

## **DRAFT Meeting Minutes – November 10, 2022**

### **Call to Order:**

Chair Kasemeyer called the video-conference meeting of the Interagency Commission on School Construction to order at 9:00 a.m.

### **Members in Attendance:**

Edward Kasemeyer, Appointee of the President of the Senate, Chair  
Secretary Ellington Churchill, Department of General Services, Vice-chair  
Superintendent Mohammed Choudhury, Maryland State Department of Education  
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:**

Dick Lombardo, Appointee of the Governor

### **Revisions to the Agenda:**

There were no revisions to the agenda.

### **Public Comment:**

There was no public comment.

### **IAC Correspondence:**

Alex Donahue, Acting IAC Executive Director, noted inclusion in the agenda of a letter from Joshua M. Sharfstein, M.D. and Richard Lofton, PhD of John Hopkins University on their preliminary findings of the study on the IAC's Statewide Facility Assessment. Chair Kasemeyer explained that the IAC has met with Dr. Sharfstein periodically over the past year regarding the SFA data.

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

Upon a motion by Ms. Lawlah, seconded by Mr. Gibbons, the IAC voted unanimously to approve the consent agenda.

##### **A. Approval of the October 13, 2022 Minutes**

To approve the minutes of the October 13, 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 the revisions to previously approved contract awards as presented to accurately reflect the adjustments to the State and local participation in the contract amounts and/or corrections to allocation project allocation information.

**D. Project Closeouts**

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

**E. Change Order Approvals**

To approve change orders for the Dr. Samuel Mudd Elementary project as described within the agenda item.

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

**G. Baltimore County Public Schools - Featherbed Lane Elementary School ASP Project Extension**

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

**2. Baltimore City Government - Sale of Lake Clifton High School Building #40 – [Motion Carried]**

Heidi Dudderar, Assistant Attorney General for the IAC, presented Baltimore City's request for approval of the sale of the Lake Clifton High School Building #40 to Morgan State University. Morgan State anticipates using the property as a satellite campus that will include academic and research buildings, athletic facilities, mixed-use housing, and public-private partnerships. Commission members expressed support for the sale to assist in Morgan State's mission and further development.

Upon a motion by Ms. Eberhart, seconded by Ms. Lawlah, the IAC voted unanimously to approve the sale of the property formerly used for Lake Clifton High School and located at 2801 St. Lo Drive, Baltimore, Maryland 21213, from the Mayor and City Council of Baltimore to Morgan State University on terms set forth in the Land Disposition Agreement entered into between these parties and attached to the agenda. The consideration for the sale of the property is the amount of the outstanding State bond debt associated with the property, which amount will be confirmed by the State Treasurer's Office. In accordance with the IAC's August 22, 2019 approval of the closure and transfer of this property to the Mayor and City Council of Baltimore, this approval is also conditioned upon full repayment of the outstanding State bond debt associated with this property by Baltimore City within thirty (30) days of the closing of the sale of the property.

**3. Adoption of Final 14.39.07 COMAR Revisions - [Motion Carried]**

Jonathan Borghetti, IAC Policy Analyst, and Cassandra Viscarra, IAC Deputy Director for Administration, presented the final revisions to COMAR 14.39.07 to be adopted by the IAC. Commission members asked for additional information on the comments received during the public comment period. IAC staff explained that the major concerns expressed were about the elements of a project eligible for IAC funding. Staff further explained that the Sufficiency Standards, which are the subject of the COMAR action, do not determine the funding provided to projects; they are bare minimum used for the IAC's facility assessments. The IAC uses other funding factors, such as the IAC's adopted Gross Area Baselines (GABs), to determine funding eligibility. Further, changing the Sufficiency Standards after the IAC's baseline assessment would make it impossible to longitudinally compare data collected in the annual assessments from year to year. Additionally, staff noted that the GABs are currently under review to ensure they meet the standards set by the Maryland Blueprint Act which may require potential changes in funding methods.

Upon a motion by Ms. Lawlah, seconded by Mr. Gibbons, the IAC voted unanimously to adopt the final COMAR Revisions as published in the September 9, 2022 Maryland Register (Volume 49, Issue 19, Pages 885-890).

**4. Baltimore City Public Schools - City College High School #480 - Gross Area Baseline Variance - [Motion Carried]**

Gricel Muñoz, IAC Regional Facilities Manager, presented Baltimore City Public Schools' (BCPSS) GAB variance request for the Baltimore City College High School to consider additional eligible gross square feet to be funded above the GAB. IAC staff recommend the variance due to the historical nature of the building and restrictions on the ability to redesign while maintaining the historical structure. Commission members voiced their support for the variance because of City College's historical status and academic achievements.

Upon a motion by Ms. Eberhart, seconded by Secretary Churchill, the IAC voted unanimously to approve a Gross Area Baseline (GAB) variance that will support an additional 14,345 gross square feet (GSF) for the Baltimore City College High School #480 (PSC 30.110) renovation and addition project. This increases the eligible GSF from 279,035 to 296,380 inclusive of cooperative use space (CUS) for an approved projected enrollment of 1,816 students.

**5. Built to Learn Project Approval - [Motion Carried]**

Arabia Davis, IAC Funding Programs Manager, presented a recommendation for Built to Learn (BTL) funding approval of the Baltimore City College High School renovation and addition project with a maximum state allocation of \$125.5 million. Commission members noted the \$4 million reduction in project funding, which is based upon the State's requirement that the amount of State funding provided in a facility within 16 years be deducted from a project that will impact previously funded systems or components and asked if the LEA was aware of and in agreement with the reductions. IAC staff explained the reductions were from the sum of the total projects funded by the IAC within the last 15 years and the final amount recommended for this project is more than Baltimore City Public Schools (BCPSS) originally anticipated; BCPSS is satisfied with the result. Acting Executive Director Alex Donahue also explained that the project is being funded at a higher level than normal and has confidence that BCPSS will complete a comprehensive renovation that will provide the necessary learning environment for students and preserve the historical nature of the building.

Upon a motion by Secretary Churchill, seconded by Secretary McCord, the IAC voted unanimously to approve the Baltimore City College #480 Renovation/Addition project as presented to be funded and executed through the Built to Learn Act totaling approximately ~~\$129.7~~ **\$125.5<sup>1</sup>** million. The final funding amount is subject to adjustment based upon finalization of the project worksheet and review of project eligibility.

**6. Calvert County Public Schools - Huntingtown Elementary School Emergency Project - [Motion Carried]**

Ms. Davis presented an emergency funding request from Calvert County Public Schools for the failing septic drain fields at Huntingtown Elementary School. The septic field was constructed in 1971 and was recently identified as failing. IAC staff have reviewed the request and determined this project meets the requirements to receive funding from the IAC Emergency Fund Account.

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<sup>1</sup> \*Red text indicates changes to the proposed motion as corrected in the IAC Meeting

Upon a motion by Ms. Eberhart, seconded by Secretary Churchill, the IAC voted unanimously to approve the Calvert County Public Schools (CCPS) emergency repair project for the failing septic field at Huntingtown Elementary School (PSC 04.010) and to:

1. Decrease the Emergency Fund Account by \$184,800 and;
2. Transfer from the Emergency Reserved Fund Account and apply \$184,800 to the Huntingtown Elementary School Emergency Septic Field Replacement Project.

**7. Pass-Through Grant Funding Approval - [Motion Carried]**

Ms. Davis presented funding requests for the Pass-Through Grant (PTG) program for four synthetic turf field projects and the Thurmont Elementary Limited Renovation project in Frederick County. Commission members requested the deadline that the LEAs have to request PTG funding and IAC staff shared that LEAs will have until May 1, 2023 to apply. In the coming months, the IAC anticipates further requests for PTG funding.

Upon a motion by Ms. Eberhart, seconded by Secretary Churchill, the IAC voted unanimously to approve the Pass-Through Grant program projects as presented in this item with a total allocation of \$10,000,000 subject to reconciliation and potential adjustment at project closeout.

**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 Commission met in closed session on Thursday, November 10, 2022 to discuss personnel matters. All members were present at the closed session with the exception of Mr. Lombardo. Also in attendance were Acting Executive Director Donahue, Ms. Viscarra, and Ms. Dudderar. The Executive Session commenced at 9:35 a.m.

The Executive Session concluded at 9:41 a.m.

**Announcements:**

Chair Kasemeyer mentioned that the IAC staff recently had meetings with the Howard County and Baltimore County Executives, and will be attending a meeting with the Prince George's County Executive. Chair Kasemeyer expressed support for having continuing meetings with county executives.

**Adjournment:**

Upon a motion by Secretary McCord, with a second by Mr. Gibbons, the IAC voted unanimously to adjourn the meeting at 9:42 a.m.