

# INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION



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## Meeting Minutes September 12, 2019

### Call to Order:

Dr. Karen Salmon called the meeting of the Interagency Commission on School Construction to order at 9:05 a.m.

### Members in Attendance:

Dr. Karen Salmon, State Superintendent of Schools, Chair  
Denise Avara, Appointee of the Governor  
Secretary Ellington Churchill, Department of General Services  
Brian Gibbons, Appointee of the Speaker of the House  
Dick Lombardo, Appointee of the Governor  
Secretary Robert S. McCord, Maryland Department of Planning

### Members Not in Attendance:

Edward Kasemeyer, Appointee of the President of the Senate  
Gloria Lawlah, Appointee of the President of the Senate  
Todd Schuler, Appointee of the Speaker of the House

### Revisions to the Agenda:

None

### Public Comment:

Jonathan O'Neal, Chief Operation Officer, Carroll County Public Schools spoke on the proposed adoption of the FY 2021 and FY 2022 State Cost Shares.

Frank Patinella, Education Advocate, American Civil Liberties Union provided testimony in favor of developing a new state education formula.

## I. Consent Agenda

**Motion Carried**

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

### A. Approval of August 22, 2019 Minutes

To approve the minutes of the August 22, 2019 Interagency Commission on School Construction Meeting.

### B. Approval of Contracts

To approve contract procurement as presented.

### C. Closed Projects

To approve the final project costs as presented and to remove the projects from the active project detailed financial report.

### D. Approval of Revisions to Previously Approved Contracts

To approve the revisions to previously approved contract awards to accurately reflect the adjusted State participation.

## II. Adoption of a Common Definition of PAYGO

**Motion Carried**

Kim Spivey, Director of Fiscal Services, presented a common definition of local pay-as-you-go funding that was delivered via letter to LEAs from IAC staff. The definition was created to ensure all local jurisdictions are reporting comparable data to be included in the local debt calculation used to determine the State share.

Upon a motion by Mr. Gibbons, seconded by Secretary McCord, the members voted unanimously to adopt a common definition of pay-as-you-go funding as required by Section 4, 2018 Md. Laws, Chapter 14 as follows:

*“Paygo” means actual project expenditures for capital projects or maintenance capital projects from a local cash funding source other than general obligation bonds with a construction value greater than \$25,000 and a minimum useful life of 15 years. The project must be bondable under the same criteria that apply to capital projects supported by Maryland general obligation bond proceeds (even if Paygo was actually used to pay for the project).*

## III. State Cost Share Formula Revision

Cassandra Viscarra, Programs Support Administrator, and Kim Spivey, Director of Fiscal Services, jointly presented a motion to revise the State Cost Share Formula to conform with statutory changes to definitions of Tier I counties, consistent with the Economic Development Article, §1-101, Annotated Code of Maryland. Ms. Viscarra and Ms. Spivey then presented two additional motion language options: The first implementing a 98% [or X %] maximum State cost share percentage, beginning in FY 2021 [or FY 2023], and the second revising the State Cost Share formula, consistent with the statutory change defining Tier 1 counties, to include a 24-month grace period to factor (d) unemployment rate and factor (e) income level.

**Proposed Motion**

**Motion Carried**

Upon a motion by Mr. Gibbons, seconded by Mr. Lombardo, the members voted unanimously to revise the State Cost Share Formula to conform with statutory changes to definitions of Tier I counties, consistent with the Economic Development Article, §1-101, Annotated Code of Maryland.

**Optional Motion Language – 98% Cap**

**Motion Failed**

Mr. Lombardo moved to implement a 98% State cost share percentage, beginning in FY 2021. With no second, the motion failed.

**Optional Motion Language – 24 Month Grace Period**

**Motion Carried**

Upon a motion by Secretary Churchill, seconded by Secretary McCord, the members voted unanimously to revise the State Cost Share formula, consistent with the statutory change defining Tier 1 counties, to include a 24-month grace period to factor (d) unemployment rate and factor (e) income level.

**IV. Adoption of FY 2021 and FY 2022 State Cost Shares**

**Motion Carried**

Ms. Spivey presented the FY 2021 and FY 2022 State Cost Shares, including potential differences in the numbers based on the optional additional language referenced in Item III.

Upon a motion by Secretary McCord, seconded by Mr. Gibbons, the members voted unanimously to adopt the Fiscal Year 2021 and Fiscal Year 2022 State Cost shares so that LEAs that would receive a reduction are held harmless, and each LEA receives the higher State cost share percentage of either the approved FY 2020 state cost share or the Calendar Year 2018 calculated state cost share.

**V. FY 2020 Healthy School Facility Fund Approval of Project Applications**

**Motion Carried**

Joan Schaefer, Deputy Director of Administration, presented the IAC Staff recommendations on the \$30,000,000 allocation through the Healthy School Facility Fund. Members directed staff to reach out to Baltimore City to further discuss the Southside High School project and to determine what the future of the facility is. Dr. Salmon stated that she will try to schedule a site visit to Southside High.

Upon a motion by Mr. Lombardo, seconded by Secretary McCord, the members voted unanimously to approve the fiscal year 2020 Healthy School Facility Fund allocations as recommended, totaling \$30,000,000.

**VI. Allocate Funds reserved for Emergency Repairs for Department of General Services Project Reviews**

**Motion Carried**

Ms. Spivey and Clarence Felder, Department of General Services, presented a proposed motion that would provide funding for DGS to contract with outside consultants to perform some design reviews.

Upon a motion by Mr. Lombardo and a second by Secretary McCord, the members voted unanimously to approve the allocation of \$190,000 from the funds reserved for Emergency Repairs to fund consultancy fees for Department of General Services (DGS) project reviews.

- VII. Approval of Annual Maintenance of Maryland’s Public School Buildings Report Motion Carried**  
David Freese, Facilities Maintenance Group Manager, presented a final draft of the FY 2019 *Maintenance on Maryland’s Public School Buildings*, as required by the Education Article §5-310 of the Annotated Code of Maryland.

Upon a motion by Secretary McCord and seconded by Mr. Gibbons, the members voted unanimously to approve the final draft of the FY 2019 Report, *Maintenance of Maryland’s Public School Buildings*, dated October 2, 2019, pending non-substantive edits by staff.

- VIII. FY 2012 Supplemental Appropriation Rescind Request from Garrett County Public Schools Motion Carried**  
Eden Cabiness, Administrative Specialist for the IAC, presented a letter from Garrett County Public Schools requesting that the Broad Ford Elementary exterior repairs project be cancelled, and that the funds be reallocated to their 2021 CIP Project.

Upon a motion by Mr. Lombardo, and a second by Secretary Churchill, the IAC voted unanimously to approve a request from Garrett County Public Schools to rescind the FY 2012 Supplemental Appropriation (SA) at Broad Ford Elementary for exterior repairs and transfer a total of \$48,675 to the statewide contingency account for Garrett County Public Schools.

- IX. Baltimore City E15M HVAC Allocation Revisions Motion Carried**  
Jamie Bridges, Baltimore City Project Manager, presented requested allocation adjustments to Baltimore City HVAC allocation projects.

Upon a motion by Mr. Lombardo and a second by Ms. Avara, the members voted unanimously to approve allocation adjustments for ten (10) Baltimore City E15M HVAC projects at #243 Armistead Gardens PK-8, #239 Benjamin Franklin Building, #250 Dr. Bernard E. Harris, Sr. Elementary, #207 Curtis Bay PK-8, #162 Diggs-Johnson Building #241 Fallstaff PK-8, #450 Frederick Douglass High, #013 Tench Tilghman PK-8, #078 Harlem Park Building, and #215 Highlandtown PK-8 as presented.

- X. Baltimore City E15M HVAC Cancellation of 2 Contracts Motion Carried**  
Mr. Bridges presented a request from Baltimore city for cancellation of two design contracts. Mr. Bridges explained that these adjustments were anticipated because design was funded as part of the Baltimore City HVAC allocations. Mr. Bridges also noted that, per direction from the IAC at their August meeting, a letter was sent to the CEO of Baltimore City regarding their practice of only designing projects after State approval of construction funding. Mr. Bridges explained that the needed HVAC upgrade at Armistead Gardens will be completed through a major renovation project. At Fallstaff PK-8, the project will be completed via a like for like equipment replacement which does not require design. For both contracts, only local funds have been expended.

Upon a motion by Mr. Lombardo, and a second by Mr. Gibbons, the members voted unanimously to approve the cancellation of the award of a contract to AECOM Technical Services, Inc. for professional design services for the replacement of the chiller and cooling tower at #243 Armistead Gardens PK-8

(30.186.19 BC HVAC); and to approve the cancellation of the award of a contract to Henry Adams Consulting Engineers, LLC for professional design services for the replacement of boilers and pumps at #241 Fallstaff PK-8 (30.148.19 BC HVAC).

- XI. Baltimore City E15M HVAC Project Status Report** **Informational Only**  
Mr. Bridges presented a status report on the Baltimore City E15M HVAC allocation.
- XII. Fiscal Year 2019 Round II School Safety Grant Program Applications Report** **Informational Only**  
Ms. Cabiness presented a status report on the applications submitted for the Fiscal Year 2019 Round II School Safety Grant Program.

### Executive Session:

Pursuant to §§ 3-305(b)(7) and 3-305(b)(14) of the General Provisions Article, Annotated Code of Maryland, and upon a motion by Secretary Churchill, seconded by Mr. Gibbons and with unanimous agreement, the Interagency Commission met in closed session on Thursday, September 12th to discuss personnel matters and to obtain legal advice regarding a procurement matter. All members were present except Mr. Kasemeyer, Ms. Lawlah, and Mr. Schuler. Also in attendance was Robert Gorrell, Executive Director of the IAC, and Alex Donahue, Deputy Director of Field Operations for the IAC. The Executive Session commenced at 10:40.

### Adjournment:

The meeting of the Interagency Commission on School Construction was adjourned at 11:00 a.m.