
STATE OF MARYLAND
BOARD OF PUBLIC WORKS
GOVERNOR'S RECEPTION ROOM, SECOND FLOOR, STATE HOUSE
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10:15 a.m.

PRESENT

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Treasurer

HONORABLE PETER FRANCHOT
Comptroller

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PROCEEDINGS

GOVERNOR HOGAN: Good morning, everyone.

ALL: Good morning.

GOVERNOR HOGAN: Welcome to the Board of Public Works. I hope everybody had a wonderful Labor Day weekend and that you were all able to enjoy the final days of a long summer.

I also want to extend to all of our students and teachers and staff my best wishes for a successful and rewarding school year. We had a great time yesterday at Waugh Chapel Elementary welcoming kids back to school. I'll tell you, they seemed pretty excited. A couple of them were a little scared, but most of them were excited.

TREASURER KOPP: Scared at the beginning.

GOVERNOR HOGAN: Yeah, at the beginning.

TREASURER KOPP: But positive at the end.

GOVERNOR HOGAN: I think they're going to love it when they're done. But unfortunately some of our Baltimore City and Baltimore County students were kept home or dismissed early from the first day of school because their schools still have no air conditioning. And it is completely unacceptable that these same two jurisdictions are back in this exact same position again this year, starting the school year without air conditioning.

The Comptroller and I have been pushing to fix this problem for four years with these two jurisdictions. We provided them with record funding and historic school construction funding, and yet they still have not addressed these HVAC issues. Right here at the Board of Public Works we even changed the regulations in order to allow them to use school construction dollars for the installation of air conditioning to provide more flexibility to do that.

Sadly, there are some who are choosing to play political games with this issue. But here are the facts: we provided record funding for school construction, including dollars for air conditioning. However, Baltimore City has reverted back to the State \$66 million in State school construction funds because they could not or would not use it to fix these HVAC issues. We even required them before this Board to come up with a plan to show that they were going to fix these problems before we would release additional funds. The Superintendent came before us and made a commitment to this BPW that these problems were going to be fixed. Many of the schools that closed early yesterday due to lack of air conditioning were the exact ones in which she committed to have air conditioning installed before the beginning of last year, the 2017-2018 school year.

In January of 2017 the City Superintendent told us these projects absolutely would be completed in plenty of time for the beginning of the previous school year. In October of 2017, the Chief Operating Officer told us that these

projects were already completed. I have the transcripts of all of this right here. All of it was completely false. They didn't do any of it.

Students in nearly every single one of these schools which they committed to fix by the beginning of last year were dismissed yesterday for lack of air conditioning. And according to a letter from the City Superintendent dated May of this year, three of the schools which were promised to get air conditioning in 2017 have been delayed and are now scheduled to have it installed in 2019. No addressing of any of the other schools.

We were promised by the City Schools that cool air would be flowing in these schools by the beginning of the last school year. Yesterday, the City Schools Superintendent said that was a false narrative. Well, it's not a false narrative. These are facts. And they are on the record, in their own words. It's completely unacceptable. And I can assure you that we are going to continue to press to get answers and continue to press to get action in these two school systems. With that, I'll turn it over to my colleagues for opening remarks. Mr. Comptroller?

COMPTROLLER FRANCHOT: Go ahead, Treasurer. Treasurer?

GOVERNOR HOGAN: He's deferring to the Treasurer. Madam Treasurer?

TREASURER KOPP: I appreciate it. Obviously we're all concerned about the problems of the schools and of air conditioning. As a side

bar, my own home has been without air conditioning for a week and I know it can be very difficult and more difficult obviously --

GOVERNOR HOGAN: My own home was, too, the Governor's Mansion.

TREASURER KOPP: Yeah. Obviously much more serious in the schools. I am pleased to point out, I think you know, that in fact the City is on track with the plans for installing the air conditioner --

GOVERNOR HOGAN: No, they are really not. They are two years behind.

TREASURER KOPP: They were installed in 12 facilities. These are numbers you can check. Twelve facilities in 2016 and '17, another 12 in 2018. Through the 21st Century Schools project, supported by both the Legislature and the Governor, five new facilities opened with full building HVAC. Another seven are slated this year in the CIP to get self-contained vertical package units, the sort that the Comptroller likes. Five underway right now, two have been delayed by having to work with bid protests and the historic preservation folk.

In terms of the give back of \$66 million, you'll be glad to know, Governor, I think that that problem has been solved. It was due quite candidly to some procedures that the IAC used under the previous Director of IAC. And money was not given back but it was held because it had been funded for partial

projects which couldn't be completed because there wasn't enough money to complete it with only partial funding. So the process has been changed and they are not going to do that partial funding anymore. And all the funds will be used.

One of the problems that is quite real is that the City, unfortunately, doesn't have the resources that Montgomery County or Baltimore County have to put into their share. They've been putting in about \$20 million a year whereas the other jurisdictions have been putting in over \$100 million. And that adds up and that makes a big difference. But your School Construction Commission and the Kirwan Commission are looking at those things and I think will make some very significant suggestions to make changes. So that while we all want the plan, and we want the plan to be held to, and we're all for accountability in this area, and clearly we're not where we want to be or the schools wouldn't have had to be closed early, I don't think that the people around the State should be left with the impression that there has been no progress. Because there has and I know I believe you all were at the opening of the new schools, and we've all received I know invitations to the opening and updates on the projects. And I think folks ought to realize that.

GOVERNOR HOGAN: Well so we have built 124 new schools. Twenty-eight of them are in Baltimore City. They receive three times the funding of any other jurisdiction on a per pupil basis. But the fact is that they did commit

to fix all of these air conditionings in these schools that were closed yesterday two years ago and they haven't done so. So that's just the way it is. Mr. Comptroller?

COMPTROLLER FRANCHOT: Yeah, thank you, Governor, thank you, Madam Treasurer. And so here we are. As I speak, 44,468 students are being cheated out of their educational, our educational responsibility to give them a public school education because either their schools in the Baltimore City and Baltimore County region are either closed or because they are going home early because of the heat.

As many of you know, I have been associated with this issue for over 10 years. It could have been solved very quickly, very efficiently, very affordably. It wasn't. Time after time, the begging by me of Baltimore City and Baltimore County to do the right thing and put split units into these classrooms has been ignored. Under the previous administration, no progress was made. Under this administration, which I appreciate the full-throated support of the Governor asking these jurisdictions to do the right thing, some progress has been made.

Why wasn't this problem taken care of 10 years ago for a fraction, I'm talking one percent, of what we're being asked to spend now? Because of simple political retribution. People somehow thought that my criticism of lack of air conditioning in Baltimore City and Baltimore County schools was an attack

upon elected Democrats, as if we're some sort of family where you're not allowed to bring up an issue and criticize a local elected official.

So let's see what the response was of the folks downstairs who now are pointing fingers at this gentleman, the Governor, who frankly has been a breath of fresh air, to pick a word, on this issue. Okay, November of 2015, Senate President Miller had his appointee to the then IAC, now it's been turned into some kind of -- well, wait till you hear about the last meeting of the new commission. I'll get to that in a later point in the Agenda. But in November 2015 Senate President Miller had his appointee to the IAC, former Delegate Timothy Maloney, delay the IAC vote on making portable air conditioning units eligible expenditures. Okay? Senate President dips into the IAC and says, no portable air conditioning units allowed.

Okay. December of 2015, the next month, Senate President Miller and House Speaker Busch announced the formation of the 21st Century School Facilities Commission chaired by Martin Knott, once again in political response because apparently there was some animus against either me or someone else. I'm not sure.

March of 2016, after the Board of Public Works proposed COMAR regulations that made portable air conditioning units eligible expenditures in January of 2016, the conference committee amendment -- conference committee, behind closed doors. No members of the public are in

there. Sure, they are allowed but nobody knows where the meeting is. The conference committee amendment made the units ineligible for fiscal year 2017 funding and also stated that IAC allocations are not subject to further appeal at the BPW.

March 2017, the General Assembly included a provision in the capital budget that eliminated the role of the BPW in approving the capital improvement plan but not funds for aging schools. The conference committee restored the \$5 million still withheld from Baltimore County without requiring the installation of temporary units.

March of 2018, the Legislature approved House Bill 1783. A last minute amendment, once again *deus ex machina* drops from the sky, a last minute amendment stripped authority to approve school construction funding from this Board and gave it to a new commission appointed by State leaders. After Governor Hogan correctly vetoed the bill, the Legislature quickly overrode the veto.

This is a game that's been going on between three or four people downstairs: the Speaker, the Senate President, the Chair of the House Appropriations Committee, somewhat the Senate Budget and Tax Committee. They have had a lot of fun and games. You know, dangling all of these actions. We're going to do this, we're going to do that. The fun and games are over.

There are 44,468 students right now that are feeling the consequences of what these individuals did downstairs.

So the Governor mentioned the mistaken testimony that we received down here from Baltimore City. I am eager to have them come and explain exactly why they were so erroneous. But let's just pick one of the schools that was mentioned back then, because it's closed today or they are getting out early today. That's Edmondson High.

Okay. At the January 2017 Board of Public Works meeting Edmondson High was one of the seven schools that Dr. Santelises promised we would have window units installed by September 2017. At the October 2017 meeting Keith Scroggins, the head of their facilities, told the Board that the seven schools received air conditioning as promised. That's what the Governor was referring to. The June 2018 progress update that we requested from Dr. Santelises now says Edmondson High School will have air conditioning units installed by September 2019.

What did this great commission do, this new commission that is replacing the Board of Public Works? They had their first meeting last Thursday, the day before the Labor Day weekend. They had about 20 people in attendance, all of them State employees, mostly involved with the agency over there. They had some of their members there. The Speaker still hasn't appointed one of his members, which is kind of curious. The first contract they heard was for

Edmondson. We had on this Board approved window air conditioning units for Edmondson, as I said, at a cost of, exorbitant cost in my opinion, and I think I brought it up then, of \$19,000 per classroom to put a window air conditioning unit in. Give me \$2,000 and I'll put a split unit into that classroom for under \$2,000. It will plug into the existing electrical system. It will heat the classroom during cold days. It will cool the classroom during hot days. But we -- I was trying to be generous, I think, so I went along with the \$19,000 per classroom that we approved in 2017 that never got done.

What's the cost of what this "commission" approved without debate, without comment, last Thursday? It wasn't \$19,000 per unit. It was \$55,000 per unit in State and City dollars. So I call that pillaging the taxpayers. But maybe they can come down and explain exactly what they are doing.

So let me just conclude, because I've wandered around a little bit here, and come back to my main point that this has all been about political fun and games. Some groups protecting other folks who are elected officials, acting out their roles. And as a result, I haven't been damaged. The Governor hasn't been damaged. The Treasurer is obviously not a target. But the kids and their parents and the teachers, the people that care about their education, they are the ones that suffer the consequences. So for those that are looking around for whom to blame, I guess is the political currency of the day, go downstairs. Ask them why they did this. Not that I care about who is to blame, I really want to get the

job done. But as long as we're talking about who to blame, you know, you need go no farther than downstairs.

Governor, thank you for your leadership on this issue. You didn't have to jump in. You could have just turned the other way and said, oh, there's Franchot off on the air conditioning issue again. Well, I guess they've cut me out of everything but thank you for reminding everybody that the Board of Public Works is here to represent the people and we're going to continue to do that regardless of the fun and games that folks have downstairs.

GOVERNOR HOGAN: Thank you.

TREASURER KOPP: Governor, before we get to the second act, could I just say there is a record. We can look at the numbers, I just cited them, of the work that's been going on in Baltimore City and in Baltimore County in the school system. The new commission obviously has a preponderance of appointees by the Governor. I think it will be a good, solid commission, meeting in public with all of the sunshine that you would like, but taking it off of the political stage and out of this campaign. And I think that there will be plenty of time in the future to talk seriously about our schools, about the school construction issues, about funding, and about education, which would be a good thing, preferably after the campaign season is over. And now we're --

COMPTROLLER FRANCHOT: Yeah, I think it's just great to bring this subject up. Guess what would have happened if we had started school

before Labor Day? Where would we be now with cancelled days, cancelled hours? And what about the education of the kids? And what about the fact that we're talking about 44,468 students? I mean, give me a break. This is so outrageous, to pick a word, unacceptable, and you know, I --

GOVERNOR HOGAN: Well let me -- thank you, Mr. Comptroller.

COMPTROLLER FRANCHOT: Thank you. Thank you for rescuing me from my frustration.

GOVERNOR HOGAN: Madam Treasurer, let me just say that, you know, it's been an honor to work with you and I've considered you to be a very non-partisan and bipartisan partner working with us. But to insinuate that this is all about politics and a campaign that's coming up when 44,000 kids can't go to school and 70 schools are closed is outrageous. This has nothing to do with politics. This is about the kids. We've been talking about this nearly every single meeting for four years. And to say let's just give it more time, it's not acceptable. We don't have more time. Kids are missing school today. So let's get started with the Secretary's Agenda.

SECRETARY MCDONALD: Good morning, Governor, Madam Treasurer, Mr. Comptroller --

GOVERNOR HOGAN: Actually, before we get to your Agenda --

(Laughter.)

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GOVERNOR HOGAN: -- one non-controversial thing, how about

--

SECRETARY MCDONALD: That's right.

GOVERNOR HOGAN: -- it's not about anybody screwing up anything or any politics. I want to recognize Annette Baldwin. And Annette is a pediatric nurse practitioner in the School-Based Wellness Centers Program of the Howard County Health Department. Annette provides comprehensive health services to children at Bollman Bridge Elementary and Patuxent Valley Middle Schools. Annette epitomizes our administration's commitment to changing Maryland for the better by providing outstanding customer service. Annette consistently goes above and beyond her responsibilities, providing quality service to not only her pediatric patients but to their families as well.

In the course of her four years with the State, Annette has provided a home for two young boys abandoned by their mother, assisted a young mother without health insurance to find a provider to evaluate a suspicious mass, and found support services for a family of eight living in a basement. In addition to all that tremendous work, she has implemented bike safety, family fitness, and health promotion programs for after work hours at her schools. According to satisfaction surveys that we do on customer service, parents are really, really impressed with her competence and her compassion for their children. Annette, we are very, very proud of the tremendous work that you are doing for all of our

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students and we'd like to have you come up here so that we can present you with the Customer Service Hero Award. Let's give her a big round of applause.

(Applause.)

GOVERNOR HOGAN: And now we'll get started with the Secretary's Agenda.

SECRETARY MCDONALD: Good morning.

TREASURER KOPP: Governor, could I just say apropos of Annette, the growth of the profession of nurse practitioners in Maryland in the last couple of decades has been extraordinary. The training of, and mostly but not all women, in both health skills and administrative skills, able to step in and really build our health delivery system in a way that couldn't be done without them. And I'm very proud that Maryland was one of the leaders in recognizing the profession and pushing our schools of nursing to create the degree and to then expand it. And finally, to the people who are doing the work, thank you.

GOVERNOR HOGAN: And Annette is a perfect example of that. So thank you, Annette.

TREASURER KOPP: Yeah.

(Applause.)

GOVERNOR HOGAN: Secretary McDonald?

SECRETARY MCDONALD: Thank you, Governor, Madam Treasurer, Mr. Comptroller. We have 10 items on the Secretary's Agenda this morning and seven reports of emergency procurements.

GOVERNOR HOGAN: Any questions on the Secretary's Agenda?

COMPTROLLER FRANCHOT: Yes, Items 7 and 10, please.

SECRETARY MCDONALD: Items 7 and 10, I know Mr. McGuigan and Mr. Johnson are here. These are Baltimore City Public Schools the Stadium Authority has some bid packages on.

MR. MCGUIGAN: Good morning. Gary McGuigan with the Stadium Authority.

GOVERNOR HOGAN: Good morning.

MR. MCGUIGAN: I'll be happy to answer any questions.

COMPTROLLER FRANCHOT: Yes. I'd like to just find out what is the bid process for these schools that you went through?

MR. MCGUIGAN: It is construction manager at risk.

COMPTROLLER FRANCHOT: And how did that work out as far as the budget?

MR. MCGUIGAN: Well we've used it for 15 years. We hire the construction manager right at the beginning of the project so they can help shape the design. And then they go out to bid for all the trade bids. And if we negotiate a GMP then we bring the contract for approval.

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COMPTROLLER FRANCHOT: Okay. Terrific. And let me just put you aside because I have tremendous confidence in the Stadium Authority and thank you for the work that you're doing.

MR. MCGUIGAN: Thank you.

COMPTROLLER FRANCHOT: But let me just mention for the sake of the record this new commission again that I mentioned in my early statements. Apparently you are going to be doing a lot of work with this "commission." Okay. So the attendees that were there were, as the Treasurer noted, some of the Governor's appointees and other folks. The appointee of the Speaker of the House public member was there, but vacant was the appointee of the Speaker of the House public member, for some bizarre reason. And so there were in attendance last Thursday 20 State government employees, if in the audience. There were two others. Shawn Matlock from the Prince George's Director of Facilities, I'm not sure how he found his way there, but also one unidentified man with a visitor's sticker. There was zero public comment at this meeting. The first contract taken up was Edmondson High School, as I mentioned. Not a single mention of the air conditioning problem in the City Schools. Not a single comment by anybody in the entire commission meeting. This was last Thursday.

So I guess what I will just reiterate here on these two items is that there is absolutely no excuse in 2018 in the wealthiest state in the richest country

in the history of the world that there are dozens of schools that are too unsafe and too unhealthy for our kids to learn in. So they deserve better, Governor. Apparently the bosses downstairs, I mentioned this, there are only three or four. I don't mean to stigmatize my former colleagues in the House of Delegates and the Senate. They are not responsible for what's going on here.

TREASURER KOPP: Mr. Comptroller --

COMPTROLLER FRANCHOT: It's a little small group of people.

TREASURER KOPP: -- it's a majority vote down -- you may, you may want to aim at three or four but --

COMPTROLLER FRANCHOT: Yeah, let me just, if I could without interrupting, Madam Treasurer, because I have a lot of respect for you. But you can comment after me. But my strong message to the State of Maryland is that when I'm talking about the political machine in Annapolis, I'm not talking about my wonderful party the Democratic Party. I love my party values, principles. I'm talking about people that have absolute power that abuse that authority. They could be Republican. They happen to be Democratic. It's wrong.

And I just want to make sure everyone understands what I'm talking about: the Chair of the House Appropriations Committee, the Speaker of the House, the President of the Senate, the head of the Senate Budget and Tax

Committee. We're talking about a tiny group of people who have had power so long that they no longer recognize when they abuse that authority.

So apparently they think that stripping this Board, the BPW, of oversight of school construction was the end of my advocacy on behalf of the students, teachers, and staff who are forced to work and learn in inhumane conditions. I hate to state the obvious, but they are wrong. I'm going to continue to speak out. And the people of the State elected me to fight for their interests and not protect politicians and school system bureaucrats who have ignored the cries for action on this issue. I'm delighted that the Governor is setting up the new Office of Accountability.

What do we need more of in Annapolis and more of in Maryland than accountability? And all I had to do was mention the per-unit cost for portable air conditioning that has somehow gotten to be \$55,000 up in Baltimore City. How could that possibly be tolerated by the State and by proponents of schools and education?

So Stadium Authority, thank you for your work. Your professionalism is fabulous. Governor, thank you --

GOVERNOR HOGAN: Let me --

COMPTROLLER FRANCHOT: -- I'm sorry you stole away my staff person --

GOVERNOR HOGAN: Yeah.

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COMPTROLLER FRANCHOT: -- and but you're going to benefit from her expertise in this area of honesty, transparency, accountability, doing the right thing, and for goodness sakes could we stop the political games every once in a while?

GOVERNOR HOGAN: Let me -- thank you, Mr. Comptroller. While we have the Stadium Authority here, I just want to compliment you and your team for the great job that you're doing with the 21st Century Schools program and building these schools in Baltimore City. We all know that City Schools were sort of a disaster. The Stadium Authority took over these construction projects.

We opened five new schools in Baltimore City just last week and I attended a couple of them. You did an incredible job. I think most of them were done on time and on budget, or early and under budget, which is amazing. It has never happened before with Baltimore City Schools. This is just off the cuff, and my staff is going to be mad at me for bringing it up, but maybe we should have some discussions about whether it's possible for you -- you do a lot of the renovations as well, not just new schools but major renovations. Maybe the Stadium Authority should take over these air conditioning projects for the 70 schools that they can't find a way to get air conditioning. It's something we may want to discuss with the Stadium Authority Chairman. So thank you.

MR. MCGUIGAN: Thank you, Governor. I would like to say Eric Johnson is in charge of the schools program and deserves most of the credit. But thanks for those remarks.

GOVERNOR HOGAN: Thank you. Any other questions on the Secretary's Agenda? Is there a motion?

COMPTROLLER FRANCHOT: Move approval.

GOVERNOR HOGAN: Second?

TREASURER KOPP: Second. Well, and let me just add, Gary, I happened to be with a couple of people in a car driving actually through Baltimore to go north of Baltimore last week. And it was in evening, and we drove by the schools. And they were stunned by the good looking schools and the fact that it just, it sort of added a glow to the whole neighborhood. It's more than just building a school, although building a school is so terribly important. But it actually was building a new neighborhood, a community. And I just --

MR. MCGUIGAN: I'll tell you --

TREASURER KOPP: -- despite some disagreements, I want to, I want to add my --

MR. MCGUIGAN: Thank you we --

GOVERNOR HOGAN: And not only the staff at the Stadium Authority does a great job, but we have businesspeople on the Stadium Authority Board that oversee this stuff and they run it like a business and that's why it gets

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done. And I want to recognize, we don't have Chairman Kelso here with us today, but Gary Mangum is I see sitting --

COMPTROLLER FRANCHOT: Oh.

GOVERNOR HOGAN: -- in the second row who is a member of the Stadium Authority. We thank you and your colleagues for overseeing the process and Mike Frenz and the whole team staff. Thank you.

MR. MCGUIGAN: Thank you.

GOVERNOR HOGAN: So it's been motioned and seconded. The motion carries three to nothing. We'll move on to the DNR Real Property Agenda.

MR. BELTON: Good morning, Governor, Mr. Comptroller, Madam Treasurer. For the record, I'm Mark Belton, the Secretary of the Maryland Department of Natural Resources and we have 12 items on our real estate, Real Property Agenda for your approval this morning.

GOVERNOR HOGAN: Thank you, Mr. Secretary. I want to take this moment while we're on the Department of Natural Resources just to announce our final recommendation to designate the Manokin River as the fifth and final tributary for the large scale oyster restoration to fulfill our commitment to the Chesapeake Bay Watershed Agreement. And we look forward to not only with your team but working with federal and local partners to continue this really

vital work that you've been doing in restoring our oyster population. So I want to thank you for that.

MR. BELTON: And thank you, Governor, for your priority on the environment and our ability to focus like a laser on our Chesapeake Bay Agreement goals, one of which as you mentioned is to restore five tributaries in Maryland to historic levels of oyster production.

And you mentioned the Manokin. We're very excited about the prospect of the Manokin River. Our initial information that we got from there is very positive. We think it's going to be a great addition to our five restored tributaries.

GOVERNOR HOGAN: Great. I loved seeing those dolphins swimming in the Bay for the first time.

MR. BELTON: Yes, sir.

GOVERNOR HOGAN: Thank you.

TREASURER KOPP: Governor, could I mark 10A, the Open Space project in Worcester County. I noticed that you now have a new provision in your descriptions of your projects when appropriate that the projects have the ability to provide climate change resiliency benefits over the long term. As you might have heard that at the last meeting of the Climate Change Mitigation Work Group there was some discussion about the meaning of the term resiliency. And I think that this is a great example of what we were trying to explain to people,

what was resiliency and how a project could add to the resiliency of a community. But if you could get your guys to try to focus, perhaps working with the Department of the Environment, on this concept so that it could be easily understood how you are doing many things for the project, one of which is enhancing and to the extent possible ensuring the resiliency of our coastline particularly, but not simply coastline, to the obvious impacts of long term climate change.

MR. BELTON: Right. And thank you for that, ma'am. As you know from our Coast Smart Council meetings, we focus on resiliency.

TREASURER KOPP: Yeah.

MR. BELTON: We take a very classic view of the term resiliency.

TREASURER KOPP: I was very surprised to hear that it was a new term to some people. But I think that's a good heads up.

MR. BELTON: Yeah, we take a very classic view. It's simply the ability to bounce back from some event that is not normally seen. And in the case of our real property it's the ability to bounce back from a flood or a storm surge event. And these particular properties, like the one you mentioned, 10A on today's Agenda, has significant waterfront and is able to allow us to restore that to a degree that will protect the property, both its built infrastructure and communities of people and the natural environment to a condition that is as good

as it was before any catastrophic event occurred. So that's our definition of resiliency.

GOVERNOR HOGAN: Thank you, Mr. Secretary. Any other questions on DNR? We have somebody signed up for Item 10, Mr. Norris Howard is here with us from the Pocomoke Indian Nation.

MR. HOWARD: Thank you, Governor. It's good to see one of our hometown boys, as they say down home, Governor Tawes. He's been looking at me all the time.

(Laughter.)

MR. HOWARD: I don't know how you can do that but he's looking right at me. And it's a pleasure to meet Mark Belton and Missy Hodges, Sheila McDonald, and Judd Vickers --

SECRETARY MCDONALD: Okay. Thank you.

MR. HOWARD: -- this morning. If you want to get attention at a meeting, just forget to turn your phone off.

GOVERNOR HOGAN: That's a pretty good ring tone you have.

(Laughter.)

MR. HOWARD: Sorry about that. I'll try to do better next time. I presented a statement and if I might I'd like to request that that be made part of the record.

GOVERNOR HOGAN: Sure.

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MR. HOWARD: I appreciate that. I'm not here today to put a cog in this project. I want you to know that ahead of time before I say anything else. Because I just recently found out that this had been the process for about a year, I think Mr. Vickers was telling me. And my concern and frankly I was quite upset about it is that we had not been involved in the process. Now, that may be a little bit selfish on my part. But the Pocomoke people covered what's now Somerset, Worcester, part of Wicomico, the upper part of Accomack County, Virginia. And as a young boy growing up -- let me first preface by saying the area that I grew up in, most people knew their family 10 or 12 generations back. It was, that was not uncommon, especially in my family which grew up in the Byrdtown-Lawsonia section of Crisfield, which existed probably 200 years as a town or as a village before Crisfield was formed.

So that's the kind of community I grew up in. And so I know the Pocomoke history. I know it from oral history. I've learned a little more about it through the years by searching some of the documents, which actually just reinforced the oral history that I had heard growing up.

I had heard growing up for instance about the battle out in the Bay, which they call the Pocomoke Sound now, between Virginia and Maryland. I think it was three ships involved, or three entities. And I knew about that growing up. That was a common story told in stores. I knew about the times when the British came over in the community I grew up in and took all their livestock,

chickens, anything they had put up in what we call, we called it keeps at that time. And most people call it putting up cans or preserves and things like that. They took all that. That happened on two occasions, I was told growing up, both in the Revolutionary situation and also in the War of 1812 when they were bivouacked over at Tangier Island before they went north on the Bay.

So getting back to why I am here and why I made this statement and in my conversations with a couple of folks in the Department of Natural Resources. It has to do with communication. I think there's a movie called *Cool Hand Luke* that Paul Newman starred in. And one of the last things said, and I'll paraphrase it, is it's all about communication. And that's what I'm hoping that is in the future that when things like this are involved in an area that we feel very sacred about. I mean, it's the area where the band of the Pocomokes, the Nusswattux, lived. It's in the area of the largest, I think the largest land that was reserved for the Native Americans in Maryland, which is called Askiminokonson. And so it has a lot of heritage facets to our well-being.

So that's really all I, I just wanted to bring that to you. And if there's any questions I'll be glad to answer them. I'm hoping that with DNR that we can, if they would appreciate that guidance, or any guidance, we'd be glad to offer that and support them. And our dream at some point is to have enough land base that we can have our own facility and not have to basically work out of somebody's trunk or truck when we go to sites.

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We have developed a team, by the way, over the last five or six years where we go out and demonstrate the life ways of the Pocomoke based on the time of contact with the early fur traders and the planters that were coming in. So it's at that point that we gear our demonstrations to. And we also have a team of we call them tradition bearers. They, most of those folks can give a good talk on the history of the Pocomoke and the indigenous people of the Eastern Shore. So I won't go any further into that. But if you have any questions, I'd be glad to answer them.

GOVERNOR HOGAN: Well Mr. Howard, thank you very much.

MR. HOWARD: And I thank you.

GOVERNOR HOGAN: You're a good spokesman for the Pocomoke Nation and I want to thank you for taking the time to come down. I assure you Secretary Belton will be trying to do a better job of communicating and we'd love to have your input as we go forward. And I want to thank you for coming here today.

MR. HOWARD: Thank you.

GOVERNOR HOGAN: I think I'd love to sit down with you sometime and learn a little more history, too. So you should probably have your own Maryland Public Television show where you can talk about the Pocomoke Nation.

MR. HOWARD: Well we'd love for you to come down. I'll throw a little, you know, the garden is coming in this week but we also have the Folk Festival in Salisbury.

GOVERNOR HOGAN: I'll be there.

MR. HOWARD: Good.

GOVERNOR HOGAN: I'm the Co-Chairman of the Folk Festival. I'll look forward to seeing you there.

MR. HOWARD: We'll be demonstrating there.

GOVERNOR HOGAN: Great.

MR. HOWARD: So stop by and see us.

GOVERNOR HOGAN: I'll look forward to it. Thank you.

MR. HOWARD: Yeah, we'll be there on Saturday and Sunday.

GOVERNOR HOGAN: Wonderful. Well thank you very much.

MR. HOWARD: Mm-hmm. Thank you.

GOVERNOR HOGAN: Any other questions or is there a motion on the DNR?

COMPTROLLER FRANCHOT: Move approval.

GOVERNOR HOGAN: Second?

TREASURER KOPP: Second.

GOVERNOR HOGAN: Three-nothing. Up next is the DBM Agenda and Secretary Brinkley is not with us. He's got another meeting, I think,

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of the Education Commission. But we're thrilled to have Deputy Secretary Marc Nicole with us. And I want to take a moment, Mr. Secretary, to give you a shout out and embarrass you probably.

Marc was recently honored with the Career Achievement Award from the National Association of State Budget Officers. So I want to give him a big round of applause.

(Applause.)

GOVERNOR HOGAN: He really does, he and his entire team do a great job representing the taxpayers of Maryland. We thank you for all your hard work and are glad that they recognized your talents, just like we did.

MR. NICOLE: Thank you, Governor. Good morning, Governor, Mr. Comptroller, Madam Treasurer. For the record, Marc Nicole, Deputy Secretary of the Department of Budget and Management. The department has submitted 10 items for today's Agenda. We have representatives here to answer any questions you may have.

GOVERNOR HOGAN: Any questions on DBM?

COMPTROLLER FRANCHOT: Move approval.

GOVERNOR HOGAN: Second? That was an easy assignment, three-nothing.

MR. NICOLE: Thank you.

TREASURER KOPP: Just because of Marc.

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GOVERNOR HOGAN: Just because --

(Laughter.)

GOVERNOR HOGAN: If Brinkley was here, I would have had questions. For you, we're going to let you slide. We're going to move on to the University System Agenda.

MR. EVANS: Good morning. Joe Evans, representing the University System of Maryland. We have one item on the Agenda. I'm here to answer any questions.

GOVERNOR HOGAN: Good morning, Mr. Evans.

MR. EVANS: Good morning.

GOVERNOR HOGAN: Any questions?

COMPTROLLER FRANCHOT: No. Move approval.

GOVERNOR HOGAN: Move approval? Second? Three-nothing.

Thank you.

MR. EVANS: Thank you.

GOVERNOR HOGAN: We're going to move on to Information Technology. Secretary Leahy?

MR. LEAHY: Good morning, Governor, Madam Treasurer, Mr. Comptroller. For the record, I'm Mike Leahy, Secretary of the Department of Information Technology. Today we have five items on your Agenda and I do have agency representatives available to answer any questions.

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GOVERNOR HOGAN: Any questions for Information Technology? Is there a motion?

COMPTROLLER FRANCHOT: Move approval.

GOVERNOR HOGAN: Second? Three-nothing. We're on a roll. We're going to move to the Department of Transportation.

MR. GLASS: Good morning, Governor, Madam Treasurer, Mr. Comptroller. For the record, my name is Charles Glass, Assistant Secretary for the Maryland Department of Transportation. The Maryland Department of Transportation is presenting 21 items today. Items 3-C and 4-C are being withdrawn at this time. Items 22-M and 23-M are supplemental items. Representatives are available to answer any questions.

GOVERNOR HOGAN: Thank you, Mr. Glass. Any questions?

COMPTROLLER FRANCHOT: Move approval.

TREASURER KOPP: I did have one really very brief question on Item 6, as I think you know.

MR. GLASS: Yes.

TREASURER KOPP: As I understand it, Item 6 -- is it 6 or 7? Seven. Six is for the upgrading of the locomotives, which is necessary to meet federal safety standards.

MR. GLASS: Yes, Madam Treasurer.

TREASURER KOPP: That's essentially all it is?

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MR. GLASS: That's all it is, Madam Treasurer.

TREASURER KOPP: Okay. But questions have arisen about where we are going in terms of our plans with electrification. As you know, the Governor's, the State's Climate Change Commission has plans for 40 by 30, and according to representatives of your department and DNR and Environment, they are all really contingent in the long run on electrification of the transportation system, of which this is one small part. So my question is if you would come back and talk to us, not now, I would like to understand better how these ad hoc decisions which make a lot of sense one by one fit into a goal of significantly electrifying our transportation system, rather than simply staying with diesel, which is better than it used to be, or other modes. So could you arrange to have people meet with our office and with others?

MR. GLASS: Yes, Madam Treasurer. We'll follow up on the meeting you had with Deputy Secretary Earl Lewis a couple of weeks ago.

TREASURER KOPP: Yeah. Exactly. Thank you very much.

GOVERNOR HOGAN: Thank you very much.

TREASURER KOPP: Thank you.

COMPTROLLER FRANCHOT: And I would like to be associated with the comments by the Treasurer. I think they are very much on point.

GOVERNOR HOGAN: Any other questions on Transportation?

COMPTROLLER FRANCHOT: Move approval.

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GOVERNOR HOGAN: Second? Three-nothing. We now move to the Department of General Services.

MR. REICHART: Good morning, Governor, Madam Treasurer, and Mr. Comptroller. For the record, I'm Nelson Reichart, Deputy Secretary of the Department of General Services. The department has 16 items on our Agenda. We are withdrawing Item 10-LT but we will be glad to answer any questions that you have at this time.

GOVERNOR HOGAN: Any questions for Mr. Reichart?

TREASURER KOPP: Nelson, I just saw, Item 16 in the description, it mentions lighting in Prince George's County. But the project is lighting in Montgomery County. And I just wondered if that was correct? Or if it should be in District 7, or whatever district it is.

MR. REICHART: I will have to get back to you with the answer on that. I don't have anyone here --

TREASURER KOPP: But that doesn't impact our voting on this, right?

MR. REICHART: No. We'll make a correction if it's necessary.

SECRETARY MCDONALD: This is on Item 16?

TREASURER KOPP: Item 16, the third line in the description.

SECRETARY MCDONALD: The Prince George's Community College?

TREASURER KOPP: Yes.

SECRETARY MCDONALD: And it's Montgomery County?

TREASURER KOPP: The contract says it is for Prince George's but the item is for work in Montgomery. There is another item that is for work in Prince George's and I just want to make sure that this is correct the way it's written, or that if it isn't it doesn't make any difference. I mean, 17 is Prince George's. Because we do want this work done in the right place.

SECRETARY MCDONALD: Right. No, I'm just not seeing it. And we will make sure it's correct.

MR. REICHART: We'll make sure it's correct.

SECRETARY MCDONALD: I'm just not seeing where it says Montgomery on it.

TREASURER KOPP: Okay. Well maybe this was an earlier edition --

SECRETARY MCDONALD: Yeah. Sometimes --

MR. REICHART: Yeah. Everything I see says Prince George's.

TREASURER KOPP: -- Governor it does say it.

GOVERNOR HOGAN: I think it's for Prince George's Community College so I think that's in Prince George's County.

SECRETARY MCDONALD: It is Prince George's Community College --

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MR. REICHART: Yeah. Yeah.

SECRETARY MCDONALD: -- and there is a Queen Anne Academic Center at Prince George's Community College.

GOVERNOR HOGAN: Yeah.

MR. REICHART: Yeah.

SECRETARY MCDONALD: And that is --

GOVERNOR HOGAN: I don't know where --

SECRETARY MCDONALD: -- I believe --

TREASURER KOPP: Whoops. I'm sorry. This was MDOT.

SECRETARY MCDONALD: There was --

TREASURER KOPP: This was MDOT.

MR. REICHART: Okay.

SECRETARY MCDONALD: Okay.

TREASURER KOPP: Can you go back and look at the MDOT one and make sure --

SECRETARY MCDONALD: Sixteen on MDOT. We will relieve Nelson Reichart of that.

TREASURER KOPP: I beg your pardon. I just wanted to make sure we're voting on the right thing.

SECRETARY MCDONALD: All right. We will correct on the record Item 16-M-MOD on the Department of Transportation Agenda, where it says street lighting in Prince George's County.

TREASURER KOPP: Right.

SECRETARY MCDONALD: Because since it's in Montgomery County --

TREASURER KOPP: But having voted on it doesn't impact --

SECRETARY MCDONALD: We will make sure it's --

TREASURER KOPP: -- the validity of it.

SECRETARY MCDONALD: But we will make sure in the contract description --

TREASURER KOPP: Okay.

GOVERNOR HOGAN: Good catch.

SECRETARY MCDONALD: Perhaps the contract description was to do Prince George's County and the modification is to do additional work in Montgomery so --

GOVERNOR HOGAN: Just make sure we get the right description.

TREASURER KOPP: I just wanted to make sure it's right.

SECRETARY MCDONALD: -- yeah that that contract is --

GOVERNOR HOGAN: Thank you for being so detailed, Madam Treasurer. Secretary Rahn gets one demerit.

MR. GLASS: We have both. 16 and 17 are Prince George's and Montgomery County. There's two.

GOVERNOR HOGAN: They are both Prince George's and Montgomery County.

TREASURER KOPP: The district, the district is --

MR. GLASS: The district is three.

TREASURER KOPP: -- but this description --

GOVERNOR HOGAN: Well we're all for them anyway.

TREASURER KOPP: Yeah.

(Laughter.)

GOVERNOR HOGAN: Wherever the heck they are. Any other questions on DGS?

COMPTROLLER FRANCHOT: Move approval.

GOVERNOR HOGAN: Second? That concludes the Board of Public Works.

COMPTROLLER FRANCHOT: Could I --

GOVERNOR HOGAN: Except for the Comptroller has one --

COMPTROLLER FRANCHOT: Yes. I hesitate to start a precedent of closing statements. But --

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GOVERNOR HOGAN: Oh, geez.

(Laughter.)

COMPTROLLER FRANCHOT: -- I do want to take just a minute

--

GOVERNOR HOGAN: Can't we wait until the second term?

COMPTROLLER FRANCHOT: -- and I do want to take, seriously, a minute and comment on a *Daily Record* article last week about my distinguished colleague Treasurer Kopp.

For more than four decades, I've served with Treasurer Kopp, first in the Legislature, then she since 2002 has been the State Treasurer, totals more than 30 years. We don't obviously agree. We obviously disagree on some of the issues that were even before today's Agenda. But hey, that's okay. We live in a democracy. This is not an autocracy.

I have never and will never question her motives. I'll always trust her with the financial well-being of the State of Maryland. She is an extraordinary woman who frankly that article was -- ham-handed is a polite way of describing that article. I won't go into it any more than that. But I think the folks downstairs would benefit from sitting through a few of these Board meetings and they understand on the procurement issue there's no such thing as a Republican procurement or a Democratic procurement. We are here for one reason: to ensure that the contracts are being conducted lawfully and in an ethical

manner and guarantee that all bidders are given a fair opportunity to compete and ensure the taxpayers are buying the best possible services at the best possible price. This is a collegial body. And yes, most of the time we vote together, as the article mentioned. And that's a good thing. Because if we weren't that would signify some very disturbing deep-seated problems with the way in which this State buys goods and services. So this is not the General Assembly, where Democrats and Republicans are expected to vote along party lines or risk punishment from leadership.

Madam Treasurer, I think you are doing a heck of a job. I love what you are doing. Please continue it for as long as you wish. You know, I hate to --

TREASURER KOPP: Thank you.

COMPTROLLER FRANCHOT: -- you know, suggest that there's any kind of end game in sight. But I think you've done a -- well, let me just say I think you've done a hell of a job. And I think it's to the credit of the State and I think you've strengthened our State and made our State a better place. And personally I appreciate it and hope you are here as long as you want to be here.

GOVERNOR HOGAN: Thank you. I want to just chime in and pile on, if I can. I agree with the Comptroller completely. And I did see that article and it was as if people were criticizing her for not being partisan enough. I mean, in this day and age I think most people regardless of their party affiliation

are fed with up politics and dysfunction and they appreciate people working together regardless of their party. And I have so much respect for both of my colleagues and the way we have worked together. I think it's an example not only that ought to be followed by the folks downstairs but it's an example we've set for the nation on how to work together and get things done on behalf of the taxpayers. I have, I couldn't be more proud to serve with you. I think you are doing a wonderful job and I just disagree with the whole notion that you have to be partisan in your job. We can all work together. None of us have been, and we shouldn't be, because that's not what the people want. So thank you for your service.

TREASURER KOPP: Well Governor, Comptroller, thank you very much. I appreciate it. As you know, I do look at a very significant part of my job being to represent the Legislature, trying to assure that legislative policy is carried out, including the procurement process, and that it goes smoothly. It's no secret that I am the former Deputy Majority Leader, a member of the Democratic National Committee, and officer of the State Democratic Committee. But I do try when I'm sitting here to represent the entire Legislature and the people of the State while I believe speaking up for those principles that we all and they all share, including sometimes disagreeing on the process taken or what body ought to be conducting the people's business in any particular issue. But I thank you very much.

GOVERNOR HOGAN: And you do an excellent job of that.

Thank you all very much. That concludes the Board of Public Works.

(Whereupon, at 11:15 a.m., the meeting was concluded.)