

# THE STATE TRANSPARENCY AND ACCOUNTABILITY REFORM (STAR) COMMISSION

**State Transparency and Accountability Reform (STAR) Commission Meeting  
September 13, 2021**

**10:00 AM**

**Held via Zoom and Live Streamed on  
[www.governor.maryland.gov/star-commission](http://www.governor.maryland.gov/star-commission)**

## **Minutes**

Chair Andrew Serafini calls the meeting to order at 10:00 AM.

Chair Serafini welcomes back the commission from their summer break.

Prior to taking the roll, Chair Serafini expresses his condolences about the passing of commission member Rhonda Ray, who represented the Department of Commerce.

Chair Serafini takes roll:

- Secretary David Brinkley (Dept. of Budget and Management) not currently present but arrives shortly
- Jennifer LaHatte (Director of Policy & Program Development, Dept. of Commerce) is present
- Michael Harrison (Policy Director, Dept. of Labor) is present
- Secretary Jeannie Haddaway-Riccio (Dept. of Natural Resources) is present
- Bobbie James (Senior Advisor, Dept. of Environment) is present
- Commissioner Kathleen Birrane (Insurance Commissioner, Maryland Insurance Administration) is present
- Delegate Marc Korman (House of Delegates) is present
- Senator Brian Feldman (Maryland Senate) is present
- Delegate Kathy Szeliga (House of Delegates) is present
- Senator Addie Eckardt (Maryland Senate) is present
- John Williams (CEO, Jamison Door; Univ. of Maryland Medical System, Conflict of Interest Subcommittee Chair, Member of Audit and Compliance Committee; Ethics representative) is present
- Karen Syrylo (Maryland CPA Legislative Committee Member, Financial representative) is present

- Dr. Linda L. Singh (PMP, PCC, Major General (retired), Public representative) not currently present but arrives shortly

Chair Serafini entertains a motion to approve the June meeting minutes. Motion by Sen. Feldman, and seconded by Sen. Eckardt. Minutes are unanimously approved.

Chair Serafini explains that today's meeting will include public testimony.

#### Public testimony

- Caroline Eader
  - Focused on one agency, the Northeast Maryland Waste Disposal Authority (NMWDA)
  - Ms. Eader was born and raised in Frederick, MD
  - Primarily concerned with the procurement process for the consultants for NMWDA
  - In a previous STAR Commission meeting, the NMWDA's Director Christopher Skaggs said his agency does have to follow Administrative Procedures Act, but he did not mention that the State Finance and Procurement article does not apply to them.
  - Experts pushed for Frederick and Carroll counties to have an incinerator. After pushback, the project was canceled in 2014
  - Ms. Eader explains that she has had to use Public Information Act (PIA) requests to view the Authority's evaluation memos. RFPs every 5 years for consultants.
  - When seeking consultants for alternative approaches, NMWDA utilized prequalified ones, which resulted in not having an open, competitive bidding process.
  - GeoSyntec was selected, but did not have expertise in sustainable processes. Additionally, GeoSyntec is not zerowaste
  - Citizens pushed them into composting
  - Maryland General Assembly recently passed a composting bill. The state is moving towards zero waste and composting that Ms. Eader helped with.
  - GeoSyntec conducted a study for Baltimore City that resulted in recommendation for an incinerator.
  - NMWDA is not changing its mission, and is experiencing mission creep, which means they are misrepresenting what they're doing. NMWDA is beginning to explore the solar industry.
  - Maryland Environmental Service can do the landfill work. Maryland Clean Energy Center would be a better agency to handle the trajectory of NMWDA.
  - Dangerous that NMWDA is exempt from the Public Service Commission's review

- Bruce Holstein
  - Thank you for taking public testimony
  - Here to discuss conflict of interest issues with NMWDA
  - NMWDA was unable to answer questions regarding a Carroll County incinerator project. The projections/estimates announced by the Authority provided to the public were incorrect.
  - Solid waste/public works county representatives serve on the NMWDA board, who also serve as subject matter experts
  - NMWDA claims to be a service organization that responds to requests from counties
  - Added zero waste to NMWDA statute through legislation in 2015. NMWDA requested letters of opposition with objections to the zero waste provision.
  - NMWDA could be added to the Maryland Environmental Service, which could save the participating counties money because they would no longer need to pay membership fees to NMWDA.
- Jennifer Kunze
  - Thank you to commission for work
  - Ms. Kunze is a resident of Baltimore City.
  - Statutory purpose of NMWDA is focused on regional waste disposal
  - Counties have been encouraged to build incinerators
  - Focus on trash incineration is out of step with what counties are moving towards and expressly want to build
  - Voters have decided to oppose trash incineration through local elections - Frederick and Carroll Counties chose not to pursue incinerator projects
  - Local governments have wanted to move towards more zero waste technologies
  - No new trash incinerators have been built in the state, so NMWDA has started pursuing other projects such as solar farms
  - NMWDA provides landfill services, which MES can fulfill making their agency a redundancy
  - Authority's board not set up to provide the best service
  - Legislation similar to Maryland Environmental Service's reform would be helpful for NMWDA to allow for wide range of expertise for board members
- Richard Rothschild
  - Thank you, wanted to provide observations
  - Mr. Rothschild served as a County Commissioner during the incinerator debate from 2011-2014.
  - If boards for these entities are not formed correctly, we end up with a group of people that may not be fully objective
  - Need diversity of expertise in order to make informed decision on large capital projects

- Concerned that the board of directors is made up of waste disposal experts. NMWDA needs to have more diversity for its board of directors/steering committee. Energy, utility, transportation, gas and electric are just some of the areas of expertise needed. Need to ensure outside perspectives that can offer the knowledge needed and also make it multidimensional to address various risks.
- Need to look closely at composition of board members
- Chair Serafini asks the commission if there are any questions or comments.
  - Chair Serafini asks Mr. Rothschild for clarification on if NMWDA provided suggestions/recommendations to the County Commissioners and the commissioners rejected some of them.
    - Mr. Rothschild explains that the Chair's statement simplifies what happened. The county was presented with profit/loss and operating expenses that assumed many assumptions. The public involvement pushed back on the assumptions provided by the experts to ensure a proper financial analysis was conducted.
- Chair Serafini thanks the members of the public for their time and testimony.

#### Next Steps for Commission Recommendations/Final Report

- Chair Serafini explains that the Commission is going to think about recommendations in various sections similar to the questionnaire that was sent to agencies. The areas for consideration are general, financials, audits, boards, governance and accountability, compensation and performance, and entity status.
- Chair Serafini asked members of the Commission to facilitate the discussion surrounding each topic and collect the thoughts of all the members. Members should communicate with the facilitators.
- Chair Serafini suggests separate meetings for each section to allow for input from all members.
- Gen. Singh will facilitate the general section, Karen Syrylo will cover audit, Sen. Feldman will cover financials, Bobbie James will do boards, governance and accountability will be handled by John Williams, Del. Korman will cover compensation and performance, and Sen. Eckardt and Del. Szeliga will facilitate entity status and if these agencies should remain quasi or move to the public sector.
- Chair Serafini asks for discussion on if the areas of concentration should be completed electronically, or if we should schedule virtual meetings.
  - Ms. Syrylo likes the electronic collection of data, and suggests that each member add suggestions and comments in each category.
  - Sec. Brinkley suggests a spreadsheet for members to add their suggestions.
  - Sen. Eckardt asks for a spreadsheet that outlines various aspects and elements of the agencies.

- Mr. Williams likes the idea of virtual meetings to further discuss each category. Exchange of ideas in a virtual environment could lead to more meaningful recommendations.
- Chair Serafini explains that he does not want meetings scheduled if attendance will be low.
- Andrew Cassilly states that scheduling the meetings could be helpful and allow for exchange of thoughts and debate the potential recommendations. Better to have the time scheduled and not need it.
- Ms. Strylo mentions that the length of the meeting may depend on the topic. Some topics may lend themselves more to virtual meetings.
- Chair Serafini suggests the scheduling of virtual meetings, but the meeting may be canceled if low attendance is anticipated.

#### Questions and Comments

- Sen. Feldman thinks that the delineation of issues that would require or be subject to legislative action versus things that could be done administratively within the executive branch itself. Might want to flesh that out at the next meeting.
- Sen. Eckardt says that the report will culminate in recommendations, but by the time we sift through everything, there may be a continuum of good housekeeping recognition for certain entities under certain conditions. The report could become a template or checklist to measure effectiveness, quality, or it becomes a guide for any future entity that may be established.
  - Chair Serafini states that we should be aspirational in what we want, but be grounded in reality. Think about board membership - Mr. Rothschild mentioned board diversity. Board diversity is great if people who want to serve can be identified. Getting people to serve on boards can be difficult. We shouldn't settle, but we also need to understand that sometimes recruitment is a struggle. Our report should provide basic principles that should be applicable.
- Sen. Feldman adds that thinking through the potential recommendations, some of them fall into a gray zone of what falls into the purview of the legislature or the executive branch. Secondary issue becomes who should handle the recommendation.
- Sec. Brinkley explains that time is a factor when implementing potential recommendations.

Chair Serafini entertains a motion to adjourn. Motion by Sen. Eckardt. The motion is seconded by Gen. Singh. The meeting is adjourned at 11:01 AM.

## **Commission Members**

Andrew Serafini, Commission Chair, Retired Senator; President, Serafini Financial Services, Public

David Brinkley, Secretary, DBM

Jennifer LaHatte, Director of Policy & Program Development, Commerce

Michael Harrison, Policy Director, Labor

Jeannie Haddaway-Riccio, Secretary, DNR

Bobbie James, Senior Advisor, MDE

Kathleen Birrane, Insurance Commissioner, MIA

Marc Korman, Delegate, Speaker of the House

Brian Feldman, Senator, President of the Senate

Kathy Szeliga, Delegate, Minority Whip, House Republican Caucus

Addie Eckardt, Senator, Senate Republican Caucus

John Williams, CEO, Jamison Door; UMMS, Conflict of Interest Subcommittee Chair, Member of Audit and Compliance Committee, Ethics

Karen Syrylo, MD CPA Legislative Committee Member, Financial

Dr. Linda L. Singh, PMP, PCC, Major General (retired), Public

## **Staff**

Erin Chase, Deputy Legislative Officer

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