.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah. I was just curious about that. So thank you.

TREASURER KOPP: Well that includes testing --

MR. SLATER: Mm-hmm.

TREASURER KOPP: -- at the end of the correction, or whatever?

MR. SLATER: Yes, ma'am. We do testing on the structural side after the corrections have been made to make sure everything is safe and everything is good.

TREASURER KOPP: Interesting question.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah. I just had not heard of straightening frames before, and I always knew that you, the vehicle was totaled, usually, if the frame was bent.

I want to give credit to State Highway. And I know they did this as a full and open competition in 24-M and 18-M, that the awards in the full and open competition went to certified MBEs. I think it's not only a credit to State Highway, more so that the MBE firms are now bidding in the full and open competition for prime contracts and that's what we've been encouraging them to do as well as utilizing the small business reserve program. So I just wanted to give a shout out to those companies and State Highway for the work that they are doing in that area.

MR. SLATER: Thank you, sir. Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: I don't have any other questions for Transportation.

COMPTROLLER FRANCHOT: Move approval, please.

TREASURER KOPP: Second.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Thank you, Mr. Secretary.

MR. SLATER: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Department of General Services.

MR. CHURCHILL: Good afternoon, Governor, Madam Treasurer, and Mr. Comptroller. For the record, I'm Ellington Churchill, Secretary for the Maryland Department of General Services. Today we are presenting 58 items for

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your consideration, including three supplementals. Of note, Item 57 and 58 were revised this week to reflect meetings at which they were previously withdrawn. And we have representation available to answer any questions you may have at this time.

LIEUTENANT GOVERNOR RUTHERFORD: I know we have a number of capital grant and loan, worthwhile capital grant and loan programs, ranging from the City of College Park City Hall project, which we had a lot of discussion about that previously for different reasons. The Epiphany House in Baltimore, substance use disorder community health facility in Baltimore. Southern Maryland Navy Alliance, which I've had a couple of opportunities to visit with them. But I wanted to also just shout out to, give shout outs to the Hollins Market and Avenue Market renovation in Baltimore, two very worthwhile programs and facilities. And if anyone has been to Hollins Market and the development that's going on around there, Avenue Market, we are still doing some work on Pennsylvania Avenue, working with the locals. I'm going to be meeting with someone this afternoon with regard to how we can bring some improvement to the Penn North area, particularly Pennsylvania Avenue, where Avenue Market is located.

I also want to point out the YWCA of Annapolis and Anne Arundel County and what they are doing in terms of protecting those victims of domestic violence by providing safe space for them. I've had an opportunity to

see the work that they are trying to do there in terms of the new building that they are putting in place, and it's a very good program. I'm glad the State is able to assist them.

I'm running through these. The detox facility in Montgomery County, detox and treatment services, Avery Road Treatment Center. That's something that has been very important to me, making sure, and particularly in this time of COVID, to make sure that those who are suffering from substance use disorder as well as mental health issues are getting the treatment and the services that they need. During this time of high stress, a lot of people fall back on some of these crutches that can be in the way of substance or to have depression and feelings of isolation that can lead to some particular challenges. And with that said, Cornerstone Montgomery, an organization that I feel very strongly about in terms of what they do in the area of mental health services right there in Montgomery County. They moved a couple of years ago to a new location. But I'm glad that there's grant money that's going to be provided to them as well. I first visited with them six years ago during the Governor's and my first campaign. And Cari Cho, who is the Director there, is doing an excellent job.

So I just wanted to particularly point out those in rapid fire succession, those particular programs that are, I think it was worthwhile giving some additional notoriety to.

MR. CHURCHILL: Thank you, Governor. I think it should be noted for the viewing audience, of course, it's a wide variety of grants. We have 25 grants that represent all over the State, every region. It's, and they are all worthwhile. So thank you.

TREASURER KOPP: They are all worthwhile and they go through a significant vetting process --

MR. CHURCHILL: Yes.

TREASURER KOPP: -- before they come to us.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah. Yeah.

COMPTROLLER FRANCHOT: Lieutenant Governor, I have a question about Item 46. I don't have any problem with the item. But I understand that the Corrections agency can give us a status update on Corizon. I'm particularly concerned that they are not responsive to you, Lieutenant Governor, me, the Comptroller, or the State Treasurer. They seem to be very responsive to leaders of the Senate Budget and Taxation Committee, to get back on their inquiries. But we have been waiting for almost two months for them to update us on Corizon. And specifically, the costs associated with COVID-19 care for inmates.

MR. CHURCHILL: I'm going to ask Danny Mays, Director of Procurement, just to announce the item. And he will identify who from Public Safety can answer your question.

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MR. MAYS: Yes, sir. Good morning, Mr. Governor, Madam Treasurer, Mr. Comptroller. For the record, Danny Mays, Director of Procurement for the Office of State Procurement. My team conducted this procurement so I stood prepared to answer questions regarding the procurement itself. I would defer to see if anyone from DPSCS is on the line could speak specifically to the Comptroller's question regarding Corizon?

COMPTROLLER FRANCHOT: Specifically, are there any modifications to the contract or are we just getting radio silence?

MR. MAYS: At my level, Mr. Comptroller, I have not, I have not heard any more about the contract since the last time it was spoken about before the Board.

COMPTROLLER FRANCHOT: Well, I remind everyone that we -- it was the June 17th meeting. We instructed the department should enter into a new contract agreement whereby the State would reimburse Corizon on a monthly basis for costs associated with providing healthcare services to inmates with COVID-19. And you know, what exactly is going on, if anything? Are there any modified contracts that you are going to submit to the Board?

MR. CHURCHILL: Mr. Comptroller, if you would, let us circle back on those items and we can follow up with your office and all the members of the Board as to the (indiscernible) in terms of any conversations as mentioned. I

don't know if we have a representative from Public Safety to address this question.

COMPTROLLER FRANCHOT: Well, I don't mean to be sensitive, but they got back to the Senate Budget and Taxation Committee apparently within nine days when they sent a letter from the leaders of the Senate. And this is almost two months that we've been waiting for the same thing. And I guess people could say, boy, you're kind of thin-skinned, aren't you? No. On June 17th you guys, it was stated directly that they heard exactly what the Board was saying and we can't get an answer.

LIEUTENANT GOVERNOR RUTHERFORD: Let me just say that I believe that what was, what has been taking place, and this is why we have to talk to Public Safety and Corrections, that they have been talking to Corizon about the modification. Because what was instructed is that they would continue under the same, the current payment plan, but they would submit invoices for that additional money that they claim they needed for, to cover the additional costs of the pandemic. And so the last time I had heard, which was several weeks ago, maybe a month ago, there were conversations about how that was taking place. And so we need to find out where they are in terms of Public Safety and Corrections with regard to these separate invoices and a modification, the separate invoices that then would be reviewed. Remember we talked about audited? And not audit, as in audits, but verifiable expenses that they would have that were, you

know, separated from, you know, auditable but not necessarily audited, invoices that they would send.

COMPTROLLER FRANCHOT: This is what we've gotten: zero.

So I don't mean --

LIEUTENANT GOVERNOR RUTHERFORD: But I think the information was not necessarily going to be provided directly to the Board. It was something that was negotiated with Public Safety and Corrections, and then Public Safety and Corrections would come back to the Board. It wasn't that we were asking --

COMPTROLLER FRANCHOT: -- impression.

LIEUTENANT GOVERNOR RUTHERFORD: -- to give it to us. It was Public Safety that in their negotiations they would come back to the Board with a modified agreement and invoices that can be verified.

SECRETARY GONTRUM: We do have Stuart Nathan from the Office of the Attorney General, Department of Public Safety and Correctional Services, available.

LIEUTENANT GOVERNOR RUTHERFORD: Good.

MR. NATHAN: Yes. This is Stuart Nathan, Assistant Attorney General and Principal Counsel. Secretary Green said he had been, he was trying to reach the Board. He said he had been closed out and was I guess blocked from re-entering the conversation.

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SECRETARY GONTRUM: That should not be the case. We'll look into that immediately.

LIEUTENANT GOVERNOR RUTHERFORD: You mean on this, you're talking about this, this meeting, not that the Board, you know --

MR. NATHAN: Correct. Yes, this meeting.

LIEUTENANT GOVERNOR RUTHERFORD: Counsel, use your wording more precisely.

MR. NATHAN: Now Mr. Gontrum had reached out to the department to get an update on where we were. The department did in fact follow through on the Board's instructions from the June 17th meeting, terminated the contract as was instructed, and began negotiations with Corizon to arrive at a new contract modification. Those negotiations are continuing between myself and the lawyer for Corizon and as soon as we have an acceptable modification that is agreeable to both parties it will be presented back to the Board.

LIEUTENANT GOVERNOR RUTHERFORD: I see we have Secretary Green on the video conference now. We're not hearing you. Are you unmuted?

COMPTROLLER FRANCHOT: Anyway, I'm happy that people apparently are doing something. But if they could communicate with our respective staffs, I would be appreciative.

MR. NATHAN: Yes, understood. I can --

COMPTROLLER FRANCHOT: I'm happy to move on and move approval.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Just one comment with regard to 26 and thank General Services for their selection of 26-AE. Three of the six A/E firms are in the Small Business Reserve that are in this on-call contract for design services, and the same with audit services, that a number of MBEs are involved with the audit services master contract. I want to thank you for that. And there's, it was mentioned that 46, that the Comptroller brought up, but the vendor is a certified small business, also a veteran owned small business, that won that contract. And so it's good to see that these companies are bidding not just in the Small Business Reserve or trying to just serve as a subcontractor, but are bidding in the full and open competition, which is what we've all wanted to see happen. And they are able to show that they can compete and win. And thank you for that.

MR. CHURCHILL: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Any other questions on --

COMPTROLLER FRANCHOT: Yes, I had a question on Item 30, which apparently --

LIEUTENANT GOVERNOR RUTHERFORD: Oh.

COMPTROLLER FRANCHOT: -- unfortunately I overlooked it.

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LIEUTENANT GOVERNOR RUTHERFORD: That's all right.

COMPTROLLER FRANCHOT: We're being asked to award a contract of \$11 million to a company in Florida for services associated with compliance with the ADA certification process for MTA. Apparently this contract is under protest and its appeal is pending. It reminds me of the Maryland Insurance Administration lease that the Board approved over my strong objection while it was pending an appeal with the Maryland State Board of Contract Appeals. And that board ended up ruling in favor of the losing bidder, Montgomery Park. So I guess I want to ask Administrator Quinn, what are the consequences if we just allowed the appeal process to work itself out in this case, unlike what we did with MIA and Montgomery Park, only to be, you know, have the Board of Contract Appeals side with the losing bidder. Aren't we going to possibly risk that again? Why can't we let these appeals just work themselves out?

MR. SLATER: Thank you, sir. Let me give a little bit of background, and then Administrator Quinn can talk a little bit about the specifics of the contract and the procurement.

This one was a little bit complex and urgent. So, you know, the contract is actually to provide MTA and its Mobility Link division with professional services, so its staff, supervision, training, to operate and maintain

our Americans with Disabilities Act certification process for paratransit, a really important service for us.

In August of 2016 we entered into a settlement agreement with Disability Rights Maryland to resolve these kind of pieces of our certification process where we had failed to comply with certain ADA regulations. The settlement was originally scheduled to expire in March of 2020, but a limited extension was put in place to resolve some of the issues between MTA and Disability Rights Maryland regarding efforts on the certification appointments within a ten-day component of the request. So we have had some challenges meeting that ten-day period because the existing contract didn't have any specific timing requirement for certification appointments and we didn't have any leverage in that. So under a new contract, MTA added components to enforce that ten-day requirement and other performance metrics. So the new contract has reporting requirements and allows us to track that compliance with the settlement terms. So the extended settlement period for the maximum of one year for the transition of the new contract gives us this kind of prompt transition to assist us in moving forward.

We only put this in front of the Board because without it we risk not being able to provide those services to our disabled customers. So we felt like it was time of the essence and (indiscernible) new settlement. But Administrator Quinn, are you on the phone?

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MR. QUINN: Yes, I'm here. Can you hear me?

MR. SLATER: Great. Thank you, Kevin.

COMPTROLLER FRANCHOT: Actually you've dropped me back into not objecting to this, unless my colleagues are concerned. I just worry about the integrity of the process that was set up where there is the Board of Contract Appeals. We used to pretty much uniformly recognize that an appeal would be allowed to move forward. We've gotten away from that. But I'll accept what Secretary Slater says and move on. I've got, I know the Treasurer has another item, the NICUSA contract, that I guess we'll look at. But thank you, Mr. Slater, for that explanation. And --

MR. SLATER: Thank you, sir. We don't bring these lightly.

COMPTROLLER FRANCHOT: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you, Mr. Comptroller. And I will say that I wasn't sitting on the Board or chairing the Board when that insurance item was brought up.

TREASURER KOPP: No, you weren't.

LIEUTENANT GOVERNOR RUTHERFORD: We'll talk off the record about that. Anybody have more questions? I think you were interested in another contract, the NIC contract, I guess it's --

TREASURER KOPP: Yes.

LIEUTENANT GOVERNOR RUTHERFORD: -- Item 57.

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TREASURER KOPP: We, this is not a new item, 57 --

LIEUTENANT GOVERNOR RUTHERFORD: No, it's not.

TREASURER KOPP: -- and 58. There are two of them. Just really, really briefly on 57, this is the NIC contract that we visited 13 months ago. And 13 months ago I thought that there was an agreement -- let me just step back. In 2011, this Board approved a contract for a system with a contractor, vendor, NIC, that would provide convenient access to citizens, to customers, who want to buy things like licenses from State agencies. They would be able to go online and purchase those licenses and other goods easily, just the way you do with other companies online. And the State agencies would not have to pay anything, meaning the State taxpayers would not pay anything. The person who wants to buy a service would buy the service and the funds would flow through to the State. And then if there was a fee, the company that was providing the portal would invoice the State and be paid a fee. And it was sold that way to us. And if you look at the Board item, that's the way the item was written. But it turns out that subsequently, the system changed and individuals could go to the portal and essentially buy something and the company would send, would take fees out of it and send the rest back to the State so that the State was actually paying but they didn't know how much because they didn't know what the fees were.

This went on and this is the way we see it. This went on for a while until it was discovered in 2017. Now this all predated, by the way, the

Hogan administration, this change. We went back in 2017 and we're changing, as is the responsibility of the State Treasurer's Office, the banking arrangement of the State with the depository and (indiscernible) bank. And we noticed a contract for a State agency that provided that they were paying fees for something that clearly had never been approved by the Board of Public Works, according to the Attorney General's Office. And so we went to the Secretary of IT and said it shouldn't be done this way. It's not provided in the contract. Come back with the change. They said, no, that's fine. We'll change the system so the agency will, the NIC will send us an invoice and we'll pay the invoice and therefore we will actually know how much the State is paying because it wasn't as it was purported to be in 2011 with the State paying nothing, the taxpayers paying nothing. All along they had been paying something but we didn't know how much.

We then came last year and the agency said you're right. There was a problem with the item in 2011. Let's retroactively fix it, and this is where our opinion differs from the Secretary of IT, fix it and we said I'm happy to support a retroactive approval of a contract but we had to know how much the taxpayers had been paying. So let's have an audit and see how much the taxpayers had been paying, and then we can approve the retroactive, and we can also go forward with projections of how much we'll be paying in the future. And that's the way it was left, I believe, last July. The agencies were coming back to us with this audit and we would therefore know how much was spent and know

how much should be incorporated into a contract going forward. There was some talk about an RFP for a new contract. The agency I believe has now looked at that and decided that actually there is a much more cost effective way to use present contracts and will be proposing, not at this moment, to go that way. Fine. We'll wait to see what the proposal is. But meanwhile, we still haven't gotten an audit that tells us exactly how much was spent.

So that's, Comptroller, you mentioned I had a concern. That's --

COMPTROLLER FRANCHOT: Yeah. I think it's a valid concern. I think we were sold this by the previous administration that it would be self-funded. Now, \$11.3 million and nine years later it has proven to be anything but self-funded. And efforts by the Board, and specifically you, Madam Treasurer, to correct this have been I think essentially rebuffed and blocked. So I want to compliment Treasurer Kopp, Lieutenant Governor. I think that she's doing exactly the right thing. I think the Board staff has sounded the alarms on this contract and I think we need greater transparency and accountability. I'm going to associate myself with the Treasurer, because, and I'm going to vote no on Item 57 and a related Item 58.

LIEUTENANT GOVERNOR RUTHERFORD: I'd like to separate 57 from 58. Because, and let me just -- there was a suggestion of using existing contracts to basically shift from one vendor to another vendor. But I have overridden that decision because that would have required additional funding to

do it. Instead, what I thought we were going to be doing last year, and what was instructed, was to rebid the contract, work with the Treasurer's Office to make sure that the merchant contracts are done, you know, are integrated into a new system properly so that we have that audit trail and we won't have to go through this rigmarole on an audit and the back and forth that has occurred between our department, one of our departments, and the Treasurer's Office. But making sure we work with the beginning. So what I have asked now, our Office of Procurement under the direction of Bob Gleason and the Department of General Services with the Secretary, to take over the rebidding of the contract which is associated with 58-IT. I'm asking to exercise this option for one year so that they can rebid the whole system.

Now 57 still has the audit issue that needs to be addressed to the satisfaction of the Treasurer's Office. And we can continue to work on that. I am fine with withdrawing Item 57. But I would ask that we go forward and I've instructed the Office of Procurement to take over the procurement going forward with a new contract and working with the Treasurer's Office, and utilizing the Office of Information Technology as a resource, as a subject matter expert. But they are not running the procurement, which I think quite frankly was a challenge before. And we're going to address it by -- that's why we have an Office of Procurement. That's why the procurement shop was shifted out of, that was in DoIT, it shifted over to the Office of Procurement and DGS so that we can get

these things done and they don't get caught up in technical mumbo jumbo, for lack of a better term. So I would like to separate those and am willing to withdraw 57.

TREASURER KOPP: Well, I have no problem with withdrawing 57. We would like to see an audit, as we asked 13 months ago.

My concern with -- well, it's up to the administration, obviously. I must say, when the Secretary of DoIT spoke with our office, with everyone, in January and explained why using their one stop contract and our merchant banking contracts made sense, it was because it was saving significant millions of dollars. I assume that as you look at a new RFP and a new rebidding, that you will look at a variety of options. Everyone wants public access. Everyone wants to use the merchant contracts. Everyone wants to understand where the money is coming from and where it's going, which is really all an audit calls for. I just think we should do it in the most cost effective way that we can.

LIEUTENANT GOVERNOR RUTHERFORD: So I hope that what was presented to you in January is what has been presented to me relatively recently, that it was all the same. But my understanding was that utilizing the existing contractors to move would have changed it from a fee for service model to all of the taxpayers paying for --

TREASURER KOPP: Yes --

LIEUTENANT GOVERNOR RUTHERFORD: -- and that is not what, that is what I was most recently told and that's why I'm saying we need to rebid this as a revenue contract and not put the burden to a certain extent on the other taxpayers. That if you want a license, you pay for it. If you want, you know, a license for hunting, fishing, or whatever the case may be, you pay for it and not that, and you pay for the cost of the service to deliver it, I should say, and not that the other taxpayers are paying for the cost to deliver that service to you. It's like our fuel taxes and you know, gas tax. You pay for your use.

TREASURER KOPP: Yes. I think that's the way it was sold to us and the way it made sense in 2011.

LIEUTENANT GOVERNOR RUTHERFORD: Right.

TREASURER KOPP: I wonder if it would be useful, Governor, to defer this to the next meeting to make sure exactly what the proposals are. We obviously want people to be able to continue to buy services.

LIEUTENANT GOVERNOR RUTHERFORD: Right.

TREASURER KOPP: I don't want to interrupt that. And just make sure everybody is on the same -- and I appreciate the role of the Department of General Services and the Office of State Procurement. I think that's a good move with the expert --

LIEUTENANT GOVERNOR RUTHERFORD: Yeah, the only question, and this is a question I guess for DGS and probably DoIT. If we defer

this item for a couple of weeks, does it run a, is there a challenge? Because it looks like the option term starts tomorrow, unfortunately. And the original contract expired over the weekend.

COMPTROLLER FRANCHOT: Could I just make a suggestion? I think this whole thing has been a hoax from the start, to take a word. It never was self-funded. So regardless, I hope that at a minimum 57 is rejected or, you know, returned, or whatever you want to call it. I would, if it's still on the calendar, I'm happy to vote no. And I think 58 you need to vote no on and just say, look, it's, this has not been handled properly from the get go. If we're concerned about continuity, there can be a temporary emergency procurement put into place for a month or so so that services are not stopped. And but I do not think that we should give a year extension to a group that has essentially damaged the State's reputation for accountability and transparency.

LIEUTENANT GOVERNOR RUTHERFORD: I'm not going to go as far as to say that it was, you know --

COMPTROLLER FRANCHOT: Well, whoever is at fault, I don't know. I mean, I said the company. It may be DoIT. It may be our own people.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah.

COMPTROLLER FRANCHOT: But the point is this thing was a hoax from the start. It said it's going to be self-funded. It wasn't self-funded. It was funded with a convenience fee but the convenience fee was never

communicated to the agencies or to -- so I'm not blaming the company, I guess. But I do not think we should just move forward as if it's -- oh, no big deal.

TREASURER KOPP: Yeah, I am not, I was not saying that I think a year, a year that is in 58 is needed.

COMPTROLLER FRANCHOT: You're the champion on this, Madam Treasurer. I would defer to you. But I would hope that we could vote no on both of these items or remand both of them or do something. But the solution I think is a very temporary two-week, four-week extension --

LIEUTENANT GOVERNOR RUTHERFORD: Well I think --

COMPTROLLER FRANCHOT: -- for the existing contract and services. But, you know, they have to get competitively bid.

LIEUTENANT GOVERNOR RUTHERFORD: Well, I think it's going to be more than a month to competitively bid the new contract. And then you're going to have the transition, particularly if you have a new contractor coming in. So that's why I think one year, which would include any transition, it could very well be six months to at least get it out, you know, to be able to bid, get it out and --

COMPTROLLER FRANCHOT: That's exactly what they said, Boyd. That's exactly what they said a year ago.

LIEUTENANT GOVERNOR RUTHERFORD: Oh, I know. I know. I agree with it. Last year they came in and said --

COMPTROLLER FRANCHOT: -- fool me once, shame on you.

Fool me twice, shame on me.

LIEUTENANT GOVERNOR RUTHERFORD: No, I agree. But that's why we're taking it away from the Department of Information Technology and putting it into the Office of Procurement. They came in with the plan we're going to go back and rebid it. Then they changed their mind and decided they were going to do something differently, which was "in house," which meant going to another contractor to do it, but not necessarily going out into a full and open bid but using one of the existing contracts that we have under the CATS program. So this is a full and open competition, which I'm saying which I thought we were going to do last year. But there was, you know, a different approach that the department wanted to take, that being Information Technology's. And when that approach really financially did not make sense, it put us in this situation. Then they said, we're going to try use this CATS contract to just shift them over to another vendor, when I'm saying, no, we need to go with a full and open, what we should have been doing last year to begin with. So yes, it was a problem. It was a problem of the State and our department, in my opinion. And I'm willing to say that publicly. I know most Governors don't criticize their own administrations, but I do, and you know I've done that before. But this is to me the best way to correct it, is to go back out on the street with this. The emergency contract is going to just be the same thing. If you did an

emergency contract you would have an item that looks just like that, this, right in front of you.

COMPTROLLER FRANCHOT: Well I would rather have that than just saying --

LIEUTENANT GOVERNOR RUTHERFORD: You remember that, then, when it comes back in front of us.

COMPTROLLER FRANCHOT: -- that's just me. I'm in a contrary mood right now because --

LIEUTENANT GOVERNOR RUTHERFORD: Because it's --

COMPTROLLER FRANCHOT: -- that this is going to be handled properly. So I would suggest we put the burden back on DGS and have them do some kind of emergency procurement so that we have continuity of service. But at least we're not in effect saying, you know, we're just going to kind of move forward from here. I'm still pretty frustrated.

LIEUTENANT GOVERNOR RUTHERFORD: So this is a one-year option that's already under the existing contract. They are just going to come back with the same thing that's going to just say emergency and they will already have the guys on staff. So we can just, you know, basically scratch out where it says option and write in one-year emergency contract. That's essentially what you're asking. We'll just scratch it out and write in emergency.

COMPTROLLER FRANCHOT: Well, I'll vote against that. Because it's, once again, where do they get the one year from? They get it from what they promised a year ago. And --

LIEUTENANT GOVERNOR RUTHERFORD: -- I know. I'm saying --

COMPTROLLER FRANCHOT: -- but it's going to end up with the same resolution of this, which is, you know, the self-funding was always a hoax and now I don't know how they are going to pay for this. Are they like telling people they are going to have to pay three percent extra for a permit or a fee? Is that what the resolution is?

LIEUTENANT GOVERNOR RUTHERFORD: That's what they are doing now. Whatever that percentage is, that's what they are doing now.

COMPTROLLER FRANCHOT: Apparently they were taking it out of the State's share for years.

LIEUTENANT GOVERNOR RUTHERFORD: Well, they were taking it out of the total, as I understand. But they were taking their --

COMPTROLLER FRANCHOT: Yeah, the total without a convenience fee.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah. So that's --

COMPTROLLER FRANCHOT: -- we're still taking the convenience fee out. So we're going to like kind of --

TREASURER KOPP: I really, I really think that a deferral to the next meeting would help clarify things.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Mr. Secretary --

MR. CHURCHILL: What I understand on Item 57 is that's going to be withdrawn. I will say that I believe there are timeline issues for both items, and the Department of General Services, Madam Treasurer, as you noted this has got a very long history and the department is recently involved in this as of October of last year. So our department will need to do some research and analysis. What I would recommend is that if we can draft a way forward, let us do a little bit of research, and present back to the Board what we understand and how we may be able to move forward efficiently. As for the items that were mentioned before in terms of the audit, I mean, that is certainly something that can be answered by the Department of Information Technology and I will leave that to them. But that's my understanding on 57.

On 58, we would ask for the year. But I think we should just come back to the Board on a regular basis with our progress as to how we are moving forward with the new solicitation.

TREASURER KOPP: Do you think you are going to be able to do a whole new RFP and solicitation in a year?

MR. CHURCHILL: It will be a challenge, Madam Treasurer. I think when this was brought up last year, and the department was asked to comment, we noted rule of thumb that it could take up to 24 months. This is a big endeavor. But it is a priority. And so I would say that the department will do its best. And if the solicitation is experiencing some delays, we will let you know ahead of time and not wait until the very end of a year.

COMPTROLLER FRANCHOT: I'm happy to support you in a deferral. But ultimately I'm going to vote no because I just think it's a, I think it's a, you know --

TREASURER KOPP: My only point in deferral, Governor and Comptroller, is because I don't quite understand what is being proposed for the next step. And I do think that we should continue to offer service to the extent we can to the public. It's a good service. But we don't know how much it's going to cost. We don't know how much it did cost. It's clearly not what was approved before. I don't, I can't support going forward for another year paying we don't know what based on we don't know what, which is why I voted against it 13 months ago. If I gathered, however, the administration, or at least the Lieutenant Governor and the Secretary, have a new proposal, a new way of doing things that they want to bring forward -- but it's a little unclear still, and I just think two weeks, three weeks would help clarify it. I'm not saying, I mean, we still have to

have numbers to base things on. And we don't have them and apparently haven't had them for nine years.

LIEUTENANT GOVERNOR RUTHERFORD: So we would --

TREASURER KOPP: That's what --

LIEUTENANT GOVERNOR RUTHERFORD: So we would bring back or the department at some point would, declares an emergency tomorrow, and it would come to the Board, that emergency probably, in less than 45 days. But in two to three weeks, you would see this item come back after everyone has briefed you to extend.

TREASURER KOPP: Briefed the Board. This is not a State Treasurer's item.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah, I know. Brief the Board.

TREASURER KOPP: Yes.

LIEUTENANT GOVERNOR RUTHERFORD: -- is that you're going to have an emergency declared tomorrow, because the contract ends, to make sure that you don't lose service. So the existing contractor continues with the emergency on whatever fee he says, he or she says that we're going to have to expend or that they can take. And then briefing, bring it in, maybe Mr. Gleason, to talk about what I have proposed, which is rebidding the whole system and then

coming back with the option, which is already under the contract, to extend for another year as they work on a new solicitation.

TREASURER KOPP: But --

LIEUTENANT GOVERNOR RUTHERFORD: I mean, that's the only alternative. You can't do anything else. I mean, there was some talk about using the existing contractors. They can bid on the contract. You know? Existing contractors that are out there. But --

TREASURER KOPP: No, my only concern is, as it has been, that we don't know how much this thing costs.

LIEUTENANT GOVERNOR RUTHERFORD: Right.

TREASURER KOPP: Without an audit, we don't know how much it did cost or how much it will cost. And I'm not saying anything different than I said --

COMPTROLLER FRANCHOT: Can I just move to defer this Item 58 to the next --

TREASURER KOPP: Yay.

LIEUTENANT GOVERNOR RUTHERFORD: Okay --

COMPTROLLER FRANCHOT: -- meeting.

LIEUTENANT GOVERNOR RUTHERFORD: -- defer the item.

We're removing 57. 57 is withdrawn.

TREASURER KOPP: Could I say only in terms of 57 that I think the Board still deserves an audit of what we have spent for the last nine years.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Well we'll have to see, yeah, what we can do in terms of getting an audit done. Can we have legislative auditors do it?

TREASURER KOPP: There are audit firms out there who know how to audit.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah.

TREASURER KOPP: I mean, it --

LIEUTENANT GOVERNOR RUTHERFORD: Okay. It's a, well, we'll, that's another -- I guess we can use one of the existing contracts for audit firms.

TREASURER KOPP: Otherwise we're just going on the basis of the --

LIEUTENANT GOVERNOR RUTHERFORD: Okay. We can talk to John more about getting that audit taken care of.

SECRETARY GONTRUM: Am I correct, members, that there was a three-nothing unanimous vote to defer Item 58?

LIEUTENANT GOVERNOR RUTHERFORD: Yes.

TREASURER KOPP: With the understanding that they are coming back with the next proposal.

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COMPTROLLER FRANCHOT: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: There will be a briefing to the Board with regard to what's going to go forward before it gets back on the Agenda.

SECRETARY GONTRUM: Before it gets back on the Agenda. Okay. Thank you very much.

LIEUTENANT GOVERNOR RUTHERFORD: So on the other items, do we have a motion for the rest of the General Services Agenda?

COMPTROLLER FRANCHOT: Move approval of the other items.

TREASURER KOPP: I don't have anything on the other items, but I have something I wanted to mention in the beginning and forgot and let me just mention it. That just concern about the Census --

LIEUTENANT GOVERNOR RUTHERFORD: Oh, gosh.

TREASURER KOPP: -- and maybe we could have an understanding, or really we want to do whatever we can to make sure that the shortened Census period is as effective as possible. And Governor, whatever the Board can do, whatever we each can do. This is a terrible situation.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah. Just encouraging people to do their Census. We just did and put out on our social media platforms, Mundane But Meaningful, on the Census and how easy it is. It

only takes a couple of moments if you do it on the phone or online in particular. But we've been using our social media. We'll check with Planning in terms of, you know, additional advertising. It has been running on local media about the Census and making sure people understand that they can, it's very easy, there's no immigration questions on there as well. But it is, it's something very simple and I know that we've been working hard to make sure that, you know, we get that information out.

So far, Maryland is above the national average in terms of the response. But we are following I think Iowa and Virginia. Unfortunately, Virginia is beating us out right now. So we really have some work to do. We don't want them to continue to beat us out. But we've been above the average and most of the, I think, I want to say Carroll County is leading the State in terms of their responses, followed by Howard County. So there are other places that we need to work a lot more on.

TREASURER KOPP: Good. Thank you. I'm sorry --

LIEUTENANT GOVERNOR RUTHERFORD: No, no. I'm glad that you brought it up. Because those who are still listening at home, do your Census, if you're still on the line.

TREASURER KOPP: There is at least one Secretary sitting there who can --

LIEUTENANT GOVERNOR RUTHERFORD: Yeah.

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MR. CHURCHILL: I've done mine.

TREASURER KOPP: I've done mine.

LIEUTENANT GOVERNOR RUTHERFORD: Probably some nervous contractors out there, too. So.

TREASURER KOPP: So I would second the motion for --

LIEUTENANT GOVERNOR RUTHERFORD: Okay. We're all in favor of General Services. So thank you --

SECRETARY GONTRUM: If I may, members of the Board, before you conclude, I apologize for interrupting. Secretary Green has asked me to convey that his system froze and he was locked out when he was attempting to address the Board and was unable to do so. This is obviously very concerning and we will look into it on our end on the Board's side, communicate with DPSCS, and your staffs when we get to the bottom of the issue.

TREASURER KOPP: I think, let me, if you could just tell the Secretary, I think he in most things has been very communicative and very helpful and done a really good job. And we look forward -- but I agree with the Comptroller. We were expecting something but we haven't, hadn't heard yet.

SECRETARY GONTRUM: Secretary Green, would you like to try again, sir?

COMPTROLLER FRANCHOT: Well, I think we should adjourn.

SECRETARY GONTRUM: We still cannot hear you. Madam Treasurer, I'm happy to convey that message to the Secretary.

TREASURER KOPP: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you. So --

COMPTROLLER FRANCHOT: -- meeting. Thank you very much.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

COMPTROLLER FRANCHOT: Is it okay? Are we over?

LIEUTENANT GOVERNOR RUTHERFORD: I don't think we have to have a motion. The General Services was approved three to one, so we should be at the end of the meeting.

(Whereupon, at 1:36 p.m., the meeting was concluded.)