

## Meeting Minutes – March 10, 2022

### Call to Order:

Executive Director Bob Gorrell called the video-conference meeting of the Interagency Commission on School Construction to order at 9:09 a.m.

### Acting Chair:

Upon a motion by Mr. Lombardo, seconded by Ms. Eberhart, the IAC voted unanimously to delegate administration of the meeting to Director Gorrell until the Chair's arrival.

### Members in Attendance:

Edward Kasemeyer, Appointee of the President of the Senate, Chair  
Secretary Ellington Churchill, Department of General Services  
Linda Eberhart, Appointee of the Speaker of the House  
Superintendent Mohammed Choudhury, Maryland State Department of Education  
Dick Lombardo, Appointee of the Governor  
Gloria Lawlah, Appointee of the President of the Senate  
Secretary Robert S. McCord, Maryland Department of Planning

### Members Not in Attendance:

Brian Gibbons, Appointee of the Speaker of the House

### Revisions to the Agenda:

There were no revisions to the agenda.

### Public Comment:

There was no public comment.

### IAC Correspondence:

There was no IAC correspondence.

#### 1. Consent Agenda – **[Motion Carried]**

Upon a motion by Secretary Churchill, seconded by Secretary McCord, the IAC voted unanimously to approve the consent agenda. Chair Kasemeyer was absent for the vote.

##### A. Approval of the February 10, 2022 Minutes

To approve the minutes of the February 10, 2022 Interagency Commission on School Construction Meeting.

##### B. Summary of Contract Awards

To approve contract procurement as presented.

- C. Revisions to Previously Approved Contracts**  
To approve revisions to two previously approved contract awards to accurately reflect the bond funding year of the #233 Roland Park Elementary/Middle A&E Fees contract, and to correct the total contract amount and local funding for the #054 Barclay PK-8 Roof Replacement contract.
  - D. Project Allocation Reversions**  
To approve the reversion of the amounts identified to the appropriate statewide contingency accounts.
  - E. Project Closeouts**  
To approve the final State project costs as presented and to remove the projects from the active project detailed financial report.
  - F. Frederick County Public Schools Site Approval - Landsdale Development Elementary School**  
To approve the use by the Frederick County Board of Education of 13.3 acres of land known as the Landsdale Development Elementary School Site (Tax Map 88, Parcel 44), located on the west side of Ed McClain Road, in Monrovia, MD, 21770, northeast of Urbana, to construct the Landsdale Development Elementary School; adhering to the actions identified in the state clearinghouse review, state identifier 20220125-0054.
  - G. Prince George's County Public Schools Site Approval - New Northern Adelphi Area High School**  
To approve the use by the Prince George's County Board of Education of 21.94 acres of land at 9000 25th Avenue, Adelphi, MD, 20783, plus the use of 8.14 acres of land at the adjacent Adelphi Park for athletic facilities, and the acquisition of 28 acres of land from the Maryland State Highway Administration to construct an access drive from Metzert Road and for related site improvements, to enable the construction of New Northern Adelphi Area High School; adhering to the actions identified in the state clearinghouse review, state identifier 20211022-0850.
  - H. Built to Learn Act Project Status Report – [Informational Only]**
- 2. 21st Century School Buildings Program 2021 Annual Report – [Motion Carried]**  
Gricel Muñoz, IAC Regional Facility Manager, presented the annual report for the 21st Century School Buildings Program in Baltimore City which is successfully delivering 28 renovations, additions or replacement projects to house 32 school programs. The program achieved substantial completion in 2021; the program's final four buildings are expected to be completed between 2022 and 2024.
- Upon a motion by Ms. Eberhart, seconded by Mr. Lombardo, the IAC voted unanimously to approve the annual report, dated January 14, 2022, by the parties in compliance with the Memorandum of Understanding for the Construction and Revitalization of Baltimore City Public Schools to the Governor, the Board of Public Works, and the fiscal committees of the General Assembly on the progress of replacements, renovations, and maintenance of Baltimore City public school facilities.
- 3. Baltimore City Extra \$15 Million for HVAC Project Status Report – [Informational Only]**  
Ms. Muñoz provided an update that 16 of 19 HVAC projects are operational while three remain in progress. Callaway Elementary School is in the final design and procurement phase, with an anticipated construction start date of July 2022 and completion in July 2023. Thomas Johnson Elementary/Middle School is under construction with an anticipated project completion date of August 2022. Windsor Hills Elementary/Middle School is under construction with an anticipated project completion date of August 2022. Funds have been fully allocated to the projects, 90% have been contracted, and 76% have been expended.

**4. Projects Approaching the Deadline for Contract Approval – [Informational Only]**

Bret Waskiewicz, IAC Senior Regional Facility Manager, presented a report on the current status of projects that are approaching the deadline for contract approval. Md. Code, Education Article § 5-303(j) requires that for each Capital Improvement Program (CIP) project that receives an allocation of State school construction funds from the IAC, the LEA must execute a contract with a vendor within two years of the IAC's approval. 23 projects are currently required to be under LEA Board of Education approved contract by May 30, 2022 for which the IAC has not received a contract for approval. IAC staff believes that 8 projects will make the deadline, 9 projects are at risk of missing the deadline, and 6 projects will not make the deadline. This will result in many of these projects being canceled or rescinded and amended into the LEA's current CIP, resetting the two year process.

**5. FY 2023 CIP Project Cash Flow Update – [Informational Only]**

Mr. Waskiewicz presented a cash flow analysis of the proposed FY 2023 funding. Due to large infusions of funding into school construction projects through programs such as Built to Learn, the Healthy School Facility Fund, and the School Safety Grant Program, the anticipated available FY 2023 funding exceeds project cash flow needs for FY 2023 by approximately \$141 million.

**6. Legislative Update - [Informational Only]**

Heidi Dudderar, Assistant Attorney General for the IAC, presented an overview of the bills that are of interest to the IAC during the 2022 legislative session. In particular, Ms. Dudderar noted HB1290, Education - Public School Construction - Funding and Administration, which implements the recommendations of the Workgroup on the Assessment and Funding of School Facilities. Members of the Commission noted the challenges of assessing enrollment and allowing the locals to have the appropriate amount of flexibility to handle enrollments across their portfolios. They further discussed the differences between LEAs that have set attendance zones and those that allow school choice. Secretary McCord noted that the State does not have access to LEA attendance area information, and that, although there is no desire for the State to manage or dictate the management of attendance areas, requiring submission of attendance areas by the LEAs would equip the State with critical information for making school construction and other decisions. Other bills of note include HB 19 - Safe Walk to School Act, SB40 which prohibits the IAC from establishing a minimum eligible project cost for a project funded under the Built to Learn Act program, and SB259 which applies prevailing wage to mechanical systems service contracts exceeding \$2,500.

The Commission discussed several bills that address or impact high performance requirements in schools, including HB 365 which would make a fossil fuel-based energy system ineligible for State funding when it is part of a new school construction or renovation and SB528 which requires that at least one school constructed in each school system between July 1, 2023 to June 30, 2033 to meet net-zero energy requirements. In particular, the Commission discussed SB588, which would change the definition of "major renovation" to include the replacement of the electrical, plumbing, or HVAC system in a school building. Replacement of such systems would trigger a requirement that the school facility be brought up to meet the current high performance building standards which would require in most cases a full renovation of the facility. Requiring full renovations would increase the LEA's project cost substantially, possibly even up to ten times in the case that a simple HVAC replacement must be converted to a full facility renovation, and is very likely to require the costly replacement of systems and equipment before their useful lifespan has been exhausted and they truly need to be replaced. Due to the additional cost, LEAs might choose to defer the replacement which will alter schedules and funding of other planned projects. Members inquired if there is current

policy that requires upgrading facilities to high performance building standards during major renovations, IAC staff explained that current state law requires new or replacement school facilities to be high performance.

**7. Statewide Facilities Assessment Information Packet - [Informational Only]**

Director Gorrell and Alex Donahue, IAC Deputy Director for Field Operations, presented an update on the baseline Statewide Facilities Assessment. Upon questions from Commission members regarding if other states are conducting similar assessments, IAC staff explained that other states are developing and implementing their own. IAC staff will provide additional information at a future meeting. Members inquired about identifying schools most in need. IAC staff explained that of the 30 schools with the highest Facility Condition Index scores, a third are in Baltimore City, a third are in Prince George's County, and the remaining third are in 7 other counties spread across the State.

**Announcements:**

None

**Adjournment:**

Upon a motion by Secretary Churchill, with a second by Mr. Lombardo, the IAC voted unanimously to adjourn the meeting at 10:50 AM.