

## Meeting Minutes – June 8, 2022

### Call to Order:

Chair Kasemeyer called the video-conference meeting of the Interagency Commission on School Construction to order at 1:00 p.m.

### Members in Attendance:

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

### Members Not in Attendance:

None

### Revisions to the Agenda:

Cassandra Viscarra, IAC Deputy Director for Administration, recommended that the **2022 Update to the October 8, 2021 Report on the Status of Air Conditioning in Maryland's School Facilities** be added to the agenda prior to the Executive Session.

### Public Comment:

There was no public comment.

### IAC Correspondence:

There was no IAC correspondence.

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

Upon a motion by Ms. Lawlah, seconded by Mr. Darenberg, the IAC voted unanimously to approve the consent agenda. Superintendent Choudhury, Mr. Gibbons, and Mr. Lombardo were absent for the vote.

##### A. Approval of the May 11, 2022 Minutes

To approve the minutes of the May 11, 2022 Interagency Commission on School Construction Meeting.

##### B. Summary of Contract Awards

To approve contract procurement as presented.

**C. Approval of Revisions to Previously Approved Contracts**

To approve revisions to one previously approved contract award to accurately reflect the correct PSC number for the Washington County Technical High School Electrical Upgrades Contract.

**D. Project Allocation Reversion**

To approve the reversion of the amounts identified below 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. Delegated Extension Request Approval - Baltimore County Featherbed Lane ES - [Informational Only]**

**G. Built to Learn Act Project Status Report – [Informational Only]**

**H. Baltimore City E15M Report – [Informational Only]**

**I. Montgomery County School Name Change – [Informational Only]**

**2. Appointment of Vice-chair – [Motion Carried]**

Chair Kasemeyer recommended Secretary Churchill to be appointed as Vice-chair of the IAC.

Upon a motion by Secretary McCord, seconded by Mr. Gibbons, the IAC voted unanimously to approve the appointment of Secretary Churchill as Vice-chair of the Interagency Commission on School Construction.

**3. Queen Anne’s County Public Schools – Rescission of four and Amendment of two Projects to FY 2023 Capital Improvement Program – [Motion Carried]**

Bret Waskiewicz, IAC Senior Regional Facilities Manager, presented Queen Anne’s County Public Schools’ (QACPS) request to rescind four and amend two projects to the FY 2023 CIP. The Sudlersville Elementary School Chiller Replacement and Fire Alarm Replacement projects received bids that were close to their original budget and will be amended into the FY 2023 CIP and start construction in the summer of 2022. The Kent Island High School Roof project’s bid results were double the estimate; the project is expected to be included in the FY 2024 CIP request. The Bayside Elementary School Window/Door replacement project did not receive any bids; the LEA is investigating why no bids were received and will make a decision on how to proceed based on that investigation.

Upon a motion by Ms. Lawlah, seconded by Ms. Eberhart, the IAC voted unanimously:

1. To approve the rescission of four (4) Queen Anne’s County Schools FY 2021 Capital Improvement Program projects;
2. Transfer the State allocation totaling \$2,491,000 to the LEA’s Reserved Prior Year Appropriations Account;
3. Amend the FY 2023 CIP to include two (2) Queen Anne’s County Schools projects;
4. Apply \$303,000 from the Reserved Prior Year Appropriations Account to the FY 2023 CIP for the two (2) projects.

**4. Projects that were Rescinded/Rescinded and Amended in FY 2022 – [Informational Only]**

Mr. Waskiewicz presented a report on the FY 2021 projects that were rescinded this year due to a failure to be contracted by the May 30, 2022 deadline. 14 projects totaling over \$60 million in State funding were rescinded in FY 2022. Several factors contribute to a rescission of a project including when a project receives bids that are higher than anticipated and additional funding is not available

from either the County or the State, and when a project was not planned or designed in a manner that allowed the project to meet the two-year deadline. Commission members requested an explanation on the time it takes for projects to develop and be presented to the market and IAC staff explained that LEAs have been receiving higher bids than what was anticipated when planning two years beforehand due to factors including supply, demand and inflation. These higher bids contributed to LEAs having to scramble for additional funding necessary to proceed with the project, and some projects were unable to secure the necessary funding.

- 5. Cecil County request to Rescind LP for North East Middle School Replacement – [Motion Carried]**  
Eileen Gladd, IAC Regional Facilities Manager, presented Cecil County Public Schools’ (CCPS) request to rescind local planning (LP) approval for the North East Middle School replacement project. CCPS updated the project scope to include a co-located replacement High School. This updated North East Middle/High School Replacement scope was granted LP approval in the FY 2023 CIP and \$4 million in design funding; the LP approval is no longer required for the middle school only project.

Upon a motion by Secretary McCord, seconded by Mr. Lombardo, the IAC voted unanimously to approve the rescission of Cecil County Public School’s (CCPS) FY21 Local Planning (LP) approval for the North East Middle School Replacement Project (#07.044.21LP).

**Note:** Chair Kasemeyer and Alex Donahue, IAC Acting Executive Director, recognized Perry Willis, CCPS Executive Director for Support Services, for his 25 years of service to CCPS and the State of Maryland. They wished him a farewell and good fortune in his retirement.

- 6. HB1290 and FY 2023 Budget Presentation - [Informational Only]**  
Ms. Viscarra presented an overview of HB 1290 and the FY 2023 Budget for the IAC.

- 7. Proposed COMAR Amendments - [Motion Carried]**  
Ms. Viscarra presented the proposed revisions to COMAR 14.39.02.05 State Cost Share, which were designed to comply with the changes to the State cost share in HB 1290.

Upon a motion by Secretary McCord, seconded by Ms. Eberhart, the IAC voted unanimously to approve amendments to COMAR 14.39.02.05 as presented in this item and to authorize staff to make additional technical edits as necessary. The proposed COMAR revisions will be published in the Maryland Register and will be open for public comment for a period of at least 30 days before returning to the IAC for final approval.

- 8. Procedures on Pass-Through Capital Grant Funding - [Motion Carried]**  
Ms. Viscarra provided a summary of the draft proposal for the Pass-Through Grant Administrative Procedures Guide and available funding for FY 2023. Commission members commented that the allocation of the \$2 million of pass-through funding to certain LEAs on enrollment basis was different compared to the gross area baseline used to allocate the rest of the funding. Commission members suggested if further funding is provided in the future, the funds should be allocated in a consistent manner.

Upon a motion by Secretary McCord, seconded by Ms. Eberhart, the IAC voted unanimously:

1. To approve the FY 2023 SB 291 Pass-Through Grant Administrative Procedures Guide, pending non-substantive edits by staff;

2. To approve the allocation of \$2 million of pass-through funding to certain Local Education Agencies as provided by the capital budget on an enrollment basis as presented in this item and the Pass-Through Grant Administrative Procedures Guide Appendix 1;
3. To direct staff to solicit Pass-Through Grant project applications from LEAs with a maximum total allocation of \$237,000,000 in accordance with the FY 2023 State capital budget; and
4. To delegate authority to approve eligible projects within the total LEA allocation to IAC staff and IAC designees, with a report of project allocations submitted to the IAC periodically at regularly scheduled meetings.

### **2022 Update to the October 8, 2021 Report on the Status of Air Conditioning in Maryland's School Facilities – [Informational Only]**

Gricel Muñoz, IAC Regional Facilities Manager, provided an update to the report on the “Status of Air Conditioning in Maryland's School Facilities”. As of June 1, 2022, 28 schools in use remain unairconditioned, including 21 schools in Baltimore City and 7 schools in Garrett County. 100% of these schools that are owned by the LEAs and planned for continued use as educational spaces for students are currently under construction for HVAC projects or have slated HVAC projects to be completed. The exceptions are number 12, Baltimore City Mount Washington, which is not owned by City Schools and a few other schools in both Baltimore City and Garrett that are either only used as temporary swing space or are planned for closure. Additionally, 10 schools in Baltimore City that are experiencing maintenance issues are under repair to sufficiently provide cool air on high temperature days to avoid closures/ early dismissal of students.

### **9. Executive Session – [Motion Carried]**

Pursuant to § 3-305(b)(1) of the General Provisions Article, Annotated Code of Maryland, and with unanimous agreement by all members present, the Interagency Commission met in closed session on Wednesday, June 8, 2022 to discuss personnel matters. All members were present at the closed session. Also in attendance was Heidi Dudderar, Assistant Attorney General for the IAC, and Ms. Viscarra. The Executive Session commenced at 1:41 p.m.

The Executive Session concluded at 2:10 p.m. Chair Kasemeyer explained that the closed session was to receive an update from the Executive Director Selection Committee.

### **Announcements:**

Chair Kasemeyer announced that the IAC will discuss the matter of returning to in-person meetings at the September 8, 2022 IAC meeting.

### **Adjournment:**

Upon a motion by Superintendent Choudhury, with a second by Mr. Lombardo, the IAC voted unanimously to adjourn the meeting at 2:11 p.m.