

Meeting Minutes – December 8, 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
Valdis Lazdins, Designee for Acting Secretary Sandy Schrader, Maryland Department of Planning
Dick Lombardo, Appointee of the Governor

Members Not in Attendance:

None

Revisions to the Agenda:

Alex Donahue, Acting IAC Executive Director, informed the IAC that Cecil County has opted to provide a written Capital Improvement Program (CIP) appeal only instead of presenting.

Public Comment:

There was no public comment.

IAC Correspondence:

There was no correspondence.

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

Upon a motion by Secretary Churchill, seconded by Mr. Darenberg, the IAC voted unanimously to approve the consent agenda.

A. Approval of the November 10, 2022 Minutes

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

B. 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.

D. Project Allocation Reversions

To approve the reversion of the amounts presented to the appropriate statewide contingency accounts.

E. Baltimore City Public Schools - City College High School BTL Computation Worksheet Revision

To approve the revision of the Capital Improvement Program/Built to Learn computation worksheet for the FY 2023 Baltimore City College High School #480 (PSC 30.110) to establish a Maximum State Allocation of \$128,913,000.

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

G. Prince George’s County Public Schools - FY 2022 Aging Schools Program Project Extensions – [Informational Only]

H. Informational Facility Status Changes – [Informational Only]

2. St. Mary’s County Public Schools - Request to Rescind Lettie Marshall Dent Elementary School Limited Renovation Project – [Motion Carried]

Arabia Davis, IAC Funding Program Manager, and Gene Shanholtz, IAC Regional Facilities Manager (RFM), presented St. Mary’s County Public Schools’ (SMCPS) request to rescind the Lettie Marshall Dent Elementary School Limited Renovation. Escalating costs and impacts of the current market on the project estimate meant that a bid could not be awarded based on SMCPS’s revised estimate. The funds will be transferred to SMCPS’s reserved appropriation account and applied to the FY 2024 CIP to meet inflated costs demands.

Upon a motion by Mr. Lombardo, seconded by Ms. Eberhart, the IAC voted unanimously to approve the request to rescind the St. Mary’s County Public Schools (SMCPS) FY 2023 Capital Improvement Program (CIP) Lettie Marshall Dent Elementary School Limited Renovation Project (PSC 18.017.23) and to transfer the State allocation totaling \$4,970,000 to the account reserved for SMCPS.

3. Capital Improvement Program Overview Presentation - [Informational Only]

Acting Executive Director Donahue presented an overview of the CIP and its administrative process.

4. FY 2024 Capital Improvement Program 75% Project Approvals - [Motion Carried]

Ms. Davis presented IAC staff recommendations for 75% of the preliminary school construction allocation for the FY 2024 CIP. Staff recommended the approval of 7 planning requests and 109 funding requests, totaling \$210,000,000, for the 75% allocation round based on the Governor’s Preliminary Capital Budget. LEAs presented oral testimony appealing staff recommendations. Staff noted a number of LEAs that provided written testimony.

Upon a motion by Superintendent Choudhury, seconded by Ms. Eberhart, the IAC voted unanimously to approve the Fiscal Year 2024 75% Capital Improvement Program (CIP) Allocations and Planning Approvals for each school system and the Maryland School for the Blind as shown in the presented Summary of 75% Recommendation Details by Project in Column L, titled “Recommended 75% New Authorization,” and contingent upon appropriation in the FY 2024 State Capital Budget and to authorize the IAC staff to make adjustments to project allocations to avoid over and under funding of a project. Approval of projects with a “U” status is contingent upon resolution of outstanding issues.

5. Anne Arundel County Public Schools - Old Mill South Middle School Rescission of LP, Approval of Cost per Square Foot Increase, and BTL Funding Allocation - [Motion Carried]

Ms. Davis and Grisel Muñoz, RFM, presented three requests by Anne Arundel County Public Schools (AACPS): first, a request to rescind the Local Planning approval for the Old Mill Middle School South replacement project from the FY 2023 CIP due to change in funding source; second, a request to increase the IAC's adopted cost per square foot due to higher costs as a result of market conditions under COMAR 14.39.02.07C; and third, approval of funding in the amount of \$31 million through the Built to Learn program.

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

1. Rescind Local Planning (LP) approval of Old Mill Middle School South (PSC 02.133) from the FY 2023 Capital Improvement Program (CIP).
2. Approve the request to change the Maximum State Construction Allocation for Old Mill Middle School South by adjusting the FY 2023 Cost Per Square Foot under COMAR 14.39.02.07C. from \$358/sf to \$380/sf as reflected in the presented project worksheet.
3. Approve the Built to Learn (BTL) funding request for Old Mill Middle School South with a total State funding allocation of \$31,149,000.

6. Cecil County Public Schools - Elkton Middle School Roof Replacement Project - Maximum State Construction Allocation Increase - [Motion Carried]

Ms. Davis and Eileen Gladd, RFM, presented Cecil County Public Schools' (CCPS) request to amend the Maximum State Construction Allocation for the FY 2023 CIP Roof Replacement project at Elkton Middle School by transferring \$76,000 from CCPS's Prior Year Reserve Appropriations Account. CCPS received a bid that was 5.5% higher than the 2021 estimate. This amendment changes the State's Share from \$1,376,000 to \$1,452,000.

Upon a motion by Mr. Gibbons, seconded by Secretary Churchill, the IAC voted unanimously to decrease the Cecil County Public Schools (CCPS) reserved prior year appropriations account by \$76,000 and to subsequently approve an amendment to the CCPS FY 2023 Capital Improvement Program (CIP) to increase the Elkton Middle School (PSC 07.029) roof replacement project allocation by \$76,000 from \$1,376,000 to \$1,452,000.

7. Harford County Public Schools - Pass-Through Grant Funding Approval - [Motion Carried]

Ms. Davis presented Harford County Public Schools' funding request for the Pass-Through Grant (PTG) program for a HVAC system project for the Kindergarten Annex Building at Churchville Elementary School.

Upon a motion by Superintendent Choudhury, seconded by Mr. Gibbons, the IAC voted unanimously to approve the Pass-Through Grant program projects as presented in this item with a total allocation of \$398,906 subject to reconciliation and potential adjustment at project closeout.

8. Montgomery County Public Schools - Amendment of FY 2021, FY 2022, and FY 2023 Capital Improvement Programs - [Motion Carried]

Ms. Davis, presented Montgomery County Public Schools' (MCPS) request to cancel a total of 11 HVAC projects and 11 Roof projects and transfer the funds to MCPS reserved prior year appropriations account. The request is due to decreases in the anticipated FY 2023 local share and unexpected increases in construction costs that have inflated the overall project budget. Funding has

caused delays in moving forward with the projects. The funds will be reapplied to the FY 2024 CIP to address potential fiscal constraints.

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

1. To approve the cancellation of 11 HVAC and 11 Roof projects in Montgomery County Public Schools (MCPS) funded in Fiscal Years 2021, 2022 and 2023 Capital Improvement Program (CIP); and,
2. Transfer \$29,999,000 to the Local Education Agencies Reserved Prior Year Appropriations Account for distribution to eligible projects in the FY 2024 CIP.

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 Commission met in closed session on Thursday, December 8, 2022 to discuss personnel matters. All members were present at the closed session. Also in attendance were Acting Executive Director Donahue, and Heidi Dudderar, Assistant Attorney General for the IAC. The Executive Session commenced at 10:42 a.m.

The Executive Session concluded at 10:55 a.m. Secretary Churchill, Chair of the Executive Director Search Committee, explained the process that was conducted to find a suitable candidate for the IAC Executive Director position. The Commission voted in the Executive Session to select Acting Executive Director Donahue to serve as the new Executive Director. Commission members expressed their continued confidence in his ability to serve in this capacity.

Announcements:

None

Adjournment:

Upon a motion by Mr. Gibbons, with a second by Secretary Churchill, the IAC voted unanimously to adjourn the meeting at 11:01 a.m.