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BOARD OF PUBLIC WORKS

*GOVERNOR'S RECEPTION ROOM, SECOND FLOOR, STATE HOUSE
ANNAPOLIS, MARYLAND*

April 3, 2024
10:00 a.m.

PRESENT

HONORABLE ARUNA MILLER

Lieutenant Governor

HONORABLE BROOKE E. LIERMAN

Comptroller

HONORABLE DERECK E. DAVIS

Treasurer

JOHN GONTRUM

Secretary, Board of Public Works

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University System of Maryland

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President, University of Maryland Baltimore County

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PROCEEDINGS

LIEUTENANT GOVERNOR MILLER: Good morning, everyone. And welcome to today's meeting of the Board of Public Works. On the morning of Tuesday, March 26, all of us woke up to watch in disbelief as a cargo ship collided into the iconic Francis Scott Key Bridge causing the span to collapse in a matter of seconds and killing six construction workers. At this time, I'd like all of you to join me in a moment of silence in remembrance and in honor of these six individuals.

(Pause.)

LIEUTENANT GOVERNOR MILLER: Thank you. Please continue to keep their families, our first responders, and the men and women who are working tirelessly to remove the debris in your thoughts and in your prayers.

Governor Moore sends his sincere regrets for not joining us this morning. The Governor is at Unified Command continuing to lead recovery efforts while working closely with our federal, state, and local partners.

And even in a moment of crisis, government work must continue. So I want to thank each and every one of you that is here today. The events of last Tuesday have brought about profound devastation on multiple fronts for the families of the six construction workers affected, for the multitude of employees and businesses both directly and indirectly affected by the Key Bridge collapse and the subsequent disruption of operations at the Port of Baltimore, for the communities adjacent to the Key Bridge and the Port, and for the economy of our state, our region, our nation as a whole.

Our team is in close constant communication with the impacted communities to ensure they have resources and the support that they need. Earlier

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this week, Governor Moore designated me to lead our Administration's effort to ensure that we have a coordinated and an effective response to the economic and financial crises triggered by this tragedy. Over 20,000 workers are directly impacted by the suspension of the vessel traffic through the Port and thousands of businesses of all sizes, directly or indirectly, are also impacted. In close partnership with the General Assembly through the Port Act, our partners in the Biden-Harris Administration, and our local partners, we are working urgently to stand up programs that will provide meaningful relief for impacted workers and businesses as quickly and efficiently as possible.

Governor Moore and I are especially grateful for the robust partnership and steadfast leadership demonstrated by President Biden and his entire administration as we navigate through this crisis swiftly processing our request for \$60 million in emergency funding through the U.S. Department of Transportation to allow us to immediately begin debris removal, to approving our request for disaster declaration through the Small Business Administration within hours after our submission, triggering access to low-interest disaster impact loans of up to \$2 million for affected small businesses, President Biden has been relentless in his support and his commitment. To borrow his own words, quote, "To move heaven and earth to reopen the Port and rebuild the bridge as soon as humanly possible."

We're showing the world what it means to lead together, to pray together, to heal together, and to stand together. We'll get through this. It won't be quick. It won't be easy. But we will rebuild and we will recover because we are Maryland tough and Baltimore strong.

Thank you. At this time, I'd like to turn it over to my colleagues for any remarks they wish to make.

Madam Comptroller?

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COMPTROLLER LIERMAN: Thank you, Madam Lieutenant Governor. You speak for all of us. I appreciate your leadership. I want to thank you and the Governor for your speedy and your ongoing leadership in this time of challenge for the State of Maryland. I'm so grateful that you're there and continue to lead.

On Tuesday when I arrived at the scene, I was truly overwhelmed. Overwhelmed by the coordination and the team work being displayed by our first responders. It was an incredible sight and I'm so grateful for their action. Overwhelmed at the sense of loss. Even though those early minutes and early hours of the six workers and still grieve with their families. I was also overwhelmed, frankly, by the support even at that early time offered by our federal partners and continue to be so grateful to President Biden, Secretary Buttigieg, to NTSB, the Army Corps of Engineers. Remarkable public servants who jumped in immediately to work and to act on our behalf.

And finally, I was overwhelmed at the ruins of our iconic Francis Scott Key Bridge, a structure that once united city and county, and now lay in ruins in the water dividing our great port from the rest of the world. I appreciate so deeply the leadership of all our agencies, our Governor and Lieutenant Governor, and our General Assembly who stepped in, including my former colleagues the Senate President and Delegate Luke Clippinger, to work immediately on behalf of our ILA members, our Port workers, our small businesses, and more.

I continue and want to reiterate the offer of the full support of my Agency. We are here to support your efforts, to support our small businesses, to work in partnership. The Treasurer with the Governor, with all the administration, I'm pleased that we were able to waive all penalties and all interest to push back for business taxes to May 31st. So that any businesses

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affected, they don't need to apply for anything special. They just don't need to worry about filing immediately.

We also are in touch with the Maryland Motor Truck Vehicle Association to see how we can help. We have waived requirements for IFTA decals so that they can travel, motor vehicles can travel more easily to new ports. And we look forward to coordinating with you on any assistance that we can lead and lend in terms of our revenue estimates and economic responses.

So thank you for all that you that you're doing and we will get through this together. Thank you.

LIEUTENANT GOVERNOR MILLER: Thank you, Madam Comptroller.

Mr. Treasurer?

TREASURER DAVIS: Morning. First of all, I want to echo the words of you, Governor. The heartache that the families of those workers must be going through is unimaginable. They were just going about their jobs doing what we all do on a daily basis. And a father isn't going to ever come home again. A husband is never going to come home again. A brother isn't ever going to come home again. And, I mean, what do you say to them? We'll do what we can, obviously, as the great State of Maryland to assist them, but there really is no assistance, no real comfort that you can give for something like that.

And as everything was unfolding and so forth, it's unfortunate -- well, let me start by saying we're fortunate for the first responders that we have, the State workers. All of those folks just did a heroic job doing what they can. And so my hats off to them, my gratitude, my just undying gratitude goes out to them. But that said, there's sort of another side that we see time and again. The ugliness that is pervasive in our society. The callousness that's pervasive in our society. This, I think, went down at about 1:30 Tuesday morning. By 7:30, my

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office had received a call wanting to discuss the economic implications of the collapsing of the bridge.

Keep in mind, we still were in recovery and rescue at that time. The tragedy six hours old and the only thing that came to mind was money. And to have heard that, to have gotten that, that we were getting calls at that moment at that time -- there's plenty of time, I get that. I know what -- we all live in a real world and that's never too far away. But at that moment at that time, where it was still breaking news where most of us were still waking to the news, that was -- that's what came into the office.

But then to double down on the callousness, I -- when I saw what happened, hearing about Mayor Scott leaving his child and his home in the middle of the night to get down there, and Governor Moore, and everybody just showing that concern and trying to get a handle on the situation. But then we have those who are across the country or far to our south. Somehow, this became a race issue. Somehow a ship hitting a bridge somehow became a race issue. So I'll be honest with you. I came in here ready to light them up, but then I decided to do, unlike them, I decided to do a little research on them.

And now I know why. That is what they do. The state legislator out in Utah, who's running for Governor, I would invite you all to Google. Google something called Recapture Canyon. Google Recapture Canyon and his name and see what comes up. This is a guy who decided that -- there was a designation, some land, that the government had deemed for archaeological purposes and so forth that you couldn't drive on. So of course, he had to drive on it. Got himself ten days in jail. I think a \$96,000 fine and then a federal pardon.

The gentleman down -- the former state legislator down in Florida, who had a lot of say as well -- also again, this is online and obviously we can't believe everything we read. But if it's true, he apparently has been photographed

in blackface and brownface asking that Black Lives Matter folks be shot and all of those kinds of things. So we know who we're dealing with. We know how they feel, but I want to be clear.

This has nothing to do with race or DEI or anything like that. I'm pretty certain the folks that they're talking about, Mayor Scott and certainly Governor Moore, are probably way more qualified to do anything than they are. Way more qualified to do -- he's a Rhodes scholar, but he is the DEI Governor. I'll be honest, I'll take that any day for any state. Give me a Rhodes scholar for any state and I'll take that. So I'm making this up on the fly, guys, so I --

(Laughter.)

TREASURER DAVIS: I'm sorry there are no notes or whatever for me to wrap this up. So I'll wrap this up by saying this. I'm proud of be a Marylander. I'm proud to live in a state that in times of tragedy we come together and we're not about finger pointing and certainly race-baiting or anything like that. And for those who travel in that -- who peddle in that kind of smut, I mean I don't know what to say. I guess I would say to the folks out in Utah the eye is upon you. When elected officials make those kinds of statements, they know what they're doing.

As someone who's been in a political office for 30 years, I promise you they know what they were doing and what they were saying. They were speaking to a certain segment. Dog whistling, as they call it. So I guess the real question is how do the people there feel about that kind of thing. I guess we'll find out in the upcoming election where they stand. So with that, Governor, thank you for this opportunity. And as you said, the business of the State still has to go on. So let's get started.

LIEUTENANT GOVERNOR MILLER: Thank you so much, Mr. Treasurer, for your heartfelt comments. And I too am sorry about the comments

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that have been shared regarding DEI. And I will say that there are people in this world that will try to divide us, but what is happening at the Port of Baltimore is what's right about America. It's when people come together from all different races, all different backgrounds -- from federal, state, and local leaders coming together being united as one to build back Baltimore. So as you said, I too am proud to be a Marylander. And I'm sure --

COMPTROLLER LIERMAN: Hear, hear.

LIEUTENANT GOVERNOR MILLER: -- I can say the for you, Madam Comptroller.

COMPTROLLER LIERMAN: Thank you.

LIEUTENANT GOVERNOR MILLER: And we're grateful for both of your partnership and leadership. With that, let's go ahead as Mr. Treasurer said and get started with the business of the day.

First up is the Secretary's Agenda. Secretary Gontrum, good morning.

MR. GONTRUM: Good morning, Madam Governor. Good morning, Mr. Treasurer, Madam Comptroller. There are 21 items on the Secretary's Agenda this morning and one report of a (indiscernible) procurement. However at the request of the Board of Wetlands Administrator, Mr. Morgante, I am withdrawing just the Herrington Harbour title wetlands license from Item 6. The rest of the wetlands licenses are remaining on that agenda item. I'm happy to assist with answering any questions.

LIEUTENANT GOVERNOR MILLER: Thank you, Mr. Secretary. I'd like to call up Item 21, which is a request from the University of Maryland Baltimore County and the Office of the Attorney General to approve a settlement payment of \$4.1 million to resolve Title IX claims in connection to a U.S. Department of Justice investigation. Before I recognize President Sheares

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Ashby for her remarks, I would first just like to say how deeply sorry I am for the students, the victims who endured this trauma for so many years. Getting through this Justice Department investigation was heart wrenching, unsettling, and deeply troubling. As it revealed a distressing reality that numerous University officials and staff chose to ignore the pleas of the students and victims and, instead, allowed this abuse to continue.

I want to publicly thank President Sheares Ashby for her leadership and for the manner in which she has handled this tragic incident and situation. She has done so with great compassion, with transparency, and demonstrated commitment to building the oversight controls and reporting systems to ensure that this doesn't happen again. And I also want to acknowledge that Chancellor Jay Perman is joining us this morning. And I likewise wanted to take this opportunity to thank him for his leadership and support.

Madam President, thank you for being here today. And please come to the podium to deliver your remarks.

MS. SHEARES ASHBY: Good morning and thank you all so much for the opportunity to be here today. Before I get to our issue, let me add my deep concern about the collapse of the Key Bridge and share that everyone at UMBC is grieving for the tragic loss of life. And we honor those individuals and we're grateful for their courage and heroic efforts for the first responders. And just also please know that UMBC offers whatever we can. Expertise and support in the rebuilding of the bridge and the reopening of the Port. And as we all know, these are local and national resources whose impact goes so much farther than Baltimore. So we are here.

I'm here today to speak briefly about the agreement between the U.S. Department of Justice and UMBC. And specifically the item on your agenda today to authorize UMBC to spend up to \$4,140,000 to provide financial relief of

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the individuals who were harmed by misconduct in the UMBC Athletic Department and failures to adequately investigate and address that misconduct.

Some background. In November of 2020, the U.S. Department of Justice opened an investigation into alleged violations of Title IX. That investigation came to focus on allegations of sexual misconduct and sex discrimination by the longtime swim coach between 2015 and 2020 and the University's response during that period. I learned about this investigation soon after I arrived at UMBC in August of 2022. I first made it clear that UMBC would continue to cooperate fully with the DOJ, which we did.

The DOJ conducted extensive outreach including four on-campus visits; conducted 70 interviews with current and former students, University administrators, Athletic Department staff and others; and reviewed nearly 200,000 pages of documents. At the time, I also took a very close look at our overall Title IX compliance with one goal in mind: putting student safety first. Every student who comes to UMBC should be able to study, learn, compete in their sport, and live on our campus free from misconduct and discrimination. And if misconduct occurs, we have a duty to hold those responsible accountable for their actions and to support those harmed.

What the DOJ investigation found is that this did not happen and that many people were harmed through both action and inaction. As President of UMBC, I am deeply, deeply sorry for what happened and I am committed to doing all that we can to make sure that it will never happen again. Should this board approve the motion before it, UMBC and the DOJ will sign a settlement agreement that commits the University to making important and permanent changes in the way we address misconduct on Title IX.

Many of these changes have been implemented or underway since 2022. Others are still to come. Our work since 2022 has significantly enhanced

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our Title IX reporting structures and procedures, expanded training and prevention initiatives, and provided additional support and resources to students and employees. Now that the investigation is concluded, we have held individuals accountable for their actions or inaction.

The settlement agreement calls for providing compensation of either \$180,000 or \$60,000 to individuals as determined by the DOJ, totaling up to \$4.14 million. The DOJ, not UMBC, determined who will be eligible to receive financial compensation under the agreement as well as the amount of financial relief for each individual. While UMBC will make the payments, we will do so under the terms of the settlement agreement.

I also want to clarify that while UMBC funds will be used for this purpose, no academic programs or student services or activities will be affected. Students at UMBC today will not pay for the misconduct of the past. I wish I were here today to talk with you about all the exciting and new opportunities at UMBC and to highlight our remarkable students and equally remarkable faculty and the extraordinary work we do every day. That time will come. But for now, I'd ask for your support of this motion. And I pledge to you my commitment to ensuring a safe and welcoming campus community and a bright future for UMBC. Thank you.

LIEUTENANT GOVERNOR MILLER: Thank you, Madam President.

Madam Comptroller, I'm not sure if you had comments. Okay.
Mr. Treasurer?

TREASURER DAVIS: No, I'm fine.

LIEUTENANT GOVERNOR MILLER: Oh, you don't have --

TREASURER DAVIS: Yes.

COMPTROLLER LIERMAN: Thank you, Governor Miller. I

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appreciate it. Thank you, President Sheares Ashby. I started off my comments by saying that there are no words to properly express the gravity of this matter, but in fact I have many, many words. And I want to start by saying to the victims that we hear you, we see you, and we believe you. As a survivor of sexual assault in college, I also offer my deepest condolences on behalf of our State for what you endured. It was the deepest betrayal of trust -- trust you put into our University system, trust you put into adults that surrounded you. Too many adults failed too many young people.

The Department of Justice has completed an extensive investigation into the numerous allegations. And it's clear that the University's inaction to known, quote, "sex-based harassment, including unwanted sexual touching of male student athletes as well as discrimination against female student athletes happened on an ongoing basis for years." Despite repeated pleas for help and opportunities for adults, and staff, and athletic administrators, and campus police to intervene, this behavior continued unchecked leading to a hostile environment and toxic culture in the UMBC community.

The details, however disturbing to us, should not have been a surprise to anyone involved in that program. I want to take a moment and call attention to a few excerpts from the DOJ report, which I have read almost a dozen times. From page 5, for those of you who haven't read it, I encourage you to take the time to read it in honor of the students and what they endured.

From page 5, "Students accounts of their experience on the swimming and diving team describe a hyper-sexualized environment where their coach on a daily basis in plain sight and typically when they wore only Speedos subjected male student athletes to unwanted sexual touching, inappropriate sexual comments, and other sexual misconduct. The head coach kissed male student athlete's necks, hugged them from behind, traced his fingers down their bare

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stomachs from their bellybuttons toward their genitals, and massaged their bare skin."

Page six, "Many students described a system where male student athletes faced a perverse choice. Either succumb to the head coach's sexual advances, which came with more coaching, more competitive opportunities, and more leniency for rule violations, or decline the head coach's sexual advances and risk losing their scholarships, housing, their swim family, and other consequences."

From page 9, "From 2016 through 2020, multiple female student athletes experienced dating violence and sexual harassment and the hands of their male teammates. Athletic staff confirmed to the Department that they knew of these instances of sexual harassment but did not report them to the Title IX Office as they were required to do. Instead, they told only the head coach as he had directed them to do. Female students also reported the dating violence and sexual harassment to the head coach and in response, the head coach improperly attempted to mediate rather than report it to the Title IX Office."

From page 10, "During the winter of 2019, the head coach and other Athletics Department staff learned of an additional instance of dating violence by a male student athlete against his female teammate. And again, failed to report it to the Title IX Office. The abuse escalated over many months. And in the fall of 2020, the male student athlete physically assaulted the female student athlete in his off-campus apartment. Teammates, who overheard the violent attack, went first to the head coach as he had instructed them to do. The head coach did not report to the Title IX Office. Instead, he reported the female student athlete to return to practice alongside her abuser with bruises and other physical evidence of the violent assault. This sent a terrifying but galvanizing message to the other female student athletes on the team. As one student stated,

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'It became clear. He would rather let a women die than report up one of his favorites.'"

One man exploited his unchecked power and control of these student's lives, but numerous individuals allowed it to happen. Students reported the coach's reprehensible behavior numerous times, and the adults charged with protecting our students, repeatedly failed to live up to their responsibilities and, frankly, failed to live up to any sort of generally acceptable moral code.

The failures summarized in the DOJ report emphasize that the University failed its students. Failed them by not having appropriate measures or structures in place to protect them. Parents and students place so much trust in our universities, who have a duty to safeguard their students' mental, physical, and emotional wellbeing. During the time highlighted in the DOJ report, and probably for many years prior to this report, it's clear that UMBC had abdicated those responsibilities.

This issue hits very close to home for me as a former student athlete and as a survivor of sexual assault as a college student. I never had to experience the kind of abuse that these students went through, but I think it's important to call out the trauma of having your institution, the school you choose that you pay to attend, that you're on scholarship to attend, a school that you believe in not take your claims seriously or understand how much your life matters. For these boys to be abused by their coach who was protected by the Institution, first, and for the girls to be abused by the boys on the team who were then protected by the Institution. The wounds by the Institution, this betrayal, is profound.

When I think back on what I went through all those many years ago, I remember the administrator who believed me, supported me, and advocated for me through that process. If UMBC had appropriately trained and held staff

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accountable, the students who were harmed would have received the support they needed and they deserved. Too many people fail to act and enabled reprehensible behavior, abuse of power, and a destructive culture that marred what should have been a transformative and positive time for a young person.

I want to acknowledge President Sheares Ashby. I appreciate you meeting with me multiple times and leading a transparent discussion around the challenges that you inherited at UMBC. I know that you've already begun making changes to the athletic program and the campus culture to ensure that the community learns from this dark chapter.

President Sheares Ashby, the DOJ report outlines the Agency's findings. But can you talk a little bit about the known-unknowns? My understanding is that the former head coach also oversaw, for instance, a swim club and various pre-collegiate swim camps. But this was not explored in either the DOJ or the University's investigation. Do you know the full scope of the abuse, will we ever, and whether minors could have been victims of abuse at the hands of the former coach?

MS. SHEARES ASHBY: So first off, thank you for your comments. If you've read it a dozen times, I've read it a dozen times a dozen. Sadly, it is possible that we will never know the entirety of the abuse and discrimination perpetrated by the swim coach or whether individuals experienced harm, but saw the lack of appropriate response from the University and were dissuaded from reporting. But the DOJ investigation has shined a light on what we believe is the scope of what occurred in that time frame, as you note. We now understand well the culture that persisted for years and we are addressing it head on.

COMPTROLLER LIERMAN: Thank you. You've also talked about some of the improvements that you're making. I would appreciate you

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talking a little bit about the lessons learned. One of the things that stood out to me was that for years students had made reports, but then all of a sudden something happened and a report was made and somebody at UMBC did take notice and the coach was put on leave. So could you talk a little bit about -- obviously, this demonstrates both the importance of structure, oversight, and people. Because when people fail, you need the structures and the oversight to ensure that kids are not lost in the crevices. Could you talk a little bit about some of the lessons learned and the structural and organizational changes that you've put into place to help ensure this doesn't happen again?

MS. SHEARES ASHBY: Yes, so steps that UMBC has already taken to invest in building an experienced and expert team to expand and enhance prevention and response training to transform our policies and processes for Title IX response, those will go along way towards preventing this from happening again. As you have already noted, it takes multiple layers of resources and expertise and training in order to really ensure that this doesn't happen.

The measures that are articulated in our agreement with the DOJ will take us even further. Including by requiring regular reporting to the DOJ and review by them to ensure full compliance. The changes we are making, not just in athletics I should note, but across the entire University will instill a culture of accountability and care that will enable us to ensure a safe and supportive environment for all members of the UMBC community.

COMPTROLLER LIERMAN: Thank you for that. Before I conclude, I'd also like to commend the DOJ for its investigation of the events discussed today. However, today's agreement only accounts for a limited scope and time period at UMBC. There are hundreds of student athletes and youth camp participants that also interacted with this coach over several decades. And it really pains me to think about how many other victims may be out there,

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including minors who were scared into silence and are not receiving the support that they need.

I'd also like to address the University System. And I thank Dr. Perman for taking this seriously and for being here today. The University System has committed to addressing across all its institutions through an external assessing and work group. My approval of this settlement agreement is contingent upon USM implementing system-wide improvements and publicly reporting improvements made and audit findings at the meeting on September 11th, later this year. I plan and would like it hear about audits completed on every campus, actions that were taken by the colleges and universities to ensure staff and faculty came back in September 2024 ready to fulfill their duties toward Title IX and other items to increase ability to report violations and support students in the process.

For years, the General Assembly has worked on legislation to ensure that students have access to the Title IX supports that they need. Senate President Miller, in fact, brought legislation to ensure and require that students had access to legal representation when they brought claims, a bill that I'm sad to say the University System did not support initially. In the past, there have been other bills that the University System has not supported related to student health and oversight. It is frustrating when the University System works to counter efforts at outside oversight on health and safety issues.

Included in that is HB-125 of 2021, a bill called the Jordan McNair Safe and Fair Play Act, and legislation which USM opposed initially because it had many requirements for reporting and oversight of health and safety issues for student athletes including designating an employee as a Title IX coordinator, providing designee with appropriate training, making the designee's name and contact information publicly available and known to all student athletes, ensuring

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that athletic directors who ever violate Title IX cannot remain there, and so on and so forth.

I hope that this type of legislation -- I hope that these types of provisions will be brought by the General Assembly next year. And I hope that the University System of Maryland will cease its efforts at precluding oversight of the programs that they run. This type of information that was in this bill is exactly the type of information that the USM institution should be sharing with their students and the public. Too often the system is focused on protecting itself, not protecting students.

I appreciate Chancellor Perman for speaking to me at length about their plans. I want to take this moment to publicly stress the importance of centering the experiences and voices of students and survivors in the discussions on what happens next. Any work group should not simply be a convening of our state's most prestigious leaders. It will mean little to students to have a group of adults far removed from the modern college experience leading discussions and evaluations of what our universities are doing to prevent sexual assault on our campuses.

Title IX does not need to be rebranded. Adults, faculty, and staff need to listen to students. Student athletes and survivors of sexual assault need to be at the table and in leadership capacities in any future discussions. It's my understanding that USM's work will culminate in a report by early fall addressing Title IX issues at system schools. So as I said earlier, my vote in support of this settlement agreement is contingent upon USM returning to the Board at our September meeting and reporting on their findings as well as training conducted for faculty and staff. I also welcome President Sheares Ashby to return to provide updates on UMBC's changes.

To the students again, I saw I'm sorry. I will certainly do all I can

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to make sure that we do better in the future and you know the leaders here will as well.

Thank you, Madam Governor.

LIEUTENANT GOVERNOR MILLER: Madam Comptroller,
thank you.

COMPTROLLER LIERMAN: Sure.

LIEUTENANT GOVERNOR MILLER: I'm sorry for the
experience that you went through in college, and I thank you for sharing your
story.

COMPTROLLER LIERMAN: Thank you.

LIEUTENANT GOVERNOR MILLER: It's when people like you
share stories other students and victims can share their stories and be free of this.

COMPTROLLER LIERMAN: I hope so.

LIEUTENANT GOVERNOR MILLER: Thank you.

COMPTROLLER LIERMAN: Thank you.

LIEUTENANT GOVERNOR MILLER: I appreciate it.

Mr. Treasurer?

TREASURER DAVIS: Oh, I can't add to that.

(Laughter.)

TREASURER DAVIS: That's well said.

COMPTROLLER LIERMAN: Thank you.

LIEUTENANT GOVERNOR MILLER: Thank you. So if
there's -- are there any other further discussions on the Secretary's Agenda?

TREASURER DAVIS: Just --

COMPTROLLER LIERMAN: No.

TREASURER DAVIS: Go ahead.

COMPTROLLER LIERMAN: No, not from me. Go ahead.

TREASURER DAVIS: Just a quick question on Item 20.

MR. GONTRUM: 20 is a settlement for the University of Maryland, College Park in the matter of Julia Wright v. University of Maryland. We have Lillian Reynolds who is with the Attorney General's Office. Hold while I get Ms. Reynolds.

(Pause.)

MS. REYNOLDS: Good morning.

MR. GONTRUM: Also Mr. Patrick Sheridan. Go ahead, Ms. Reynolds, we can hear you.

Good morning, Mr. Sheridan.

MR. SHERIDAN: Good morning.

MR. GONTRUM: Morning.

TREASURER DAVIS: Hi, good morning. Just a quick question. I'm not going to belabor this. I'm certainly going to support it. But I guess going forward and with the attorney, if I miss pronounce this, forgive me and correct me, but going forward in contracts with coaches, is it going to be sort of, I guess, a prima facie kind of thing that one lost record it is a condition of employment?

MR. SHERIDAN: I don't know if that's something that we've discussed. That is -- I won't say that that's a condition of employment. I think that's an expectation at the University that coaches be successful and build a winning program. I don't believe that there's been a discussion about that being a condition of employment moving forward.

TREASURER DAVIS: Because I think if it was -- it certainly sounded like it was a condition of termination. And I think if that's just sort of understood, I think most people would assume that one lost record certainly at the highest level of college athletics, if you're not performing well, that's going to get you fired. And we may not be here if -- on this particular case if that was made

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clear.

MR. SHERIDAN: Yes, understood. And I -- that is -- that's been a point of discussion with the Athletic Department and we will certainly reinforce your thoughts with the Athletic Department. I understand that that is one of the issues in this case that lead to this settlement request.

TREASURER DAVIS: Thank you very much, sir.

LIEUTENANT GOVERNOR MILLER: Any other questions?

TREASURER DAVIS: Oh, that's all.

LIEUTENANT GOVERNOR MILLER: Thank you, Mr.

Treasurer.

May I have a motion to approve the agenda?

MR. GONTRUM: Madam Comptroller, if I could just ask for some clarification. On Item 21, it's the conditional approval that's attached to your vote. So should that not happen in September, we would go back and revise that into the two to one?

COMPTROLLER LIERMAN: No, I already have assurances from fellow members that we will be calling USM back in September. So I can vote yes today.

MR. GONTRUM: You can vote yes today, but --

COMPTROLLER LIERMAN: Yes.

MR. GONTRUM: -- is it an conditional yes or would it potentially change in the future? Is that -- do you want us to discuss that with the attorney general from UMBC of what that would mean for the Department of Justice settlement if it's a conditional --

COMPTROLLER LIERMAN: I'm not worried about them not meeting that condition.

MR. GONTRUM: But is it -- it is a condition that potentially

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could -- now in the legal field -- we all know the legal field. But should it not be fulfilled because of this condition, we would go back and revise the agenda item to show you disapproved the settlement.

COMPTROLLER LIERMAN: I don't think it's necessary. Yep, I'll just vote -- yeah.

MR. GONTRUM: So we'll say three?

COMPTROLLER LIERMAN: Yes.

MR. GONTRUM: Three to nothing?

COMPTROLLER LIERMAN: Yep.

MR. GONTRUM: Okay. Thank you very much.

COMPTROLLER LIERMAN: Thank you for clarifying.

MR. GONTRUM: Thank you.

LIEUTENANT GOVERNOR MILLER: Okay. Once again, may I have a motion to approve the agenda?

COMPTROLLER LIERMAN: So moved.

LIEUTENANT GOVERNOR MILLER: Is there a second?

TREASURER DAVIS: Second.

LIEUTENANT GOVERNOR MILLER: Thank you.

Let's proceed to the Department of Natural Resources Agenda. And before I recognize Secretary Kurtz, I'd like to offer some comments on the 141st celebration of Arbor Day in Maryland, which Governor Moore and I officially proclaimed today.

Arbor Day encourages people from different walks of life to come together for shared purpose of appreciating trees and the benefits that they bring to our communities. Today, we've received seedlings and potted plants from DNR's Maryland Forest Service. You can see some of them are here. They're absolutely beautiful.

This spring, Maryland Forest Service is planting 200,000 seedlings on 375 acres to help create a greener, healthier future for our children and our grandchildren. As these trees grow, they'll filter our air, protect our waterways, cool our neighborhoods, and provide critical wildlife habitat. They'll become part of our landscape and help our State become more resilient to the worsening affects of climate change. Our State is proud to partner with Natural Resources, (indiscernible) Streets, and small businesses that contribute to the production of Maryland's growing economy. We also acknowledge the efforts and commitment of the Maryland Forest Service in supporting a healthy forestry sector that's supports rural livelihoods and expands forested land use while also creating environmental benefits for all Marylanders.

With that, I'd like to recognize Secretary Kurtz. Good morning, Mr. Secretary.

MR. KURTZ: Morning, Madam Governor, Madam Comptroller, and Mr. Treasurer. For the record, Josh Kurtz, Secretary of the Department of Natural Resources. We have six items on the agenda for your consideration today. If I may make a couple comments about Arbor Day, please.

So these trees -- I did want to point out these are perfectly healthy. They look a little brown.

(Laughter.)

COMPTROLLER LIERMAN: It's like fall there.

(Laughter.)

MR. KURTZ: So it's the nursery. And so these leaves will fall and be replaced with buds in the coming weeks. And they're actually dormant right now so that when they're planted, they have better survival. What you will also see, what might look like a bag with a little stick in it, that is an Eastern Redbud. Those are native species. They're a fantastic understory tree. They

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grow these red/purple heart flowers. You can plant them anywhere, moderate shade, full sun. They're really hardy. And the White Oak, this one right here, is actually our State tree. So we have two of those as well today.

And one of the things that's most important about Arbor Day is really bringing people together to plant the trees. We have the 5 Million Trees Initiative, which was passed by the Legislature, which we're up to 472,000 trees, roughly, planted. So after this season, we'll be much closer to that million mark. One thing we're really excited about with Arbor Day is also the launch of the Schoolyard Forest Initiative, which we pioneered through the Forest Service, which is actually planting trees in our schools all across the State in every county.

So we're undertaking mapping and relationship building with the schools right now. And another thing you will see related to that are postcards. Those postcards are actually the posters that our elementary schools do every year. The winner gets trees for their school. So those are actual postcards that students did from all across the state. So thank you very much for the recognition of Arbor Day and the support. It's critically important for us to continue to plant trees. So thank you all very much.

LIEUTENANT GOVERNOR MILLER: Thank you, Mr. Secretary. Is there any further discussions on the --

TREASURER DAVIS: Yeah.

LIEUTENANT GOVERNOR MILLER: -- DNR?

TREASURER DAVIS: Yes.

LIEUTENANT GOVERNOR MILLER: On the DNR Agenda?
Yeah?

TREASURER DAVIS: You remember when we were in a General Assembly. We used to get those trees every year. They died every year.

(Laughter.)

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MR. KURTZ: Now, I don't know your planting practices, but we are giving you very young trees. So they do require a fair amount of upkeep, right? Watering --

(Laughter.)

MR. KURTZ: I'm more than happy to send staff.

COMPTROLLER LIERMAN: Like small children.

(Laughter.)

TREASURER DAVIS: I need something because I keep trying to get that buffer in the backyard and those trees make it until about, oh, Easter.

(Laughter.)

TREASURER DAVIS: And they die every year and I've been meaning to ask that for 20 years.

(Laughter.)

MR. KURTZ: It will fit in your car.

(Laughter.)

MR. KURTZ: We can give you some (indiscernible), but thank you, sir.

TREASURER DAVIS: Absolutely.

LIEUTENANT GOVERNOR MILLER: Well, Mr. Treasurer, I notice you do not have a green thumb.

(Laughter.)

LIEUTENANT GOVERNOR MILLER: Okay. So may I have a motion to approve then agenda?

COMPTROLLER LIERMAN: So moved.

LIEUTENANT GOVERNOR MILLER: Is there a second?

TREASURER DAVIS: Second.

LIEUTENANT GOVERNOR MILLER: Thank you.

MR. KURTZ: Thank you.

LIEUTENANT GOVERNOR MILLER: Next up is the University System of Maryland. Good morning, Ms. Johnson.

MS. JOHNSON: Good morning, Madam Governor, Madam Comptroller, Mr. Treasurer. Joselyn Johnson representing the University System of Maryland. We have six items on the agenda for your consideration. And we're happy to answer any questions you may have.

LIEUTENANT GOVERNOR MILLER: Thank you, Ms. Johnson. Is there any discussion on the USM Agenda.

COMPTROLLER LIERMAN: Thank you, Madam Governor.

Ms. Johnson, thanks for being here today. I just wanted to come in on Item 6. I appreciate the UMB and Mr. Hickey talking with me about this. This is a comment. This item will declare three buildings owned by UMB as surplus. And when I saw this, my first thought was, well, can they be part of our affordable housing inventory that we need in the state. But what we found out was I understand that the surplus review for these properties occurred in early 2022 before the effective date of legislation requiring the Department of Housing and Community Development to complete a review of all excess State property for affordable housing suitability.

So just wanted to comment on that. I look forward to more properties like this being reviewed by DHCD, who will then in effect -- which will then in effect give the Agency the right of first refusal and hopefully, lead to the creation of more affordable units across the state. Thank you.

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

TREASURER DAVIS: Good.

LIEUTENANT GOVERNOR MILLER: Good? All right. So

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may I have a motion to approve the agenda?

COMPTROLLER LIERMAN: So moved.

LIEUTENANT GOVERNOR MILLER: Is there a second?

TREASURER DAVIS: Second.

LIEUTENANT GOVERNOR MILLER: Thank you. Let's proceed to the MDOT Agenda.

Good morning, Ms. Radomsky.

MS. RADOMSKY: Good morning, Madam Governor and Comptroller, Mr. Treasurer. For the record, my name is Valerie Radomsky, Chief Procurement Officer for Maryland Department of Transportation. Today we are presenting 20 agenda items for your consideration and withdrawing Item 18-M. And we have representatives available to answer any questions you may have.

LIEUTENANT GOVERNOR MILLER: Thank you so much Chief Radomsky. Is there any discussion on the MDOT Agenda?

COMPTROLLER LIERMAN: No, not right now.

TREASURER DAVIS: (Indiscernible)

LIEUTENANT GOVERNOR MILLER: Okay. May I have a motion to approve the agenda?

COMPTROLLER LIERMAN: So moved.

LIEUTENANT GOVERNOR MILLER: Is there a second?

TREASURER DAVIS: Second.

LIEUTENANT GOVERNOR MILLER: Thank you. Let's conclude with DGS Agenda.

Good morning, Mr. Secretary Chaudhry. How are you?

MR. CHAUDHRY: Good morning, Madam Governor. Great to see you. Madam Governor, Madam Comptroller, Mr. Treasurer. For the record, I'm Atif Chaudhry, Secretary of the Maryland Department of General Services.

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Today, the Department is presenting 100 items in our agenda today. And we are withdrawing two items, Item 11-CGL and Item 94-LT. Also do want to comment that Item 100-S has been revised.

Our agenda does feature over \$27 million dollars in capital grants and loans. I do want to highlight just a few of them. And that is Items 18 through 21. These CGLs provide \$20 million in State support to the Community College of Baltimore County as well as the Prince George's Community College. These funds will support the expansion and renovation to the student centers both at the Catonsville and Dundalk campuses of the Community College of Baltimore County. And they will also fund the design and construction of the Charlene Mickens Dukes Student Center at the Prince George's Community College.

COMPTROLLER LIERMAN: Nice.

MR. CHAUDHRY: As we continue to keep an eye on MBE participation in our contracting, our agenda does include three contract awards to certified minority businesses totaling more than \$2 million. And we have Agency representatives here to answer any questions you may have.

LIEUTENANT GOVERNOR MILLER: Thank you, Mr. Secretary. I'd like to call up Item 5-CGL, which directs \$1 million to the city of Westminster to support the Westminster Fiber Project. Our good friend, Mayor Mona Becker, is here today joining us to speak in support of this item.

Madam Mayor, welcome and it's always great to see you.

MAYOR MONA BECKER: Thank you. Good morning.

COMPTROLLER LIERMAN: Morning.

MAYOR MONA BECKER: Governor Miller, Treasurer Davis, and Comptroller Lierman, thank you for the opportunity to speak today at the Board of Public Works meeting. My name is Mona Becker, Mayor of the City of Westminster in beautiful Carroll County. Before I begin, I'd like to mention on

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behalf of the city of Westminster our deep condolences for the Key Bridge collapse. We are with you. I'm here in person today to thank this body for your support of the Westminster Fiber Project.

The Westminster Fiber Project is the first and currently only community-wide publicly-owned fiber network in the Mid-Atlantic region. And provides market-leading broadband services. We're incredibly grateful that the Maryland General Assembly allocated \$1 million for FY '24 to help with expenses related to the project. And I do want to mention that we are especially grateful to the Moore-Miller Administration for including funding for this project in the FY '25 proposed budget.

We very much appreciate our ongoing partnership on this project. I'm available for questions, should you have any, but more than anything, I'm just here to express our gratitude on behalf of the City of Westminster. Thank you very much.

LIEUTENANT GOVERNOR MILLER: Thank you so much, Madam Mayor. We're excited to support this very important project. And we thank you for your leadership and advocacy to bring this project to fruition. Thank you so much.

COMPTROLLER LIERMAN: Can I bug her --

LIEUTENANT GOVERNOR MILLER: Sure.

COMPTROLLER LIERMAN: -- for one thing? It's so good to see you.

MAYOR MONA BECKER: It's so good to see you to.

COMPTROLLER LIERMAN: This is such a wonderful initiative that Westminster took on many years ago, frankly. You were real -- you were at the forefront of municipal-owned broadband.

MAYOR MONA BECKER: The project was initiated in 2015 and

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so it came to completion on about 2019.

COMPTROLLER LIERMAN: Yep, that's fantastic. And would you say that people are generally pleased that this is an option for them in Westminster?

MAYOR MONA BECKER: One hundred percent. The option to have this broadband that's owned by the City has been a lifesaver during COVID.

COMPTROLLER LIERMAN: Yep.

MAYOR MONA BECKER: It has also been incredible phenomenal at recruiting businesses, entrepreneurship. We have robotics, automated robotics institute, or nonprofit that's located right in downtown Westminster that utilizes this fiber. It's a selling point for residents.

COMPTROLLER LIERMAN: Yeah.

MAYOR MONA BECKER: When new houses are built in the city limits -- and it's incredible affordable, which was one of the things that we wanted to make sure. So it was available to every resident in the City of Westminster if they chose to take advantage of it.

COMPTROLLER LIERMAN: I think it's just fantastic. And I will admit, and I've had multiple conversations with the previous leadership of the Office of Statewide Broadband, and I'm glad -- I look forward to working more with the new leadership. It's been disappointing to see that more of the money that we allocated to the Office of Statewide Broadband has not gone to municipal-owned broadband. This is such an important part of the solution to connectivity issues in the state of Maryland.

And so I certainly -- I know Secretary -- I loved having conversations with Secretary Day as well, and I just look forward to continuing to work with the Office of Statewide Broadband and with our municipalities. So hopefully, you can keep proselytizing. Tell your colleagues in MML about

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how -- what an important alternative this is. It doesn't work for everybody, but it certainly can work for many municipalities. So thank you for being here.

MAYOR MONA BECKER: And thank you for your partnership and I will definitely keep you updated on our progress as we move along.

COMPTROLLER LIERMAN: That's great.

MAYOR MONA BECKER: Thank you.

LIEUTENANT GOVERNOR MILLER: Thank you, Madam Mayor.

With that, I'd like to yield to the Comptroller for a few questions and comments regarding the DGS Agenda.

COMPTROLLER LIERMAN: Great. Thank you, Madam Governor.

Thank you, Secretary Chaudhry for being here. You noted that -- I think you said three MBE? There are three MBE awards today, but you have 100 items. And so I just want talk a little bit about that because there's a sizable batch from DGS today. And could you talk a little bit about -- many of these are retroactive contracts, and so I want you to talk a little bit, if you can, about what steps your office is taking to ensure that this doesn't happen again. Many of these are from the previous administration. And I know that a lot of our procurement officers are responsible for juggling quite a lot, including ongoing contract management, but I think it's important for us to understand the issues that we're facing and how we can all do better in the future to avoid this.

MR. CHAUDHRY: Thank you, Madam Comptroller. Great question. Contract management has historically been an issue, as you're well aware, in State government. Where contract management on all contracts should occur at the Office of State Procurement, at the Agency level, and at the program level where contracts are actually being utilized. And these retroactive

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procurements here are being presented on the agenda in an effort to clean up a lot of existing contracts in sole-sources that have continued on. Where the contract has ended, but the agencies have continued to, including DGS, to utilize the contracts.

Just as an example, the bulk of the DGS retroactive procurements before you today are A-E contracts. And they are primarily -- have been issues because the original contracts did not include a time for construction administration as well as warranty period, which permitted the contracts to expire before we could do warranty period. And that's why a lot of these -- the proactive amounts of a lot of these contracts are zero because of the warranty period. So there may not actually be any work that gets done. There are some permitting delays as well that have delayed some of these A-E contracts as well as some programmatic issues with the BPW agenda items, which have led to some confusion previously.

So we are working very diligently here at DGS and the Office of State Procurement to implement various initiatives to address contract management challenges to mitigate all of these contracts -- retroactive procurements in the future. Here at DGS, when it comes to the Office of Design, Construction and Energy, we are now creating contracts to incorporate both construction management and warranty period into the contract term to prevent this from happening again, a lot of what you're seeing today, the A-E contracts.

Our project managers as well from our Office of Design, Construction and Energy are working very closely with our procurement office, the Office of State Procurement. Meeting monthly, at a minimum, to review contract agency reports; to flag when contracts are set to expire; in order to process suspensions, renewal options, and replacement contracts. And the DGS Office of State Procurement is also coordinating very closely with agencies as

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well on various initiatives for enhanced contract management to prevent future retroactive procurements.

The Office of State Procurement's Maryland Procurement Academy will be launching this year several new training programs, which will include foundations of contract management. And that's for everyone. We already have a CMPO certification, Certified Maryland Procurement Officer. We have a CMPA, Certified Maryland Procurement Associate. This will be a new level of contract management certification that program managers and people at the program level and at the agency level can be trained on in order to adequately manage contracts.

Another training we'll be launching this year, which will also be very new, is acquisition planning. And that's something that's severely lacking where there may be a contract term for a three-year period, however giving the length of time it takes to do a comprehensive, as an example, IT professional services contract, the planning, acquisition planning must be done well in advanced. So we want to make sure the acquisition planning, people are trained, adequately trained on that to plan for the future. That way there are no contracts that lapse. That any type of new contracts are done well in advanced.

COMPTROLLER LIERMAN: Okay. That's helpful. I think I want to go back to the MBE and VSBE goals. And I think it might actually be helpful to have Mr. Gnall from the BPW talk a little bit about this. Because a number of these retroactive items reference MBE and VSBE goals that have been established on the original procurements, but then those goals are not carried over into these new retroactive contracts. And so I don't think it's very clear why that is. I mean, some of them are very high, 27 percent, 34 percent, yet in these retros it's zero. So could you explain why that is.

MR. GNALL: Good morning. Good morning, Governor, Madam

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Comptroller, and Mr. Treasurer. For the record, Gabe Gnall, Procurement Advisor for the Board. Yes. To begin addressing your question, MBE and VSBE contractual participation commitments are conducted or established on a contract-by-contract basis. So for each procurement, we have to establish what's called a Procurement Review Group, a PRG process to establish what the goal will be for that procurement, and then we receive MBE or VSBE forms in response to that solicitation. And those become part of the contract to establish that commitment -- that percentage commitment.

What happens though when you have a contract that expires, it is dead. And we cannot carry over automatically the participation established under those dead contracts to any new subsequent contract. We have to go through that whole process that I described before again. So that is the main reason why we are not seeing these MBE participations carried over from those dead contracts to these new sole-sourced contracts -- these retroactive sole-sourced contracts because they didn't go through that process again for each of these new subsequent contracts. Okay? So again, you have to go through that process every time you have a new procurement and you have a new contract, and we can't just carry over those participations from the previous contracts automatically to the new contracts.

COMPTROLLER LIERMAN: Okay. Thank you.

Secretary Chaudhry, is it possible to go back on these? I mean, some of these are zero dollars, right, because they're just finishing out a warranty and it's -- but some of them, there is money. And I just wonder if it's possible to go back and see if there was -- if there was not that it was required in the retroactive span, but if any of the money did end up with the subs that they had used in the original contract. I'm just curious off the top of my head if it's even possible to find out from some of these contractors if they had sort of continued to

use the subs that they were working with.

MR. CHAUDHRY: Sure, we can certainly take a look at that and see for recording purposes. It may not necessarily count --

COMPTROLLER LIERMAN: Right.

MR. CHAUDHRY: -- as participation but we can at least track and take a look at that. I know that for at least some of the contracts we did a PRG process, Procurement Review Process to send them the goal. Obviously, a lot of these were continuation sole-sources because the previous contract had expired, and the Agency had continued to utilize the contract. So a PRG wasn't done, so a goal was not set. But we can certainly take a look at that and see if they utilized their existence.

COMPTROLLER LIERMAN: Okay. Thank you. Yeah, I think it's important to -- I appreciate you talking about some of this, and I hope that through working with stakeholders to explore options and opportunities, it's great to hear about the trainings. I also think there's probably technology solutions for an agency still using Excel. Nothing against Excel, but for contract management maybe not the best. So making sure that -- and I know that the new OSP Director is on top of this as well, which I really appreciate. So to just make sure that we're providing real-time reporting and centralization of processes in tracking all of this. Thank you.

MR. CHAUDHRY: Absolutely a lot of automation and tech (indiscernible) that we'll be looking at to implement to address this going forward.

COMPTROLLER LIERMAN: Thank you.

LIEUTENANT GOVERNOR MILLER: Thank you, Mr. Chaudhry.

MR. GONTRUM: If I may, Madam Lieutenant Governor, and I apologize for interrupting.

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Secretary noted that Item 100 on the DGS Agenda, that item had been revised. But those revisions have not yet been delivered to me this morning and have not yet been uploaded onto the meeting agenda that's published online for the public to see.

So one of those revisions was made at the meeting itself. So if I could just very quickly, and sort of (indiscernible). (Indiscernible) removed one of the awardees from Functional Area II, making that a single bid award, and makes Meridian Management Group the sole awardee for this contract in all areas. And again, Mr. Secretary, you're welcome to have me go into more detail, but I just want to make sure that the public, the Board is aware of the substance of those revisions so that they can go ahead and (indiscernible) approve it, mark that as approved and the revision at the meeting.

LIEUTENANT GOVERNOR MILLER: Thank you, Mr. Secretary.

MR. GONTRUM: You're welcome.

LIEUTENANT GOVERNOR MILLER: Madam Comptroller, did you have any other comments regarding the DGS agenda?

COMPTROLLER LIERMAN: No, thank you.

LIEUTENANT GOVERNOR MILLER: Okay. So may I have a motion to approve the agenda?

COMPTROLLER LIERMAN: So moved.

LIEUTENANT GOVERNOR MILLER: Is there a second?

TREASURER DAVIS: Second.

LIEUTENANT GOVERNOR MILLER: Thank you.

Thank you, Mr. Secretary.

This concludes today's meeting of the Board of Public Works.
After we adjourn, I'd like to invite Secretary Kurtz and the DNR team as well as

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Madam Comptroller and Mr. Treasurer for a group photo in recognition of Arbor Day. Our next meeting is Wednesday, April 17th. Thank you all. We are adjourned.

(Whereupon, at 11:05 a.m., the meeting was concluded.)