

## Meeting Minutes – July 14, 2022

### Call to Order:

Chair Kasemeyer called the video-conference meeting of the Interagency Commission on School Construction to order at 9:01 a.m.

### Members in Attendance:

Edward Kasemeyer, Appointee of the President of the Senate, Chair  
Secretary Ellington Churchill, Department of General Services, Vice-chair  
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  
Secretary Robert S. McCord, Maryland Department of Planning

### Members Not in Attendance:

Superintendent Mohammed Choudhury, Maryland State Department of Education  
Dick Lombardo, Appointee of the Governor

### Revisions to the Agenda:

There were no revisions to the agenda.

### Public Comment:

Joseph Jakuta, Lead Volunteer for the Climate Parents of Prince George's County, requested that the Commission consider updates to the Code of Maryland Regulations (COMAR) and the IAC Administrative Procedures Guide (APG) to make it clear that the full life cycle costs and energy usage are to be part of the basis for selecting a design and that the design submissions must show how a building will be net-zero by 2045 in line with Climate Solutions Now Act.

### IAC Correspondence:

There was no IAC correspondence.

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

Upon a motion by Ms. Eberhart, seconded by Secretary McCord, the IAC voted unanimously to approve the consent agenda.

##### A. Approval of the June 8, 2022 Minutes

To approve the minutes of the June 8, 2022 Interagency Commission on School Construction Meeting.

##### B. Summary of Contract Awards

To approve contract procurement as presented.

##### C. Project Closeouts

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

**D. Approval of Property Transfer – Baltimore City – Former West Baltimore Middle School Disposal**

To approve the transfer of the former West Baltimore Middle School (Building #80), 201 N. Bend Road, Baltimore, MD, 21229, from the Baltimore City Public Schools Board of Commissioners (BOC) to the Mayor and City Council of Baltimore, as approved by the BOC on January 11, 2022, and in accordance with the Memorandum of Understanding for the Construction and Revitalization of Baltimore City Public Schools dated December 2016, with the agreement that the city government will reimburse the state the outstanding bond debt service in the amount of \$1,972,850.05, by the scheduled dates that will be determined by the State Treasurer's Office. The Baltimore City Government shall obtain approval of the Interagency Commission before transferring any right, title, or interest to any portion of the property.

**E. Delegated Program Extension Requests - [Informational Only]**

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

**G. Informational Facility Status Changes – [Informational Only]**

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

**2. Baltimore City Gilmore School Transfer Amendment – [Motion Carried]**

Heidi Dudderar, Assistant Attorney General for the IAC, presented two motions to address a change in circumstance related to the closure and transfer of the Gilmore Elementary school building in Baltimore City. On August 22, 2019, the IAC approved the closure and transfer of the Gilmore Elementary school building to the Baltimore City government. When a closure and transfer occurs, the local government is required to reimburse the State for the outstanding State bond debt related to the building, but not in cases when the building continues to be used as a public school. After the approval of closure and transfer, the city government leased the building to New Song Academy, a public charter school, on October 27, 2021 prior to receiving the required IAC approval to lease the property. Commission members asked if the IAC staff reviewed the lease. IAC staff confirmed they have reviewed the lease with no notes of concern and that while the property transfer or rental of the property is required to be approved by the IAC, the lease agreement is not.

Upon a motion by Ms. Eberhart, seconded by Secretary Churchill, the IAC voted unanimously to amend the action of the IAC on August 22, 2019, approving the closure and transfer of Gilmore Elementary School by the Baltimore City Board of School Commissioners to the Mayor and City Council of Baltimore, to suspend the obligation of the City government to reimburse the State the outstanding bond debt service for so long as the building is used as a public school building, including a public charter school authorized under the laws of Maryland. This action does not affect the IAC's prior approval of the closure and transfer of the building from City Schools to the City government, nor the City government's obligation to obtain approval of the IAC before transferring any right, title, or interest to any portion of the property.

Upon a motion by Ms. Eberhart, seconded by Mr. Gibbons, the IAC voted unanimously to approve a request by the Mayor and City Council of Baltimore to lease the former Gilmore Elementary School building, located at 1311 N. Gilmore St., Baltimore, MD 21217, to New Song Community Learning Center, Inc., the operator of a public charter school known as New Song Academy, which entered into a Charter School Agreement with the Baltimore City Board of School Commissioners effective July 1, 2020 through June 30, 2025. This approval will be retroactive to the date of the lease entered into on October 27, 2021, by and between the Mayor and City Council of Baltimore and the New Song

Community Learning Center, Inc. The lease has a term of 25 years and New Song Community Learning Center, Inc. has the option of three (3) successive 5-year extensions.

**3. Enhanced Approval Package – Frederick Douglass - Joseph Briscoe High Schools – [Motion Carried]**

Gricel Muñoz, IAC Regional Facility Manager, presented Baltimore City's request to conditionally approve the Enhanced Approval Package (EAP) for the Frederick Douglass-Joseph Briscoe Renovation and Addition Project under the 21st Century Schools Buildings (21CSB) Program. The project was originally submitted to be a Built to Learn (BTL) project but in January 2022, Baltimore City informed the IAC of plans to submit the project under 21CSB. The IAC has not received a clear board-approved amendment to the 10-year plan or plan amendments to add Douglass-Briscoe under the 21CSB program MOU procedures. Contingent upon this item, the IAC staff recommends the conditional approval of the EAP for Douglass-Briscoe to allow the design procurement processes to move forward as scheduled.

Upon request from Commission members on further explanation on the transition from BTL to 21CSB, Alex Donahue, Acting Executive Director, explained that the project was approved in August 2021 by the Baltimore Board of School Commissioners (BOSC) as a BTL project and proceeded as such until plans were changed to include it in 21CSB. Mr. Donahue also noted that IAC staff had received some new information from City Schools the day prior to the IAC meeting and are assessing the submission to determine whether or not it satisfies this condition. The project was originally part of a package of five high schools approved in January 2020 for feasibility studies to be funded through the 21CSB program but not approved at that time for design or construction. The Maryland Stadium Authority and Baltimore City are working together to provide documentation to support approval of this project as a 21CSB project.

Upon a motion by Ms. Eberhart, seconded by Mr. Gibbons, the IAC voted unanimously to approve the Enhanced Approval Package (EAP) for Frederick Douglass-Joseph Briscoe Renovation and Addition Project under the 21st Century Schools Buildings (21CSB) Program, contingent upon approval of a 10-year plan amendment by the BOSC to add Douglass-Briscoe as a Renovation and Addition Project under the 21CSB Program per the MOU process and procedures. A tentative approval date is to be determined by City Schools.

**4. FY 2024 Cost Per Square Foot for School Construction – [Motion Carried]**

Tom Lockman, IAC Chief Financial Officer, presented the proposed FY 2024 Statewide per-square-foot school construction costs which were an increase of 7.5% from the FY 2023 figures. IAC Staff consulted several State projects from the previous year and industry resources in determining FY 2024's recommended cost. Commission members requested the average increase of costs over the last 5 years; IAC staff explained that the average cost increases range between 3% to 4.5% and that 7.5% was the highest increase in recent years. Commission members further requested the ability that the IAC has to compare bids from previous years. IAC staff explained the process that was used to calculate the FY 2024 costs, staff reviewed projects in the first half of FY 2022 which were close to 4% higher than the previous year, and reviewed the second half of FY 2022 and found costs that were higher than 7.5%. The presented costs are conservative calculations because it is projected that supply and material costs will decrease over the next several months and the IAC has flexibility to approve project specific cost increases.

Upon a motion by Ms. Eberhart, seconded by Secretary Churchill, the IAC voted unanimously to adopt the FY 2024 Statewide per-square-foot school construction costs of \$385 for building only and \$458 for building with site development work.

**5. FY 2024 CIP Timeline – [Informational Only]**

Arabia Davis, IAC Funding Programs Manager, presented the statutory dates that determine the timeline for the annual Capital Improvement Program application cycle.

**6. FY 2023 School Safety Grant Program - [Motion Carried]**

Ms. Davis presented the proposed FY 2023 School Safety Grant Program (SSGP) Memorandum of Understanding (MOU) with the Maryland Center for School Safety (MCSS) and the Notice of Funding Availability for IAC approval. In FY 2022, budgetary languages transitioned the administration of SSGP from the IAC to MCSS. In FY 2023, the administration was reverted back to the IAC. To maintain consistency and allow each organization to focus on their areas of expertise, the IAC staff recommends delegating administration of SSGP to MCSS in consultation with the IAC. Commission members requested information on how much of the \$10 million allocated to SSGP each year is used; IAC staff explained that on average 90% of the funds are used each year. There was \$1 million unexpended in FY 2022 and \$700,000 unexpended in FY 202. Staff are currently examining if the application period for those program funding years will be extended to allow the allocation of the remaining funds or if the funding will rollover to FY 2023.

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

1. To delegate to the Maryland Center for School Safety (MCSS), in consultation with IAC staff for the purposes of determining project eligibility, authority to administer the FY 2023 School Safety Grant Program (SSGP) and grant extension requests for FY 2023 SSGP projects;
2. To approve the SSGP Notice of Funding Availability, pending non-substantive edits by MCSS and IAC staff;
3. To direct MCSS to solicit SSGP projects from LEAs and the Maryland School for the Blind with a maximum total FY 2023 allocation of \$10 million and available prior year funding;
4. To allocate funding as presented in this item to each LEA based on a combination of their proportion of total 2021 enrollment and their proportion of total facility square footage, with every LEA receiving a minimum allocation of \$200,000;
5. To authorize the Chair to execute the Memorandum of Understanding between the IAC and MCSS, pending non-substantive edits by MCSS and IAC staff.

**7. Proposed COMAR Amendments - [Motion Carried]**

Cassandra Viscarra, IAC Deputy Director for Administration, presented the proposed new regulations of the Educational Facilities Sufficiency Standards into COMAR. In May 2018, the IAC adopted these standards that establish acceptable minimum levels for the physical attributes, capacity, and educational suitability of existing schools and were used as the basis for the baseline Statewide Facilities Assessment that finished last September. With the completion of the baseline assessment, the next progressionary step is to codify these standards into COMAR.

Upon a motion by Mr. Gibbons, seconded by Secretary Churchill, the IAC voted unanimously to approve a new regulation, COMAR 14.39.07, 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. 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 Thursday, July 14, 2022 to discuss personnel matters. All members were present at the closed session with the exception of Superintendent Choudhury and Mr. Lombardo. Also in attendance were Ms. Dudderar and Ms. Viscarra. The Executive Session commenced at 9:38 a.m.

The Executive Session concluded at 9:58 a.m. Chair Kasemeyer explained that the closed session was to receive an update from the Executive Director Selection Committee.

**Announcements:**

None

**Adjournment:**

Upon a motion by Secretary McCord, with a second by Mr. Darenberg, the IAC voted unanimously to adjourn the meeting at 10:00 a.m.