

DRAFT Meeting Minutes – October 13, 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
Superintendent Mohammed Choudhury, Maryland State Department of Education
Michael Darenberg, Appointee of the Governor
Linda Eberhart, Appointee of the Speaker of the House
Secretary Ellington Churchill, Department of General Services, Vice-chair
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:

Brian Gibbons, Appointee of the Speaker of the House

Revisions to the Agenda:

Alex Donahue, IAC Acting Executive Director, recommended that **Item 3 Sale of Dr. Roland N. Patterson Sr. School Building #82 (Baltimore City)** be considered after the Executive Session. Additionally, the Executive Session will only be to receive legal advice and will not involve personnel matters as was stated on 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 Ms. Eberhart, seconded by Secretary Churchill, the IAC voted unanimously to approve the consent agenda. Ms. Lawlah and Mr. Lombardo were absent for the vote.

A. Approval of the September 8, 2022 Minutes

To approve the minutes of the September 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 Montgomery County Public Schools Easements

To approve the conveyance by the Montgomery County Board of Education of the easements as presented.

E. Charles County Public Schools Request to Rescind Local Planning Approval for Three Projects

To approve the rescission of Charles County Public School's FY 2019 Local Planning (LP) approval for the Maurice J. McDonough High School Renovation and Addition project (PSC#08.009.19 LP), the Malcolm Elementary School PreK & K Addition/Renovation project (PSC#08.024.19 LP), and the J.P. Ryon Elementary School PreK & K Addition Project (PSC#08.038.19 LP).

F. Prince George's County Public School's Revision to Charles Flowers H. High School Project FY 2023 CIP Allocation

To approve revisions to one previously approved motion to accurately reflect the correct reversion of \$7,000,000 to the LEA's reserved prior year appropriations account for the Charles H. Flowers High School HVAC Project.

G. Approval of Revisions to Previously Approved Contracts

To approve revisions to a previously approved contract award to accurately reflect the correct allocation amounts for the Carroll County Career and Technology Center renovation/addition contract.

H. Informational Facility Status Changes – [Informational Only]

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

2. Approval of Lease Agreement between the Maryland Stadium Authority and the IAC – [Motion Carried]

Secretary Churchill provided an overview of the Department of General Services Office of Real Estate's role and responsibilities in procuring new office space for the IAC. Heidi Dudderar, Assistant Attorney General for the IAC, presented the terms in the lease agreement. IAC members asked for clarification on when the IAC will begin to occupy the office, and IAC staff responded that the lease will begin April 1, 2023. Members expressed their support for the choice of the office space.

Upon a motion by Ms Eberhart, seconded by Secretary McCord, the IAC voted unanimously to approve to authorize the Chair to execute the lease agreement for office space at 351 West Camden Street, Baltimore, Maryland 21201 between the Maryland Stadium Authority and the IAC, pending non-substantive edits by MSA and IAC staff.

4. Pass-Through Grant Funding Approval - [Motion Carried]

Arabia Davis, IAC Funding Programs Manager, presented funding requests for the Pass-Through Grant (PTG) program for a HVAC project in Charles County, playground shading structures at three schools in Talbot County, and a roof project in Wicomico County. IAC members requested Charles County's HVAC project school's square footage and the amount of space that the HVAC system will service, and IAC staff will follow up with further information regarding the request.

Upon a motion by Secretary McCord, seconded by Secretary Churchill, the IAC voted unanimously to approve the Pass-Through Grant program applications as presented in this item with a total allocation of \$5,194,329 subject to reconciliation and potential adjustment at project closeout.

5. Queen Anne's County Public Schools – Amend Two Projects from FY 2022 Capital Improvement Program - [Motion Carried]

Gricel Muñoz, IAC Regional Facilities Manager, presented Queen Anne's County's request to amend the two FY 2022 roof projects for additional cost increases due to current market conditions. IAC members requested clarification that these projects are for partial roofs, which IAC staff confirmed; these schools had earlier roof projects and these projects are for the outstanding roofs. The projects were originally funded in FY 2020 and were rescinded and amended in FY 2022 because the Local Education Agency (LEA) was unable to enter a contract due to market conditions. Furthermore, IAC members questioned the condition of the remainder of the roofs, and IAC staff explained that the majority of the roofs were renovated in the past 20 years and still have remaining useful life.

Upon a motion by Mr. Lombardo, seconded by Ms. Eberhart, the IAC voted unanimously to approve an amendment to the Queen Anne's County Public School's (QACPS) FY 2022 CIP project allocations to decrease QACPS' Reserve Prior Year Appropriations Account by \$524,233 and to apply, in accordance with COMAR 14.39.02.07:

- \$290,790 from the Reserved Prior Year Appropriations Account to the Bayside Elementary School partial roof replacement project; thereby increasing the allocation from \$248,000 to \$538,790; and
- \$233,443 from the Reserve Prior Year Appropriations Account to the Kent Island Elementary School partial roof replacement project; thereby increasing the allocation from \$312,000 to \$545,443.

6. Public School Enrollment Projections - [Information Only]

Jamie Bridges, IAC Planning Manager, and Graham Twibell, IAC Regional Planner, presented a follow up to the May 11, 2022 presentation on enrollment projections. The presentation provided an overview of projected enrollment, eligible enrollment, adjacent schools, and the eligible enrollment variance process. IAC members requested clarification if the IAC reviews projected enrollments at adjacent schools. IAC staff clarified that they review the year 7 projection and have recently been requesting projections up to year 10 from LEAs. Furthermore, IAC members requested clarification regarding how the IAC determines the population of Choice/Magnet schools, and IAC staff explained that they work with each LEA on a case-by-case basis to determine an eligible enrollment.

7. Executive Session - [Motion Carried]

Pursuant to §3-305(b)(7) 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, October 13, 2022 to receive legal counsel. All members were present at the closed session with the exception of Mr. Gibbons. Also in attendance were Executive Director Donahue, Ms. Viscarra, and Ms. Dudderar. The Executive Session commenced at 9:39 a.m.

The Executive Session concluded at 10:13 a.m. Chair Kasemeyer explained that the closed session was to be briefed by legal counsel on the provision of the Code of Maryland Regulations relating to disposition of schools buildings and the standard property transfer agreement used by the IAC when property is transferred from an LEA to county or city government.

3. Sale of Dr. Roland N. Patterson Sr. School Building #82 (Baltimore City) – [Motion Carried]

Note: Due to a revision to the agenda, Item 3 was considered after the Executive Session.

Andy Frank, Real Estate Officer, Baltimore City Office of Comptroller, and Joann Levin, Baltimore City Solicitor, presented the scope of the project and the planned development of the Dr. Roland N. Patterson Sr. School Building property by the purchaser, Choo Smith Youth Empowerment (CSYE). IAC members requested information on the planned usage of the current building on the property. Mr. Frank explained that the developers are still finalizing plans at this time to determine the outcome of the building. Members requested the definition of affordable apartments in the plan, and Mr. Frank explained that the developers plan to use Low-Income Tax Credits as a source of financing which requires providing housing to families earning as low as 30% of median income and potentially up to 50%; the potential rate is not set at this time. Members clarified that 4 acres will be retained by the City and Mr. Frank confirmed that the property will be subdivided to maintain some property for the use of the community. Furthermore, members requested the current number of Baltimore City students that the CSYE serves. Mr. Frank explained that CSYE currently operates in Baltimore County and does not serve City students but will serve an unknown number of City students in the surrounding neighborhoods of this community center.

Upon a motion by Ms. Eberhart, seconded by Superintendent Choudhury, the IAC voted to approve the sale of the property formerly used for Dr. Roland Patterson Senior High School located at 4701 Greenspring Drive, Baltimore, MD, 21209, from the Mayor and City Council of Baltimore to Choo Smith Youth Empowerment, Inc. on terms set forth in the Land Disposition Agreement entered into between these parties and described in the City’s testimony. The consideration for the sale of the property is the amount of the outstanding State bond debt associated with the property, which will be confirmed by the State Treasurer’s Office. In accordance with this Commission’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.

Item 3 Vote Results			
Chair Kasemeyer	Yes	Mr. Gibbons	Absent
Superintendent Choudhury	Yes	Ms. Lawlah	Yes
Secretary Churchill	Yes	Mr. Lombardo	Yes
Mr. Darenberg	No	Secretary McCord	Yes
Ms. Eberhart	Yes		

Announcements:

None.

Adjournment:

Upon a motion by Mr. Lombardo, with a second by Ms. Eberhart, the IAC voted unanimously to adjourn the meeting at 10:29 a.m.