
BOARD OF PUBLIC WORKS

ANNAPOLIS, MARYLAND

September 20, 2023

10:09 a.m.

PRESENT

HONORABLE WES MOORE

Governor

HONORABLE DERECK DAVIS

Treasurer

HONORABLE BROOKE LIERMAN

Comptroller

JOHN GONTRUM

Secretary, Board of Public Works

ATIF CHAUDHRY

Secretary, Department of General Services

EMILY WILSON

Program Manager, Department of Natural Resources

VALERIE RADOMSKY

Chief Procurement Officer, Department of Transportation

THOMAS HICKEY

Director of Procurement and Real Property Initiatives,
University System of Maryland

LISA GRIGSBY

Recording Secretary, Board of Public Works

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PROCEEDINGS

GOVERNOR MOORE: Good morning. It's great to see you all. Welcome to the today's meeting of the Board of Public Works. And before we get started, I would just like to take a moment to recognize the Comptroller, who has some comments about the fiscal year 2023 close out. And I just want to say, as I turn it over to her, just how much we appreciate all of your hard work, you and the team and everything you all did to very diligently compile the close out report. So Madam Comptroller?

COMPTROLLER LIERMAN: Thank you. Thank you so much, Mr. Governor, good morning, everybody. I am so pleased, you probably saw the big headlines on Monday morning about the State's close out – That was a joke guys.

(Laughter.)

COMPTROLLER LIERMAN: -- but really pleased to report that we have completed the close out for the general fund for fiscal year 2023. This is of course one of our most important duties in the Comptroller's Office and I'm really grateful to the awesome team that we have, including Sandy Zinck, Robert Rehrmann, and everyone in the General Accounting Division and the Bureau of Revenue Estimates for their work and their diligence in completing this important annual process.

So our close out report really closely follows the revenue forecast made in March by the Board of Revenue Estimates signaling that Maryland's economy remains stable, but is experiencing some challenges, including the effects of national inflation with a disproportionate impact being felt by our

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families making low to moderate incomes. Despite those challenges, I am excited to report that the State closed its book with a preliminary unassigned balance of \$555 million. Maryland has a strong record of prudent fiscal management, as evidenced by our long standing AAA bond rating. But we cannot ignore that the close out report reflects the challenges families and small business owners are facing. And although there are signs that inflation is slowing, many families and small businesses are still adjusting to the economic impacts of COVID and rising costs for rent, mortgages, to financing the purchase of a new vehicle, etcetera, schools. These factors really highlight the need for more research into the new normal that we find ourselves in in this post-pandemic era.

So that is why earlier this year, our agency embarked on an effort to better fully understand the structural changes in our economy and revenue base, and the associated risks, challenges, and opportunities. And we hosted a series of round tables and interviews over the summer with businesses, industries, and economic development leaders throughout the State to learn what they, their members, and their communities are experiencing on the frontline of the State's economy and what they need to grow, prosper, and succeed.

So in the next month, more fiscal news to come. At the end of the month, of course, we have our Board of Revenue Estimates meeting, of course which I will be there with the Treasurer and the Secretary of DBM and others. And then we will also be releasing a report on the State of Maryland's economy to help policy makers, leaders, and our partners in government better understand the structural challenges that we have and the changes that we have seen over the past few years so that we can be better prepared moving forward. I'm excited to continue partnering with our Governor, our Lieutenant Governor, and all the Secretaries and agencies, and the Treasurer, on the work that we have to do.

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Thank you.

GOVERNOR MOORE: Thank you so much. Thank you. And again, thank you for the amount of work that it took, and also the leadership that you are showing. And I think what the Comptroller laid out is just, and shows a continued need for discipline, discipline as a reference point particularly when you are looking at personal income tax and the adjustments where they fell short for the March estimates. And, you know, this administration, the Moore-Miller administration that we are here to work in partnership to see how these results are going to impact the future forecast of revenues, about how we are going to approach our fiscal processes going forward, and it will all give us a better sense of what the full outlook is going to be and as we are then approaching a full budgetary process. And you know, one thing I think Marylanders can really see is that they can expect from this administration that we are going to be bold. That we are going to accomplish big things, and we are going to be fiscally responsible. And that is not choice, that we are going to do both. And so we are really excited to be able to work in close partnership with the Comptroller, with the Treasurer, with members of the Maryland General Assembly, with local jurisdictions to be able to make sure that we can achieve exactly that. So with that, we will go ahead and get moving with the business of the day with the Secretary's Agenda. Secretary Gontrum, good morning. Good to see you.

SECRETARY GONTRUM: Good morning. Good to see you, Governor, good to see you, Mr. Treasurer, good morning, Madam Comptroller. There are 13 items on the Secretary's Agenda this morning and two reports of emergency procurements. I'd like to note a revision to Item 12, which is the settlement agreement with Mr. Smith for an erroneous incarceration compensation. The Department of Budget and Management has requested that

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the fund source listed on the item currently for Mr. Smith's compensation and attorney's fees, which is currently listed as the Board's contingent fund, be instead substituted with the Board's settlements and judgments account, which is known by its budget (indiscernible) title as judgments against the State. The housing accommodation portion of the settlement will still be funded out of the Department of Housing and Community Development's budget. We will note that revision on the agenda published online after the meeting and mark the item as revised.

GOVERNOR MOORE: Thank you. Thank you, Mr. Secretary. And I would actually like to call up Item 12, which is a request to approve \$340,802 to settle the case for Mr. Demetrius Smith and his claims via the Walter Lomax Act of being wrongfully convicted and incarcerated for more than five years.

I'll tell you, I mean, as the Governor, you get a chance to see things and hear things that the State has done, and in some cases still does, that gives you a real sense of pride for the things that our State has done and accomplished. And there's certain things that you see and read that frankly fosters a sense of embarrassment and hurt. This is one of these things, where as a State we got this really wrong. And on behalf of the entire State, I apologize.

In 2008, Mr. Smith, then 25 years old, was wrongfully charged for murder. At his bail hearing, the judge noted that the case presented before him was, and I quote, "probably the thinnest case I have ever seen." That's a quote. But the prosecution was determined to press forward, relying on testimony from a witness who was later found to have not even been at the scene of the crime. Less than two months after his arrest for murder, and as he was out on bail awaiting trial for that charge, he was arrested and taken into custody for first degree

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assault. Once again, the prosecution relied on witnesses who later recanted their testimonies. In 2010, he was convicted and sentenced to life imprisonment, plus 18 years. And in 2011, a year after he was erroneously convicted for murder, he entered an Alford plea for the assault charge, maintaining his innocence for both of the crimes he was accused of, but lost faith in the justice system that failed him just a year before, and was sentenced to ten years to be served concurrently with his life sentence.

In 2011, when the U.S. Attorney charged the real killer in the murder for which Mr. Smith was wrongfully accused for, that is when his innocence was finally proven. But he spent another year and a half in prison, even though it was proven already that he did not commit the murder. It wasn't until 2012 when the State finally and quietly dropped the murder conviction. In May 2013, he petitioned the court to revisit his Alford plea for the assault charge, citing, and I quote, "some issues about the facts of the case." The prosecutor decided to modify Mr. Smith's sentence to time served, plus three years' probation, which was later further reduced to probation before judgment and PBJ when evidence emerged that, just like the murder case, the witness for the assault charge was not telling the truth. He was later freed after five years behind bars.

So we're here today, more than ten years after he was released from incarceration, providing Mr. Smith with long overdue justice that he was deprived of, an apology from the State of Maryland that until today he has never received. So Mr. Smith, as Governor of the State of Maryland, I am deeply sorry for what you have gone through. I am deeply sorry for the fact that our justice system failed you not once, but our justice system failed you twice. And while no amount of money can make up for what was taken from you, the action this Board is taking today represents a formal acknowledgement from the State for the

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injustice that was caused.

I also want to take a moment, and we had a chance to spend some time also with the Treasurer and the Comptroller back in the office, I want to also publicly acknowledge all the people that fought for you, to include your sister. Your sister, who continued to make phone call after phone call, arrange meeting after meeting, who never stopped fighting for you, who never stopped believing in you. And I want to not just acknowledge the harm that was done to you and your entire family, I also want to acknowledge her heroism for continuing to fight for not just her brother, but to fight for justice. And so on behalf of the entire State, it is an honor to have you here. We are deeply sorry for what happened, and look forward to the continued contribution that you are going to continue making to our society and working with you. So bless you and thank you so much.

(Applause.)

GOVERNOR MOORE: Is there any further discussion on the Secretary's Agenda?

COMPTROLLER LIERMAN: Thank you for that, Mr. Governor. I also just wanted to note Secretary's Agenda Items 8 to 11 are all for the national treasure, as Dr. Wilson likes to remind us. And I was honored to host him last week in our office and just wanted to express my appreciation for the vision and leadership of President Wilson and the Board of Regents, and look forward to future visits and say how important of course the success of all of our HBCUs is in the State of Maryland, and certainly the success of Morgan State University. So many items here today for them. So thank you.

GOVERNOR MOORE: Hear, hear. May I have a motion to approve the Agenda?

COMPTROLLER LIERMAN: So moved.

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GOVERNOR MOORE: Is there a second?

TREASURER DAVIS: Second.

GOVERNOR MOORE: Outstanding. Thank you so much. We will proceed with the DNR Department of Natural Resources. Ms. Wilson, good morning.

MS. WILSON: Good morning, Mr. Governor, Mr. Treasurer, Madam Comptroller. It's nice to be here this morning with you. Emily Wilson with the Maryland Department of Natural Resources. We have five items on our DNR Real Property Agenda. We will be withdrawing Item 1A, leaving four items for your consideration. I'm happy to try to answer any questions.

GOVERNOR MOORE: Wonderful. Thank you, Ms. Wilson. And it's my understanding that we are joined today by Delegate Anderton?

MS. WILSON: Yes, there he is.

GOVERNOR MOORE: How could I miss him?

(Laughter.)

GOVERNOR MOORE: How could I miss him? Great jacket, as always. From the great 38th Legislative District, who is here to speak in support of the investments we have made in Item 2A, Delegate Anderton, it is good to see you.

DELEGATE ANDERTON: Good morning, family.

ALL: Good morning.

DELEGATE ANDERTON: How is everyone doing today?

ALL: Good.

DELEGATE ANDERTON: God bless you, Governor, God bless you, absolutely, absolutely. It's just great to be here. I appreciate it. It's so good being in front of this Board for the first time. I'm looking at family and it's

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awesome. And so I would be remiss if I didn't share a brief story right quick about the Governor's last visit to Salisbury.

As you know, those of you who know me, I have, I divide society into three groups: colleagues, my people, and my family, you know. And so everybody is my people, colleagues are who they are --

(Laughter.)

DELEGATE ANDERTON: -- Dereck --

(Laughter.)

DELEGATE ANDERTON: -- I call them my family to bring my cousins to meet the Governor and we're going to get a picture with the Governor, and he's, you know, I introduce him, and I'm like, yeah, this is my cousin. And the Governor said, well, if that's your cousin, that's my cousin, so that means we're cousins. You know, just kind of like what we always do. Next day I get a phone call, he says, hey man, are you really cousins with the Governor?

(Laughter.)

DELEGATE ANDERTON: The cool thing about this Board, I know all three of you very well and you all walk your talk. You know, it's very easy to have people talk and just say things and then move on. But you walk it and you walk it by what you are doing today, and all the many things that are going to be coming before you for Wicomico County. This is just the very beginning and so I just wanted to say thank you on behalf of my people, our people, our family, for your investment and your voting to approve these investments in Wicomico County for the many things that are coming. And I just wanted to tell you how much I really appreciate it. And so I got really dressed up --

(Laughter.)

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DELEGATE ANDERTON: -- t-shirt. And I look forward to seeing all of you all next week down in Crisfield.

GOVERNOR MOORE: Right.

DELEGATE ANDERTON: -- everybody is going to be there. So come through and we'll say hi and have a good time. And again, I just want to tell you I love you all. Thank you so very much.

COMPTROLLER LIERMAN: Thank you, Delegate.

GOVERNOR MOORE: Thank you.

COMPTROLLER LIERMAN: Thank you, Delegate.

GOVERNOR MOORE: Thank you. Listen, the Shore could not have a better advocate and I could not have a better cousin.

(Laughter.)

GOVERNOR MOORE: Yes. And go Ravens.

COMPTROLLER LIERMAN: Yeah.

(Laughter.)

GOVERNOR MOORE: We are very excited and we are proud collectively to support these investments. Is there any further discussion on the DNR Agenda?

COMPTROLLER LIERMAN: No.

GOVERNOR MOORE: Okay. Do I have a motion to approve?

COMPTROLLER LIERMAN: So moved.

GOVERNOR MOORE: Is there a second?

TREASURER DAVIS: Second.

GOVERNOR MOORE: Outstanding. Thank you. Next up, University System of Maryland. Mr. Hickey, good morning. Good to see you.

MR. HICKEY: Good morning, Governor, good to see you. Good

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morning, Mr. Treasurer, Madam Comptroller. Tom Hickey, representing the University System of Maryland. There is one item on the Agenda for your consideration and I'm happy to answer any questions.

GOVERNOR MOORE: Wonderful. Thank you. Is there any discussion on the USM Agenda?

COMPTROLLER LIERMAN: No discussion.

GOVERNOR MOORE: Okay. May I have a motion to approve?

COMPTROLLER LIERMAN: So moved.

GOVERNOR MOORE: Is there a second?

TREASURER DAVIS: Second.

GOVERNOR MOORE: Outstanding. Thank you so much, Mr. Hickey. Thank you. We will proceed with the MDOT Agenda. Ms. Radomsky, good morning, good to see you.

MS. RADOMSKY : Good morning, Governor, great to see you, Madam Comptroller, Mr. Treasurer, for the record, I'm Valerie Radomsky, Chief Procurement Officer representing the Maryland Department of Transportation. Today the department is presenting 24 action Agenda items. Included on our Agenda are eight awards to certified minority and small businesses totaling approximately \$17.8 million, and also awarding a dually certified firm more than \$200,000 on DGS' Agenda. Agency representatives are available to answer any questions you may have.

GOVERNOR MOORE: Excellent. Thank you. Is there any discussion on the MDOT Agenda?

COMPTROLLER LIERMAN: I just wanted to note 13-M. It was great to see for this highway maintenance contract the certified minority business and small business was 100 percent. And you know, some of the other highway

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maintenance contracts we have not seen that. And so it is possible, as we are seeing. So I'm glad to see that and hope we can see more of it.

MS. RADOMSKY: Thank you.

COMPTROLLER LIERMAN: Sure.

GOVERNOR MOORE: May I have a motion to approve the Agenda?

COMPTROLLER LIERMAN: So moved.

GOVERNOR MOORE: Is there a second?

TREASURER DAVIS: Second.

GOVERNOR MOORE: Great. Thank you so much. Thank you.

MS. RADOMSKY: Thank you.

GOVERNOR MOORE: Thank you. And we will conclude with the DGS Agenda. Secretary Chaudhry, good morning.

MR. CHAUDHRY: Good morning, sir. Mr. Governor, Madam Comptroller, Mr. Treasurer, for the record, I am Atif Chaudhry, Secretary of the Maryland Department of General Services. Today the department is presenting 51 items in our Agenda. Our Agenda features over \$3.6 million in capital grants and loans. I just want to highlight a couple of those.

Item 2-CGL I wanted to highlight, which is for the Board of Directors of Brunswick Volunteer Ambulance and Rescue in Frederick County, \$300,000 to construct a new Brunswick Volunteer Ambulance and Rescue Building. And previously, \$1.15 million was awarded for this construction project.

I would also highlight Item 3-CGL, which is \$750,000 to Choo Smith Youth Empowerment in Baltimore City to create an interconnected campus with a community center focused on leadership, vocational training, and life skills

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for youth.

And lastly, I wanted to highlight Item 9-CGL, which provides over \$1 million to Mercy Medical Center in Baltimore City to renovate the third floor of a building adjacent to their hospital for expanded OB/GYN and prenatal care for the Baltimore region, including underserved populations.

Our Agenda also includes four new contract awards and one contract option to MBE prime contractors totaling over \$15 million.

We have agency representatives here to answer any questions you may have.

GOVERNOR MOORE: Great. Thank you, Mr. Secretary. Thank you again. And also, I just want to, I would be remiss if I didn't say Mr. Smith was also talking about his, he has a new landscaping business that he's putting on board. So I want to make sure that you guys connect as well before the end of the day.

We are also pleased to be joined by another distinguished member of the Maryland General Assembly --

COMPTROLLER LIERMAN: Another cousin.

GOVERNOR MOORE: Another cousin.

(Laughter.)

GOVERNOR MOORE: Another cousin. This is just a family reunion. That's what we do at BPW meetings --

(Laughter.)

GOVERNOR MOORE: Delegate Ebersole of the 44th here to speak in support of Item 6-CGL, so we continue our bipartisan echoing --

DELEGATE EBERSOLE: -- little bit angry at you for putting me after Delegate Anderton.

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(Laughter.)

DELEGATE EBERSOLE: -- really, this is an excuse for me to get in front of this august body. This triumvirate is just amazing, man. So I'm glad I have a chance to testify on this.

The Friends of Patapsco Valley State Park is a nonprofit that helps DNR with a lot of things in Patapsco Park, which is basically an urban park that is huge. And this project, should you approve it, will allow us to acquire property that will allow for a lot more people to access a lot more recreational area of that park. And we've been working really hard on it and we have good plans for it, good environmentally sound plans for this. It's going to be parking lot, but we're going to make it a good one. But that, for right now we just need to acquire the property. And I am very thankful that this is finally coming before the Board and that we are able to ask for your approval. And so, thank you.

GOVERNOR MOORE: Thank you. Again we are --

DELEGATE EBERSOLE: And I've got to tell you -- no, I don't have a story. I don't. I don't have one.

(Laughter.)

DELEGATE EBERSOLE: I didn't prepare like that. You know, I wore a regular blue coat and I don't have a story so there you go.

COMPTROLLER LIERMAN: -- Patapsco Valley State Park at the swinging bridge and other places. So I really appreciate your advocacy. And you know, I had a great time at their event last year --

DELEGATE EBERSOLE: Another item in there, that's Item 7, the Trail Center, which is going to allow them to do a great deal of upkeep. It's the acquisition of a building for that as well. So --

COMPTROLLER LIERMAN: Great.

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DELEGATE EBERSOLE: -- I'll toss that in. It's just they are working really hard. The Director is standing over there, Dave Ferraro is standing there over in the corner right now. So --

GOVERNOR MOORE: Good to see you. Good to see you.

COMPTROLLER LIERMAN: Thank you.

DELEGATE EBERSOLE: Thank you very much.

GOVERNOR MOORE: Thank you.

COMPTROLLER LIERMAN: Thank you.

GOVERNOR MOORE: Thanks for highlighting it. We're grateful for your leadership and excited about the investment. And any further discussion in the DGS Agenda?

COMPTROLLER LIERMAN: One.

GOVERNOR MOORE: Of course.

COMPTROLLER LIERMAN: On Item 33-IT, Governor, this is a request from the Department of Health to award Netsmart Technologies a five-year contract to provide a comprehensive electronic health records system for the residential facilities at a cost of \$26.3 million. And I was disappointed to learn that given the scope of the project and the size, there weren't any subcontractable opportunities for minority business enterprises identified during the solicitation phase. However, I understand the recommended awardee was able to proactively identify two Maryland based subcontractors to engage with. So my office sent MDH several questions about this contract, and I would certainly appreciate the department, I would certainly appreciate the department's addressing some of these concerns. Is there somebody here from MDH --

MR. CHAUDHRY: -- here.

COMPTROLLER LIERMAN: -- about that? Okay. Great. Hi,

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how are you?

MR. MROZ: Hi, I'm Bryan Mroz. I'm the Deputy Secretary of the MDH Healthcare Systems and Operations.

COMPTROLLER LIERMAN: Great. Thank you. Could you just provide some updates on your efforts to identify MBE opportunities for this contract?

MR. MROZ: Yes. So just the history of this contract, it is an EHR for our facilities. We have been working on this for decades, not just this contract but many attempts. So this is really coming to the final line to get our facilities up to modernization.

We, this contract was begun, our solicitation was begun in the previous administration, as you noted, with zero MBE goal. We did in consultation with Netsmart find out ways in which they could augment that MBE in their service line. As this is an IT project, a lot of it is prime. A lot of it can't be contracted out. But services, such as education or transition, there were some opportunities and we talked to them about that. And they have voluntarily given -

COMPTROLLER LIERMAN: Great. Excellent. Thanks for doing that. I appreciate it. And I know that going forward, you know, the Governor's administration is working to ensure that, we all are interested in working to ensure that, you know, we are not just treating MBE goals as sort of a compliance figure, but this is a way to really expand and grow our economy and to make sure everybody is participating in it fully. So I really appreciate your work on that. Thank you, Governor. Thank you.

GOVERNOR MOORE: Thank you. Is there, I'm sorry, any further questions or comments for the Secretary? Is there a motion to approve the

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Agenda?

COMPTROLLER LIERMAN: So moved.

GOVERNOR MOORE: And is there a second?

TREASURER DAVIS: Second.

GOVERNOR MOORE: Outstanding. Thank you so much, Mr. Secretary. Thank you. This will conclude today's meeting for the Board of Public Works. The next meeting will be on October 4th. Thank you all very much.

(Whereupon, at 10:32 a.m., the meeting was concluded.)