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PRESENT

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CONTENTS

Subject	Agenda	Witness	Page
Proposal of New Regulations to COMAR Title 21, State Procurement Regulations	SEC 3, p. 4	John Gontrum	13
Lab Testing Services for COVID-19 Crisis	SEC A4, p. 20	John Gontrum Dennis Schrader Dana Dembrow	14
Acquisition of Conservation Easement in Frederick County	DNR 8A, p. 35	Jeannie Haddaway- Riccio	24
Program Open Space Local Share Projects in Allegany County	DNR 1A, p. 26	Jeannie Haddaway- Riccio	25
On-Call Construction Manager at Risk Contract for College Park Service Center	USM 2-C-OPT, p. 42	Tom Hickey Kim Watson	30
DOT Agenda	DOT	Sean Powell	34
Modification of Contract for Pharmacy Benefits Plan Management Services and Purchasing Pool Management	DGS 28-S- MOD, p. 113	Ellington Churchill Christina Kuminski David Brinkley	36
Grant to Board of Directors of A Wider Circle, Inc.	DGS 1-CGL, p. 67	Ellington Churchill	40
Grant to The Mayor and City Council of the City of Gaithersburg	DGS 8-CGL, p. 75	Ellington Churchill	40

Approval of Various Task Orders/Purchase Orders Under a Previously-Approved Master Contract	DGS 23-IT, p. 101	Ellington Churchill Danny Mays	41
Maryland Compatible Energy Siting Project	DGS 14-S, p. 82	Ellington Churchill Kelly Schulz	43

PROCEEDINGS

GOVERNOR HOGAN: Good morning, everybody. Thank you for joining us for the Board of Public Works.

I just want to begin with a very brief update on today's metrics in our fight regarding the surge of COVID-19 here in Maryland and across the nation. This morning, the Maryland Department of Health has reported 171,823 confirmed cases of COVID-19, including an additional 2,018 new cases over the past 24 hours. Now this is our 14th straight day with more than 1,000 cases of COVID-19 and our seven-day positivity rate dropped slightly to 6.82 percent from 6.85. But our average cases per 100,000, our case rate, has risen to 30.9. Today, 1,144 COVID patients are hospitalized in Maryland, which is the highest level that we've had since June 2nd. And 270 patients are currently in intensive care units, which is the highest level since June 17th. This virus has taken the lives of 4,201 Marylanders, including 15 more over the last 24 hours.

To fight this new surge, which is raging all across America, and which has resulted in widespread community transmission now here in Maryland, yesterday we had to take a series of additional emergency actions, including critical directives to limit hospital and nursing home visitation in order to try to prevent overburdening our State's healthcare system and to protect our most vulnerable Marylanders. Beginning Friday, bars and restaurants statewide will be required to

close by 10:00 p.m. and we announced capacity restrictions for retail and all other establishments, and we're once again prohibiting fans at stadiums and racetracks.

The sad reality is that the surge of COVID-19 is rapidly escalating and it's placing an enormous strain on our healthcare system and our economy. But more important than any public health order is our willingness to take personal responsibility for our own actions and to make the necessary sacrifices in order to protect ourselves and one another. We also continue to push for urgently needed economic relief for all of our restaurants and small businesses. And we're pushing money out from the State, but we also need the members of Maryland's congressional delegation to put partisan politics aside and to help deliver a compromise on the stimulus bill. This gridlock in Washington on both sides of the aisle, it's been stalled for more than six months and it's having a devastating impact on our business community and on the lives of our Maryland citizens. So, I'm really hopeful that everyone on both sides of the aisle will come together and that we can get this done for the American people.

With that, I'll turn it over to my colleagues for any opening remarks.

Madam Treasurer?

TREASURER KOPP: Thank you, Governor. Obviously, these are very difficult times and I do appreciate your leadership and the tough decisions that have been made. I regret that it's necessary, but clearly individuals, no matter what

their intellectual commitment to unbridled individual freedom is, have a responsibility when they live in a society and a community, we're all part of the community, and have to look out for each other in order to have it work. So I would just urge people to take it seriously and act seriously.

We lost in the last day, I don't know if the Comptroller realizes this, we just found out one of our great administrators at the State Retirement System, Sherlynn Matesky, passed away from COVID in the last couple of days. A woman who lived a life of dedication to others, and she is sorely, sorely missed. I just think -- well, I've said what I think. And I thank you.

GOVERNOR HOGAN: Thank you, Madam Treasurer. I'm very sorry to hear about that. I had not heard that news.

TREASURER KOPP: No, I had just heard it myself.

GOVERNOR HOGAN: Mr. Comptroller, good morning.

COMPTRROLLER FRANCHOT: Yeah, good morning Governor. And Madam Treasurer, thank you for those comments. And Governor, thank you for your comments. I'm delighted to be on any government panel like this with individuals like the two of you. And I just applaud the rationality and compassion that I wish was evident elsewhere. But Governor, it's good to see you. I'm glad you're not wearing a tie. I think that's the new --

GOVERNOR HOGAN: I'm just following your lead, Mr. Comptroller. I always have a tie on and I just felt out of place, you know? You look so comfortable.

TREASURER KOPP: I do have a Maryland --

COMPTRROLLER FRANCHOT: Yes, that's --

GOVERNOR HOGAN: I've got a Maryland mask, too, so --

COMPTRROLLER FRANCHOT: Ah, there we go. So I would like to say that like both of you, and I associate myself with all of your remarks, I personally am deeply concerned, obviously, as everyone is by the recent drastic spikes in COVID-19 infections across the State. Since last Wednesday, just a week ago, 16,000 new positive cases have been reported. Since Saturday the Maryland Department of Health reported 2,321 new infections, representing the highest daily positivity case total since the beginning of the pandemic. These figures, in my opinion, underscore the fact that we have not turned the corner in our efforts to get this virus under control, and we are heading towards the wrong direction.

We knew this was coming. Medical experts have warned for months that the confluence of cold weather, the flu season, and COVID-19 would result in the exact scenario that we're seeing play out today. Difficult but necessary decisions will have to be made over the next several months to protect the lives of our residents. I know the Governor and leaders at the county and municipal level

have been making these tough decisions over the last week, and I associate myself with every rational restriction that is being proposed because this is a devastating virus. I'm confident and very hopeful that the Biden-Harris administration will provide a national strategy which, let's be honest, has been lacking, and national leadership so this public health and economic nightmare can get under control.

But let's be blunt about this: if we're once again implementing restrictions, all of which I've supported, some of which I've supported being more flexible on, and these restrictions are absolutely essential, this is what we need simultaneous. And it has never really been totally identified, I think, by all of the pundits -- I know people say this and it sounds like what I'm going to say is like, duh, of course that's true -- we need additional financial support at the federal and State level to help impacted residents and small businesses. How can we tell people you need to shut down, or you need to stop working, you need to stop earning a salary without giving them what the Governor was citing, a second stimulus plan where we tide them over? I know we've doled out a considerable amount of funds at the State level and hopefully Mitch McConnell won't continue his blockade of a second stimulus. As the Governor said, I mean this, the first stimulus was enormously stabilizing to the State of Maryland's economy and helpful, but it hasn't, it expired months ago. So hopefully the second stimulus will happen.

It doesn't look like it's going to happen any time soon, but I hope it is sooner rather than later. The reality is that more needs to be done on top of that. I have advocated at the State level, and I'll just leave it at this, that the positive fund balance of \$585.8 million is gathering dust in a State checking account. That needs to be moved out the door yesterday, because we are losing businesses by the thousands as we speak. Waiting for Congress is too -- it's not going to work. These businesses will be gone. But most importantly, we're not going to get the virus under control when a large swathe of our population has to work in order to put food on the table, pay their rent, pay their utility bill, and all of a sudden they are being denied that by restrictions.

Obviously, I like the promising news about the efficacy rates of a potential COVID-19 vaccine, or several vaccines. There's reason for hope in the near future we might be able to return to normalcy. Hats off to everyone responsible for the development of the vaccines. But thumbs down on the COVID -- supposedly the buck stops here, I think is what President Truman said about the Resolute desk in the Oval Office. I mean, who is going to take responsibility for the hundreds of thousands of Americans who have died unnecessarily because of the federal national government's failure to come up with a strategy? I mean, who has been talking about this virus as a hoax? Who has been holding rallies where people appear without masks on? I mean, who --

TREASURER KOPP: Donald Trump?

COMPTROLLER FRANCHOT: Well, who actually is, where does the buck stop for the chaos that the last eight months have cost our country, both health-wise and economically? I don't mean to sound exercised here. I'm certainly, as I say, very supportive of Governor Hogan and his team and the Democratic leaders here in the State of Maryland, who I think are rational, functioning adults, I like to describe ourselves as. But right now, we need to continue to do everything we can to get these infection rates under control regardless of the vaccine, and that requires government and individual Marylanders to play a role in that collective effort.

Let me give everybody a tip: do not have Thanksgiving dinner with anyone other than your spouse. Just don't do it. I mean, you can't have like five or six family members come over for Thanksgiving dinner. That is unsafe. Do not do it. And Christmas, I'm already planning on canceling the Christmas holiday because we just have to get the virus under control. Once we have it under control, hopefully all the time providing federal relief, economic relief, then we can begin to bring the vaccine in and start a strong economic recovery. But this is just very disturbing, that we have this situation where over the next six weeks we're going to see a lot more deaths and illnesses. And this is, the reason I'm personally, I'm exercised right here is because it is such a devastating illness where people die

alone, terrified, unable to talk to their family members. And am I angry about how the country has been weakened and sickened and made poor by the lack of a national strategy? Yes. Am I hopeful Joe Biden will supply one? Yes, but he doesn't get sworn in for another 60 days. So let me stop there and just say that I would like to apologize to our citizens and our residents on behalf of government everywhere, because we have just colossally dropped the ball on this. I know it's not fair, Governor, for you or for me or for the Treasurer to assume responsibility, but somebody has to. And this is, I think it's the greatest failure in American history that we are looking at over the last eight months. Thank you.

GOVERNOR HOGAN: Thank you.

TREASURER KOPP: Comptroller, could I just say, lest you be taken out of context and --

COMPTROLLER FRANCHOT: Thank you.

TREASURER KOPP: -- it's probably inappropriate for a nice Jewish lady like me to say this, but I'm sure you didn't mean cancel Christmas. What you meant was canceling all the people getting together in the face of this terrible pandemic.

COMPTROLLER FRANCHOT: Thank you.

TREASURER KOPP: But --

COMPTROLLER FRANCHOT: You probably just saved my future ambitions, thank you.

TREASURER KOPP: Yes.

GOVERNOR HOGAN: But thank you for correcting the record, Madam Treasurer. Because I could see a headline, Franchot Wants to Cancel Christmas. That would not be good. We don't want to cancel Hanukkah, either. We just want people to be safe.

COMPTROLLER FRANCHOT: Thank you.

GOVERNOR HOGAN: Yes, thank you. Let's go ahead and get started with the Secretary's Agenda.

SECRETARY GONTRUM: Good morning, Governor, Madam Treasurer, and Mr. Comptroller. There are 11 items on the Secretary's Agenda. Item 11 is a supplemental item and there are six reports of emergency procurements. I'm happy to assist with answering any questions.

GOVERNOR HOGAN: Any questions on the Secretary's Agenda?

TREASURER KOPP: I do have a question. John, do you want to just touch on and explain Item 3, the COMAR regulations?

SECRETARY GONTRUM: I'm happy to, Madam Treasurer. We also have Gabe Gnall, the State's Procurement Advisor, the Board's Procurement Advisor, available to discuss the changes to COMAR Title 23 required by the recent

legislation passed mandating that State funded construction projects, the contractors carry certain levels of health insurance. Mr. Gnall, are you available?

MR. GNALL: I am. Good morning, Madam Treasurer, Mr. Comptroller, Governor. And I apologize for my voice. My voice is a little rough this morning. But to answer your question, Madam Treasurer, the regulations we are forwarding for proposal today are for State funded construction projects' employee healthcare expenses. And these comprise two bills that were passed in the 2019 session and 2020 sessions. And what these do is they require or they mandate that for certain construction projects, that the employees in those kinds of projects, State funded construction projects, that they maintain healthcare. And so what we are doing is we are codifying those in regulation here. And this is just the initial proposal. And of course, there are certain provisions that would go along with that as well. And so we have included that in the proposal in this packet here today.

TREASURER KOPP: Okay.

GOVERNOR HOGAN: Any other questions?

COMPTRROLLER FRANCHOT: I have a question on Item A4.

SECRETARY GONTRUM: Item A4 is a report of emergency procurement from the Department of Health. We have Dennis Schrader and Dana Dembrow.

COMPTROLLER FRANCHOT: Excellent. My understanding is this is a \$42.1 million (\$41.2 million) item to be paid to CIAN Diagnostics for continued laboratory testing services for COVID-19, obviously critical. If I could ask the Secretary or Interim Secretary or Acting Secretary or Real Secretary, what is the, how many tests has CIAN processed and how many tests do you anticipate they will process over the course of this contract?

MR. SCHRADER: Thank you, Mr. Comptroller. Can you hear me okay?

COMPTROLLER FRANCHOT: I can, yes.

MR. SCHRADER: Yes, sir. They have been processing tests since we started back in March to do about, they've done so far since September invoice reconciliation about 240,000. I expect they will do about 500,000 by the end of December.

COMPTROLLER FRANCHOT: And what is the turnaround time for CIAN to process the average test, or is that available?

MR. SCHRADER: Right now they are about two days. We track this on CRISP and we have data on all the labs in the CRISP system. That's our health information exchange for the State. And right now, CIAN is about two days.

COMPTROLLER FRANCHOT: And who manufactures the test that CIAN is processing?

MR. SCHRADER: At the moment, the tests that they are using are Lab Genomics tests. Overall, we've used Lab Genomics originally at the UMB Lab. We now have them at the State Public Health Lab. And CIAN overall of the 500,000, we've done about 370,000 tests with Lab Genomics and CIAN has about 40,000 left, and then we still have tests over at the State Public Health Lab.

COMPTRROLLER FRANCHOT: I'm told by my staff that we're also hopefully using the tests that the Governor and the First Lady got from South Korea.

MR. SCHRADER: Yes, sir. That's the Lab Genomics --

GOVERNOR HOGAN: Those are the ones he's talking about.

COMPTRROLLER FRANCHOT: Oh, terrific. Fabulous.

GOVERNOR HOGAN: We use them at all three labs and, yeah, we'll use them all by the end of the year.

COMPTRROLLER FRANCHOT: I'm glad to hear it because your critics were upset with the situation.

GOVERNOR HOGAN: Well, that was a bunch of nonsense, Mr. Comptroller. You know, this has been the backbone of our testing strategy. And back when we had the problems with 10-day, two-week delays at labs all across the country, we were turning them around in 24 hours at the UMB Lab. And that really

saved a lot of lives here in Maryland. And then we switched over the UMB Lab to the flu tests and CIAN is now handling the bulk of our State testing.

COMPTRROLLER FRANCHOT: Would you give my regards --

GOVERNOR HOGAN: -- Genomics Korean tests.

COMPTRROLLER FRANCHOT: Would you give my congratulations to the First Lady for having helped negotiate that?

GOVERNOR HOGAN: I sure will. She did most of the heavy lifting, 22 days of negotiations with the Ambassador and the folks in Korea, and at a time where there were no tests available in America.

COMPTRROLLER FRANCHOT: She taught me after much practice to say Annyeonghaseyo to everybody.

GOVERNOR HOGAN: That's very good. You should say that when you go the dry cleaners. I know you have a nice Korean dry cleaner that you go to when you pick up your suits.

COMPTRROLLER FRANCHOT: Well I, Mr. Secretary, I did want to ask a question, is it Mr. Schrader who is on the line right now?

MR. SCHRADER: Yes, it's Dennis Schrader, Mr. Comptroller.

COMPTRROLLER FRANCHOT: Oh, excellent. Excellent.

MR. SCHRADER: Yes, sir.

COMPTROLLER FRANCHOT: I'm glad you are, and former Delegate Dembrow I know very well. But I read an article about Pfizer's initial COVID-19 vaccine, the potential of it being very successful, and God bless Pfizer and Moderna and whoever else is working on all these vaccines. But it concerned me that the vaccine must be stored at an extremely cold temperature, minus 80 degrees. Is that something that our hospitals and health systems in Maryland are going to be able to provide freezers, I guess, that are capable of those temperatures?

MR. SCHRADER: Yes several --

MR. DEMBROW: May I step in on this one, Mr. Chief Operating Officer of the Department of Health? Yes, we are able to handle the minus 70 degrees Celsius requirements of the Pfizer vaccine that is anticipated to be the first rollout of vaccinations in the country. We have already purchased five such freezers from Frederick, a firm in Frederick, and they were delivered last week. So we have 128.5 cubic feet of storage in that very ultra-cold environment and we have also negotiated with the same vendor the opportunity to purchase at the same price any additional freezers that we may need to be delivered in the future that we do not anticipate that. We're also engaged in discussions with universities that have ultra-cold storage capability. So we are in good shape.

COMPTROLLER FRANCHOT: Excellent. I guess the states are being left to themselves, so I gather the available freezers and dry ice are going to

be in hot demand since, you know, everyone is left to their own purchasing, I guess. But that's good to hear that you guys are anticipating it. And so I won't repeat any of my concerns. I think this is a good turn, I hope.

TREASURER KOPP: Could I follow up I guess with Mr. Dembrow, whose voice I recognize. Dana, the assumption is this vaccine will roll out and, maybe it's the Governor I should be asking, and will come to the State how, and get to those ultra-cold freezers? How do you anticipate that happening?

GOVERNOR HOGAN: Yes, well so I'll give you the broad picture, and then I think Dennis Schrader is the one that's been coordinating and can probably fill in more detail. But I had a meeting with the Vice President and all the nation's governors yesterday, talking about this subject. And we had all of the coronavirus task force there. And tomorrow I'm going to be discussing this with Vice President Biden and a couple of other governors, the executive committee of the NGA. But so we submitted our plan about, each state was required by the CDC to submit a plan I think about two or three weeks ago that we've been working on since April, I think, to talk about how we are going to distribute them. And I don't know that they came back with final plans on how it's going to work because we don't know exactly when we're going to actually have the vaccine in production. Hopefully, we are going to have more than one, including a great Maryland company, Novavax, which is in phase three trials and got the \$1.6 billion from

Operation Warp Speed. So I don't know if it's just going to be Pfizer or when or how many, and they haven't given us an indication of, you know, when we're going to get them. They are approving the plans about who gets them first. So but Dennis may be able to fill in a little more detail because he is dealing with this every day.

MR. SCHRADER: Yes sir, Governor and Madam Treasurer and Comptroller. We have a large team led by Dr. Jinlene Chan and Bryan Mroz, who are leading the planning effort. We're on a two-track process. The federal government's intent is to distribute as much as they can through the private sector, including, you know, the private chain pharmacies, and there's a couple they have contracted with. But in addition to that, we're planning to be able to direct it ourselves in PODs, points of distribution if needed, working with the hospitals. So we're, we've got parallel paths and we want to, which is why, as Dana mentioned, Dembrow, we bought these freezers. Hospitals are also doing the same. So we are, we are making sure that we've got backup plans to our backup plans.

TREASURER KOPP: Thanks.

COMPTROLLER FRANCHOT: Governor, could I ask Mr. Schrader what the timeframe is? I know it's very difficult to approximate because of FDA actions, etcetera, etcetera, etcetera. But are we talking about end of next year, where people are -- well, let's just pick a number, 50 percent of the population is vaccinated?

MR. SCHRADER: Well --

GOVERNOR HOGAN: So --

MR. SCHRADER: Oh go ahead, Governor.

GOVERNOR HOGAN: -- the discussion we had with the Coronavirus Task Force at the White House yesterday with Dr. Fauci and Dr. Redfield, they still don't have an exact timeframe or date when we're going to get the first ones. But they all are saying they believe perhaps, if everything goes great, the first ones by the end of this year, and if not early part of next year, hopefully in January. They haven't talked about how many of them they are going to be able to ramp up and how fast we're going to get them. But the kind of really rough ball park is that hopefully in spring or summer we have it in wide distribution. But as Fauci clearly said, you know, this thing is going to be with us until the fall or potentially the end of next year.

COMPTRROLLER FRANCHOT: Absolutely. And that's why I read somewhere, Governor, that you were going to sit with the First Lady alone for your Thanksgiving dinner. That's what I'm going to do also. And that's what I suggest people are going to probably need to do at their Christmas dinner, not at their Christmas whatever. But it's just unbelievable how like a forest fire out of control the virus is spreading. And even in a State like Maryland, which is trying to do the right thing. But out in the Midwest, it's just cataclysmic. And the vaccine is not

going to unfortunately, sadly, prevent the deaths and injuries over the next, whatever, eight weeks. And so winter is coming. And I hope the federal relief at a minimum is made available. And I renew my call for whatever the State can put in, because, you know, right now we are in an odd moment. If we could simply get some money into the State from our reserves, that I think would send the right signal to folks that if they --

GOVERNOR HOGAN: Yeah, well we could really use your help on that. Because, as you know, two weeks ago we added another \$250 million in State relief on top of the \$10 billion that we put out in federal relief. But this is being distributed through the counties. So we're pushing this out to the county level and trying to get that out to their restaurants and small businesses, and so any help you can give kind of pushing them along and getting those dollars out. Right now, we haven't spent the money we've already put in. But if we have to put in more, we'll certainly have to do that and look at what we're going to cut out of State government in order to get it done.

COMPTROLLER FRANCHOT: Well, you know how government is at all levels. So and you have improved customer service tremendously, and I have it as a big priority. But if in addition to the counties, you are able to identify some of that positive fund balance and give me the names of 30,000 small businesses that are deserving of a \$10,000 or \$15,000 check, I will within 48 hours

have my agency put that money in their pockets and they need it, really immediately. So that's my only pitch. And I, why am I doing this in public, I should be doing it more on the phone with you. But I will just leave it at that. There is some money sitting there just gathering dust and unallocated. And --

GOVERNOR HOGAN: I agree. That's why we're trying to push it out the door.

COMPTROLLER FRANCHOT: Okay. I'm all, all for one and one for all here. So --

GOVERNOR HOGAN: Yeah. Are there any more questions on the Secretary's Agenda? Or is there a motion?

COMPTROLLER FRANCHOT: Move approval.

TREASURER KOPP: Second.

GOVERNOR HOGAN: Very good. Three-nothing. We're going to move on to DNR Real Property Agenda.

MS. HADDAWAY-RICCIO: Hi, good morning Governor, and Madam Treasurer and Mr. Comptroller. For the record, Jeannie Haddaway-Riccio, Secretary of the Maryland Department of Natural Resources and we have 11 items today on our Real Property Agenda for which we are seeking approval. And I'm happy to answer any questions you may have.

GOVERNOR HOGAN: Good morning. Any questions for the Secretary?

TREASURER KOPP: Madam Secretary, Item 8A, the Frederick County property, which we are taking under Open Space looks particularly interesting and like a great acquisition. Could you just in like three minutes tell me I'm right, that it's as good as it looks?

GOVERNOR HOGAN: Yeah, don't argue with her and say it's not good.

MS. HADDAWAY-RICCIO: That's right. I would never do that, that is for sure. This is a really great project. This is an easement acquisition and of particular interest is the fact that this property is part of the Catoctin Greenway, which is really important habitat for migratory birds and a number of species. In fact, there is really great biodiversity in the Monocacy Watershed and this will help us provide some protections in a really ecologically significant area of our State. So we're very excited about this.

TREASURER KOPP: Yeah. They are all fine, but this one is particularly important, I think. I congratulate your department for the work to get it.

MS. HADDAWAY-RICCIO: Thank you.

GOVERNOR HOGAN: Thank you.

TREASURER KOPP: Exciting --

GOVERNOR HOGAN: And --

TREASURER KOPP: -- exciting.

GOVERNOR HOGAN: Yeah.

COMPTROLLER FRANCHOT: Yeah, I don't have a specific item.

I'll pick 1A just for the heck of it. But Madam Secretary, since you're here I wanted to ask you about a regulatory change that is rumored that you are going to submit concerning the oyster industry that can be used to create new fishery areas for oyster harvesting. And I understand this regulation is being looked at by your department.

And I just want to urge you to really go slow on this because in my view, as the Chief Fiscal Officer of the State, the oyster aquaculture sector is all important. And right now we have 290,000 acres of the Chesapeake Bay and our tidal wetlands that is open to commercial oyster dredging. We have 6,000 acres that are leased to aquaculture. So it's 290,000 for the old way of harvesting oysters, which is not going to work for the future because all the oysters are going to be gone, or we have aquaculture, which is a proven technology.

And I just think we have to understand that we cannot limit the aquaculture leases just because of, you know, being able to find one oyster per square meter or five oysters per square meter, and saying, okay, therefore that can't be leased, that's got to be open. That's not in touch with the future. I'm sure it's

responsive to the politics of today. But I think the aquaculture industry to me is the way forward in reaching conservation and sustainability goals for the Chesapeake's native oyster fishery. And we should be pursuing it actively, not just because of the environment and the Bay, we should be pursuing it because of the economic improvement.

So my understanding is the proposed regulatory change is just going to be moving in that opposite direction from that, and I'm concerned about it. I know it's not your intent. And I'm not up to date on everything. But I hope that you can at least postpone the action until, you know, we have a better understanding of the potential for the development of the aquaculture for oyster production sector. That is unfortunately the future. We're not going to be able to do things the same old, same old way because it's not working.

So having said that, I don't really think there is any action. I just wanted to register that on behalf of the health of the Chesapeake Bay.

MS. HADDAWAY-RICCIO: Well, thank you for raising this important issue. And let me just start by saying that, you know, in Maryland both aquaculture and the commercial harvest industry are very important to our economy and in order to meet the market demand in Maryland and across the nation we really need both sectors involved. You know, I would just add that we are moving in a direction to a more sustainable fishery in both sectors. And you know, there has

historically been conflict between these two user groups and at DNR we are working very hard and doing our best to try to reduce those conflicts. And this is one of those examples.

We actually have not proposed regulations at this point. We were simply scoping an idea and seeking feedback from advisory commissions that advise our department on these types of activities, including the Aquaculture Coordinating Council, which is a really important sounding board for us. You know, under the current practice the department is making decisions about these leased areas with no criteria in place whatsoever. And we felt that having some science based criteria would be a fair and certain way to move forward when these types of conflicts arise on a lease that is proposed. And so at this point, you know, we were just taking public comment on that concept.

Again, no regulations have been proposed yet. We have gotten some feedback that we will take into consideration. But I just, I wanted to just emphasize those points. Because, you know, I think that it's important to understand that our department is in no way trying to create barriers for the aquaculture industry. And I know that there are certain groups that are implying that and suggesting that. And I think that's really unfortunate and it's really detrimental, because it's actually the opposite message that we want to send right now. We need both sectors fully engaged. Both sectors are very active in restoration activities and in moving

towards sustainable harvest and our plan is to continue to work forward and move forward with both of those industry sectors. So we would be happy to keep you posted.

COMPTROLLER FRANCHOT: -- if I could, I didn't expect anything but that. And you have great capabilities and leadership. I'm just suggesting if in fact this is data based and science based, everything I'm told is that it's 25 oysters per square meter that would permit commercial, so the commercial folks disagree. They say it should be one oyster per square meter, and they should be allowed to dredge the bottom and do whatever. And if it is data based and it's science based and not politics based, because I love the watermen, but let's be honest, the future is in aquaculture, period. It's not in the same old, same old operation.

It's like the coal companies out in Western Maryland. They are not even investing in coal anymore. They are investing in solar power, Beitzel and other companies. The private sector will rally to this if we give everybody, you know, the proper kind of direction. I remember back in the day when we had all the tobacco farmers in Southern Maryland and we had to do some transition relief, education, but we had to move to the future. And the future is not opening the Bay up to one oyster per square meter for commercial harvesting. That's just going in the wrong direction. And I'm concerned about the amount of leases that

aquaculture has. They need to be moved to the front, because that's what we're going to, that's what is going to maintain the reputation environmentally and economically for the State. I'm not suggesting leaving the watermen behind. I'm not saying that at all. I'm just saying, look, we're in a transition over the next ten years. Let's not lock ourselves in to 290,000 acres for commercial and 6,000 acres for aquaculture. That's not both sectors being treated equally.

MS. HADDAWAY-RICCIO: But you know, I would just add that while there may be a lot of acreage available to public harvest, that doesn't necessarily mean that it's productive acreage. And I think if you look at some of the activities that the watermen have been undertaking, there are a lot of similarities to the activities that are happening in aquaculture. And if aquaculture is truly planting, growing, and harvesting oysters, then should we provide them with oysters that have been propagated through public resources? It's a little bit of a philosophical question that needs to be answered. And you know, our proposal was actually five oysters per square meter. And you're right, the aquaculture sector would like to see 25 and the commercial sector would like to see one. So as is typical of our department, we find ourselves the mediators and the arbiters in the middle. But we will continue to use science based strategies to make these types of policy decisions and try to do what's best for our entire State.

COMPTROLLER FRANCHOT: Thank you, Madam Secretary.

Thank you, Governor.

GOVERNOR HOGAN: Thank you. Any other questions of the Secretary? Is there a motion?

COMPTROLLER FRANCHOT: Move approval.

TREASURER KOPP: Second.

GOVERNOR HOGAN: Is there a second? Very good. Three to nothing. Thank you.

MS. HADDAWAY-RICCIO: Thank you.

GOVERNOR HOGAN: Now we're going to move on to the University System.

MR. HICKEY: Good morning, Governor, Madam Treasurer, Mr. Comptroller. Tom Hickey representing the University System of Maryland. We have two items for your consideration and we're happy to answer any questions.

GOVERNOR HOGAN: Any questions on the University System? Is there a motion?

COMPTROLLER FRANCHOT: Item 2, if I could. Just Tom, could you tell me why this shouldn't be reduced from \$100 million to \$50 million?

MR. HICKEY: So this is the final renewal option for an on-call contract for University of Maryland College Park service, construction service

center. And as you point out, the Board of Public Works when we presented this contract initially and all the subsequent renewal options have to be in the Agenda item. So the way that this contract was structured, it was a not to exceed amount of \$100 million for all the renewal options. However, you know, to date over the five years, or the four years of this contract to date, we have only expended \$38.5 million. So I do have the Assistant Vice President for Procurement and Strategic Sourcing from College Park Kim Watson available by audio. But what I've explained to your staff is that, you know, College Park is going to go forward look at right sizing these contracts so that they meet the needs of these while not asking for an amount that they are never, ever going to spend. So Kim Watson is available by audio.

COMPTROLLER FRANCHOT: Yeah, I just want to make sure everyone understands. We've had \$100 million, it's not \$500 million over five years, it's \$100 million total. But over four years you have only used \$38.5 million, as you say. So why don't we just help you right size it and give you, reduce it to \$50 million for the last year?

MR. HICKEY: I will defer to College Park and Kim Watson, but I don't see any issue with that.

MS. WATSON: Thank you, Tom. And I don't see any problem with you right sizing for us. The only question that I would have is I haven't had an

opportunity to really speak with our folks back at the College Park campus to find out what they have planned for the upcoming year to know whether or not there might be a greater need than we have experienced to date on these contracts. So I would want to be able to have that conversation to understand what's coming in terms of planned agreements, planned activities --

COMPTROLLER FRANCHOT: Well why can't we, why don't I ask this, what figure would you think is reasonable if not \$50 million? \$60 million? And then if right sized and then I can't imagine that being used up based on the usage to date. But if you did find something really harmful in that, you could come back and ask us to change it. But I'd feel a little more comfortable with some effort to right size it given the history. And it's not in a negative way, because this is really all that will reasonably drawn down. So --

MS. WATSON: And I'm absolutely fine with that as long as we can reserve the right to come back and ask for an adjustment if we need it.

COMPTROLLER FRANCHOT: Great. So I would move that it be \$50 million rather than \$100 million.

MS. WATSON: Okay.

COMPTROLLER FRANCHOT: And with the caveat that if for some reason something is different from the previous four years, that they can come back.

MS. WATSON: Okay. Yes, that works for us. Thank you, sir.

COMPTROLLER FRANCHOT: Well, we haven't voted on it, so -

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MS. WATSON: Well, thank you in advance.

COMPTROLLER FRANCHOT: But I would offer it as a friendly amendment.

TREASURER KOPP: Second, or whatever, however you do this.

GOVERNOR HOGAN: So we ought to explain, what's the amendment?

COMPTROLLER FRANCHOT: The amendment is to reduce the \$100 million amount to \$50 million based on the fact that over four years they have spent a total of \$38 million, and so therefore that we don't need \$100 million if they are simply using less than \$10 million a year. And so --

GOVERNOR HOGAN: Tom, any comments on that?

MR. HICKEY: I don't see any issues with this whatsoever.

TREASURER KOPP: With the understanding that if the folks at College Park find a problem --

COMPTROLLER FRANCHOT: Correct.

TREASURER KOPP: -- they will return --

GOVERNOR HOGAN: Okay. And so there is a motion, it has been seconded, and let's make it a unanimous one. Let's go three-nothing on the amended motion.

COMPTROLLER FRANCHOT: Thank you.

GOVERNOR HOGAN: And then we'll have the rest of the Agenda, I guess. Do we have to do that separately?

COMPTROLLER FRANCHOT: Move approval.

GOVERNOR HOGAN: Yeah. Second?

COMPTROLLER FRANCHOT: Yeah, no. I'm happy to move approval and as amended with the --

GOVERNOR HOGAN: Okay. Great. Very good. It passes three-nothing.

MR. HICKEY: Thank you very much.

GOVERNOR HOGAN: And thank you very much, Tom. We're going to move on to the Department of Transportation.

MR. POWELL: Good morning, Governor, Madam Treasurer, Mr. Comptroller. For the record, my name is Sean Powell, Deputy Secretary of the Maryland Department of Transportation.

GOVERNOR HOGAN: Hello, Sean.

MR. POWELL: Good morning, Sir. Secretary Slater asked that I send his regrets today and he does look forward to presenting at the December 2nd meeting. We do have 11 items for your consideration today and experts on the line if you have any questions. So I'll turn it back over to you, Mr. Chair.

GOVERNOR HOGAN: Questions on Transportation? Is there a motion?

COMPTROLLER FRANCHOT: Move approval.

TREASURER KOPP: Second.

GOVERNOR HOGAN: Three-nothing. You should maybe not bring Greg back, Sean. That was nice and smooth.

MR. POWELL: Yeah, that's what I was thinking. But you know, anyway --

GOVERNOR HOGAN: No, all right. Tell the Secretary we said hi. Thanks for all the work you guys are doing.

MR. POWELL: Absolutely, thank you.

GOVERNOR HOGAN: Now we're going to move on to Secretary Churchill and DGS.

MR. CHURCHILL: Good morning, Governor, Madam Treasurer, Mr. Comptroller. For the record, I'm Ellington Churchill, Secretary for the Maryland Department of General Services. Today we are presenting 29 items on

our Agenda for consideration, including three supplemental items. Of note, DGS is recommending contract awards to five small businesses and two minority businesses with this Agenda. And this is in our continued effort to support our small business community. Representatives are available at this time to answer any questions you may have.

GOVERNOR HOGAN: Any questions of Secretary Churchill? Okay. Well, is there a motion on the DGS Agenda?

COMPTROLLER FRANCHOT: I actually have a couple of items, if I could. I was just deferring to the Treasurer. But Item 28, which is a request from DBM to modify a contract with Caremark PCS Health to add an additional \$314 million to the contract, bringing the total contract amount to \$2.1 billion. Is there someone there at the department that can, obviously this is for additional costs to cover an additional year to retiree benefits plan for the State's public employees and there's litigation that is apparently involved in all of this. And then in addition there are unforeseen costs related to coronavirus. So I just wanted to see if the department could provide a breakdown of the \$314 million. How much is being spent on COVID and how much is being spent on the litigation?

MR. CHURCHILL: Yes, Mr. Comptroller. We will look at that. We do have Christina Kuminski, Director of the Employee Benefits Division on audio who may be available to answer your question.

MS. KUMINSKI: Good morning. Good morning, Governor, Madam Treasurer, Mr. Comptroller. The \$314 million is broken down for some additional funding for 2021. Can I tell you exactly what has been spent on COVID? No. I mean, I could provide you a follow up. Primarily our expenses related to COVID are specific to medical expenses and not prescription. What we are seeing in our prescription program, is we are allowing early refills and our members are filling their prescriptions sooner rather than waiting for their 90 days to elapse. Secondly, we are seeing our retirees are filling more prescriptions and higher cost prescriptions. So we have this number -- you asked for the breakdown of the \$314 million. \$139 million is for the rest of calendar year 2020, and then we have \$143,780,757 for the commercial in 2021, and then \$170,605,055 for the EGWP program in 2021.

COMPTROLLER FRANCHOT: And what is attributable to the lawsuit, I guess, a one-year I guess timeout we are taking. Is that the \$170 million?

MS. KUMINSKI: Yes, sir.

COMPTROLLER FRANCHOT: Okay. So that makes sense to do that. What is the, where does this stand, the pending litigation? Is that going forward or --

MS. KUMINSKI: Currently there --

MR. BRINKLEY: Christina, Christina, do you want me to chime in on this?

MS. KUMINSKI: Yes, thank you.

MR. BRINKLEY: Secretary Brinkley, Mr. Comptroller. I know it was in the federal court and I think it was last heard in June. Christina, I don't know if it has been extended beyond that, but I know that there was some pleading heard there. But the request that you also have in front of you is to comply with two bills that were passed in I think April of '19 so that we can buy more time as we get ready to put this back on the street. Christina, isn't there a procurement going out in December I think on this one?

MS. KUMINSKI: Yes, sir. There is one initial procurement going out in December. And with respect to the litigation, the next hearing is scheduled for mid-January, which may be delayed or, you know, postponed, even canceled, if, you know, there is some action with respect to the COVID cases within the State. But that's the next hearing scheduled.

COMPTROLLER FRANCHOT: Okay. And then I defer to the Treasurer. She is Chair of the Board of Trustees of the State Retirement Agency. I'm Vice Chair. Obviously, the drug issue for our retirees, it's kind of out there that this is a major, major issue. I know it preceded you. I think the previous administration started the ball on this, Governor. But to the extent you can keep

giving us an update on it, because every time I turn around on social media, somebody has got something up there about how unfair it is or whatever, etcetera. And I'm, I'm sure that it's just going to increase as employees and retirees focus in on this. And I guess the issue I have is the remaining amount, other than the \$170 million, is that all something that is documented and, you know, you guys are comfortable with the additional dollars and we're not just getting, you know, without any kind of real auditing by you guys we're getting a lot of money added to a big contract already.

MR. BRINKLEY: Christina, correct me if I'm wrong, but it's all special funded so it all comes from employee withholdings and retiree withholdings. So that's why it's in our interest and their interest for us to stay on top of it. But right now, we're just trying to buy a little more time. Christina, is that accurate or not?

MS. KUMINSKI: Yes, sir, that is accurate.

COMPROLLER FRANCHOT: Oh, and I forgot Secretary Brinkley is on the Board of Trustees also, so I apologize.

TREASURER KOPP: He decided to leave that out.

GOVERNOR HOGAN: Yeah, I'm the only one not on there. All three of you guys should just talk to each other.

COMPTROLLER FRANCHOT: Yeah. It's a big chunk of money, obviously, and --

MR. BRINKLEY: It is.

COMPTROLLER FRANCHOT: -- to the extent we can be kept abreast of it, that would be terrific. And I had an additional item, Item 1. Governor, I wanted to applaud your \$700,000 grant to a group called The Wider Circle, and an additional \$1 million grant to the City of Gaithersburg for their new Police Department. Both of those are important projects in Montgomery County, which is super important to me and the Treasurer, I think. A Wider Circle, I gave the 2016 William Donald Schaefer Helping People Award to. They are absolutely doing amazing work to end poverty through on the ground programs and services, as well as the development of large scale solutions to address the root causes of poverty. And I continue to be amazed by their great work. Kudos to Dr. Mark Bergel and his team, these are folks that are, as I recollect, they are, you know, I'm a proud Democrat, but they are all Republicans and they have got something really good. I know that they would resent being talked about personally. I'm just saying it's delightful to go and visit and hear people that are actually getting good results from philanthropic community involvement. And then Mayor Jud Ashman in Gaithersburg is one of my favorite elected officials in the State, and I know it's a top priority for him. And Governor, I wanted to thank you for making these grants.

GOVERNOR HOGAN: Yeah, thank you, Mr. Comptroller. Jud is one of my favorite people in the State, too. He's a good guy. Any other questions of General Services?

COMPTRROLLER FRANCHOT: Yeah, I had two other quick items. One is my old chestnut, Item 23, the request to award a one-year contract for \$2 million without any competition to Mythics. Who are they? They are a company that are lucky enough to be in good graces with Oracle, who we have a huge relationship with, and have somehow managed to get from the State the authority for the State of Maryland to pay all of Oracle's sub-vendors, whoever they choose, instead of us having competitively bid these things. So I've brought this issue up before and if someone could help me understand where we are on allowing Oracle to take their boot off our neck and allow some competition for the subcontracts that they are responsible for overall, I guess. I'm not sure --

TREASURER KOPP: I was going to raise that. My understanding is that progress has been made. I wonder if they could brief us --

COMPTRROLLER FRANCHOT: Thank you.

TREASURER KOPP: -- Mike Leahy or somebody on what has happened.

MR. CHURCHILL: Yes. On audio we have Danny Mays, our Director of Procurement, who can address your question.

MR. MAYS: Good morning, Mr. Governor, Mr. Comptroller, Madam Treasurer. For the record, Danny Mays, Director of Procurement for the Maryland Department of General Services. We have finally assented to supplemental reseller terms with Oracle that will now allow us to engage the other three vendors that Oracle has indicated are authorized resellers that we have on the COTS contract currently. Those modifications have been sent to the vendors and we are awaiting their return so that we can add them to the agreement. Oracle did also give us additional vendors that they would authorize that are not currently on the COTS contract. We would not be able to leverage those vendors until such time that we are able to do an expansion window on COTS, which is you know something that we are looking to do in the long term. But we will be able to add three additional vendors in addition to Mythics once the modifications are complete.

COMPTRROLLER FRANCHOT: That's good news. And the timeline for that?

MR. MAYS: We're hoping, I would say in the next 30 days it should be wrapped up. A lot of it at this point depends on how quickly these vendors get the contracts back and how quickly Oracle authorizes them to sell under the COTS. But we've been told by Oracle that there should be no further impediments and

once we have those amendments they should be wrapped up. So we're hoping that we're at the finish line to be able to add these folks.

COMPTROLLER FRANCHOT: Excellent. And I'm going to vote for this reluctantly, but I will vote for it, but hopefully it gets resolved so we don't see this. And I'm not suggesting Oracle is somehow gouging us, but I am suggesting that competition is the best proof that we're getting a good deal. Madam Treasurer --

MR. MAYS: Yes, sir. We agree.

COMPTROLLER FRANCHOT: -- you seem to be on top of that. Are you?

TREASURER KOPP: Well, no. But just if you could keep us up to date as it proceeds over the next two months so that we don't have to ask.

MR. MAYS: Absolutely.

MR. CHURCHILL: Yes. The department will do that.

COMPTROLLER FRANCHOT: Thank you. And Governor, I have one last item, which is Item 14. And I just wanted to ask Secretary Schulz, if she's here, what the situation is with the \$2 million fund that was intended to support small businesses impacted by the Purple Line construction.

TREASURER KOPP: Right.

COMPTROLLER FRANCHOT: And apparently the Legislature passed it, God bless the Legislature, and it's in your department, in the Economic Development Assistance Authority (indiscernible). I guess the question is, when is it going to be allocated? Because in addition to the pandemic crushing these small businesses, they have the construction that the Legislature obviously looked at and said, much as we support the Purple Line, it has really impacted these small businesses. And I'm, I hope that, I know the Governor went along with protecting the \$2 million from a 50 percent cut down to \$1 million. That's terrific. I just want to know when are Montgomery and Prince George's neighborhoods going to get some relief on these businesses, particularly along University Boulevard.

MS. SCHULZ: Yes, Mr. Comptroller. I'm hoping that you can hear me. I'm having some technical difficulties this morning.

COMPTROLLER FRANCHOT: I can hear you fine and I believe everyone else can.

GOVERNOR HOGAN: Yes, we hear you.

MS. SCHULZ: Okay, perfect. Thank you. I wanted to say first of all, the funding that you are referring to, that is fenced off funding. It was an item that was added to the budget by the Legislature as fenced off. So there was no bill that was passed for that. And with that, Commerce does not have the ability to distribute the \$2 million at this point in time.

But I will say, sir, that I'm very optimistic about the amount of funds that have gone to both Prince George's County and Montgomery County businesses over the course of the last several months. With the combination of the CARES Act funds and the Rainy Day funds at this point in time, there's over \$26 million that have gone to those two counties in grant relief, and about \$16 million that have gone to those counties in the loan relief funds that we had put out. And that totals almost 3,000 businesses that have been provided assistance between those two counties and we will continue to process what we can. Obviously, those businesses that are along that path of the Purple Line would certainly have had access to our grant relief programs overall. Moving forward we continue to track and monitor that, sir.

COMPTROLLER FRANCHOT: Okay. So I understand the fenced, I guess these things are fenced off. I used to grind my teeth over things like this and I'm sure it's exasperating to you guys. But Senator Smith and Delegate Wilkins apparently put these funds in. And if there is some way they can be unlocked given the, you know, the stuff that goes on typically over the budget. And I know Treasurer Kopp served longer than I did. But whatever is holding them up, could we please look again and get it released so that we once again can get this money into the, quickly. And I'm happy to distribute it if you know who it could go to, and I obviously appreciate the assistance the Governor's administration has given

to small businesses. I'm not blind to that and I appreciate Montgomery and Prince George's benefitting there. But this is a special case. Because of the mass transit line that everybody is supporting, or most people are supporting, it has caused, you know, a tremendous additional burden. So if there is some way to do that and you could let Senator Smith and Delegate Wilkins know, and if somehow we can move forward on that, I would be appreciative.

TREASURER KOPP: Could I --

MS. SCHULZ: Well, thank you, sir. I know that we will continue to move forward and work with the Governor's Office and with the Department of Budget and Management as we move forward. So thank you.

GOVERNOR HOGAN: Thank you.

TREASURER KOPP: Could I point out, Madam Secretary, as you know, because you have been working closely with us, the State Treasurer's Office does have to send the checks, actually, write the checks that the Comptroller warrants and we are waiting to do that, while at the same time these small businesses are having tremendous problems. Even if they are open, getting to them is very difficult because of all of the ongoing or continuing construction barriers, even when the Purple Line is having some difficulty proceeding. You know? It's not their fault.

MS. SCHULZ: Understood, Madam Treasurer. Thank you.

TREASURER KOPP: Could I --

GOVERNOR HOGAN: Any more questions --

TREASURER KOPP: You mentioned --

GOVERNOR HOGAN: -- DGS?

TREASURER KOPP: I'm sorry, Governor. Go ahead.

GOVERNOR HOGAN: Go ahead.

TREASURER KOPP: No, Item 14, if you could, Madam Secretary.

It's the Maryland Compatible Energy Siting Project and it looks extremely interesting. Does it indicate that the Defense Department has become more open to our wind projects?

MS. SCHULZ: I don't necessarily think, and thank you, Madam Treasurer, I don't necessarily think that it is a call on whether or not there is a specific project that the Department of Defense is looking at. I think what this is is that this is for future projects. This is a 15-month long study to be able to show areas in the State that could be compatible for different types of energy programs in the future so that we have something on record for the sites that are there. I do have our expert from our Military Office at the Department of Commerce Jennifer Chiasson, who is on the line, if you want some specifics about the actual project moving forward as it was competed. And this is a 100 percent federally funded opportunity.

TREASURER KOPP: Well, we can, I don't want to take up people's time. I would love to learn more about it. And I also hope at some point you can get the Defense Department to look again at the question of wind technology on the Shore and Southern Maryland. Because we need to do something and they effectively killed the last proposal.

COMPTRROLLER FRANCHOT: Yes. And Madam Treasurer, thank you for even mentioning that. Because I guess I hadn't seen the study. But how much is being spent on the study?

MS. SCHULZ: We have a grant from the Department of Defense, their Office of Economic Adjustment, for \$500,000.

COMPTRROLLER FRANCHOT: Yeah. Well let me just say --

MS. SCHULZ: And the --

COMPTRROLLER FRANCHOT: -- emphatically that if they come back and say there are large chunks of the Shore or Southern Maryland that are off limits to solar, wind, geothermal, and God knows what else as far as the future, that thing is going to be put in the trashcan. And it's a complete waste of money. And what the Treasurer is politely referring to was something that was completely irregular last time in stopping the wind project on the Lower Shore. And so it just, I don't have any problem with spending the Feds' money, I guess, but I do think that there lurking behind the curtain here is a rather blanket proposal for large areas

of Maryland that are completely unnecessary. Thank you. But thank you, Madam Treasurer. I salute you for bringing the issue up.

TREASURER KOPP: Well, thank you. Any time.

GOVERNOR HOGAN: Are there any other issues or questions of DGS?

COMPTROLLER FRANCHOT: Move approval.

GOVERNOR HOGAN: Is there a second?

TREASURER KOPP: Second.

GOVERNOR HOGAN: Three-nothing. Thank you very much. I hope you both have a really, everybody has a great Thanksgiving, even though it is a small one without the big --

TREASURER KOPP: Governor, could I just say that for the Kopp family, what we are doing is using Zoom and attending celebrations across the country, family.

GOVERNOR HOGAN: That's a really great idea and we're going to try to do the same thing, because I want to see all four of my grandkids on Thanksgiving, even though we're not going to be together.

COMPTROLLER FRANCHOT: Yeah, but the question is whether the grandkids want to see us.

GOVERNOR HOGAN: Probably not.

TREASURER KOPP: That's different.

GOVERNOR HOGAN: Probably not. Yeah. They just want another slice of pie, I think.

(Laughter.)

GOVERNOR HOGAN: All right. Thank you. Take care.

(Whereupon, at 11:12 a.m., the meeting was concluded.)