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STATE OF MARYLAND

BOARD OF PUBLIC WORKS

ANNAPOLIS, MARYLAND

September 23, 2020
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PRESENT

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Lieutenant Governor

HONORABLE NANCY KOPP
Treasurer

HONORABLE PETER FRANCHOT
Comptroller

JOHN GONTRUM
Secretary, Board of Public Works

ELLINGTON CHURCHILL
Secretary, Department of General Services

DAVID BRINKLEY
Secretary, Department of Budget and Management

GREG SLATER
Secretary, Department of Transportation

JEANNIE HADDAWAY-RICCIO
Secretary, Department of Natural Resources

MIKE LEAHY
Secretary, Department of Information Technology

JIMMY RHEE
Special Secretary
Office of Small, Minority and Women Business Affairs

LISA GRIGSBY
Recording Secretary, Board of Public Works

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PROCEEDINGS

LIEUTENANT GOVERNOR RUTHERFORD: Good morning. I know the Treasurer and the Comptroller are here. I don't see the Comptroller, but he is here audio. So thank everyone for being here for another virtual Board of Public Works meeting. I think we are all getting very used to this now. And just to begin, I'm going to do my usual, just give a coronavirus update. Unfortunately, we're in this new world of the pandemic.

But I do want to say that over the weekend, the Governor announced, Governor Hogan announced that the State positivity rate had fallen below three percent for the first time. Currently, our seven-day as of this morning's report, seven-day positivity rate is 2.6 percent. Most of our large counties, I believe, and I haven't fully gone through but I get this report every day, it's about eight pages, but virtually every county now and city are below five percent. I think we have one location that is above, but it's one of the smaller counties. And so often, with the smaller counties, you get a couple of cases and it really throws their number off substantially. But our large counties and most of our, virtually every one, I'd say 23 of the 24 based on that report, are all below five percent, which the World Health Organization says is a number that you can start relaxing some of your restrictions.

Our hospitalizations over the weekend fell below 300 for the first time since March. They have ticked up a little bit in the last day or so, but the ICU are still below 80, which is the lowest level since March. So we are moving in a positive direction. And I think I said it before, that is all due to the fact that our citizens are really paying attention and are practicing healthy habits, wearing masks, watching their distance, as well as hygiene efforts, washing their hands and trying not to touch your face. I was in a doctor's office not too long ago and we were talking about that, and he said, you know, now that you're on Zoom, he said, notice how many times people touch their face. He said we all do it. We just, it's almost instinctive. But the, you know, Marylanders have been doing a very good job.

In terms of even the reported cases yesterday, with 19,000, over 19,000 tests, we reported 385 cases, which is a number that is a little lower than where we have been in previous weeks. And so we're, you know, we're all hopeful that we'll continue to move in that direction. And it's up to all of us to make sure that we, we try to stay safe and keep our neighbors, friends, and family safe as well.

One of the things that was announced last week was the ability of restaurants to go to 75 percent of capacity with still maintaining distance for indoor restaurants. Of course, locals can have more restrictive measures. But this was done also in time for the first ever statewide Maryland Restaurant Week.

And you know, for patrons who want to go inside because it's a little cooler, even though I think it's supposed to be 79 degrees today and 80 tomorrow, there is room inside the restaurants. But you can still sit outside or of course takeout is available. And we encourage everyone to go to their favorite restaurant, or even their not so favorite restaurant, and either eat in, eat outside, or take food out, carryout. And Restaurant Week continues until September 27th. And for more information, this is a commercial interruption here, for more information you can go to Marylandrestaurantweek.com to follow up on that.

I do want to mention two friendly reminders, and I noticed that the Comptroller's Office put out on social media yesterday exactly one of those reminders that I'm going to talk about and ask everyone to do. We're at the start of flu season. So we want to encourage everyone to get their seasonal flu shot. In this year that we're dealing with the coronavirus pandemic, we don't want to have the confusion of people who have the seasonal flu feeling that they have coronavirus and potentially tying up healthcare workers and their own internal panic with regard to what is the seasonal flu versus the coronavirus. Because a lot of the symptoms are going to seem the same. And so the vaccinations are available. When I had a doctor's appointment a couple of weeks ago, I was shocked when they asked me if I wanted the flu shot because it seemed a little earlier, and I'm proud to say I went ahead and got my flu shot. My wife went to

the local drugstore and got her shot. So you can go to your doctor, the health department, or local pharmacies, and you can get --

TREASURER KOPP: Or Governor, the grocery store, which is where my husband and I went to get them.

LIEUTENANT GOVERNOR RUTHERFORD: Oh, okay, the grocery store. So right beside the produce section -- no.

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: Well a lot of grocery stores have pharmacies inside also so --

TREASURER KOPP: Mm-hmm.

LIEUTENANT GOVERNOR RUTHERFORD: -- yes. So, good to hear that you did that. So, you know, in many cases there is no charge associated with it and so it is something that we should do to protect ourselves as we enter this flu season.

And then the second reminder is we are nine days away from the response deadline on the 2020 Census. I am extremely proud to say that Maryland's response has been extraordinary. So far, 16 of our 24 jurisdictions have met or exceeded the 2010 response rate. We as a State have surpassed our response rate, which was 69.5 percent, and currently 70.4 percent of our households have participated in the self-response. But what's even more important and something that we are most proud of, is that a total of 96.9 percent

of households in Maryland have been counted. So there's only 3.1 percent of folks out there who have not been counted. I know the Comptroller has been counted, so I won't chastise him. But you know, everyone is doing a great job. I know the local officials are doing a great job. I've been in communications with a number of the county executives and the Mayor of Baltimore with regard to their efforts, and am quite pleased that everyone is working. So there are still a few areas that have not reached their level of their 2010 response rate, but it's not that far to go to get that remaining 3.1 percent.

So with that, I'd like to turn it over to the Treasurer for her comments.

TREASURER KOPP: Well, that's great news, the Census. I know people have been working very hard. And there has been some confusion, but even in the face of the pandemic, it means so much to us for so many different reasons.

I was just going to mention another deadline, which is the voting registration --

LIEUTENANT GOVERNOR RUTHERFORD: Very good.

TREASURER KOPP: -- deadline, which we can talk to, we can talk to the subject when we get to the Board of Elections item. But just to remind people that the registration process is completed by October 13th. Although we have same day registration in Maryland, so there is no reason why a qualified

voter should not be voting in this election. They can go in, they can register, and the Board of Elections' new revised website, I must say, I think is significantly more useful than it was before. There are ways to click through to see whether you are registered, whether your application for a mail-in ballot was received. You will know what has happened with it and when it should be coming back to you. And I just urge everybody -- this is the most important election probably in the lifetime of any of us. I am I believe the oldest one here, and certainly in my lifetime, it's the most important election. And I trust Maryland will turn out strong and be a model for the rest of the nation.

And talking about strength and a model for the rest of the nation, I don't think we can let this morning pass without recognizing the passing of a very great American, Justice Ruth Bader Ginsberg, who has been a model and an inspiration to many of us for decades, both as a litigator and then as a great Justice and a great dissenter. Justice Ginsberg was a person who knew how to think very well and she wrote as well as she thought. She was courageous. She kept her eye on the most important things. And I must say for somebody who in the end was known as a great dissenter, she made an impact even then, even as a minority on the Court, on America to the extent that very few other people have. And there are some of us who thought she would be there forever, and wished that she would be, but I think the nation is so much better for having had Justice Ginsberg. And her memory, I know, will be a blessing forever.

LIEUTENANT GOVERNOR RUTHERFORD: Very well said. And you know, when you read and hear her story and her struggles and, you know, where she came from, and the fact that she was number one in her law school class and could not get a job out of law school, and reaches the heights of the legal profession to serve with honor and distinction on the Supreme Court, it is an inspirational story. You know, and it reminds us, too, that you know, as others have said and maybe she said it too, the strikes that were against her coming out of law school were three. One, she was a woman. Two, she was Jewish. And three, and some said probably most, well I won't say importantly, but what was the biggest strike was that she was a working woman, a working mother. And those were the days when in interviews a person might ask a woman if they were married, or even if they weren't, are you planning to get married? And if they are married, are you going to have children? You know, those kinds of questions that would not be asked of a man in that situation. And so, it is, it's fascinating, something that, you know, in my mind was not too long ago, that this was commonplace. But she persevered and did extremely well. Thank you.

TREASURER KOPP: Well, and I think she would say, Governor, that things aren't ever done. The questions that were asked before, the concerns of the past, the prejudices of the past, the fights of the past, are with us always in the present, too. And that's why I think her inspiration is so important, because

what lies before us is surely as challenging as what she fought. And we'll continue to fight her fight.

LIEUTENANT GOVERNOR RUTHERFORD: Well, yeah, as has been said many times, if you don't learn from your history, you are doomed to make those same mistakes in the future. So, Mr. Comptroller?

COMPTROLLER FRANCHOT: Yes, thank you, Lieutenant Governor. And I just want to associate myself with your remarks and the remarks of Treasurer Kopp, and note for the people that are observing this, this is exactly how government should work at the national level and the local level, which is people from different parties who have common sense trying to give guidance to their citizens. And all the subjects that have been addressed by both of you, I just, it makes me feel good to be on the same platform as you and hats off to both of you. Frankly, you two represent how public servants should conduct themselves. And it makes me proud to be a Marylander.

I will say I got my flu shot, Lieutenant Governor, at the local CVS. It was free, but right after us a citizen came up and picked up her prescription, and the pharmacist said, "We have free flu shots. Can I give you one?" And she said, "No, I never get one because I think it gives you the flu." And afterwards, when he came over to give us our shot, he said, "I hear that all the time." And it's so sad, because A, it doesn't give you the flu. It might make you feel a little --

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

COMPTROLLER FRANCHOT: -- under the weather for a day or so, but it's not going to give you the flu. So great advice from you, as usual full of common sense.

I will say that as good as Maryland is doing with the pandemic, and I attribute that to the aggressive, clear leadership from Governor Hogan and his team, joined in by everybody else, thank goodness, I do not think we have the same rosy prediction for the country. We have got 200,000 people that have passed away because of the coronavirus. Seven million have been infected. And let me just mention, of the 7 million, I know four who have had coronavirus in Takoma Park. They are friends of mine. I've asked them what it's like. They said to a person, we had mild to moderate symptoms. It was still bad and very uncomfortable. But the main problem we had was mentally we were terrorized with the thought that we were COVID positive, we were quarantining, and that we might end up in this unfortunate group of people that have serious effects. And I just want to emphasize, there are 7 million positive American COVID cases. Even when it's a mild case, that 14 days of quarantine can be just absolutely terrorizing to people because they just don't know what's going to happen. And I don't say that for any reason other than to make sure people keep their guard up. West Virginia on our western border and Delaware on our eastern border are not doing as well as we are. Obviously, people come into Maryland. I

think, Lieutenant Governor, you had it right, which is make sure you take care of yourself.

And I'd like to join both of you briefly, if I could, in saluting Justice Ginsberg. Obviously, she has been described all over the country as a giant of American jurisprudence. And she fervently believed in the rule of law. What's the rule of law? That's the one thing that protects all of us: Democrats, Republicans, liberal, conservative, wherever we are, whatever our zip code is. The rule of law communicates to us that everyone is going to be treated equally and we're going to safeguard the rights and freedoms and protections of individual Americans. And I can't emphasize enough -- I know people don't like lawyers. I happen to be a lawyer, and Governor Rutherford, I'm not sure if you are or not, but you sound like a lawyer from time to time. And you know, this is not a concept. This is a protection for all of us to be able to live, you know, and have life, pursuit of happiness, and liberty. It's the rule of law that does that.

So generations of Maryland have been made better, I think, because of her life's work. I, you know, salute her lifetime of public service. She served far after I hope I'm serving. She was very, very late in her life working just as hard as can be imaginable to make a more perfect union. And much has been accomplished. She was a relentless warrior for equality and civil rights. Her documentary or the movie about her, *Notorious RBG*, I would recommend to anybody who has any concern about the future of our country. Because with

jurists like her, we're going to truly approach the fundamental liberties and rule of law that I mentioned. We're going to defend those, and we're going to make this a remarkable country as it --

TREASURER KOPP: As long as we have jurors like her, Comptroller.

COMPTROLLER FRANCHOT: Yeah. Well, I'm hoping that the memory of her will be forever and eternal and a lesson even to those that we happen to disagree with, Treasurer Kopp, some of the appointees. I mean, at some point, as the Lieutenant Governor I'm sure would agree with me, at some point you have to put aside some of these battle positions that we have in the country and do the right thing. And so, for example, healthcare, getting rid of healthcare at the time that we have a pandemic -- I'm not speaking politically here. I'm just saying, how can you have liberty and happiness and a long life if you don't have access to healthcare? So I note with great pride that Maryland's Affordable Care Act is going along fairly well and that the premiums have dropped for three straight years. And I, you know, you give credit where credit is due. Governor Hogan, thank you guys for managing that system well. But not every state has it.

So anyway, a longwinded way of saying I'm happy to be joining you two and proud to be on the same important body or whatever we call this thing, institution, the Board of Public Works.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

TREASURER KOPP: Whatever.

LIEUTENANT GOVERNOR RUTHERFORD: Whatever. Thank you. Thank you. And just for the record, I am a lawyer, licensed in a couple of states, including Maryland. In some quarters, you saying I sound like a lawyer could be an insult. I've been called worse. I've been called a politician -- oh, I shouldn't say that.

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: So with that, I guess we'll turn to John Gontrum for the Secretary's Agenda.

SECRETARY GONTRUM: Good morning, Governor, Madam Treasurer, Mr. Comptroller. There are 14 items on the Secretary's Agenda and one report of an emergency procurement. Item 14 is a supplemental item, and Items 4, 6, 7, and 8 have been revised. I am happy to assist with answering any questions.

COMPTROLLER FRANCHOT: I have a comment if, when it's appropriate.

LIEUTENANT GOVERNOR RUTHERFORD: Well, you can go ahead, because I have a comment.

COMPTROLLER FRANCHOT: Yeah, Item 11 is the -- I don't have any problem with it. It's about the Maryland Port Administration and a very

innovative, ecofriendly, I think really far-reaching partnership between the State and the private sector, where we're conducting a feasibility study to determine whether or not dredged material from the Cox Creek Dredged Material Containment Facility can be recycled into useful bricks and building mortars and things like that. That's a fabulous idea. I'd like to have them go up to the Conowingo Dam right afterwards and check out all that junk that's behind the dam. And I want to salute, once again, credit is due to the Hogan administration for bringing in a new successor to Jim White, a gentleman from I think, I'm not sure where he on the national front -- I know he comes from Massachusetts. And I just want to salute you guys for having, or Mr. Slater, Secretary Slater, for bringing in a really good leadership team for the Port of Baltimore.

LIEUTENANT GOVERNOR RUTHERFORD: Secretary Slater, do you want to say something about that particular item?

MR. SLATER: Good morning. Thank you. But, no, thank you, Mr. Comptroller, and good morning, Governor, Madam Treasurer, as well. You know our new Executive Director at the Port Administration, a gentleman by the name of Bill Doyle, really comes from a long, long career in the maritime industry and has really been tremendous for the Port. And so this item in particular is a really exciting one for us, where it's a new advancement for that innovative reuse of dredged material, really to kind of help us manage those shipping channels at the Port of Baltimore. This one in particular, you know, we

have several coming on with this particular procurement. But this one in particular is the use of the dredged material, along with things like shale and clay, Maryland sourced fly ash, and then it creates this optimal recipe for ceramic bricks as well as permeable pavers. The whole process from start to finish will take about five months. But we're really excited about the innovation and think it could really help us create a different industry here in Maryland.

TREASURER KOPP: Could I ask you a question, since we've gone to this item. The seven other proposals, alternative things, could you just give us any idea of the sort of thing you're talking about?

MR. SLATER: We're working through those now. You know, so the way we did it, we originally went out with a procurement that was somewhat too large, where, you know, folks that couldn't, start-up companies, it was too big of a number for a start-up company to invest a certain amount of dollars into really kind of making an investment in a new innovation. So we broke it down into these values of $300,000, six awards. We're working through the other ideas as well. This one is the one that really kind of rose to the top right now. But as we're working through them, we'll be bringing them back to the Board and we'll keep you up to date on some of these really innovative uses that we think could really help us, and it could be from construction materials to a variety of other topics. But anything that we can do for this innovative reuse industry and kind of create a new market here in Maryland.

TREASURER KOPP: Yeah, no --

COMPTROLLER FRANCHOT: -- here. I'm sorry I took something off the MDOT Agenda. I apologize. I'm happy to get back to the regular order of things.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah. Yeah.

TREASURER KOPP: But it would be interesting if you had a chance to follow up with the --

MR. SLATER: Absolutely.

TREASURER KOPP: -- I'm just curious about the range of things that you're envisioning.

MR. SLATER: Absolutely. I'm happy to do that.

LIEUTENANT GOVERNOR RUTHERFORD: If you need any pavers or something in your yard or so --

TREASURER KOPP: Well we just got a permeable driveway. Actually it was a couple of years ago. But we're, it's been great. If we ever have ice again, it melts faster than on a regular driveway, it's easy to keep clean, and it looks nice.

LIEUTENANT GOVERNOR RUTHERFORD: Good.

TREASURER KOPP: Yeah.

MR. SLATER: I'll jump off and come back.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Okay. I did want to bring up Item 14, which is the supplemental. And I just wanted to point out the fact that during the height and the peak of our pandemic and the effects here in Maryland from the six-month period of March 1, 2020 from August 31, 2020, Maryland lost over 200,000 jobs when you compare it to the prior six-month period that ended on February 29, 2020. That, you know, really shows the impact. And probably as we started getting into August, we were starting to get some recovery. So the numbers are probably -- this is taking as we were starting to see some people coming back to work during that period of time. But over 200,000 job losses comparing the two six-month periods is significant.

And I know this is in State law, to come back and look at this every, at six-month intervals, you know, as it affects the automatic unemployment increases. I really feel this is something that, you know, is best discussed and debated in the Legislature versus thrown into the lap of the Board of Public Works. But there is not a motion or anything of that nature. It's just informational. But I think it does show the impact of the pandemic on our economy and our citizens and workers in this State. Now hopefully, fortunately, we've been doing a little better. The recent Bureau of Labor statistics has us with an unemployment rate below seven percent, I think 6.8 percent now. And that's not where we were when we were at, I think it was 3.6 percent in December of last year. But we're moving in that direction. But we still have a long way to go

and there's going to be a number of ancillary effects that are going to continue to be a challenge as we go forward. It's going to take us a while to get out of this. Any other questions on the Secretary's Agenda?

COMPTROLLER FRANCHOT: Move approval, if that's appropriate.

TREASURER KOPP: Second.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. We're all in favor. Thank you very much. Department of Natural Resources?

MS. HADDAWAY-RICCIO: Well, good morning, Governor, Madam Treasurer, and Mr. Comptroller. For the record, I'm Jeannie Haddaway-Riccio, Secretary of the Maryland Department of Natural Resources. And we have 14 items on our Real Property Agenda today. I'm happy to answer any question you may have.

LIEUTENANT GOVERNOR RUTHERFORD: I have a question that the Treasurer and I are interested in, maybe the Comptroller, too. What is the projection of when we'll start seeing foliage changing in Western Maryland? Let's say from Allegany to Garrett County in particular?

MS. HADDAWAY-RICCIO: Well, it's actually just starting right now and interestingly enough, our department puts out a fall foliage report that includes a map of the State. So you can actually watch the progress of the change that happens move across the State. So it's just beginning in Garrett County. We

just posted on our website last week a preview of the fall foliage report. So I would encourage everyone to go take a look at the map. It's actually one of our most popular communications campaigns that we have, because everyone really loves to get out and see the beautiful colors and the change of the season and watch that progress move across our State. So thank you for your interest in that.

LIEUTENANT GOVERNOR RUTHERFORD: We are, of course.

TREASURER KOPP: I suggested to the Lieutenant Governor that I would hitch a ride with him out there. There are few things more beautiful than Western Maryland in Autumn.

LIEUTENANT GOVERNOR RUTHERFORD: Yes.

MS. HADDAWAY-RICCIO: Well, that would be great. We would love to have you in any of our State Parks.

LIEUTENANT GOVERNOR RUTHERFORD: Yes --

TREASURER KOPP: We'll take separate cars, sit six feet apart.

Madam Secretary, I have a question about Item 11A, the Open Space procurement. I think it's fine. I think it's great, Garrett County. But what I wonder about is the vast difference in appraisals by two people who made an appraisal within a week of each other, one for $328,000 and the other for $209,000.

LIEUTENANT GOVERNOR RUTHERFORD: Right.

TREASURER KOPP: How does that happen? I see we split the difference. I have no problem with the issue of where we're splitting it. But how can you have that much of a difference?

MS. HADDAWAY-RICCIO: So I don't know why in this particular case there is such a wide difference in the appraisals. Our price point did come in in between. But if Emily Wilson or anyone from our Land Acquisition Unit is on the line, I would invite them to feel free to join in if they happen to know the answer to that discrepancy. Otherwise, we'd be happy to get back to you on that.

TREASURER KOPP: Thank you. I'm just curious. There are a number of others with wide disparities, like 8A, the Talbot County acquisition. But I assume that deals with development and maybe they were talking about two different things. I don't know. But I'm glad we have more than one appraisal, absolutely.

LIEUTENANT GOVERNOR RUTHERFORD: Yes.

TREASURER KOPP: And it's just interesting. Because we have more than one, and that's a very good thing, it does open you of course to these questions.

MS. WILSON: Madam Treasurer, this is Emily Wilson with DNR. Are you able to hear me?

TREASURER KOPP: Yes.

MS. WILSON: Okay. Great. It looks like the appraisers had a bit of a difference between the development potential of this parcel, with one saying that there could be a single waterfront residential development with recreation and periodic timbering until future development, and the other appraiser seeing it as more of a small residential development with potential to seven to ten lots. So it does differ between the potential of residential development for that particular parcel.

TREASURER KOPP: But both would meet the present zoning --

MS. WILSON: Yes. Yes, ma'am. And they both conform to, you know, universal appraisal industry standards.

TREASURER KOPP: Interesting. Thank you. Thank you. I have another sort of similar question for 13A, the Maryland Environmental Trust. It's the way it's presented. This is great. These are people who are donating land and it's good land where we want it. But I wonder why when you give us these items, it says "Purchase Price: Donation" as though there were no cost to the public. But obviously, there is a tax credit. There is a benefit. That is a cost to the public. Do we not ever account for that?

MS. HADDAWAY-RICCIO: So I think we have John Turgeon possibly with us today, or someone from MET.

TREASURER KOPP: I mean, there's a policy decision. We want to give tax credits to encourage donations. No issue. But nothing is ever free.

MS. WILSON: Hi, again this is Emily Wilson with DNR. I'm not sure that John is on. But I can say that that's actually the reason we put in the item the State income tax credit section that is quoted there where it does recognize the fact that an individual who is donating an easement is able to claim a tax credit for that.

TREASURER KOPP: But we don't put any number.

MS. HADDAWAY-RICCIO: Madam Treasurer, are you asking that you would like to see what the amount of that tax credit would be?

TREASURER KOPP: I think we should.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah, the value of it is not in the item. It's probably in the backup, but it's not in the item. So --

MS. HADDAWAY-RICCIO: But we would be happy to check with MET to see if that's a possibility going forward.

TREASURER KOPP: You must have at least the value of the property. I don't know if it depends on the person's tax --

LIEUTENANT GOVERNOR RUTHERFORD: Yeah. But you know, the property value, what they are going to claim.

TREASURER KOPP: Yeah.

LIEUTENANT GOVERNOR RUTHERFORD: Potentially claim, I guess.

TREASURER KOPP: Potentially claim.

MS. WILSON: -- believe that that's up to the individual property --

TREASURER KOPP: -- their donation. I don't mean to say for a moment that we don't. I just --

MS. WILSON: Mm-hmm.

TREASURER KOPP: -- transparency.

LIEUTENANT GOVERNOR RUTHERFORD: Back to 11A, I just want to say, and this is, you know, again with the Treasurer's interest in Western Maryland, and I always pronounce the name of the river wrong -- Youghiogheny?

MS. HADDAWAY-RICCIO: The Youghiogheny. You were close. Youghiogheny.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Youghiogheny River, that valley and the river itself are just beautiful. Even when we were there, I guess in early spring, on a rainy early spring day --

MS. HADDAWAY-RICCIO: Mm-hmm.

LIEUTENANT GOVERNOR RUTHERFORD: -- it's a beautiful area. And I'm quite sure as the foliage is changing, it's even more so. That's another area to possibly venture to.

MS. HADDAWAY-RICCIO: Most definitely. And this particular item will allow us to enhance access to the River and it will allow more people to

take advantage of the great fishing that occurs up there, as well as preserving this wild and scenic river. It is a wild, has both a wild and scenic river designation.

LIEUTENANT GOVERNOR RUTHERFORD: Very good. Any other questions for our Natural Resources?

COMPTROLLER FRANCHOT: Move approval if that's appropriate.

TREASURER KOPP: Second.

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

MS. HADDAWAY-RICCIO: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: 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'd be happy to answer any questions.

TREASURER KOPP: I have a very brief question, I hope, Tom, on 2-C, the University of Maryland Baltimore School of Nursing renovation. One of, you've got a number, and I really appreciate it, listing energy savings, environmentally strong aspects. Could you describe, or do you know anything about the reflective roofing?

MR. HICKEY: I will have to ask Jean Graziano from University of Maryland Baltimore, who is on the phone, to answer that question.

LIEUTENANT GOVERNOR RUTHERFORD: Is that the --

TREASURER KOPP: You can get back to me. It's not --

MR. HICKEY: I can do that, or Jean should be on the call if she can be promoted into the discussion.

MS. GRAZIANO: I am. I had it on mute and had to undo the button. Thank you. Good morning. The reflective roofing, I will have to get you specifics back to you on that. But it is the light reflective, reflectivity that is captured and gained that you are not getting heat gain into the building. So.

TREASURER KOPP: I'd be curious, and also if there were any projection of the amount of benefit, heat gain, omitted heat gain.

MS. GRAZIANO: I do not have that specific number and I will be happy to get that back to you.

TREASURER KOPP: Thanks.

MR. HICKEY: We will follow up.

LIEUTENANT GOVERNOR RUTHERFORD: Good. Good. Any other questions on the University System Agenda?

COMPTROLLER FRANCHOT: Move approval, please.

TREASURER KOPP: Second.

LIEUTENANT GOVERNOR RUTHERFORD: Okay, we have a second and that's fine. Thank you very much.

MR. HICKEY: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Department of Transportation?

MR. SLATER: Good morning, again, Governor, Madam Treasurer, Mr. Comptroller. For the record, my name is Greg Slater, Secretary of the Maryland Department of Transportation. The Maryland Department of Transportation is presenting 25 items for your consideration today. Item 23-M is being withdrawn.

I do want to take a moment and re-highlight Item 11-S for the innovative reuse of dredged material, as we discussed earlier, but I just want to highlight that if this concept were moved into full scale production, it could reuse about 200,000 cubic yards of de-watered dredged material each year, which could recover significant outgoing storage capacity in the Cox Creek Dredged Material Containment Facility. And recycled bricks and permeable pavers to be marketed, certainly as Madam Treasurer noted, an effective, sustainable stormwater management solution for the Chesapeake Bay watershed, as well as supporting a lot of our TMDL goals. I just want to thank you again for your support and for highlighting this. I'm happy to respond to any additional questions. And

(indiscernible) is our new Port Executive Director Mr. Bill Doyle is also on the line and available.

LIEUTENANT GOVERNOR RUTHERFORD: Very good.

TREASURER KOPP: Mr. Secretary, I don't want to raise an unhappy issue. But at some point, I understand you're in the middle of things, could we have an update on the Purple Line?

MR. SLATER: Absolutely. You know, I just will mention just briefly on the Purple Line, you know, we remain committed to an open and fair reasonable settlement. After the judge's ruling two weeks ago, we began a period of transition where the State takes over day-to-day management of the project to ensure things are able to progress while we finalize each of those paths for making sure we get the project completed. It's a very challenging period with a lot of legal implications associated with ongoing litigation. So it's a period where it's not prudent for us to communicate a whole lot on some things because we don't want to impact that period. But as we get out of that transition period and the legal issues separate from the project delivery path, if things become a little bit clearer and we're able to really kind of lay a firmer path out for everyone. But aside from those activities, right now the team is working on a really detailed communication plan for stakeholders, residents, businesses and anyone interested in the Purple Line. But we remain committed and we'll get the project done.

TREASURER KOPP: Thank you.

COMPTROLLER FRANCHOT: Could I just interject something there, Lieutenant Governor? Can you hear me?

LIEUTENANT GOVERNOR RUTHERFORD: Yes, I can hear you.

TREASURER KOPP: Yes.

LIEUTENANT GOVERNOR RUTHERFORD: I had muted myself because I thought there was some feedback in there. Yes.

COMPTROLLER FRANCHOT: I just want to follow up on the Treasurer, because obviously many of us in the Montgomery area have been observing the construction of the Purple Line. I happen to have been a long-time proponent of the Purple Line. I chaired the House Transportation Appropriations Subcommittee and this, you know, also, this is a very good project and it's disheartening, I guess, or alarming, to see it held up in this controversy.

I just want to emphasize, because we got a full briefing at my request from the Secretary on the Purple Line last week and I encourage Secretary Slater, you to give that to the Treasurer also. This is a situation that Mr. Slater inherited. This is, you know, there are permutations of this procurement that go back well before you took over. And it's a bit of a legal conundrum and mess, I have to admit. But I am convinced that Mr. Slater is going to lead us to the Promised Land and get this project finished, even if we have to do it ourselves, which I hope is not the case. But I just want to emphasize for people that we are

dealing with a concessionaire that frankly has many flaws that we didn't realize as the project was moving along. And they are now under all sorts of investigations for essentially low bidding states, I think is the situation. And I don't mean to cast dispersions. I'm just defending the Secretary here as he tries to navigate a real shark-filled pool, and encourage him to do the right thing and get the project done as quickly as possible.

I did want to ask Administrator Quinn, if he's available, or the Secretary, just to comment on a separate subject, which is the mass transit situation in Baltimore. This proposal to eliminate 25 bus lines and reducing service on 12 others has obviously caused quite a kerfuffle up in Baltimore City. And I think additionally you're going to reduce the MARC train and commuter bus service next year. I just want to make sure that everything is under some kind of review that is able to protect folks as much as possible. I happen to think that the problem up there is connectivity with the other modals and making sure that the transit system in Baltimore actually connects to the suburbs so people can come in and go out of the City, you know, without some kind of rigmarole. So I'm not sure exactly where you are as far as that proposal. But I just believe this, moving too quickly and reducing mass transit in Baltimore on top of the Red Line decision years ago may be a cross too much to bear right now for the City. So I hope that we're going to make sure that there is progress as well as cutting back up in that area.

MR. SLATER: Absolutely, sir. Let me touch on that subject a little bit, and then, yeah, Administrator Quinn and I are both certainly here. You know, we had a, about a $550 million gap in fiscal year '20 based on our COVID impacts to travel. And so that, and a lot of that was covered by the CARES Act funding. And but it brought us into FY '21 where we had some significant budget challenges and MTA ended up having to reduce its operating budget by about 4.5 percent, while SHA was reducing at about 7 percent, over at Maryland Aviation it was about 8 percent, and over at the Port it was about 6 percent.

But knowing that we wanted to make sure that we protected and also took care of the people that needed us the most, in that core bus system we took an approach that was a little bit different than we previously had, where we looked at the real route of our ridership there. And the proposal for the local bus systems out there today is really a data-driven approach that looked at a lot of the demographics and key travel to have the right size service to limit overcrowding as well as serve folks. And so what the proposal does is it focuses on maintaining and also expanding our frequent transit network, which is, that's the routes that have that 15-minute or better service, and they carry about two-thirds of our riders through Baltimore City. And the proposal seeks to maintain access for all of our riders across the disability spectrum, making sure we're serving all of our hospitals, essential employees, and avoid a lot of those gaps. And they also focused on maintaining access and a higher access to transit for folks that have a

high transit propensity. These are our citizens that are in particularly low income, minority households, but also vehicle-free households. So people that don't have access to a car and the transit service is really their lifeline.

And so although the proposal does have a reduction in service, it does maintain transit within about a quarter mile for 98 percent of the ridership that's out there today, and the frequent transit network is proposed to increase from 18 to 20 routes, bringing an additional 32,000 residents and another 12,000 jobs within that, a quarter mile of that frequent transit network. So what it does is, although it does put forward a proposal, I would argue that it's a very data-driven, thoughtful proposal that we put out there for public comment, results in about a 7 percent increase in the number of our minority residents and low income residents that have access to that high frequency network. So we're actually growing that at a time where we're cutting some more of the suburban routes that are coming in, where we felt like some of our residents had different choices.

But what I'll say is, it's a proposal that we have out there today that we're trying to get some public feedback on. It's not certainly one that Administrator Quinn or I really want to put forward, or want to do. But it's just kind of out there as far as hoping we get some additional help from the federal side.

You know, as I look at what's happening nationally, you know, Denver Transit just laid off about 800 employees, and L.A. Metro has had about a

20 percent reduction, New York MTA has about a 40 percent proposal on the table right now if they don't get some additional federal help, and then of course WMATA is looking at about a 25 percent reduction in service if there is not an additional federal CARES Act component for transit. So with that, I'll take a pause and see if Administrator Quinn wants to add anything, or if there are any further questions that we might be able to help answer. But we want to remain open to feedback on this proposal to understand maybe some perspectives that we may not have seen when we put it out there.

MR. QUINN: Sure. So Secretary Slater, thank you. Governor, Treasurer, Comptroller, good morning. This is Kevin Quinn, the Administrator of MTA. So I think Secretary Slater, you know, hit a lot of the main points of it. And Mr. Comptroller, to your point, I think this is very much kind of adjusting service to meet demand.

You know, we, our core bus system right now is about 50 percent where we were pre-COVID. But I will note that, you know, on those kind of commuter routes coming from the suburbs into the City, you know, we're down, you know, we went down immediately closer to 80 or 90 percent. A lot of those folks are able to telecommute or have cars and were going to park and ride lots. And so I think, you know, this really adjusts service to, you know, focus on continuing to provide that core service to those that need us the most.

I want to also reiterate a point that Secretary Slater made just about public comment and the, really the importance of the public comment and public feedback process. We wanted to be sure to build that in. So we are having ten virtual hearings from October 6th to the 15th. And so we'll be doing those virtually on a number of days and different times, and that public feedback is absolutely so important to our process as we go through this. Thank you.

COMPTROLLER FRANCHOT: Could I, Lieutenant Governor, with your, I just have two or three quick questions, really for the Administrator would be best here. What's happened as far as the pandemic reduction in traffic, which I guess ebbs and flows? Has that improved our transit reliability as far as their schedules and on time?

MR. QUINN: Yeah, that's a really interesting question. So you know, our schedules, right now we're at around, I think yesterday we were about 74 percent on time. And I will note that, you know, you all know I'm very focused on reliability and on time performance. February of this year we actually hit an all-time high for on time performance. It was right before COVID hit and we hit around 79 or 80 percent. It was the highest in the agency's history. COVID hit. And we have dropped to 70 percent, yesterday we were around 74, 75.

So one of the reasons for that is that our schedules are actually built on a certain amount, a certain level of traffic that is in the system, right?

You build a schedule to get from A to B, it takes ten minutes. That assumes a certain amount of ridership boarding a bus and sort of dwell time at a stop, as well as a certain amount of traffic. So as traffic has decreased and ridership has decreased, it has actually thrown our schedules a little out of whack. So we're at around 74, 75 percent now, and that's something that we're always looking at and trying to make tweaks to ensure that our reliability can get back up into the high seventies where we were before.

MR. SLATER: Now Kevin, just to be clear, the on-time component is because we are arriving there early.

MR. QUINN: That's right. Exactly. We're arriving a little early, which is sort of an ultimate sin in transit. You know, the last thing you want to do is be there early.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah, my understanding from the old days when I used to ride the bus in D.C. that that's a negative.

MR. QUINN: That's right.

LIEUTENANT GOVERNOR RUTHERFORD: You can arrive late, but you don't arrive early.

MR. QUINN: That's exactly right.

LIEUTENANT GOVERNOR RUTHERFORD: Because if you get there early, the bus is gone, and the person is like, wait a minute, they are supposed to be here, and they've already left me.

MR. QUINN: That's right. That's right. So that's taken some reeducation of our operators and talking to them about sort of the sin of leaving early, leaving a stop early. But also from our scheduling side of things, to be sure that we're scheduling for a less traffic, 50 percent less ridership bus routes.

COMPTROLLER FRANCHOT: On the issue of modal connectivity, how many of our bus routes terminate at a rail station, ballpark?

MR. QUINN: Terminate?

COMPTROLLER FRANCHOT: -- Light Rail or Metro stations, I guess.

MR. QUINN: I would probably say the vast majority. I don't have a number in front of me. But most of our routes, whether they are going north-south or crosstown, are hitting a Metro or a Light Rail station. I can get you the exact number. But just thinking of the network in my head, it's going to be the vast majority.

COMPTROLLER FRANCHOT: Okay. And then finally, do you see the growth in the Baltimore suburbs as something where you can do what WMATA has done, which is really invest in suburb to suburb bus routes? Or is that just not too much, too bold right now to think about?

MR. QUINN: I think it's something that we've looked at in the past. We traditionally haven't seen high ridership when we have established suburb to suburb connections. You know, a few years ago we did, you know, some cross suburb kind of, you know, Owings Mills to Towson, or White Marsh to Towson, kind of work. And we didn't see particularly high ridership on that. And it just did not turn out to be a particularly efficient route. But to your point, you know, there's a lot of folks that are taking suburban routes into the City only to take routes back out of the City to get to where they need to go because those cross-suburban connections kind of don't exist. And so I hear what you're saying (indiscernible) not been particularly efficient.

COMPTROLLER FRANCHOT: Thank you, Lieutenant Governor.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you. And let me just, I'm going to put an editorial comment on some of that, is that particularly as it relates to suburban to suburban and maybe more of the outer suburbs, for a long time, and I've asked different transportation officials about this, is the ability to go more to kind of the super shuttle approach and the on-demand approach that, you know, because you really don't have the ridership.

And I look at my county, Howard County. We have a bus service there that is kind of shared with Laurel and some of the surrounding area. But you have these large buses that may have five people on them. And you know, if you're going to have routes where, you know, go to a different type of, you know,

kind of van pool approach, and then for those who need to get there right away to have something similar to the Ubers and Lyfts, I think is a much more reasonable approach than putting in a full, you know, bus service that is kind of based on an urban model of taking people from one centrally, or not, congested area to another congested area, versus more of the sparse areas of the distant suburbs. And I know the federal funding doesn't quite go in that direction right now. But that's something to probably talk to some of our legislators, particularly if they sit on a transportation related committee, to look at this kind of van pool shuttle services that can affect those distant suburbs, and even the rural communities that could service them a lot better than trying to start a full bus service when you have large buses that are, you know, spewing diesel fumes with just four or five people on a bus that can seat 35 to 50. So it's just, I see it as a waste when I watch those buses in Howard County all the time. And I've had those conversations and they talk about the federal funding issue.

MR. SLATER: Yes.

MR. QUINN: Yes, just a quick comment on that, Mr. Governor. So I couldn't agree with you more. We've tried a couple of these approaches, especially ones related to what's known as micro-transit. And so that is kind of an on-demand shuttle service. And we did actually last year put out a procurement where in essence there would have been kind of an on-demand shuttle that would have replaced some fixed route service around the BWI area,

where it wasn't working particularly well. You know, fixed route works very well in a very linear way, not when it has to sort of dip in and out of job centers and come back on the main route, and dip into job centers, and come back. And so we have been looking at some different models. And that procurement, the price came in a bit higher than we anticipated and we weren't able to move forward with it. But we are absolutely committed to looking at these innovative models, especially now in kind of a COVID world, where --

LIEUTENANT GOVERNOR RUTHERFORD: Yeah.

MR. QUINN: -- we've got to be thinking more creatively and more innovatively about how to keep that service going for our riders. I couldn't agree with you more.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Thank you. Any other questions on the Transportation Agenda?

TREASURER KOPP: I hope that when you look at that you will be looking at electric vehicles, too.

MR. SLATER: Absolutely, and potentially autonomous.

TREASURER KOPP: Autonomous.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah.

TREASURER KOPP: I'm for that.

LIEUTENANT GOVERNOR RUTHERFORD: All right. Any questions on Transportation? Do we have a motion to --

TREASURER KOPP: Favorable.

LIEUTENANT GOVERNOR RUTHERFORD: Did we lose the Comptroller?

COMPTROLLER FRANCHOT: Yeah. Yeah. I was here. I don't know whether anybody could hear me.

LIEUTENANT GOVERNOR RUTHERFORD: Just now, we didn't hear you for a moment. So I guess we have a motion and approval, so we're all in favor. Thank you, Mr. Secretary and Mr. Administrator. Department of General Services.

TREASURER KOPP: Mr. Governor --

LIEUTENANT GOVERNOR RUTHERFORD: Oh, I'm sorry.

TREASURER KOPP: I don't know the appropriate time. It may be now, it may be after. But we just received a couple of letters that I probably should have referred to in the beginning, only I didn't have them in the beginning. And it may deal with your budget, I'm not sure. One is the question of the helicopters. Was that --

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

TREASURER KOPP: We all just received a letter of, a concern from Delegate Holmes. One thing was to undo the budget cut that dealt with the State Police helicopters. And of course, we have heard about the request to undo the budget cut that dealt with the Baltimore Symphony. And the one that dealt

with the Enoch Pratt Library, and several others. And as you know, we have sent a letter to the Attorney General's Office asking for clarifications of the power of the Board of Public Works, the authority of the Board of Public Works, to rescind budget cuts. It is very unclear, but it looks as though it cannot be done unless the Governor agrees to doing it. But my understanding, Mr. Gontrum, is you sent a letter and we are waiting to hear authoritatively. Is that --

SECRETARY GONTRUM: That is correct, Madam Treasurer.

TREASURER KOPP: Okay.

SECRETARY GONTRUM: To clarify the authority of the Board. Whether the Governor agrees or disagrees could be a component to it. Another component to it is whether the budget amendment executing the reductions has become effective.

TREASURER KOPP: Right. And you're going to get back to us when we hear something?

SECRETARY GONTRUM: As soon as we hear back from the Attorney General's Office, yes, Madam Treasurer.

TREASURER KOPP: I'm in a difficult position because I didn't vote for it. Normally, you need somebody who voted in the majority to move to undo something. But that's one question. But the other, Governor, is we received a letter from Delegate Holmes asking if the base and the copter that, the plane that served Montgomery and Prince George's is, which is stationed at Andrews, is out

of commission. Do you, is that something, Mr. Secretary, that you deal with? Or that, I don't know --

LIEUTENANT GOVERNOR RUTHERFORD: That would be in Public Safety. But I don't know. We can find out whether it's out of commission. There is no decision with regard to closing any bases. The only decision that was made was to reduce the fleet by one helicopter. So I think a lot of these concerns are getting conflated, that they are looking at bases versus the individual helicopter. I don't know what the status is and we can find out. We've been trying to get some information about that in terms of how many of the helicopters are in service and how many have been pulled for routine maintenance. And we can get that information back to you and the Treasurer, I mean, the Comptroller.

TREASURER KOPP: Thank you very much. I appreciate that and apologize for interrupting you, but --

LIEUTENANT GOVERNOR RUTHERFORD: That's all right.

TREASURER KOPP: -- I didn't know when else to do it.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

TREASURER KOPP: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: -- will make sure that we get that information to you. Okay. Mr. Secretary, General Services?

MR. CHURCHILL: Well, good morning, 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 35 items for your consideration, including three supplementals. Please note that Item 12 was revised yesterday to highlight the agency's efforts to provide more justification for the jurisdictions' specific contract with hired firms, as well as to include the names of firms serving Calvert County. Item 30, also revised yesterday, was revised to more clearly define the appropriate authority and potential future actions to be taken. And then finally, the department is withdrawing four items today: Items 1, 14, 2.4 of Item 26, and Item 27. And we have representatives available to answer any questions that you may have at this time.

LIEUTENANT GOVERNOR RUTHERFORD: You withdrew 1-CGL?

MR. CHURCHILL: 1-CGL, we'll be bringing that back, 14 --

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Well CGL, I was going to ask about that because I thought that the City had defunded the mounted police unit and I was going to ask wouldn't they have to, you know, pay back some funding if they went forward. And we are approving money for stables that don't appear that they are going to be used. And so, okay. There are going to be a lot of questions.

MR. CHURCHILL: That is exactly right, Governor. And that is why we are withdrawing it, to get more specifics as to what that action will have on the grant. So we will advise.

LIEUTENANT GOVERNOR RUTHERFORD: All right. Thank you.

TREASURER KOPP: Mr. Secretary, you withdrew 14?

MR. CHURCHILL: 14, yes, ma'am.

TREASURER KOPP: 14. Could I just say that 14 is an item -- I won't oppose withdrawing. I couldn't anyhow, but I won't, withdrawing an item from Maryland 529 College Savings Program which will result in families saving money, the item will. I understand there is a dispute among attorneys for different departments and --

LIEUTENANT GOVERNOR RUTHERFORD: Lawyers disputing each other?

TREASURER KOPP: -- and attorneys from past, past advice and present advice. Can you, this is an important item. I don't want to get in between attorneys, and I respect disagreement, but the sooner this is completed, it's of no cost to the public, but the sooner it's completed, the better. Thank you.

MR. CHURCHILL: Yes.

COMPTROLLER FRANCHOT: Lieutenant Governor, I have a question, a series of questions about 23-IT-MOD.

LIEUTENANT GOVERNOR RUTHERFORD: Sure. Yes --

MR. CHURCHILL: 23 --

LIEUTENANT GOVERNOR RUTHERFORD: 22 is related, I believe, also.

COMPTROLLER FRANCHOT: Yes. Yeah, I don't have a problem with the, I'm going to vote for the items, but I do have some questions for whoever if the Secretary has anyone from the State Board of Elections. We may have, let me look on the list, Linda Lamone, is Linda Lamone --

LIEUTENANT GOVERNOR RUTHERFORD: Or Nikki.

COMPTROLLER FRANCHOT: -- on the call list?

LIEUTENANT GOVERNOR RUTHERFORD: Is Linda Lamone or Nikki Charlson available?

MS. LAMONE: Linda Lamone, Governor, Administrator of Elections here. And I believe Ms. Charlson is also with me.

MS. CHARLSON: I am, thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Very good.

COMPTROLLER FRANCHOT: Excellent. Madam Administrator, thank you for being on with us. We're 41 days away from the November 3rd election. Now, I guess we're a little over a month away from the beginning of early voting. So I would love to get a brief update from you as to where things stand with the staffing poll centers, that issue that we had, the

mailing of absentee ballots, the ballot drop box, which I understand everybody is moving forward on, and public outreach efforts. But before that, I just wanted to comment that I'm not suggesting anymore it's going to be a train wreck. I'm just suggesting that there are a lot of balls up in the air here.

Two weeks ago, apparently, this Minneapolis group, SeaChange, the printing vendor for the June primary election, announced it was no longer printing ballots for the November election. So if you could comment on why that happened. And then secondly, we apparently have signed up with Taylor Corporation, another place in Minnesota, to handle printing and delivery of absentee ballots. That's a huge job. Then you've got another company, Single Point Sourcing, for a huge number of in-person ballots. I think 10 million or 15 million. And then Run Back Election Services, you've got a contract to print and send approximately 4 million ballots. So I guess do all these vendors have experience and a proven track record at printing and mailing ballots at this enormous scale, Madam Administrator? That would be the first thing, I guess.

MS. LAMONE: Thank you, Mr. Comptroller, for the opportunity here. First of all, I'd like to thank Governor Hogan and others for helping us recruit poll workers. It was a tremendous success and our efforts I think are well received. We have a lot of very enthusiastic people out there that have volunteered to be our poll workers and we hope they stay that way for elections to come.

I want to ensure you all that the election preparations are well underway. The locations for early voting, Election Day, and ballot drop boxes are all now finalized, thankfully, and posted on our web page. Madam Treasurer, thank you for your compliments on our new web page. We are expecting the number of voters requesting a mail-in ballot to be very high. We have over 950,000 applications have been processed already. On Monday we opened a data center processing center at the Motor Vehicle Administration to help the local boards process these applications. The MVA and the Department of Budget and Management have been very, very helpful in getting the data center up and running at MVA. I really thank them for all their efforts.

As the Comptroller noted, ballots are being printed for in-person voting. That vendor, Single Source, has been printing our ballots for in-person voting for years. They are very experienced. They are very dependable, very much wanting to step in if we need anything in addition to that. The schedule for mailing the mail-in ballots is on time. We are expecting them to -- Nikki has the numbers, I don't, hundreds of thousands of ballots beginning this Thursday. And we met the federal deadline. And this is Taylor that is doing this for us. They have experience printing ballots, actually all of our vendors do. And as the Comptroller noted, we have four different printers because we had multiple printing jobs and we of course didn't want to put all our eggs in one basket. So we have different vendors performing different functions. Run Back, for

example, did all the applications, or at least the initial close to 4 million applications for a mail-in ballot. So everybody is performing admirably.

The drop boxes are being delivered in three stages. The first, the list is posted on our web site, which shows the delivery date range for each box. Once they are delivered, they are going to be open 24/7 until 8:00 p.m. on November 3rd. Some of the -- voters who request a mail-in ballot will receive in their ballot packet a list of all the ballot drop-off boxes in their county. So we're well on our way to having all that established.

We have a massive voter education program in place and I hope you all, Governor, Madam Treasurer, Mr. Comptroller, got something with our tool kit this week. We tried to send it I think to over 8,000 stakeholders. The local boards are doing, are authorized to start counting ballots on October 1st, although I doubt that many of them will have a lot to count. The results will be embargoed. Everybody has to sign a confidentiality agreement. And we want to be able to release as much of the results from the mail-in voting as possible election night. Mr. Comptroller, does that answer your question about the --

COMPTROLLER FRANCHOT: It does. And I just want to emphasize, Madam Administrator, that obviously you have a lot of cooks in the kitchen here. But you are the chef in charge and we have got to have this work right. And I just hope we have as much oversight, squeaky wheel, sending people out in person to confirm and make sure that these entities that we're contracting

with, I know some of them have a track record, but make sure that we're not going to have what happened before in the primary, wrong ballots, and ballots mailed late, in some cases after the election has taken place. That cannot happen this time. And I guess I just wanted to finish by asking you have you been in touch with the U.S. Postal Service? Because that sounds like another mess as far as information and are they giving you any assurances that they are going to be able to deliver ballots without delay?

MS. LAMONE: Lots of assurances, Mr. Comptroller. And that's from the Postmaster General himself. He has been briefing both the members, my colleagues, and the Secretaries of State around the country on their efforts. And but we have a really, really good relationship with the Post Office people here in Maryland, both the Capital region and the Baltimore. We have regular and frequent conversations with them, letting them know what's happening so that they are prepared to get this huge influx of ballots. For example, Taylor is not mailing the ballots from Minnesota. They are shipping them to Maryland to put into the mail stream directly here. So we don't have a long delay of getting them through the Postal Service to the Maryland delivery system. And our postal people are aware of what's coming, and we keep them regularly up to date so that they are not surprised with the amount of mail that they get. And I'm just pleased at how they have reacted and how responsive they have been to us.

COMPTROLLER FRANCHOT: Could I just interject on a personal level, that if you pull this off and this works, given all of the hullabaloo out there and the problems with the primary, I am open-minded enough to be the first one to stand in line and praise you and your team. It sounds unbelievably difficult to coordinate to me right now, but I assume you or the Assistant Administrator Charlson are on this thing 24/7. Because if you guys aren't supplying the impetus to make sure this works right in a real time, obviously bad things can happen. So good luck. I am open-minded about the team you have. If you can do this, I will come over and bring, well, more than several six-packs of Maryland craft beer.

MS. LAMONE: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Let me ask you. You said that the mailing of ballots will start this Thursday. Is that mailing from Maryland or the shipment from Taylor in Minnesota?

MS. LAMONE: So it's the latter, Mr. Governor. It's the latter. They are going to put them on the trucks Thursday. And Nikki, do you know, are they driving them overnight or if it, what? I don't know the answer to that.

LIEUTENANT GOVERNOR RUTHERFORD: Saturday or Monday maybe going into the mail system.

MS. CHARLSON: This is Nikki Charlson, Deputy Administrator. That timing is correct, Lieutenant Governor. They will get shipped starting on

Thursday and then pretty much we're going to have shipments every day all the way through the first week of October. And so voters can start, I will expect they will be in mailboxes, you know, certainly next week for voters who have already requested their ballots. There is still time to request a mail-in ballot if voters haven't done so. Thank you to the Treasurer for announcing the voter registration deadline. Right behind that is the deadline to request a mail-in ballot. That is October 20th and the local boards have to receive the request by the 20th.

TREASURER KOPP: Nikki, could I interrupt? I was so afraid I had messed that up. Could you just clearly state what the different deadlines are?

MS. CHARLSON: Of course, and you were correct. So the deadline to register to vote is October 13th. So you can do it online. Our website will be up for voter registration until basically midnight on the 13th where voters --

TREASURER KOPP: -- afternoon, too.

MS. CHARLSON: Correct. Yesterday was National Voter Registration Day, so we can extend it to today and encourage people to go ahead and use the system to register now. You correctly pointed out that we have same day registration, so it's not a complete deal breaker. But it's easier, do it now when you're thinking about it, you'll be in the books, it will be a quicker voting experience. But we can accommodate voters who didn't register before the 13th.

The deadline to request a mail-in ballot is October 20th. And the important, other than remembering the date, the important thing to keep in mind is it has to be received by the local board office by the 20th. So putting it in the mail on the 20th is late. We're suggesting that voters put their, if they are going to use the mail to deliver that request, to mail it by October 15th. That gives five days to do it. Of course, our website will be up and available until, again, midnight on the 20th. But if you prefer to use the paper form and get it in, it has got to be received by the 20th.

TREASURER KOPP: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you. I want to, if there's no more questions on those two items, I want to go back to Item 15. And it's just a simple question on the IT, 15-IT, intergovernmental cooperative purchasing agreement. Is Mr. Gleason on the line, or --

MR. CHURCHILL: Governor, we have Danny Mays, the Director of Procurement, on the line and he'll come on now.

MR. MAYS: Good morning, Mr. Governor, Madam Treasurer, Mr. Comptroller. For the record, Danny Mays, Director of Procurement for the Office of State Procurement. I'm happy to address any questions on this item.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah, my question has to do with the utilization of the intergovernmental cooperative agreement for this purchase, the license purchase. What type of savings do we

think that we're getting from this, actual savings versus having to solicit, you know, on our own? And I know there is a savings associated with the utilization of our procurement officers. But what is the difference? Do we have an understanding of the difference in pricing that we're getting through this process versus a fair and open?

MR. MAYS: Certainly. Thank you for the question. We actually analyzed multiple ICPs to find the best vehicle. And of course, we found the one that we feel aggregates the greatest amount of potential spend, which therefore drives the discounts on the licenses down further. I don't have the historical data in front of me to give you an exact figure on what we expect to save. But obviously, this is a very significant spend for us and we think we found the best aggregated vehicle to get us the most advantageous pricing for the State, in addition to, you know, obviously the cost savings of not conducting our own procurement and really getting to the same players since, you know, it would have to be licensees that are authorized to sell Microsoft to us.

LIEUTENANT GOVERNOR RUTHERFORD: All right. Okay. I apologize if the Administrator from Board of Elections is gone. But I actually did have a question on the Item, I believe it was 23. And is Ms. Lamone still available?

MS. LAMONE: Oh, we're still here.

LIEUTENANT GOVERNOR RUTHERFORD: You're still here? Good. Good. Thank you. And this is just really in terms of the extension of the lease agreement and the extension for, you know, an additional two years, and then the two-year option. My concern is technology changes, and can change quickly, and particularly since this includes hardware as well as software, that whether it's prudent to have even the renewal option there for two years versus potentially a one-year or two one-year renewal options. Was that any consideration of the potential changes that could occur in technology?

MS. CHARLSON: So Mr. Governor, this is Nikki Charlson to respond. So in the voting system industry, the technology doesn't change as quickly as we're used to it in our personal and otherwise. We really look at the election cycle. And so we'll be evaluating as, if the Board of Public Works approves this extension, then we'll spend the next couple of years looking at what's coming out in the market. And if we think that there is a product that we would like to explore, we can always do that after, in preparation for the 2024 election. So there are just a couple of vendors that produce voting equipment so that's an easy task for us to do because it's just, it's not hundreds of vendors, it's about five. And so we do keep in touch and are aware of what's coming, and we'll make that decision as we're preparing for the 2022 elections.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Well, maybe it doesn't change that quickly and maybe it's just a, you know, I've been

around for a while now. But I can remember elections kind of changing from, you know, punch ballots, to, you know, doing it online with no paper trail, and then with paper trail. So that's kind of the thought process that I have that, you know, a commitment for, you know, an additional two years, plus two years on top of that, five years from now, I just wonder whether we'd be in a situation where we could have old technology or software or whatever the case may be. But if you feel comfortable, you're the subject matter expert.

MS. LAMONE: Yes, we're comfortable, Governor. Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. All right. Any other questions on General Services?

COMPTROLLER FRANCHOT: I would move approval if appropriate.

TREASURER KOPP: I was prepared to do that, but I thought we had some speakers?

LIEUTENANT GOVERNOR RUTHERFORD: We, do we have speakers? I'm sorry, which item is that?

TREASURER KOPP: I was told Item 32, but that may be wrong.

LIEUTENANT GOVERNOR RUTHERFORD: 32? Is that the one that was brought back? Yes?

MR. CHURCHILL: That is correct, Governor. The Interagency Commission on School Construction --

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

MR. CHURCHILL: -- the school facilities assessment. We do have Bob Gorrell from the IAC Public School Construction Program, and Doug Carrey-Beaver, the AG, available if you have any questions.

COMPTROLLER FRANCHOT: Yeah, could I just interject, I didn't realize this item was about to move forward. And I would not be in favor of this, unless we hear back from, you know, the companies. Because I think it probably is, along with the Montgomery Park issue, one of the most unfair treatments of a Maryland company I've seen in a long time. And I hope that we're not just approving something. I don't know, Treasurer Kopp, where you were exactly coming from. But I hope --

TREASURER KOPP: -- piece of paper that said speaker requests.

MR. CHURCHILL: We also have representatives from the recommended awardee, as well as speakers from MGT.

COMPTROLLER FRANCHOT: I would suggest that we put it off for a couple of weeks, but that's just me. I think it's a complicated issue.

LIEUTENANT GOVERNOR RUTHERFORD: Well, I don't think it's all that complicated. I've read both of the opinions and I went back and read the, you know, the transcript. Mr. Comptroller, I, you know, and I've told you that I agree with you on the Montgomery Park, but this is a very different situation. And the Maryland Court of Appeals, you know, has said, you know, it

goes in line with the old maxim that ignorance of the law is no excuse. The Court of Appeals said that even if the agency makes a decision that is bad or goes outside of their authority, it's up to the vendor to know that. And if they don't know that, that's not an excuse for continuing.

They utilized their lobbyists to, you know, get introductions and they went down a line that was way over the line when it comes to competition. The Department of Education should have stopped that, but they went too far in terms of being able to get information with regard to the scope of the project, the pricing of the contract, as well as the team that would be in place, and timelines. That put them at a really unfair advantage over other potential vendors. So I don't think it's as complicated as, if you read the opinions of the court, both the first Board of Contract Appeals and the second Board of Contract Appeals, and go through the factual pattern, it's a very different situation than Montgomery Park.

COMPTROLLER FRANCHOT: Yeah, I respectfully disagree but that's just my --

LIEUTENANT GOVERNOR RUTHERFORD: Well, I ask you to go back. I don't know if you've read those opinions.

COMPTROLLER FRANCHOT: -- we have been all over this issue. And this is, I think it's equal to the Montgomery Park issue as far as unfair treatment of a Maryland company --

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LIEUTENANT GOVERNOR RUTHERFORD: They are not a Maryland company. They are not a Maryland company, also. The vendor coming in is a Maryland company. This company is a Florida company, which doesn't, should not make a difference. I mean, you treat all companies fairly. But they are not a Maryland company, and it is, like I said, they understood the whole contract, all the needs and requirements of the department before, you know, the bids went out. That is a situation where it's unfair. And we have done this, and this was I can say several years ago when I was in Secretary Churchill's position, where I made a decision to exclude a contractor because he had made contact with the evaluation committee and brought the Board of Public Works, the previous Board of Public Works Procurement Advisor, I guess he's two generations ago, to look into that. And we excluded that person, who filed a protest, and we were able to, you know, go past that protest, resolve it, and even the contractor who was basically kicked off of that procurement was fine with the outcome. So it has happened before, but this is a situation where they went a little further than they should have.

COMPTROLLER FRANCHOT: The great thing about democracy is that we can disagree without being disagreeable.

LIEUTENANT GOVERNOR RUTHERFORD: Absolutely.

COMPTROLLER FRANCHOT: And I would completely disagree, and am happy to vote no either in isolation or in a majority. I guess I'll defer to the Treasurer.

TREASURER KOPP: Well, I think you will, I am going to vote to support the Secretary in this item. I, too, spent the last three weeks looking at the Board of Contract Appeals information and all of the related papers and emails -- parentheses, sometimes people should learn not to put things in emails. But I really do think that the department made the right decision and the Board of Contract Appeals decision elucidated all the reasons. So I am prepared to --

COMPTROLLER FRANCHOT: -- we have to vote --

TREASURER KOPP: Although, I do think, let me just put in a personal comment, I do think that the IAC did not act appropriately in its discussions with the company. The company, MGT, is a very fine company. It has done work in Maryland before, so it knows Maryland law and practices. And I really regret that we've come to this point, but we have and I will vote to support the item.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah. And I want to say Secretary Churchill, kudos to your procurement officer. Her determination was very well thought out and it presented the case for the Board of Contract Appeals to make the decision. And they did a very good job in terms of their determination, particularly the first, the first Board of Contract Appeals. But

Treasurer, you are absolutely right. The Department of Education, IAC, made mistakes early on. They got out too far, you know, not recognizing themselves the constraints associated with procurement, and the vendor should have known and they should instruct their lobbyists with regard to that. Their lobbyist should have known that they were getting a bit too far when they are starting to define the project before it happened. And I know they were trying to get a sole source, which is, you know, that's what they try to do. But when you reach a certain point, you have to, you know, back off or pay the consequence. And the Maryland, highest court, Court of Appeals, has, you know, made the determination and have ruled on several occasions that basically ignorance is no excuse for the law. And if you're doing business with the State, you need to know the authority of what the State has. So even where there are State actors who step beyond their authority, there is no excuse there. So --

COMPTROLLER FRANCHOT: As I've said often, it is, we are three functioning adults and it's a two to one vote. I understand that. God bless everybody. It has been a great meeting. I'm happy to --

LIEUTENANT GOVERNOR RUTHERFORD: Why don't we vote on this one separate. Item 32, we'll make a motion to approve Item 32. Madam Treasurer, you second. So there's two votes for, one vote opposed to Item 32.

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COMPTROLLER FRANCHOT: Thank you. And I would move approval on the rest of the Agenda.

TREASURER KOPP: Second.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. And we're all in favor of the remainder of the Agenda. Thank you very much. This has been, always enjoyable. Okay.

TREASURER KOPP: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: All right. Take care.

(Whereupon, at 11:36 a.m., the meeting was concluded.)