

Introduced	<u>9/6/16</u>
Public Hearing	<u>9/19/16</u>
Council Action	<u>10/5/16</u>
Executive Action	<u>10/12/16</u>
Effective Date	<u>12/12/16</u>

**County Council of Howard County, Maryland**

2016 Legislative Session

Legislative Day No. 14

**Bill No. 64 -2016**

Introduced by: Calvin Ball

AN ACT authorizing the Howard County Office of Law to institute any civil action or other proceedings to enforce the financial audit of the Howard County Public School System mandated by Council Resolution No. 88-2016; and generally relating to enforcement of Resolution No. 88-2016.

Introduced and read first time September 6, 2016. Ordered posted and hearing scheduled.

By order Jessica Feldmark  
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on September 19, 2016.

By order Jessica Feldmark  
Jessica Feldmark, Administrator

This Bill was read the third time on October 5 2016 and Passed , Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order Jessica Feldmark  
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 6<sup>th</sup> day of October, 2016 at 4 a.m./p.m.

By order Jessica Feldmark  
Jessica Feldmark, Administrator

Approved Vetoed by the County Executive Oct 12, 2016

Allan H. Kittleman  
Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1 **WHEREAS**, on July 8, 2016, the County Council unanimously adopted Council Resolution No.  
2 88-2016, which calls for the County Auditor to conduct a financial audit of the Howard  
3 County Public School System as authorized in Section 5-109(d) of the Education Article  
4 of the Maryland Code; and

5 **WHEREAS**, the County Auditor, in attempting to begin the financial audit, has been unable to  
6 obtain from the Howard County Public School System requested materials, data,  
7 computer systems access, documents, and information in a timely fashion or to arrange  
8 interviews of school system personnel relevant to the audit; and

9 **WHEREAS**, all information relevant to conducting the financial audit must be available to the  
10 County Auditor; and

11 **WHEREAS** Section 405(b) of the Howard County Charter provides that the County Solicitor  
12 shall have such legal duties as may be prescribed by legislative act of the Howard County  
13 Council; and

14 **WHEREAS**, legal action may be necessary to ensure that the Howard County Public School  
15 System complies with Council Resolution No. 88-2016 by providing to the County  
16 Auditor in a timely fashion the information and materials needed to conduct the financial  
17 audit authorized by Section 5-109(d) of the Education Article of the Maryland Code.

18  
19 **NOW, THEREFORE,**  
20

21 **Section 1. Be It Enacted by the County Council of Howard County, Maryland**, that the  
22 Howard County Office of Law is authorized to institute any civil action or other  
23 proceedings to enforce the financial audit of the Howard County Public School System  
24 mandated by Council Resolution No. 88-2016.

25 **Section 2. And Be It Further Enacted**, that this Act shall be construed to apply retroactively  
26 and shall be applied to and interpreted to authorize any civil action or other proceedings  
27 to carry out its purpose instituted by the Office of Law on or after September 6, 2016.

28 **Section 3. And Be It Further Enacted**, that this Act shall become effective 61 days after its  
29 enactment.



# HCCA

**Howard County Citizens Association**

*Since 1961...*

*The Voice Of The People of Howard County*

Testimony, CB64 – September 19, 2016

Lisa Markovitz

Vice President, Howard County Citizens Association, speaking for our Board in support of Council Bill 64.

The list is long as to why further review of the HCPSS budget was necessary, including concerns about calculations changing in the Fixed Charges Category, the appropriateness of Special Education budgeting, legal expenditures, etc. The fact that both State and County legislation were necessary to get mold remediation handled correctly, and public information acts reviewed, were bad enough, but the stories I have heard from first-hand sources of how the HCPSS leadership is stone-walling auditors, possibly thwarting document retrieval, and at a minimum clearly delaying producing requested items, all show how it is even sadder that this legislation is also necessary.

The taxpayers of Howard County fund the School System with the majority of the County Budget. We need to be assured the funds are expended appropriately. Transparency has never been the strong suit of current HCPSS leadership and it is appreciated that it has been forced where necessary. Citizens need fiscal responsibility with their tax funds, and also need reassurance that our excellent School System which benefits us all, is held to account so it can retain, or dare I say, regain, stellar status.

Recently, we have seen that costs have been cut to Instruction, classroom materials, and running of copiers, when the County Budget approved full-funding to Instruction. The way money is being chosen to be spent seems to continue to defy the mandated categories given. I know that many budget review items are for the past fiscal year and not this one, but maybe when you are next asked for a category transfer, there needs to be significant detailed review of whether they followed this year's approval details, or maybe the answer should just be no. Maybe warn them now that if they don't follow the category amounts approved in the budget, then transfers will not be allowed later. Warn them not to take money from Special Education or in-class Instruction to pay for pet projects elsewhere, or PR or legal expenses and then suddenly need to rearrange things later because they "cannot pay the bills". Let them know that won't be tolerated anymore. For now, thank you for the attempts to review what you can from the past.

Barb Krupiarz – data in addition to public testimony in support of CB 64-2016

September 19, 2016

From County Council Public Hearing April 25, 2016

Testimony by Board Chair Christine O'Connor:

“There is simply no way to keep the lights on and pay basic operating costs in our schools under the county executive’s current proposal.”

“To preserve the salary increases for 2017, the Board of Education would need to restore much of the cuts to employee benefits by taking the following actions unless funding is restored:

Increase class sizes at all levels except Kindergarten

Implement 3 or more furlough days for all staff in FY2017

Cut nearly 200 positions, including all new positions

Cut all new initiatives, including the expansion of the Elementary School Model, expansion of world languages and the recently announced pre-k expansion.

Cut all planned equipment purchases and replacements”

The Board already voted to increase class sizes without the fund balance from health and dental for FY2016. They cut materials of instruction for teachers by up to 50%. They are cutting things directly impacting the classroom. When asked to delay purchases of new computers by Mrs. French and Dr. Altwerger, they simply voted to approve \$9.9M in funds with no details about the computer needs.

<u>Exhibit</u>	<u>Description</u>	<u>Amount</u>
PC-44	<b>DIGITAL DUPLICATORS</b> Meridian Imaging Solutions	\$140,500.00
PC-45	<b>VISITOR MANAGEMENT SYSTEM</b> Neopost	\$74,000.00
PC-46	<b>INDIVIDUAL PRINTERS</b> Centric Business System	\$100,000.00
PC-47	<b>APPLE REPAIR SERVICES</b> Bell Techlogix Inc.	\$165,000.00
PR-13	<b>WORKER'S COMPENSATION CLAIM MANAGEMENT SERVICES</b> RCM & D Self-Insured Services Company, Inc. (SISCO)	\$88,000.00
PR-14	<b>DAILY CUSTODIAL/PORTER SERVICES FOR LEASED SPACE AT THE ASCEND ONE BUILDING</b> Jasso Maintenance LLC	\$37,000.00
PR-15	<b>PARTICIPATION IN THE MARYLAND EDUCATION ENTERPRISE CONSORTIUM</b>	
	Apple	\$4,846,000.00
	Bell Techlogix Inc.	1,029,900.00
	Data Networks Inc.	3,757,200.00
	ePLUS	50,000.00
	Hartford Computer Group, Inc.	86,500.00
	Software House International	68,000.00
	Presidio Network Solutions	122,900.00
	<b>Total Award Amount (estimate)</b>	<b>\$9,960,500.00</b>
PR-16	<b>INTEGRATED FINANCIAL AND ADMINISTRATIVE SOLUTION (IFAS)</b> SunGard	\$210,000.00
PR-17	<b>FOOTBALL EQUIPMENT RECONDITIONING</b> Kranos Corporation Riddell <b>Total Award Amount (estimate)</b>	\$51,000.00
PR-18	<b>PLAYMATT A RE-COVER SYSTEM</b> PlayMatta	\$46,306.00
PS-7	<b>ON-LINE CONTENT AND INSTRUCTION SERVICES</b> Apex Learning, Inc.	\$45,000.00
PS-8	<b>MICRSOFT SUPPORT</b> Microsoft	\$50,844.00
PS-9	<b>PUBLIC ADVERTISEMENT SERVICES</b> Baltimore Sun Media Group	\$50,000.00



**PARTICIPATION IN THE MARYLAND EDUCATION ENTERPRISE CONSORTIUM**Fact Sheet

1. The University of Maryland System created the Maryland Education Enterprise Consortium (MEEC). The University serves as the lead agency in the establishment of technology equipment and service related contracts that are accessible to all educational entities within the state. These contracts are established through a competitive process that allows educational entities the ability to benefit from volume pricing as a participant in MEEC.
2. In an effort to streamline the utilization of these contracts, the list below identifies the vendor, service and anticipated annual cost for the goods and/or services. As the need arises throughout the year, additional MEEC contracts will be presented for use by the school system.

Vendor/Contract#	Description of Purchase	Contract Term	Estimated Amount
Apple Contract#: CCN 620233	Computer equipment and services	March 31, 2015 to March 31, 2029	\$4,846,000.00
Bell Techlogix Inc. Contract#: DJP84604	Microsoft suites of software	April 18, 2015 to April 17, 2018	\$805,000.00
Bell Techlogix Inc. Contract#: 86623CZ	McAfee VirusScan software	July 17, 2015 to September 30, 2017	\$224,900.00
Data Networks Inc. Contract#: UB-12-B-19-D2	Computers, wireless and related equipment and services	March 15, 2015 to March 15, 2017	\$3,757,200.00
ePLUS Contract#: UB-12-B-19-E	Network equipment and services	March 15, 2014 with 3 - 1year extensions to March 15, 2017	\$50,000.00
Hartford Computer Group, Inc. Contract#: UP-12-B-19-H	Hewlett Packard printers, Audio Visual, related equipment and services	June 22, 2012 to March 15, 2017	\$86,500.00
Software House International Contract#: 86581CZ	Various software products	July 1, 2015 to June 30, 2017	\$68,000.00
Presidio Network Solutions Contract#: UB-12-B-19-P3	Hardware maintenance on network equipment	July 1, 2014 to March 15, 2017	\$122,900.00

3. Funding is provided by the FY17 Information & Network Technology Services Program 9714 Budget.



**Agenda Item Details**

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Meeting Jun 23, 2016 - 4 & 7:30 p.m. Meeting of the Board of Education of Howard County

Category 5. CONSENT AGENDA - (\*Restricted) - Under Section 3-701 of the Education Article of the Annotated Code of Maryland, the Student Member may not vote on these matters. Passage of a motion by the Board on these matters requires an affirmative vote of four (4) Board members.

Subject A. Bids and Contracts (Douglas Pindell) - ACTION

Type Action (Restricted Consent)

Recommended Action \*Move approval of the Consent Agenda Restricted. Under Section 3-701 of the Education Article of the Annotated Code of Maryland, the Student Member may not vote on these matters.

Goals Goal 4 Organization

06 23 2016 Bids and Contracts BR.pdf (91 KB)

**Motion & Voting**

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\*Move approval Items B and E of the Consent Agenda Restricted. Under Section 3-701 of the Education Article of the Annotated Code of Maryland, the Student Member may not vote on these matters.

Motion by Ellen Flynn Giles, second by Janet N Siddiqui.

Final Resolution: Motion Carries

Yea: Bess Altwerger, Ann De Lacy, Sandra H French, Ellen Flynn Giles, Christine O'Connor, Janet N Siddiqui

Abstain: Rachel S Lin - Student Board Member

\*Move approval of Bids and Contracts with the exception of PR15 under the Consent Agenda Restricted. Under Section 3-701 of the Education Article of the Annotated Code of Maryland, the Student Member may not vote on these matters.

Motion by Bess Altwerger, second by Ann De Lacy.

Final Resolution: Motion Fails

Yea: Bess Altwerger, Sandra H French

Nay: Ann De Lacy, Ellen Flynn Giles, Christine O'Connor, Janet N Siddiqui

Abstain: Rachel S Lin - Student Board Member

**\*Move approval of Bids and Contracts of the Consent Agenda Restricted.** Under Section 3-701 of the Education Article of the Annotated Code of Maryland, the Student Member may not vote on these matters.

Motion by Ellen Flynn Giles, second by Christine O'Connor.

Final Resolution: Motion Carries

Yea: Ann De Lacy, Ellen Flynn Giles, Christine O'Connor, Janet N Siddiqui

Nay: Bess Altwerger, Sandra H French

Abstain: Rachel S Lin - Student Board Member

**\*Move that the Board table Item C. Elkridge Campus Overflow Parking Lot Lease Agreement, and ask that the Chairman review and have a walk through with the library and report back to the Board.** Under Section 3-701 of the Education Article of the Annotated Code of Maryland, the Student Member may not vote on these matters.

Motion by Janet N Siddiqui, second by Ann De Lacy.

Final Resolution: Motion Carries

Yea: Bess Altwerger, Ann De Lacy, Sandra H French, Ellen Flynn Giles, Christine O'Connor, Janet N Siddiqui

Abstain: Rachel S Lin - Student Board Member

**\*Move approval of the 2016-2017 Fees for Community Use of Schools.** Under Section 3-701 of the Education Article of the Annotated Code of Maryland, the Student Member may not vote on these matters.

Motion by Sandra H French, second by Ellen Flynn Giles.

Final Resolution: Motion Carries

Yea: Bess Altwerger, Ann De Lacy, Sandra H French, Ellen Flynn Giles, Christine O'Connor, Janet N Siddiqui

Abstain: Rachel S Lin - Student Board Member



Testimony to the Howard County Council – CB 64-2016  
Daniel Mackey – 9/19/2016

Chairman Ball, members of the County Council, citizens of Howard County, my name is Danny Mackey, 2012 graduate of Wilde Lake High School and 2016 graduate of the University of Maryland, College Park. I am here today to testify in favor of CB 64-2016.

Here we are again – another meeting to discuss another bill with the same purpose: bring accountability to the Howard County Board of Education. I first became involved as a public advocate in Howard County last February, when a public forum testimony I gave to the Board of Education garnered over 5,000 views on YouTube, starting what has been seven months of advocating for various principles and initiatives the community hopes to see from the School Board. My testimony was just one voice in a group of thousands calling on the Board of Education to turn the ship around, get their act together, and start reflecting the values and priorities of the community.

Since then, the Board of Education has had ample opportunities to abandon their disdain for community input, admit their wrongdoings, own up to their mistakes, and start fresh in a new era of transparency, accountability, and respect. These opportunities have come in the form of testimonies, political cartoons, public ridicule from higher levels of government, news articles, air quality assessments, financial audits, legislation, you name it; all manifestations of the same thing: a desperate plea from the people of Howard County for leaders that are accountable to the taxpayer and open to their community.

HCPSS will tell you that they have yet to provide documents to the auditor because no deadline was given for compliance, rendering this legislation an overreaction to a simple misunderstanding. This is the same excuse given time and time again. While putting exceedingly high pressure on students to OVER-achieve, the Board of Education and System leadership aim for one thing and one thing only: bare bones compliance to keep people from asking further questions. It isn't going to work anymore. The people of Howard County aren't going to stop asking questions. We are fed up with excuses and fed up with School System officials who think they owe the public virtually no oversight as they spend \$850 million in public funds.

I won't waste your time going through my numerous theories as to why School System leadership is fearful of a public audit, but seeing as this legislation is before you today I have a feeling you have similar suspicions. As a K-12 attendee of the Howard County Public School System, the last thing I want is legal action against the System, but it is necessary to force their hand and give taxpayers their right to know how their money is being spent. Please pass the bill before you today. Thank you.