

SB 639 Historic St. Mary's City Commission Reform

Uploaded by: Anna Yates

Position: FWA

Senate Bill 639
Historic St. Mary's City Commission Reform Act of 2023
Education, Energy, and the Environment Committee
March 7, 2023

Favorable with Amendments

Chair Feldman, Vice-Chair Kagan, and members of the Education, Energy, and the Environment Committee,

Thank you for the opportunity to share our thoughts on Senate Bill 639. St. Mary's College was founded by the Legislature in 1840 as a living monument to Maryland's first capital. In 1997, House Bill 597 provided the foundation for an affiliation between St. Mary's College of Maryland (College) and the Historic St. Mary's City Commission (Commission). This affiliation has resulted in enhanced programming and provided opportunities for efficiencies in operations. Since then, the College and the Commission have developed a variety of successful joint educational programs, such as the Center for the Study of Democracy and the College's Museum Studies minor, and have worked together to plan and share both land and facilities.

In addition, as made possible by the 1997 legislation, the Commission has contracted with the College for a variety of administrative and operational services including personnel, procurement, accounting, information technology, and public safety. The College, in general, supports the measures contained in Senate Bill 639 that are intended to strengthen policies and procedures related to these administrative services. The College offers an amendment to specifically clarify that when the Commission obtains services from the College under an agreement, those services will be provided in accordance with the College's existing policies and procedures. This amendment, which is consistent with the provisions in the 1997 legislation, would allow the College to continue providing these services efficiently.

Our proposed amendment:

Insert the following on page 6:

- (9) TO DEVELOP AND PUBLISH WRITTEN POLICIES REGARDING THE COMMISSION'S OPERATING PROCEDURES, INCLUDING POLICIES ON:
- (I) PROCUREMENT;
 - (II) HUMAN RESOURCES;
 - (III) PAYROLL;
 - (IV) CASH MANAGEMENT;
 - (V) FLEET MANAGEMENT; AND
 - (VI) PROPERTY MANAGEMENT, INCLUDING RENTAL TENANT WAITING LISTS;

(10) TO THE EXTENT THAT THE COMMISSION OBTAINS SERVICES UNDER AN AGREEMENT WITH ST. MARY'S COLLEGE OF MARYLAND, THE SERVICES PROVIDED TO THE COMMISSION WILL BE IN ACCORDANCE WITH ST. MARY'S COLLEGE'S POLICIES AND PROCEDURES.

~~(10)~~ (11) TO DEVELOP A COMPREHENSIVE MAINTENANCE PLAN AND TO UPDATE THE PLAN AT LEAST ONCE EVERY 3 YEARS;

In addition to the above, the College believes that Senate Bill 639 could be clarified regarding the renewal of service agreements between the Commission and the College and proposes the following amendment:

Insert the following on page 7:

(B) AN OPERATING AGREEMENT ENTERED INTO BY THE COMMISSION WITH ANOTHER UNIT OF STATE GOVERNMENT OR AN AFFILIATED NONPROFIT SHALL BE:

- (1) EXECUTED IN WRITING;
- (2) APPROVED FOR FORM AND LEGAL SUFFICIENCY BY THE ATTORNEY GENERAL;
- (3) REVIEWED BY THE COMMISSION ANNUALLY; AND
- (4) ENACTED FOR A TERM NOT EXCEEDING 3 YEARS, WHICH MAY BE RENEWED FOR ADDITIONAL 3 YEAR TERMS, WITHOUT LIMIT.

The proposed amendments to Senate Bill 639 will clarify how the College can continue to support the Commission effectively.

The College values its affiliation with the Commission and looks forward to continuing our collaborative work to provide educational programming related to the historical significance and archaeological value of Maryland's First Capital.

Thank you for your consideration and continued support of St. Mary's College of Maryland.



Tuajuanda C. Jordan, PhD
President

The
**NATIONAL
PUBLIC
HONORS**
College



SenatorBailey_FWA_SB639.pdf

Uploaded by: Jack Bailey

Position: FWA

JACK BAILEY
Legislative District 29
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Budget & Taxation Committee



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March 7, 2023

Senate Bill 639 – Historic St. Mary's City Commission Reform Act of 2023

Dear Chairman Feldman and Members of the Committee:

I am writing to introduce Senate Bill 639, the Historic St. Mary's City Commission Reform Act of 2023. It is a great honor to represent the birthplace of our State and to work with so many people to grow and improve St. Mary's City. During these efforts, however, the Delegate who represents St. Mary's City and I became concerned with several matters relating to the Commission, particularly their response to community members who had come forward with questions about the management of Historic St. Mary's City and the grounds that they are responsible for. The Commission is an independent agency that is not part of a larger unit of State government. Therefore, it became necessary for us as legislators to provide oversight regarding their actions and response to these concerns.

This effort has already resulted in three significant actions being taken. First, almost the entire membership of the Commission was replaced with new appointees over the last two years. Second, the General Assembly enacted legislation to expand the Open Meetings Act which provided more transparency over the Commission's meetings. Finally, last year's budget included language that initiated an independent audit of the Commission's operations, as it was clear that their internal efforts to respond to these concerns were insufficient.

While the full audit with the Commission's response has encountered delays and is scheduled to be released later this week, I have been in discussions with representatives of the Commission regarding what they have learned from this process so that we could have a legislative response to this issue this year. It is clear from these discussions that the audit will show the level of mismanagement that has been occurring at Historic St. Mary's City in recent years. I am confident that the Commission will respond to the concerns raised by the audit promptly and fully, and part of this bill requires them to report about their progress in addressing its recommendations. However, it is important to enact long-term reforms and address deficiencies in the current statutory structure of the Commission that have become apparent during this process.

This bill makes several changes to the existing statute which, to my knowledge, has not been comprehensively reviewed since it was enacted in 1997. There is a need for the Commission to formalize and regularly review their operating procedures to comply with State law, follow best practices, and ensure that the investment that the State has made in St. Mary's City is being used in the most effective and efficient manner possible. It is also necessary to ensure that the Commission, which is in large part comprised of members appointed by the Governor and confirmed by the Senate to oversee the operations of Historic St. Mary's City, is in control of its operations by enacting guardrails to govern the relationship that the Commission has with the Historic St. Mary's City Foundation and any other affiliated nonprofits that it may choose to work with.

Senate Bill 639 makes changes to their membership and clarifies provisions regarding their election of officers and meetings. As amended, this bill adds one representative of the Native/Indigenous Community chosen in consultation with the Maryland Commission on Indian Affairs to the Commission and makes the two members of the public selected by the President and the Speaker voting members of the Commission, while converting the Foundation's ex officio

member to non-voting status. It also requires that their officers be chosen from among their appointed members and adds language permitting the Commission to hold additional meetings beyond the current required minimum of two virtually at its discretion.

This legislation also makes reforms to the Commission's operating policies and provisions related to agreements with State entities and affiliated nonprofit organizations. Senate Bill 639 requires the Commission to develop and publish written policies regarding their operating procedures, including policies regarding procurement, human resources, payroll, cash management, fleet management, and property management. It adds to their duties a requirement to develop a comprehensive maintenance plan and update it not less than once every three years. This bill will also require that any agreement with St. Mary's College of Maryland for the College to perform administrative tasks be by contract and not by mutual agreement, and that any operating agreement that the Commission has with another unit of State government or an affiliated nonprofit shall be in writing, approved for form and legal sufficiency by the Attorney General, reviewed annually, and enacted or renewed for no more than three years at a time. The amendment I have submitted clarifies these provisions at the request of St. Mary's College of Maryland.

Most importantly, Senate Bill 639 enacts provisions to govern the relationship between the Commission and any affiliated nonprofit, including the Historic St. Mary's City Foundation. This language mirrors existing affiliated nonprofit statutes for institutes of higher education and the Maryland Stadium Authority. They also provide that no funds can be accepted from an affiliated foundation unless the nonprofit is independently audited annually, and state that funds given to the Commission by an affiliated nonprofit cannot include conditions on the use of the funds unless the original donor includes conditions on how the funds are to be used. The amendment that I have included with this testimony further clarifies these provisions to ensure that they are aligned with the intent of this bill.

During my time in the Senate, the State has made significant investments in Historic St. Mary's City. I intend to continue working to secure these necessary resources to preserve our first capital and share its story with as many Marylanders as possible. However, with this investment comes a responsibility to exercise appropriate oversight and ensure the effective and efficient use of taxpayer funds. For these reasons, I respectfully request a favorable report with amendments on Senate Bill 639. Thank you for your consideration of this legislation and for your continued attention to this important part of my district.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Bailey", with a stylized flourish at the end.

Senator Jack Bailey

SB 639 Testimony 7 March.pdf

Uploaded by: Timothy Heely

Position: FWA

March 8, 2023

Favorable with Amendments – SB 639

Chairman Feldman and Members of the EEE Committee,

I am Tim Heely, Chair of The Historic St. Mary's City Commission (HSMCC) and I am here representing the Commissioners in support of SB 639, The Historic St. Mary's City Commission Reform Act of 2023.

Our Commission currently consists of 15 members who share a strong love for the history of our State and appreciation for the discoveries that are being uncovered regularly at the fort site. 12 of our Commissioners have been appointed within the last year in an effort to fill many vacancies and positions where terms had expired. Our commission is a diverse, energetic group that takes our responsibility to maintain and carry out the mission of Historic St. Mary's City very seriously.

Additionally, we have taken a strong interest in ensuring that the operations of HSMC are on par with other commissions and agencies of the State. It is our belief that the statute that governs the commission has not been significantly updated or reviewed since 1997. The provisions in this legislation would provide a path for the Commission to move forward with up to date guidance to best serve this organization.

With Maryland's 400th anniversary coming up in just 11 years, we recognize that our first State Capital will be of even more importance and we have taken it upon ourselves to ensure we have the site and its educational assets in the best possible condition for this celebration. We are working to further strengthen the bond between us and our immediate neighbor, St. Mary's College of Maryland as well as the local community and other organizations throughout the state and locations nearby.

It has been a banner couple of years for the City with the discovery and continued excavation of the original 1634 Fort, the arrival of the new Dove replica ship and the groundbreaking of a new Visitors' Center, none of which could have happened without your continued strong support. We appreciate Senator Bailey's assistance in having this legislation drafted to move us forward in the best manner possible. On behalf of The Historic St. Mary's Commissioners, staff and volunteers, I sincerely thank you for your time and request a favorable vote. I pledge that we will not let you down.