

# INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION



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## Meeting Minutes April 11, 2019

### Call to Order:

Dr. Karen Salmon called the meeting of the Interagency Commission on School Construction to order at 9:03 a.m.

### Members in Attendance:

Dr. Karen Salmon, State Superintendent of Schools, Chair  
Denise Avara, Appointee of the Governor, via teleconference  
Clarence Felder, Designee for Secretary Ellington Churchill, Department of General Services  
Brian Gibbons, Appointee of the Speaker of the House  
Gloria Lawlah, Appointee of the President of the Senate, via teleconference  
Dick Lombardo, Appointee of the Governor  
Michael Bayer, Designee for Secretary Robert S. McCord, Maryland Department of Planning

### Members Not in Attendance:

Barbara Hoffman, Appointee of the President of the Senate  
Todd Schuler, Appointee of the Speaker of the House

### Revisions to the Agenda:

Executive Director Robert Gorrell explained that because the IAC met recently, there was no additional progress to report on agenda item VI (Baltimore City HVAC Project Status) and requested that the members remove the item from the agenda.

### I. Consent Agenda

### Motion Carried

Upon a motion by Mr. Gibbons and a second by Secretary Churchill, the members voted unanimously to approve the consent agenda.

#### A. Approval of March 21, 2019 Minutes

To approve the minutes of the March 21, 2019 Interagency Commission on School Construction Meeting.

#### B. Approval of Contracts

To approve contract procurement as presented.

**C. Completed Project Allocation Reversions**

To approve, subject to final audit, the reversion of the amounts identified to the appropriate statewide contingency accounts.

**D. Garrett County ASP Extension NHS Bell Project**

To approve Garrett County Public Schools' (GCPS) request to extend the contract deadline for the Northern High School (PSC #11.014.18 ASP) PA and Bell System Replacement Project to April 11, 2019.

**II. Project Rescissions**

Arabia Davis, Program Funding Manager, explained the project rescissions.

**A. Prince George's County – Rescission of FY 2018 CIP Projects**

**Motion Carried**

Upon a motion by Mr. Gibbons, seconded by Ms. Lawlah, the members voted unanimously to approve the rescission of funding approval for the six (6) projects listed totaling \$2,345,000 for Prince George's County Public Schools and to approve the transfer of the FY 2018 CIP allocation of \$2,345,000 to the Statewide Contingency Account reserved for Prince George's County Public Schools.

**B. St. Mary's County – Rescission of FY 2017 Planning Approval for New Central County Elementary School Project**

**Motion Carried**

Upon a motion by Mr. Gibbons, seconded by Ms. Lawlah, the members voted unanimously to approve the rescission of planning approval for the FY 2017 Capital Improvement Program (CIP) New Central County Elementary School project (PSC # 18.034.17 LP) in St. Mary's County.

**III. Facilities Status Changes**

Michael Bayer, Manager, Infrastructure and Development, Maryland Department of Planning, explained the facility status change items.

**A. Calvert County Hunting Creek Annex Property Transfer**

**Motion Carried**

Upon a motion by Mr. Gibbons, seconded by Mr. Lombardo, the IAC voted unanimously to approve the transfer of the 3,274-acre site known as the Hunting Creek Annex, at 410 Old Town Road, Huntingtown, Maryland, by the Calvert County Board of Education to the Calvert County Board of Commissioners. The Calvert County Government shall obtain approval of the Interagency Commission before transferring any right, title, or interest to any portion of the property.

**B. Montgomery County MacDonald Knolls Elementary Site Acquisition**

**Motion Carried**

Upon a motion by Ms. Avara, seconded by Ms. Lawlah, the IAC voted unanimously to approve the acquisition by the Montgomery County Board of Education (MCBOE) of the former MacDonald Knolls Elementary School property at 10611 Tenbrook Drive, Silver Spring, Maryland, 20901, from the Montgomery County Government for use as an early childhood learning center adhering to the actions identified in the state clearinghouse review, state identifier MD20181016-0844.

**C. Informational Facilities Status Change Items**

**Information Only**

Mr. Bayer presented informational facility status change items.

**IV. Approval to Waive the FY 2013 Energy Efficiency Initiative (EEI) Procedures Motion Carried**

Kim Spivey, Director of Fiscal Services, explained that in 2013 the IAC adopted procedures to utilize FY 2013 EEI funding. Staff is recommending that the IAC approve a waiver of the procedures and allow the application of funding to projects in the Capital Improvement Program. The funding will be allocated to energy efficiency projects in the CIP, but this motion will waive the requirement for use of an elaborate application process outside of the CIP and more easily use the remaining \$3.4 million allocation.

Upon a motion by Mr. Lombardo, seconded by Mr. Bayer, the IAC voted unanimously to waive the requirements set forth in the Administrative Procedures Guide for the FY 2013 Energy Efficiency Initiative, for projects funded in the FY 2020 or in subsequent Capital Improvement Programs.

**V. Baltimore City Public Schools FY 2019 CIP Amendment Motion Carried**

Jamie Bridges, Baltimore City Project Manager for the IAC, explained that Baltimore City Public Schools (BCPSS) has coupled a fire safety project and an HVAC project at The Historic Samuel Coleridge Taylor Elementary School to achieve cost efficiencies. In FY 2019, the IAC was able to fund the HVAC project but did not fund the fire safety project at that time. Baltimore City is requesting the application of contingency funding to the fire safety project.

Upon a motion by Mr. Gibbons, seconded by Mr. Lombardo, the IAC voted unanimously to approve a request from BCPSS to:

1. Amend the FY 2019 Capital Improvement Program (CIP) to approve funding, in the amount of \$419,000, for the fire safety project (PSC # 30.203.19 SR) at #122 The Historic Samuel Coleridge Taylor Elementary School; and
2. Transfer \$419,000 from the Statewide Contingency Account reserved for Baltimore City Public Schools to fund the fire safety project at #122 The Historic Samuel Coleridge Taylor Elementary School.

**VI. Baltimore City HVAC Project Status Removed from Agenda**

**VII. IAC Legislative Audit – FY 2016 to FY 2019 Information Only**

Ms. Spivey and David Freese, Facilities Maintenance Group Manager, informed the IAC that there was one audit finding in the legislative audit, which disclosed that the IAC did not always obtain the required corrective action plans from local education agencies (LEAs) to address maintenance deficiencies found by the IAC during periodic inspections. Mr. Freese explained that the IAC has put in place procedures to address the audit finding, primarily in the form of enhanced response tracking and follow up procedures.

**VIII. Locally Funded Change Orders**

Ms. Spivey explained that the change orders included in the item will be considered locally funded at the request of the LEA pursuant to changes in the Education Article included in HB 1783 (2018).

In response to questions from Commission Members, Ms. Spivey explained that in the past, the IAC staff at the Department of General Services were required to review and approve every change order on a State funded school project.

**IX. Relocatables Report** **Information Only**

Fred Mason, Chief, School Facilities Branch, MSDE, explained that relocatables are useful for managing capacity issues and program changes on a temporary basis. The number of relocatables in use declined over the past year as new schools were put in service, primarily in Baltimore City. The highest numbers of relocatables are in Montgomery County and Prince George's. As a percentage of students housed in relocatables, Charles County is the highest.

Dr. Salmon explained that Charles County has a relocatable school, which is a transitional school with a modular design and built on gym and cafeteria. Dr. Salmon commended the County for the great job making the relocatable school into a great environment and noted that it is a smart solution for a county with a fast growing population.

Mr. Mason further mentioned that State owned relocatables are almost entirely over 30 years old and that it is likely that the IAC will continue to see the State owned inventory decrease as relocatables are removed from service.

**X. FY 2019 School Safety Grant Program Applications Report** **Information Only**

Joan Schaefer, Deputy Director, briefed the members on the status of the School Safety Grant Program project approvals.

**XI. Legislative Update** **Information Only**

Cassandra Viscarra, Programs Support Administrator, presented the 2019 Legislative Tracker. Commission members requested a synopsis of SB 1011 be prepared by staff and provided to the members.

**XII. Caroline County Greensboro Elementary School Replacement Increase to Maximum State Construction Allocation** **Motion Carried**

Director Gorrell introduced Milton Nagel, Facility Planner for Caroline County, and Peter Winebrenner, Architect with Hord Coplan Macht. Director Gorrell explained that Caroline County has not built a new school in over 40 years. As the IAC looks at total cost of ownership and is building a school to guidelines that were not developed with English Learners in mind, it is critical to build a school that supports the educational program. The IAC invited the County to prove that the programmatic space was necessary in order to allow the IAC, with definitive information of why the size needs to increase, to fund additional space. COMAR currently allows this in certain counties, but there has been discussion about opening the opportunity to all counties.

Director Gorrell noted that the proposed square footage is a slight increase over the existing guidelines, and would be slightly under the new guidelines that IAC staff will recommend to the IAC at a future meeting.

Mr. Nagel acknowledged the work done by the architect to use the tools provided by the IAC to demonstrate the need for space. Mr. Winebrenner told the IAC that the tool was a great learning experience and that the process was fruitful, but the process should occur earlier in the project. He noted

that the process required the Architects to prove to themselves that they designed the most efficient and functional school, which is a worthwhile endeavor. Mr. Nagel noted that as a small LEA, the partnership of MSDE staff is critical.

Upon a motion by Mr. Gibbons, seconded by Mr. Lombardo, the IAC voted unanimously to approve an increase in the Maximum State Construction Allocation from \$27,695,000 to \$28,488,000 and the Maximum Gross Area Allowance (including cooperative use space) from 90,352 gross square feet to 92,939 gross square feet for the replacement of Greensboro Elementary School in Caroline County consistent with the provisions of COMAR 23.03.02.07.

### **Executive Session:**

Pursuant to § 3-305(b)(7) of the General Provisions Article, Annotated Code of Maryland, and upon a motion by Mr. Lombardo, seconded by Mr. Gibbons and with unanimous agreement, the Interagency Commission met in closed session on Thursday, April 11 to obtain legal advice on a litigation matter. Clarence Felder attended as designee for Secretary Churchill and Michael Bayer attended as designee for Secretary McCord. All other members were present, except Barbara Hoffman and Todd Schuler. Also in attendance were Elizabeth Kameen, Principal Counsel for the Maryland State Department of Education, and Elliott Schoen, Assistant Attorney General. The Executive Session commenced at 10:00 a.m.

At that time, the Interagency Commission received advice from legal counsel.

### **Adjournment:**

The meeting of the Interagency Commission on School Construction was adjourned at 10:40 a.m.