



THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

COMMISSION MEETING

June 16, 2021
10:00 a.m. to 12 noon

**The Commission will be meeting by teleconference
and live-streamed by:**

**The Montgomery County Planning
Department**

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**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING AGENDA
Wednesday, June 16, 2021**

**Via videoconference live-streamed by
The Montgomery County Planning Department**

10:00 a.m. – 12 noon

		<u>ACTION</u>	
		Motion	Second
1.	Approval of Commission Agenda (10:00 a.m.)	(+*)	Page 1
2.	Approval of Commission Minutes (10:05 a.m.)		
	a) Open Session – May 19, 2021	(+*)	Page 3
	b) Closed Session – May 19, 2021	(++*)	
3.	General Announcements (10:05 a.m.)		
	a) National Caribbean American Heritage Month		
	b) Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Pride Month		
	c) Juneteenth, June 19, 2021		
4.	Committee Minutes/Board Reports (For Information Only) (10:10 a.m.)		
	a) Executive Committee Meeting – Open Session – June 2, 2021	(+)	Page 7
	b) Executive Committee Meeting – Closed Session – June 2, 2021	(++)	
	c) Employees’ Retirement System Board of Trustees Regular Meeting – May 4, 2021	(+)	Page 11
5.	Action and Presentation Items (10:15 a.m.)		
	a) Policy Approval – Merit Board Recommendations for Minor Updates to Sick Leave Policy to Comply with Maryland Healthy Working Families Act (Bennett/Beckham)	(+*)	Page 17
	b) Resolution 21-09, Approval of FY22 Employer Contribution for Retiree Group Health Insurance (115 Trust) (Zimmerman)	(+*)	Page 23
	c) Resolution 21-10, Adoption of the FY22 Commission Operating and Capital Budgets (Kroll)	(+*)	Page 25
	d) Approval for the FY2022 Operating Budget for the Employees’ Retirement System (Rose)	(+*)	Page 45
	e) Commission’s Response to I-495 / I-270 Managed Lanes Study (Gardner/Borden/Rubin)	(+*)	H
	i. Revised Recommended Preferred Alternative: Alternative 9 for Phase 1 South, the American Legion Bridge I-270 to I-370 with no action at this time on I-495 east of the I-270 eastern spur; and		
	ii. Internal process moving forward		
	f) Resolution 21-13, Grant Application: Rebuilding American Infrastructure with Sustainability and Equity (Maneval)	(+*)	Page 51
<i>Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (1i-ii), (7) & (9), a closed session is proposed to consult with counsel for legal advice, and compensation decisions, and consider matters that relate to negotiation</i>			
6.	Closed Session (10:30 a.m.)		
	Collective Bargaining and Compensation Discussion (followed by vote on Resolutions) (Chiang-Smith)		
Open Session Resumes.			
7.	Action Items (10:45 a.m.)		
	Collective Bargaining / Compensation Resolutions (Chiang-Smith/Bennett)		
	a) Resolution 21-11 FOP	(+*)	Page 53
	b) Resolution 21-12 Park Police Command Staff	(+*)	Page 55

8. **Officers' Reports (10:50 a.m.)**

Executive Director's Report

a) Late Evaluation Report, April 2021 (For Information Only) (+) Page 57

Secretary Treasurer

b) Investment Report – 3rd Quarter (+) Page 59

General Counsel

c) Litigation Report (For Information Only) (+) Page 65

Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (7), (9) & (10ii) a closed session is proposed to consult with counsel for legal advice, discuss public security issues related to the agency's information systems and consider matters that relate to negotiation.

9. **Closed Session (10:55 a.m.)**

a) Commission-Requested Updates on Cybersecurity Training (Chilet) (discussion only)

b) Legal Advice on Return to Work Matters (Gardner) (discussion only)

(+) Attachment

(++) Commissioners Only

(*) Vote

(H) Handout

(LD) Late Delivery

Commission Meeting
Open Session Minutes
May 19, 2021

The Maryland-National Capital Park and Planning Commission met via videoconference with the Chair initiating the meeting at the County Administration Building in Upper Marlboro, Maryland. The meeting was broadcast by the Department of Parks and Recreation, Prince George’s County.

PRESENT

Prince George’s County Commissioners

Elizabeth M. Hewlett, Chair
Dorothy Bailey
William Doerner
Manuel Geraldo

Montgomery County Commissioners

Casey Anderson, Vice-Chair
Gerald Cichy
Natali Fani-Gonzalez
Tina Patterson
Partap Verma

NOT PRESENT

A. Shuanise Washington

Chair Hewlett called meeting to order at 10:04 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

No modifications

ACTION: Motion of Commissioner Geraldo to approve the agenda
Seconded by Vice Chair Anderson
9 approved the motion

ITEM 2 APPROVAL OF COMMISSION MINUTES

Open Session – April 21, 2021

Closed Session – April 21, 2021

ACTION: Motion of Commissioner Geraldo to approve the minutes
Seconded by Commissioner Bailey
9 approved the motion

ITEM 3 GENERAL ANNOUNCEMENTS

- a) National Mental Health Awareness Month. Chair Hewlett noted this issue has never more critical than in these past 14 months. She said the agency has many resources, and employees should please take advantage of them
- b) National Fitness Month / National Fitness Day (May 1)
- c) Military Appreciation Month
- d) Asian Pacific American Heritage Month
- e) Jewish American Heritage Month
- f) Haitian Heritage Month
- g) National Bike Month; Friday May 21 is Bike to Work Day
- h) Older Americans Month

- i) Chair Hewlett announced that the Government Finance Officers' Association has awarded a Certificate of Achievement in Financial Reporting to the M-NCPPC Employees' Retirement System. This is the highest form of recognition in government accounting and financial reporting. She congratulated the ERS Board of Trustees, ERS staff, and ERS Administrator, Andrea Rose.
- j) Chair Hewlett congratulated Commissioner Patterson on receiving her master's degree in Dispute Resolution from the Strauss Institute at Pepperdine University, and on her appointment to a second term on the Montgomery County Planning Board.

ITEM 4 COMMITTEE MINUTES/BOARD REPORTS (For Information Only)

- a) Executive Committee Meeting – Open Session, May 5, 2021
- b) Executive Committee Meeting – Closed Session, May 5, 2021
- c) Employees' Retirement System Board of Trustees Regular Meeting, March 2, 2021

ITEM 5 ACTION AND PRESENTATION ITEMS

- a) Resolution 21-05 Shady Grove Minor Master Plan Amendment (Yearwood)
 No discussion.
 ACTION: Motion of Geraldo to adopt Resolution 21-05
 Seconded by Vice Chair Anderson
 9 approved the motion

- b) Resolution 21-08 Extension of the Executive Committee's Authority to Approve and Implement COVID-19 Response Decisions (Chiang-Smith)
 No discussion.
 ACTION: Motion of Geraldo to adopt Resolution 21-08
 Seconded by Commissioner Bailey
 9 approved the motion

- c) Acknowledge Melissa D. Ford as the Prince George's County Open Trustee and Caroline McCarthy as the Montgomery County Open Trustee for the Employee's Retirement System Board of Trustees for the three-year term ending June 30, 2024 (Rose)
 Chair Hewlett thanked Ms. Ford and Ms. McCarthy for their ongoing service.
 ACTION: Motion of Commissioner Geraldo to approve the item
 Seconded by Commissioner Bailey
 9 approved the motion

- d) Bi-County Salary Savings Memos (Chiang-Smith/Gardner/Zimmerman)
 Deputy General Counsel Borden shared a page that was accidentally omitted from the packet from the Legal Department's memo.
 ACTION: Motion of Vice-Chair Anderson to approve request for Items 5d 1-4 with the addition of the page shared by Deputy General Counsel Borden.
 Seconded by Commissioner Bailey
 9 approved the motion

- e) Resolution 21-07 Commitment to Diversity, Equity and Inclusion (Jennai/McCord/Black)
Ms. Jennai, Mr. McCray, and Ms. Black of the Diversity Counsel shared their presentation on a Commission Resolution on the Commission's commitment to Diversity, Equity, and Inclusion (DEI), including updated definitions as a unifying philosophy of the agency.

Executive Director Chiang-Smith thanked the Diversity Counsel, who vetted this project through Corporate Human Resources and the Legal Department, along with input from the departments. This is part of a larger initiative, and defining these terms is a critical step.

Commissioners thanked the team and supported the initiative and Resolution. Chair Hewlett praised the counsel, noting how each year's Diversity Council has successfully built on the progress of previous councils.

ACTION: Motion of Geraldo to adopt Resolution 21-07
Seconded by Commissioner Patterson
9 approved the motion

- f) Annual Legislative Update (Gardner)

Before introducing General Counsel Gardner, Chair Hewlett noted this item does not require a vote. General Counsel Gardner presented his Annual Report on the Legislative Session for 2021. He provided an overview, highlights, and credited the attorneys, departmental staff and Commissioners and leadership who participated in the successful session. He added special thanks to the Legislative Management Team who met weekly to coordinate legislative issues, bringing valuable perspectives from the field to the discussion; to the Fiscal Estimates Team to quickly analyze the fiscal impact of proposed state legislation; to the COVID Legislation Team which made sure Human Resources and workplace issues raised by state legislation were analyzed and addressed; and to the Police Reform Team which worked closely on the impacts of state legislation on police reform and the impact it would have on our Park Police.

Several Commissioners praised specific bills, including for the work on the Countywide Zoning Map Amendment (HB980) and Tree Bill (HH991). Commissioner Patterson asked if the tree bill provided any funding for maintenance for diseased or infested trees. General Counsel Gardner said the bill was focused on tree planning projects for urban areas and for private entities.

Commissioners thanked General Counsel Gardner and his teams for a successful session.

ITEM 6

OFFICERS' REPORTS

Executive Director's Report

- a) Late Evaluation Report (April 2021) (For information only)

Secretary Treasurer Report

No report for May 2021

General Counsel Report

- b) Litigation Report (For information only)

Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (7) & (9),

a closed session is proposed to consult with counsel for legal advice, discuss public security issues related to the agency's information systems and consider matters that relate to negotiation.

Chair Hewlett asked for a motion to move to closed session. Commissioner Geraldo moved, Commissioner Patterson seconded. All 9 Commissioners in attendance voted for the measure and the meeting moved to closed session at 10:56 a.m. There being no further business to discuss, Chair Hewlett adjourned the meeting from closed session at 11:48 a.m.


James F. Adams, Senior Technical Writer


Asuntha Chiang-Smith, Executive Director

**EXECUTIVE COMMITTEE MEETING MINUTES
June 2, 2021**

On June 2, 2021, the Maryland-National Capital Park and Planning Commission’s Executive Committee met via teleconference. Present were Chair Elizabeth M. Hewlett, Vice Chair Casey Anderson, and Executive Director Asuntha Chiang-Smith. Also present were:

Department Heads

- Andree Checkley, Director, Prince George’s County Planning (PGPL)
- Adrian Gardner, General Counsel
- Mike Riley, Director, Montgomery County Parks (MCPK)
- Bill Tyler, Director, Prince George’s County Parks and Recreation (PGPR)
- Gwen Wright, Director, Montgomery County Planning (MCPL)
- Joe Zimmerman, Secretary-Treasurer

Presenters/Staff

- James Adams, Senior Technical Writer
- Michael Beckham, Policy Manager (CPMO)
- Anju Bennett, Corporate Policy and Management Operations (CPMO) Director
- Mazen Chilet, Chief Information Officer
- Michael Doaks, Policy Analyst, (CPMO)
- John Kroll, Corporate Budget Director
- William Spencer, Corporate Human Resource Director

Executive Director Chiang-Smith convened the meeting at 10:03 a.m.

ITEM 1a – APPROVAL OF EXECUTIVE COMMITTEE AGENDA

Discussion	Executive Director Chiang-Smith removed item 4c – Towson University Presentation from the agenda. Item 4d Investment Report was reordered to Item 4c.
ACTION	See 1c

ITEM 1b – APPROVAL OF COMMISSION MEETING AGENDA for May 19, 2021

Discussion	Montgomery Planning Managed Lanes Project Manager Carol Rubin requested that a briefing on Managed Lanes be added to the June Commission Meeting agenda.
ACTION/Follow-up	See 1c

ITEM 1c – ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS

Discussion	No modification to Rolling Agenda
ACTION/Follow-up	Motion of Chair Hewlett to approve the agendas as amended, second by Vice Chair Anderson. Agendas for items 1a-1c approved unanimously.

ITEM 2 – GENERAL REMINDER/ANNOUNCEMENT	
Discussion	<u>Communicate with Confidence- Literacy Program Ceremony June 7</u> Executive Director Chiang-Smith reminded the Executive Committee and directors of the upcoming in-person event at Brookside Gardens on Monday, June 7. The event recognizes the graduates of this year’s classes.
ACTION	

ITEM 3 – May 5, 2020 EXECUTIVE COMMITTEE MEETING MINUTES	
Discussion	May 5, 2021 Open Session May 5, 2021 Closed Session
ACTION	Motion of Chair Hewlett, second by Executive Director Chiang-Smith. Minutes approved unanimously.

ITEM 4 – DISCUSSION/PRESENTATION ITEMS	
Discussion	<u>4a. 10th MOU with MCGEO Collective Bargaining Union (Chiang-Smith/Bennett)</u> Executive Director Chiang-Smith reviewed details the latest MOU with the Municipal and County Government Employees Organization Collective Bargaining Unit, which expired on May 29. Request to approve retroactively. There have been no plans or requests to open a new MOU with the union, and this 10 th MOU should be the last one, unless there is a drastic change in the COVID situation.
ACTION/follow-up	Motion of Chair Hewlett, second by Vice Chair Anderson. 10 th MCGEO MOU approved unanimously.
Discussion	<u>4b. Recommended Minor Merit System Rules Amendments to Section 1470 Sick Leave from recent changes to Maryland Healthy Families Act (Beckham/Bennett)</u> CPMO Director Bennett indicated that Maryland Health Families Act requires a few updates to the agency’s sick leave policies. She introduced Policy Manager Mike Beckham to review the changes. Mr. Beckham reviewed the changes in the definition of family members which broadened the use of sick leave by employees. He requested support of the Executive Committee for changes to the Merit System Rules and Regulations, Section 1470, indicating that the changes had already been reviewed and supported by the Merit Board. With the Executive Committee’s support, they will be forwarded to the Full Commission for approval. Mr. Beckham reviewed the changes included in the packet.
ACTION/Follow-up	Motion of Chair Hewlett, second by Vice Chair Anderson to send recommendations to the Commission. Approved unanimously.
Discussion	<u>4c. April 2021 Investment Report (Zimmerman) (information item only)</u> No discussion.
Action/Follow up	N/A

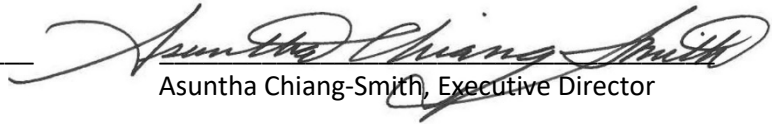
Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (7) & (9), a closed session is proposed to consult with counsel for legal advice and consider matters that relate to negotiation.

Vice-Chair Hewlett motioned for the meeting to move into Closed Session at 10:14 a.m. Executive Director Chiang-Smith seconded, motion approved unanimously.

With no further business to discuss, the meeting adjourned from Closed Session at 12:02 p.m.



James F. Adams, Senior Technical Writer



Asuntha Chiang-Smith, Executive Director

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EMPLOYEES' RETIREMENT SYSTEM
 The Maryland-National Capital Park and Planning Commission

BOARD OF TRUSTEES MEETING
MINUTES
Tuesday, May 4, 2021; 10:00 a.m.
County Administration Building, Upper Marlboro, MD
(Due to COVID -19 Attend via Microsoft Teams)

Due to COVID-19, the Maryland-National Capital Park and Planning Commission (“Commission”) Employees’ Retirement System (“ERS”) Board of Trustees (“Board”) met virtually through Microsoft Teams with CHAIRMAN HEWLETT leading the call from the County Administration Building in Upper Marlboro, Maryland on Tuesday, May 4, 2021. The meeting was called to order at 10:00 a.m. by CHAIRMAN HEWLETT.

Board Members Present

- Elizabeth M. Hewlett, Board of Trustees Chairman, Prince George’s County Commissioner
- Gerald R. Cichy, Board of Trustees Vice Chairman, Montgomery County Commissioner
- Asuntha Chiang-Smith, M-NCPPC Executive Director, Ex-Officio
- Melissa D. Ford, Prince George’s County Open Trustee
- Pamela F. Gogol, Montgomery County Public Member
- Caroline McCarthy, Montgomery County Open Trustee arrived at 10:05 a.m.
- Amy Millar, MCGEO Represented Trustee
- Sheila Morgan-Johnson, Prince George’s County Public Member
- Elaine A. Stookey, Bi-County Open Trustee
- Joseph C. Zimmerman, CPA, M-NCPPC Secretary-Treasurer, Ex-Officio

Board Member Not Present

Howard Brown, FOP Represented Trustee

ERS Staff Present

- Andrea L. Rose, Administrator
- Sheila S. Joynes, ERS Accounting Manager
- Heather D. Van Wagner, Senior Administrative Specialist
- Ann McCosby, IT Systems Manager
- Charles Curtis, Accountant

Presentations

- Cheiron - Janet H. Cranna, FSA, FCA, EA, MAAA, Patrick Nelson, FSA, CERA, EA, MAAA, and Jana Austin, ASA
- Wilshire Associates - Bradley A. Baker, Managing Director
- M-NCPPC Legal Department – Tracey Harvin, Senior Counsel

ITEM 1 APPROVAL OF THE MAY 4, 2021 CONSENT AGENDA

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. GOGOL to approve the Consent Agenda. The motion PASSED unanimously (9-0). (Motion #21-19)

MS. McCARTHY arrived at 10:05 a.m.

ITEM 2 CHAIRMAN’S ITEMS

The terms for the Prince George’s County Open Trustee and the Montgomery County Open Trustee serving on the ERS Board will expire June 30, 2021. In accordance with the ERS’ Election Procedures,

A Notice of Vacancies on the Board of Trustees was placed in Update, on the ERS' website and the Commission's Intranet site with applications due in the ERS Office, March 19, 2021 by 5:00 p.m. Melissa D. Ford submitted an application for the Prince George's County Open Trustee and Caroline McCarthy submitted an application for the Montgomery County Open Trustee and no other applications were received. Ms. Ford and Ms. McCarthy are determined to have won by acclamation.

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MR. ZIMMERMAN to Acknowledge Melissa D. Ford as the Prince George's County Open Trustee and Caroline McCarthy as the Montgomery County Open Trustee for the three-year term ending June 30, 2024. The motion PASSED unanimously (10-0). (Motion #21-20)

ITEM 3 MISCELLANEOUS
No items reported.

ITEM 4 MANAGER REPORTS/PRESENTATIONS

Cheiron

Presentations by Janet H. Cranna, FSA, FCA, EA, MAAA, Patrick Nelson, FSA, CERA, EA, MAAA, and Jana Austin, ASA

Janet Cranna, Patrick Nelson, and Jana Austin presented the Actuarial Experience Study (the "Study") July 1, 2015 through June 30, 2020. The Study compared the actual experience with the actuarial assumptions of the ERS' economic and demographic experience over a five-year period ending June 30, 2020. The economic assumptions include salary merit increases, price and wage inflation, cost-of-living adjustments, and discount rate. The demographic assumptions include retirement, termination, disability, mortality, and marriage. These assumptions are intended to be long-term in nature. A change in an assumption generally occurs when the current assumption is not reflecting the actual experience or expected future trends. Cheiron discussed each of the economic and demographic assumptions and recommend changes.

A summary of assumption changes follows:

	Current Assumptions		Proposed Assumptions	
	Plans A, B, & E	Plans C & D	Plans A, B, & E	Plans C & D
Mortality	RP-2000 and Scale BB	RP-2000 and Scale BB	PubG-2010 and Scale MP-2020	PubS-2010 for retirees, disabled retirees, and employees PubG-2010 for beneficiaries Scale MP-2020 for all
Retirement	Varies by member's age	Varies by member's service	Varies by member's age with updated rates	Varies by member's service with updated rates for 20 and 25-29 years of service
Termination	Varies by member's age and gender	Varies by years of service	Varies by member's age with updated rates	Varies by member's service with updated rates
Disability	Increases by age	Increases by age	Simplified rates, increasing by age	Simplified rates, increasing by age
Marriage	Males three-years older 90% of males and 50% of females are married	Males three-years older 90% of males and 50% of females are married	Males three-years older 75% of males and 40% of females are married	Males three-years older 75% of males and 40% of females are married
Salary Increases	Decreases with years of service	Decreases with years of service	Modified rates decreasing with years of service	Modified rates decreasing with years of service

Cost-of-Living Adjustments	2.40% for benefits accrued up to July 1, 2012 and sick leave accrued until January 1, 2013; 2.00% thereafter	2.40% for benefits accrued up to July 1, 2012 and sick leave accrued until January 1, 2013; 2.00% thereafter	2.25% for benefits accrued up to July 1, 2012 and sick leave accrued until January 1, 2013; 1.90% thereafter	2.25% for benefits accrued up to July 1, 2012 and sick leave accrued until January 1, 2013; 1.90% thereafter
Discount Rate (Investment Rate of Return)	6.80%		6.75%	

Cheiron recommended the ERS use the Society of Actuaries recent study of public plan data. These tables are based on job classifications for both general and public safety members; separate rates for males and females; weighted by salary/pension benefit amount; and reflect improvements using the MP-2020 projection scale. These recent tables are most often required by the auditors and all public plans are expected to adopt these tables.

Adoption of the economic and demographic assumption changes will increase the actuarial liabilities by approximately \$7.5 million; the net normal cost by \$1.9 million; the employer contribution by \$2.8 million; and reduce the funded ratio from 91.2% to 90.6%.

Ms. Cranna presented the discount rate review. Factors to consider in selecting the discount rate or investment rate of return are the system's tolerance for risk, industry trends, expectations for the future, plan maturity, and historical experience. Cheiron looked at the Public Pension Plan Investment Return Assumptions report and survey by NASRA, updated February 2021, and the ERS' investment returns over the last five-year period ending June 30, 2020.

Cheiron recommended a change to the investment return assumption from 6.80% to 6.75%. Based on a thirty-year horizon the probability of achieving 6.75% investment return on the target allocation is 53.3% with an expected risk of 10.85%. Wilshire's Brad Baker supported the decrease based upon Wilshire's forward-looking assumptions.

Adoption of a change in the investment return assumption from 6.80% to 6.75% will increase the actuarial liabilities by \$6.3 million; the net normal cost by \$269 thousand; the employer contribution by \$919 thousand; and, reduce the funded return from 90.6% to 90%.

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. MILLAR to accept the economic and demographic assumption changes as recommended by Cheiron. The motion PASSED unanimously (10-0). (Motion #21-21)

ACTION: MR. ZIMMERMAN made a motion, seconded by VICE CHAIRMAN CICHY to reduce the discount rate (investment rate of return) from 6.80% to 6.75% effective with the July 1, 2021 actuarial valuation. The motion PASSED unanimously (10-0). (Motion #21-22)

Based on adoption of the new assumption changes, Cheiron will review the actuarial equivalence and the actuarial deficiency factors and recommend any edits to the ERS' Funding Policy.

Wilshire Associates

Presentation by Bradley A. Baker, Managing Director

Mr. Baker said the 6.75% discount rate assumption is consistent with Wilshire's asset class assumptions and can be used to help support the actuarial investment return decision.

Mr. Baker recommended an Asset Liability Valuation Analysis be conducted at the end of 2021 or beginning of 2022.

ITEM 5

REPORT OF THE ADMINISTRATOR

Andrea L. Rose presented the Administrator's Report dated April 22, 2021

Ms. Rose requested approval to allow ERS employees to continue to maintain annual leave balances until December 31, 2021 at which time the excess annual rollover will be rolled over consistent with the ERS Employees Handbook. The Commission approved Resolution 21-06 that permits merit system employees to continue to maintain their annual leave balances until December 31, 2021 which the ERS generally follows.

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. CHIANG-SMITH to allow ERS employees to continue to maintain annual leave balances until December 31, 2021 at which time the excess annual rollover will be rolled over consistent with the ERS Employees Handbook. The motion PASSED unanimously (10-0). (Motion #21-23)

ITEM 6

COMMITTEE REPORTS/PRESENTATIONS

Audit Committee – Report of March 31, 2021

The Audit Committee Chairman, Joe Zimmerman, recommended awarding the Auditing Services Agreement to SB & Company for a three-year term, May 4, 2021 through May 4, 2024, with a two-year renewal option, May 4, 2026.

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. GOGOL to Award the Auditing Services Agreement to SB & Company for a three-year Term, May 4, 2021 Through May 4, 2024, with a two-year Renewal Option, May 4, 2026. The motion PASSED unanimously (10-0). (Motion #21-24)

Administration & Personnel Oversight Committee – Report of April 20, 2021

The Administration & Personnel Oversight Committee ("Personnel Committee") Chairman, Joe Zimmerman, reported the Personnel Committee concurred with Staff's Proposed FY2022 Operating Budget of \$2,695,705, contingent upon potential revisions. Ms. Rose discussed revisions for imaging and actuarial fees for slightly less than \$30,000. Therefore, approval of a Proposed FY2022 Operating Budget of \$2,724,685, a decrease of 13.1% from FY2021, was recommended.

ACTION: MR. ZIMMERMAN made a motion, seconded by MS. FORD to approve the FY2022 Operating Budget of \$2,724,685. The motion PASSED unanimously (10-0). (Motion #21-25)

MR. ZIMMERMAN said the FY2022 Operating Budget includes the cost for an additional Retirement Benefits Analyst Position as detailed in the Personnel Committee's report of April 20, 2021.

Investment Monitoring Group – Report of March 16, 2021

Ms. Rose asked if there were any questions on the Investment Monitoring Group's March 16, 2021 meeting report. Having no questions, the Board moved into Closed Session.

ERS staff: Ann McCosby and Charles Curtis; Presenters from Cheiron and Wilshire Associates; and, Others Present left the meeting.

ITEM 7 CLOSED SESSION

At 12:16 p.m. CHAIRMAN HEWLETT requested a motion to go into Closed Session under authority of the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(7) to consult with counsel to obtain legal advice.

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. CHIANG-SMITH to go into Closed Session. The motion PASSED unanimously (10-0). (Motion #21-26)

During Closed Session, the following action was taken:

1. The Board discussed Conflicts of Interest.
2. The Board discussed Eaton Vance's Letter Dated April 5, 2021.

The Board moved back into Open Session at 12:22 p.m.

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. GOGOL to approve the amended Ethics Policy, as recommended by legal counsel. The motion PASSED unanimously (10-0). (Motion #21-28)

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. FORD to consent to participate in transactions exempted under PTS 2000-29, as amended from time to time, between Eaton Vance and Morgan Stanley. The motion PASSED unanimously (10-0). (Motion #21-29)

The Board meeting of May 4, 2021 adjourned at 12:26 p.m.

Respectfully,

Heather D. Van Wagner

Heather D. Van Wagner
Senior Administrative Specialist

Andrea L. Rose

Andrea L. Rose
Administrator

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

June 2, 2021

To: The Commission

Via: Asuntha Chiang-Smith, Executive Director

From: Anju Bennett, Corporate Policy and Management Operations Director
Michael Beckham, Corporate Policy & Archives Manager

Subject: Recommended Amendments to the Merit System Rules & Regulations Stemming from Recent Changes to the Maryland Healthy Working Families Act

Requested Action

The Commission is asked to approve minor amendments to the agency's sick leave policy as contained in Section 1470 of the Merit System Rules and Regulations (Merit Rules) (Attachment A). Proposed revisions update the definition of "family member" and those for whom an employee may take sick leave, to comply with the Maryland Healthy Working Families Act (MHWFA). Pursuant to the MHWFA, the definition of "family members" will be expanded to include:

- An ill/injured parent (biological/adopted/foster) of the employee's spouse,
- The legal guardian of the employee's spouse (parent-like figure), and
- A ward who has been legally placed under the care of the employee or the employee's spouse.

All amendments to the Merit Rules are considered by the Merit System Board and include the opportunity for comment by non-represented employees, during a 30-day review period. These amendments are supported by the Merit Board, and its review included consideration of submitted employee input. Proposed amendments also have the support of the Executive Committee and Department Heads. Corresponding amendments have also been made to administrative procedures applicable to contract employees.

Background

The Maryland Healthy Working Families Act (MHWFA), which became law in 2018, requires employers with 15 or more employees to provide paid sick leave to care for an eligible employee's own injury or illness, or a family member's injury or illness. Sick leave may also be used for matters involving sexual assault, domestic violence, and stalking.

During the 2020 legislative session of the Maryland General Assembly, the “Maryland Healthy Working Families - Family Member Definition - Amendment Act” was passed which expanded the definition of "family member" for purposes of MHWFA.

The existing Merit Rules define a “family member” as:

- An employee’s spouse or domestic partner (an individual who meets the qualifications of the Commission’s Health and Benefits Program).
- An employee’s (Biological/adopted/foster) parent or stepparent.
- An employee’s legal guardian.
- An employee’s or the employee’s spouse’s caregiver who acted as a parent or stood in loco parentis; or
- An employee’s:
 - Child or stepchild;
 - Child for whom the employee has legal or physical custody or guardianship; or
 - Child for whom the employee stands in loco parentis (in place of the child’s parent) regardless of age.
- An employee’s (biological/adopted/foster) grandchild, step grandchild, sibling, or stepsibling.
- An employee’s (biological/adopted/foster) grandparent or step grandparent.
- An employee’s (biological/adopted/foster) sibling or stepsibling.

With the Commission’s approval of the expanded definition of “family member”, as provided above, these amendments will be incorporated into the Merit Rules and communicated to the non-represented workforce.

Attachment:

- A. Proposed Amendments to MSR&R, Chapter 1400, Employee Leave: Personal, Annual, Sick, and Compensatory Leave (Excerpt)

PROPOSED AMENDMENTS TO CHAPTER 1400 (EMPLOYEE LEAVE: PERSONAL, ANNUAL, SICK, AND COMPENSATORY LEAVE), SECTIONS 1470 - 1476 (EXCERPT)

Key to Revisions:

Highlight: Recommended additions

Strikethrough: Recommended deletions

Italic Notes: Comments on changes

[. . .]

1470 Sick Leave

Sick leave is a paid leave benefit granted to Merit System employees.

1470.1 **For purposes of sick leave, a family member is defined as:**

1470.1.a An employee's:

1470.1.a.1 Spouse;

1470.1.a.2k A-Domestic partner, who is an individual who meets the qualifications of the Commission's Health and Benefits Program;

Note to Draft Reviewer: New text below recommended for addition, to clarify sick leave earned by employees may be used for the care of an ill or injured (biological/ adopted/ foster) parent of an employee's spouse, pursuant to Code of Maryland, Labor and Employment Article, Section 3-1301(g)(4).)

1470.1.b An employee's or the employee's spouse's:

1470.1.b.1 (Biological/adopted/foster) parent or step-parent;

1470.1.b.2h Caregiver an individual who acted as a parent or stood in loco parentis to the employee or the employee's spouse when the employee or the employee's spouse was a minor; (**Note to Draft Reviewer:** Merit Rules, Section 1470.1.h has been reorganized to this location for clearer application of policy.)

1470.1.b.3g An employee's Legal guardian;

1470.1.c An employee's:

1470.1.c.1 (Biological/adopted/foster) child or step-child;

1470.1.c.2d A-Child for whom the employee has legal or physical custody or guardianship;

1470.1.c.3e A-Child for whom the employee stands in loco parentis (in place of the

child's parent) regardless of age;

1470.1.d A ward who has been legally placed under the care of the employee or the employee's spouse; **(Note to Draft Reviewer:** New text reflects Maryland law amendment.)

1470.1.ef An employee's (biological/adopted/foster) grandchild or step- grandchild;

1470.1.fi An employee's (biological/adopted/foster) grandparent or step- grandparent; or

1470.1.gj An employee's (biological/adopted/foster) sibling or step-sibling; ~~or~~

Employees may request to use sick leave for any reason described below in subsections 1470.2 through 1470.3.

1470.2 **Use of Sick Leave for the Employee's Own Illness, Injury, or Other Medical Care**

Sick leave may be used for:

1470.2.a Care or treatment of a mental or physical illness, injury, condition, or a non-work-related disability, which incapacitates and prevents an employee from performing the duties and responsibilities of his/her the employee's assigned position. For serious illnesses or medical conditions, employees may be eligible to use other types of paid and unpaid leave in accordance with respective sections of these Regulations.

1470.2.b Medical, dental, or optical examinations and treatments.

1470.2.c Quarantine.

Use of sick leave taken for an employee's illness, injury, or other medical care may qualify for the Family and Medical Leave Act (FMLA). In such cases, any qualified FMLA events shall apply toward any eligible FMLA leave status, see section 1470.4.

1470.3 **Use of Sick Leave for Reasons Outside of the Employee's Own Illness, Injury, or Medical Care.**

In a calendar year, an employee may request to use a combined total of up to four hundred and eighty (480) hours of sick leave, for any of the following reasons:

1470.3.a **To care for an ill or injured family member as defined in section 1470.1:** An employee may use any portion of up to four hundred and eighty (480) hours to assist family members in the care or treatment of a mental or physical illness, injury, condition or disability (including quarantine); or, to obtain medical care, including, but not limited to, medical, dental, or optical examinations and treatments. Use of sick leave taken to care for an ill or injured immediate family member may qualify for the Family and Medical Leave Act (FMLA). In such cases, any qualified FMLA events shall apply toward any eligible FMLA leave status, see section 1470.4.

1470.3.b **An employee's parental responsibilities:** An employee may use any portion of up to four hundred and eighty (480) hours of accumulated sick leave for parental responsibilities including the birth or care of a newborn, adopted, or foster child. A Department Head also may approve sick leave in excess of four hundred and eighty (480) hours when medically necessary including reasons related to childbirth, or postnatal and prenatal complications of the maternal parent or newborn child (see also Chapter 1600, Leave Status Programs, Sections 1630, Parental Leave Status, and 1640, Family and Medical Leave Status).

Use of sick leave for parental responsibilities shall be applied toward any eligible Family and Medical Leave Act (FMLA) leave status.

1470.3.c **Domestic violence, sexual assault, or stalking:** An employee may use any portion of up to four hundred and eighty (480) hours of sick leave to address instances of domestic violence, sexual assault, or stalking committed against the employee him/herself, or to assist in such matters affecting the employee's his/her family member or domestic partner.

1470.4 Some uses of sick leave qualify as covered events under the Family Medical Leave Act and shall be applied to any leave status available under that Act, see section 1641.

Employees, who are eligible under the FMLA, may apply sick leave toward the twelve (12) work weeks of unpaid FMLA leave status.

Any sick leave taken for events covered by the FMLA will be considered FMLA leave and count against the total twelve (12) work week FMLA leave entitlement. The FMLA leave status runs concurrently with all other employee or Commission leave programs. Employees also may be eligible to take additional types of paid and unpaid leave inclusive of leave lengths available under the FMLA (see Chapter 1600, Leave Status Programs, Section 1640, Family and Medical Leave Status).

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M-NCPPC RESOLUTION NO. 21-09

APPROVAL OF FISCAL YEAR 2022 EMPLOYER CONTRIBUTION FOR RETIREE GROUP HEALTH INSURANCE

WHEREAS, the Maryland-National Capital Park and Planning Commission (the “Commission”) as “Plan Sponsor” entered into an Amended and Restated Post-Retirement Insurance Benefits Program Trust Agreement as of July 1, 2007 (“the Agreement”); and

WHEREAS, Section 1.1 of the Agreement states that the Plan Sponsor shall contribute such amounts as it deems necessary, in its sole discretion, from time to time, to meet its benefit obligations under the Group Health Insurance Plan (“Plan”). Contributions shall be made to the Trust Fund (“Section 115 Trust Fund”) on a periodic basis or in a lump-sum in the discretion of the Plan Sponsor. The Plan Sponsor shall not be required to make contributions unless (and only to the extent) it has obligated itself to do so by resolution; and

WHEREAS, although the Commission expects to continue the Group Health Insurance Plan (the “Plan”), it is the Commission’s position that there is no implied contract between employees and the Commission to do so and that the creation of a retiree health benefit was not the product of collective bargaining negotiations. Therefore, the Commission reserves the right at any time and for any reason to amend or terminate the Plan, subject to the needs of the Commission and subject to any applicable collective bargaining; and

WHEREAS, the Plan Sponsor engaged Bolton Partners, Inc. (“the Actuary”) to prepare a Retiree Healthcare Programs Actuarial Valuation as of July 1, 2020; and

WHEREAS, after consideration of the Retiree Healthcare Programs Actuarial Valuation as of July 1, 2020 projected a Fiscal Year 2021 Plan Sponsor contribution consisting of \$6,832,000 for prefunding the Section 115 Trust Fund; and

WHEREAS, funding of the current portion will come from the Commission and the Maryland-National Capital Park and Planning Commission Employees’ Retirement System (for its retirees) in the amounts of \$6,807,542 and \$24,458, respectively.

NOW THEREFORE, BE IT RESOLVED, that the Commission as Plan Sponsor approves a \$6,832,000 payment to the Section 115 Trust Fund; and

BE IT FURTHER RESOLVED, that the Maryland-National Capital Park and Planning Commission does hereby authorize the Executive Director and other officers to take action as may be necessary to implement this resolution.

APPROVED FOR LEGAL SUFFICIENCY:

William Dickerson
M-NCPPC Legal Department,
June 7, 2021

June 16, 2021

To: The Maryland-National Capital Park and Planning Commission

Via: Asuntha Chiang-Smith, Executive Director

From: John Kroll, Corporate Budget Director

Subject: Resolution 21-10 - Adoption of the Commission's FY 2022 Operating and Capital Budgets

Recommendation:

Approve Resolution No. 21-10 "Adoption of the FY 2022 Commission Operating and Capital Budgets".

Background:

Pursuant to the Land Use Article, of the Annotated Code of Maryland, the Commission submitted its Proposed Budget to the County Executives of Prince George's County and Montgomery County on January 15th. In accordance with the Land Use Article, each County Council has approved that portion of the Commission budget allocated to its county. On May 27, 2021, Montgomery County Council adopted resolutions 19-875 and 19-866. On May 27, 2021, the Prince George's County Council approved bill CB-34-2021. Further, both Councils on May 13, 2021 approved those portions of the Commission budget allocable to both counties.

Resolution No. 21-10, "Adoption of the FY 2022 Commission Operating and Capital Budgets" adopts the budget for FY22 including the additions, deletions, increases, and decreases from the submitted Proposed Budget as approved by the respective County Councils of Montgomery County and Prince George's County.

The Adopted Budget totals \$686.4 million excluding reserves, ALARF, and Internal Service Funds. Compared to the FY21 Adopted Budget, the FY22 Budget is about \$25.9 million higher.

In Prince George's County, the budget is increasing by 2.0 percent for FY22. This primarily reflects a slight (1.2%) decrease in tax supported operations offset by increases in the capital program. Property tax rates remain the same as those set in FY16.

In Montgomery County, the budget is increasing by 8.0 percent for FY22. This net increase is due to an increase in the tax-supported funds and the capital program, along with a decrease in debt service and enterprise operations. As part of the final balancing, the County decreased both the Administration Fund's and the Park Fund's proposed property tax rates, increased the use of fund balance in the

Administration Fund, decreased the use of fund balance in the Park Fund, and transferred \$225,000 from the Administration Fund to the Park Fund. The following chart provides a comparative summary of the FY22 Adopted Budget for each county.

**Summary of FY22 Adopted Budget Expenditures
(net reserves, ALARF, and Internal Service Funds)**

	FY21 Adopted	FY22 Adopted	\$ Change	% Change
Prince George's Funds				
Administration (1)	\$ 56,960,703	58,762,287	\$ 1,801,584	3.2%
Park (2)	182,721,465	173,637,121	(9,084,344)	-5.0%
Recreation (3)	95,370,701	98,486,658	3,115,957	3.3%
ALA Debt	-	-	-	-
Subtotal Tax Supported	335,052,869	330,886,066	(4,166,803)	-1.2%
Park Debt Service	15,064,619	13,288,277	(1,776,342)	-11.8%
Capital Projects	73,884,810	89,603,244	15,718,434	21.3%
Enterprise	19,148,292	19,882,440	734,148	3.8%
Special Revenue	8,158,062	6,819,205	(1,338,857)	-16.4%
Total Prince George's	\$ 451,308,652	460,479,232	\$ 9,170,580	2.0%
Montgomery Funds				
Administration (4)	\$ 32,634,966	34,927,336	\$ 2,292,370	7.0%
Park (2)	112,613,946	116,879,055	4,265,109	3.8%
ALA Debt	2,068,181	2,125,166	56,985	2.8%
Subtotal Tax Supported	147,317,093	153,931,557	6,614,464	4.5%
Park Debt Service	7,440,410	6,580,058	(860,352)	-11.6%
Capital Projects	32,377,000	45,744,000	13,367,000	41.3%
Enterprise (1)	13,099,109	10,965,938	(2,133,171)	-16.3%
Property Management	1,576,671	1,657,600	80,929	5.1%
Special Revenue	7,352,429	7,052,119	(300,310)	-4.1%
Total Montgomery	\$ 209,162,712	225,931,272	\$ 16,768,560	8.0%
Combined Total	\$ 660,471,364	686,410,504	\$ 25,939,140	3.9%

(1) Includes transfer to Capital Projects Fund

(2) Includes transfer to Debt Service and Capital Projects Fund

(3) Includes transfer to Enterprise Fund and Capital Projects Fund

(4) Includes transfer to Park Fund and Special Revenue Fund

Summary of Adjustments in the FY22 Adopted Budget

The FY22 budgets, as approved by the respective County Councils, included the following adjustments from the Proposed Budget.

Montgomery County Adjustments from Proposed

Administration Fund

- ✓ Reclassification marker funding was increased by \$15,972.
- ✓ CWIT project funding was reduced in Planning by \$59,500.
- ✓ In the Commissioners' Office, office reorganization resulted in a personnel reduction of \$122,313.
- ✓ Within the Planning Department,
 - Increase of \$48,800 in salary lapse, reflecting 3 months of the new positions that were otherwise approved.
 - Reorganization between the Planning Director's Office, Mid-county Planning and Upcounty Planning; no net dollar change.
 - Reduction of \$113,500 Countywide Planning and Policy, reflecting reduced funding for the Access Management Study, Bikeway Branding, Biennial Transport monitoring and some duplicate budget items.
 - Reduction of \$16,700 in Downcounty Planning for Placemaking initiatives.
 - Reduction of \$50,961 in Information Technology and innovation for inflationary effect in supplies and services and reduction for some duplicate budget items.
 - Reduction of \$135,000 in Research and Strategic Projects of support for Commercial Space Study and E-Commerce and Logistics Assessment.
 - Reduction of \$9,141 in Support Services for commuter subsidy
- ✓ In the Department of Human Resources and Management, actuarial services and agency-wide training were reduced by a total of \$25,965.
- ✓ In the Finance Department, salary lapse was increased by \$26,982.
- ✓ In the Merit System Board, professional services were reduced by \$2,345.
- ✓ In Corporate IT, the funding for PC and peripheral refresh, and travel expense was reduced by a total of \$31,636.
- ✓ In CAS Support Services, reduction of \$58,737 in internal rent to the EOB Internal Service Fund.
- ✓ Property tax revenues have been adjusted to reflect the March 2021 assessable base estimates issued by Montgomery OMB; and the tax rate contemplated in the Proposed Budget (1.78 cents) was reduced to 1.74 cents
- ✓ To balance the Administration Fund, use of fund balance was increased by \$128,288.
- ✓ To help in the overall balancing \$225,000 was transferred to the Park Fund.

Park Fund

- ✓ Reclassification marker funding was reduced by \$88,979.
- ✓ Increase of \$102,637 in salary lapse, reflecting 3 months of the new positions that were otherwise approved.

- ✓ Increase of \$40,356 in salary lapse in Northern and Southern Parks for OBI positions.
- ✓ Reduction of \$64,610 in Public Affairs & Community Partnerships for a part-time position for the Information Center.
- ✓ Reduction of \$75,000 in Park Police for mobile data terminals.
- ✓ Reduction of \$150,000 in Facilities Management for tennis and basketball court maintenance.
- ✓ Reduction of \$283,299 in Southern Parks for a ballfield renovation inspector position, career and seasonal staffing to improve athletic fields, and seasonal funding for athletic field team.
- ✓ Reduction of \$566,886 in Support Services reflecting reductions in telecom costs, transit subsidy and reduced funding for capital equipment debt service.
- ✓ The transfer to the Debt Service Fund was reduced by \$471,000.
- ✓ CWIT project funding was reduced by \$314,300.
- ✓ Property tax revenues have been adjusted to reflect the March 2021 assessable base estimates issued by Montgomery OMB; and the tax rate contemplated in the Proposed Budget (5.70 cents) was reduced to 5.56 cents.
- ✓ To balance the Park Fund, use of fund balance was decreased by \$262,286 and \$225,000 was transferred from the Administration Fund.

Park Debt Service Fund

- ✓ Reduction of \$471,000 in debt service.

Advance Land Acquisition Debt Service Fund

- ✓ Property tax revenues have been adjusted to reflect the March 2021 assessable base estimates issued by Montgomery OMB; the tax rate remained unchanged.
- ✓ Contribution to the Advance Land Acquisition Revolving Fund was similarly adjusted.

Advance Land Acquisition Revolving Fund

- ✓ Contribution from the Advance Land Acquisition Debt Service Fund was adjusted as was the budget for land acquisition.

Capital Projects Fund

- ✓ Capital project expenditures were increased by \$10,766,000, reflecting an increase of \$1,375,000 in acquisition and \$9,391,000 in park development. This corresponds with similar increases in most revenue sources, primarily state POS funds and other state funding.

Capital Equipment Fund

- ✓ Internal debt service from the Park Fund was reduced by \$513,000.

CIO/CWIT Fund

- ✓ CWIT project funding was reduced by \$373,800.

Prince George's County Adjustments from Proposed

Administration Fund

- ✓ Reclassification marker funding was increased by \$335,119.
- ✓ A project charge was moved from Planning to the Commissioners' Office, for no net change.
- ✓ In the Planning Department, one new term contract position was added to the Director's Office for \$110,145 in support of managed lanes and Maglev studies. Council added \$2,000,000 (and 9 new positions) to Management Services, Development Review, Community Planning and County-wide Planning to enhance the annual workplan by increasing the pace of comprehensive planning.
- ✓ In the Department of Human Resources and Management, actuarial services and agency-wide training were reduced by a total of \$34,035.
- ✓ In the Finance Department, salary lapse was increased by \$40,883.
- ✓ In the Merit System Board, professional services were reduced by \$2,345.
- ✓ In Corporate IT, the funding for PC and peripheral refresh, and travel expense was reduced by a total of \$24,139.
- ✓ In CAS Support Services, reduction of \$72,488 in internal rent to the EOB Internal Service Fund.
- ✓ Property tax revenues have been adjusted to reflect the March 2021 assessable base estimates issued by the State Department of Assessments and Taxation. These estimates are higher than the estimates used in the Proposed Budget.

Park Fund

- ✓ Project charges were increased by \$112,500.
- ✓ The Bladensburg Marina was transferred to the Enterprise Fund (\$401,383).
- ✓ Annual internal rent of \$131,225 for space in the EOB was added back.
- ✓ Property tax revenues have been adjusted to reflect the March 2021 assessable base estimates issued by the State Department of Assessments and Taxation. These estimates are higher than the estimates used in the Proposed Budget.

Recreation Fund

- ✓ Project charges were increased by \$127,500.
- ✓ The subsidy to the Enterprise Fund was increased by \$340,183, reflecting the transfer of Bladensburg Marina to the Enterprise Fund.
- ✓ Property tax revenues have been adjusted to reflect the March 2021 assessable base estimates issued by the State Department of Assessments and Taxation. These estimates are higher than the estimates used in the Proposed Budget.

Capital Projects Fund

- ✓ Capital project expenditures were increased by \$30,423,244, funded by \$3,803,244 of additional state POS funds, \$25,620,000 of state bond bills and grants, and the allocation of \$1,000,000 of previously unallocated Park Fund pay-go funding.

Enterprise Fund

- ✓ Increased by \$401,383 for the Bladensburg Marina.

Attachments
M-NCPPC Resolution 21-10
Exhibits A, B, and C

cc: Joe Zimmerman, Secretary-Treasurer
Adrian Gardner, General Counsel
Department Directors



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC
RESOLUTION NO. 21-10
June 16, 2021

**ADOPTION OF THE FY 2022 COMMISSION OPERATING BUDGET
AND FY 2022 CAPITAL BUDGET**

WHEREAS, the Maryland-National Capital Park and Planning Commission (the “Commission”) has prepared and submitted its proposed FY 2022 operating budget (“the Proposed Operating Budget”) and its proposed FY 2022 capital budget (“Proposed Capital Budget”) to the County Executives of Montgomery and Prince George’s Counties in compliance with the § 18-104 of the Land Use Article of the Annotated Code of Maryland (“Land Use Article”), as amended and to the County Councils of Montgomery and Prince George’s Counties in compliance with § 18-105 of the Land Use Article; and

WHEREAS, the respective County Councils have established work programs and made certain deletions and additions to the Proposed Operating Budget, which actions are set forth in the Montgomery County Resolution 19-875, and Prince George’s County Bill CB-34-2021; and

WHEREAS, the Montgomery County Council made certain revisions to the Proposed Capital Budget, which action is set forth in Montgomery County Resolution 19-866; and

WHEREAS, the Prince George’s County Council made certain revisions to the Proposed Capital Budget, which action is set forth in the Prince George’s County Bill CB-34-2021; and

WHEREAS, the County Councils on May 13, 2021 have reviewed and together acted to approve the Bi-County budget items allocable to both counties; and

WHEREAS, the respective County Councils have acted to appropriate as the Commission’s FY 2022 operating budget (“the Operating Budget”) and FY 2022 Capital Budget certain expenditures, including those funded by grants, together totaling in the aggregate \$254,655,296 allocable to the various sources derived in Montgomery County as set forth in Exhibit A hereto and \$483,590,535 allocable to the various sources derived in Prince George’s County as set forth in Exhibit B hereto; and

WHEREAS, the Operating Budget includes the Executive Office Building and Group Health Insurance Funds as set forth in Exhibit C, which are Commission-wide Internal Service Funds funded through the operating department appropriations made by the respective County Councils for Montgomery County and Prince George's County; and

WHEREAS, the Commission does hereby delegate to the Montgomery County Planning Board and the Prince George's County Planning Board for review of expenditure plans for departments, offices and divisions within the Commission and the allocation of funds in accordance with the Operating Budget and this Resolution;

NOW, THEREFORE BE IT RESOLVED that the Commission does hereby approve and adopt the FY 2022 Operating Budget and the FY 2022 Capital Budget as set forth in Exhibit A, Exhibit B, and Exhibit C hereto; and

BE IT FURTHER RESOLVED that the Commission's Secretary-Treasurer and other officers are authorized to carry out financing for the Capital Equipment Internal Service Fund consistent with funding levels in the Operating Budget at such time and on such terms as they believe to be advantageous to the Commission without further action required by the Commission or either Planning Board; provided that the appropriate officers shall provide the Commission and each Planning Board subsequent notice of any action taken pursuant to this resolution; and

BE IT FURTHER RESOLVED that the Executive Director and Secretary-Treasurer are directed to establish the necessary controls to ensure compliance with the § 18-109 of the Land Use Article, which provides that no expenditure of funds shall be made or authorized by the Commission in excess of the approved budget amounts plus 10% thereof for each park and recreation project and for each administration or operating department or function of the Commission, and for each planning project contained in the planning work program for each county, as set forth in the approved Council Resolutions, unless approved by either or both County Councils, whichever is appropriate, and which also stipulates that the Commission may not exceed the total approved budget for each of its Funds, except for Enterprise Funds, without the prior approval by either or both County Councils, as applicable; and

BE IT FURTHER RESOLVED that in the event operational necessity requires that a budget amendment be made during the fiscal year, as outlined in § 18-108 of the Land Use Article and Budget Adjustment Practice 3-60, the budget amendment requires approval of the appropriate County Council. An amendment may change the total amount of the appropriation stated in the adopting resolutions of the County Council, or transfer more than 10% of appropriated funds from one appropriation to another. A budget may be amended by resolution by the respective county councils on their initiative or at the request of the Commission after receipt of recommendations from the respective county executives and after public hearing upon reasonable notice to the public. With

respect to budget items applicable to both counties, an amendment is not effective unless it has received the concurrence of both county councils; and

BE IT FURTHER RESOLVED that in the event operational necessity requires that budget adjustments be made during the fiscal year, as outlined in Budget Adjustment Practice 3–60, the officials and managers listed below are authorized to approve adjustments within or between budget appropriations for objects of expenditure or other levels of control within a department, division, office, or program under their direction, as those appropriations are set forth in the Operating Budget adopted by the respective County Councils and pursuant to this Resolution, provided however that any cumulative budget adjustments increasing budget control levels by an amount in excess of \$100,000 shall be reviewed and approved by the Commission and/or the appropriate Planning Board; and provided further that any budget adjustment which involves any change in the work program shall be reviewed and approved by the Commission and/or the affected Planning Board; and provided further that any budget adjustment which would result in the Commission exceeding the total approved budget for any of its Funds, except the Enterprise Funds, must have the prior approval of either or both County Councils, as applicable:

Executive Director
Secretary–Treasurer
General Counsel
Director of Parks – Montgomery County
Director of Planning – Montgomery County
Director of Parks and Recreation – Prince George's County
Director of Planning – Prince George's County
Chair – Prince George’s County Planning Board
Chair – Montgomery County Planning Board; and

BE IT FURTHER RESOLVED that the transfer of funds between departments or administrative units as listed above as adopted shall require the approval of the Commission and/or the appropriate Planning Board; and

BE IT FURTHER RESOLVED that the Office of the Secretary–Treasurer and the Budget Office are authorized to review all budget adjustments and disapprove those budget adjustments for which funds are not available or which do not comply with law or Commission fiscal policies.

APPROVED FOR LEGAL SUFFICIENCY:

Adrian Gardner
M-NCPPC Legal Department,
June 7, 2021

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY22 ADOPTED BUDGET

MONTGOMERY COUNTY

	FY22 Proposed Budget	Council Adjustments	FY22 Adopted Budget	Positions	Workyears
ADMINISTRATION FUND					
REVENUES					
Tax Revenue (Tax rates: Real = 1.74 Cents, Personal = 4.35 Cents) Assessable Base in Billions (Real/Personal): 176.145 / 3.529	32,606,000	(609,396)	31,996,604		
Taxes - Interest and Penalties	50,000	-	50,000		
Intergovernmental	565,600	-	565,600		
Charges for Service	204,700	-	204,700		
Interest Income	100,000	-	100,000		
Current Revenue	33,526,300	(609,396)	32,916,904		
Use of Fund Balance	2,908,244	128,288	3,036,532		
Total Sources	36,434,544	(481,108)	35,953,436		
EXPENDITURES					
Commissioners' Office	1,277,993	(122,313)	1,155,680	12.00	9.50
Planning Department					
Planning Director's Office	1,450,261	64,793	1,515,054		
Management Services	1,131,982	-	1,131,982		
Communications Division	1,569,622	-	1,569,622		
Countywide Planning & Policy	3,175,918	(113,500)	3,062,418		
Downcounty Planning	1,476,314	(16,700)	1,459,614		
Mid-county Planning	2,214,037	(207,135)	2,006,902		
Upcounty Planning	1,756,597	142,342	1,898,939		
Intake & Regulatory Coordination	1,227,261	(24,400)	1,202,861		
Information Technology and Innovation	3,856,262	(50,961)	3,805,301		
Research and Strategic Projects	1,211,559	(159,400)	1,052,159		
Grants	150,000	-	150,000		
Support Services	2,621,985	(68,641)	2,553,344		
Planning Total	21,841,798	(433,602)	21,408,196	151.00	120.98
Department of Human Resources and Management	2,572,736	(25,965)	2,546,771	18.92	17.07
Department of Finance	2,387,159	(26,982)	2,360,177	20.00	19.26
Legal Department	1,586,615	-	1,586,615	13.00	13.00
Merit System Board	83,426	(2,345)	81,081	0.50	0.25
Office of Inspector General	367,346	-	367,346	2.00	2.20
Corporate IT	1,573,048	(31,636)	1,541,412	8.84	8.84
Support Services	693,073	(58,737)	634,336	0.00	0.00
CAS Total	9,263,403	(145,665)	9,117,738	63.26	60.62
Non-Departmental	2,504,750	15,972	2,520,722		
Total Expenditures	34,887,944	(685,608)	34,202,336	226.26	191.10
Transfer to Special Revenue Fund	500,000	-	500,000		
Transfer to Park Fund	-	225,000	225,000		
Contingency Reserve @ 3%	1,046,600	(20,500)	1,026,100		
Total Expenditures and Uses	36,434,544	(481,108)	35,953,436		

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY22 ADOPTED BUDGET

MONTGOMERY COUNTY

	FY22 Proposed Budget	Council Adjustments	FY22 Adopted Budget	Positions	Workyears
PARK FUND					
REVENUES					
Tax Revenue (Tax Rate: Real = 5.56 cents, Personal = 13.90 cents) Assessable Base in Billions (Real/Personal): 176.145 / 3.529	104,412,500	(2,170,481)	102,242,019		
Taxes - Interest and Penalties	200,000	-	200,000		
Intergovernmental	4,165,414	-	4,165,414		
Charges for Service	2,485,547	-	2,485,547		
Rentals/Concessions	755,000	-	755,000		
Interest Income	100,000	-	100,000		
Miscellaneous Revenues	75,000	-	75,000		
Current Revenue	112,193,461	(2,170,481)	110,022,980		
Transfer from CIP	25,000	-	25,000		
Transfer from Capital Equipment Fund	-	-	-		
Transfer from Administration Fund	-	225,000	225,000		
Use of Fund Balance	10,171,261	(262,186)	9,909,075		
Total Sources	122,389,722	(2,207,667)	120,182,055		
EXPENDITURES					
Operating Divisions					
Director of Parks	1,520,603	-	1,520,603		
Public Affairs & Community Partnerships	3,660,919	(89,083)	3,571,836		
Management Services	3,036,472	(19,816)	3,016,656		
Information Technology and Innovation	2,741,175	-	2,741,175		
Park Planning and Stewardship	6,682,271	-	6,682,271		
Park Development	3,908,043	-	3,908,043		
Park Police	16,061,722	(75,000)	15,986,722		
Horticulture, Forestry & Environmental Education	10,894,804	-	10,894,804		
Facilities Management	13,697,556	(174,400)	13,523,156		
Northern Parks	11,229,092	(52,244)	11,176,848		
Southern Parks	15,724,120	(305,359)	15,418,761		
Support Services	14,226,507	(881,186)	13,345,321		
Grants	400,000	-	400,000		
Non-Departmental	8,001,780	(88,979)	7,912,801		
Total Expenditures	111,785,064	(1,686,067)	110,098,997		
Transfer to Debt Service	6,801,058	(471,000)	6,330,058		
Transfer to CIP	450,000	-	450,000		
Contingency Reserve @ 3%	3,353,600	(50,600)	3,303,000		
Total Expenditures and Uses	122,389,722	(2,207,667)	120,182,055	785.00	766.80
ADVANCE LAND ACQUISITION DEBT SERVICE FUND					
REVENUES					
Tax Revenue (Tax Rate: Real = 0.10 cents, Personal = 0.25 cents) Assessable Base in Billions (Real/Personal): 203.097 / 4.266	2,117,000	8,166	2,125,166		
Current Revenue	2,117,000	8,166	2,125,166		
Use of Fund Balance	-	-	-		
Total Sources	2,117,000	8,166	2,125,166		
EXPENDITURES					
Debt Service	135,050	-	135,050		
Total Expenditures	135,050	-	135,050		
Transfer to ALA Revolving Fund	1,981,950	8,166	1,990,116		
Total Expenditures and Uses	2,117,000	8,166	2,125,166		
TOTAL TAX-SUPPORTED FUNDS, LESS RESERVES & ALA TRANSFER	154,559,116	(2,617,675)	151,941,441	1,011.26	957.90

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY22 ADOPTED BUDGET

MONTGOMERY COUNTY

	FY22 Proposed Budget	Council Adjustments	FY22 Adopted Budget	Positions	Workyears
<u>ADVANCE LAND ACQUISITION REVOLVING FUND</u>					
REVENUES					
Interest Income	100,000	-	100,000		
Current Revenue	100,000	-	100,000		
Transfer from ALA Debt Service Fund	1,981,950	8,166	1,990,116		
Use of Fund Balance	10,467,399	-	10,467,399		
Total Sources	12,549,349	8,166	12,557,515		
EXPENDITURES					
Land	12,549,349	8,166	12,557,515		
Total Expenditures	12,549,349	8,166	12,557,515		
<u>PARK DEBT SERVICE FUND</u>					
REVENUES					
Intergovernment	200,000		200,000		
Premiums on Bonds Issued	50,000		50,000		
Transfer from Park Fund	6,801,058	(471,000)	6,330,058		
Total Sources	7,051,058	(471,000)	6,580,058		
EXPENDITURES					
Debt Service	7,051,058	(471,000)	6,580,058		
Total Expenditures	7,051,058	(471,000)	6,580,058		
<u>CAPITAL PROJECTS FUND</u>					
REVENUES					
Intergovernmental	27,678,000	12,065,000	39,743,000		
Interest	25,000	-	25,000		
Bond Proceeds	425,000	-	425,000		
Contributions	6,000,000	(1,299,000)	4,701,000		
Miscellaneous	-	-	-		
Current Revenue	34,128,000	10,766,000	44,894,000		
Transfer from Park Fund	450,000	-	450,000		
Transfer from Enterprise Fund	400,000	-	400,000		
Total Sources	34,978,000	10,766,000	45,744,000		
EXPENDITURES					
Park Acquisition & Development	34,953,000	10,766,000	45,719,000		
Total Expenditures	34,953,000	10,766,000	45,719,000		
Transfer to Park Fund	25,000	-	25,000		
Total Expenditures and Uses	34,978,000	10,766,000	45,744,000		
<u>ENTERPRISE FUND</u>					
REVENUES					
Charges for Service	12,288,055	-	12,288,055		
Interest Income	300,000	-	300,000		
Current Revenue	12,588,055	-	12,588,055		
Use of Fund Balance	(1,622,117)	-	(1,622,117)		
Total Sources	10,965,938	-	10,965,938		
EXPENDITURES					
Operations	10,565,938	-	10,565,938		
Total Expenditures	10,565,938	-	10,565,938		
Transfer to CIP	400,000	-	400,000		
Total Expenditures and Uses	10,965,938	-	10,965,938	38.00	121.30
Revenues Over/(Under) Expenditures	-	-	-		

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY22 ADOPTED BUDGET

MONTGOMERY COUNTY

	FY22 Proposed Budget	Council Adjustments	FY22 Adopted Budget	Positions	Workyears
PROPERTY MANAGEMENT FUND					
REVENUES					
Rental Revenue	1,647,600	-	1,647,600		
Interest Income	10,000	-	10,000		
Current Revenue	1,657,600	-	1,657,600		
Use of Fund Balance	-	-	-		
Total Sources	1,657,600	-	1,657,600		
EXPENDITURES					
Operating Expenditures	1,657,600	-	1,657,600	4.00	5.80
Total Expenditures	1,657,600	-	1,657,600		
SPECIAL REVENUE FUND					
REVENUES					
Intergovernmental	1,942,373	-	1,942,373		
Charges for Service	3,429,420	-	3,429,420		
Interest Income	60,000	-	60,000		
Current Revenue	5,431,793	-	5,431,793		
Transfer from Administration Fund	500,000	-	500,000		
Use of Fund Balance	1,120,326	-	1,120,326		
Total Sources	7,052,119	-	7,052,119		
EXPENDITURES					
Operations	7,052,119	-	7,052,119	0.00	38.25
Total Expenditures	7,052,119	-	7,052,119		
Revenues Over/(Under) Expenditures	-	-	-		
TOTAL OPERATING BUDGET LESS RESERVES AND ALARF	216,263,831	7,677,325	223,941,156	1,053.26	1,123.25

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY22 ADOPTED BUDGET

MONTGOMERY COUNTY

	FY22 Proposed Budget	Council Adjustments	FY22 Adopted Budget	Positions	Workyears
<u>CAPITAL EQUIPMENT INTERNAL SERVICE FUND</u>					
REVENUES					
Charges for Service	2,209,350	(513,000)	1,696,350		
Debt Proceeds	-	-	-		
Interest Income	20,000	-	20,000		
Current Revenue	2,229,350	(513,000)	1,716,350		
Transfer in	-	-	-		
Use of Fund Balance	-	-	-		
Total Sources	2,229,350	(513,000)	1,716,350		
EXPENDITURES					
Operations	1,975,186	-	1,975,186		
Debt Service	1,084,100	-	1,084,100		
Total Expenditures	3,059,286	-	3,059,286		
Transfer to Park Fund	-	-	-		
Total Expenditures and Uses	3,059,286	-	3,059,286		
Revenues Over/(Under) Expenditures	(829,936)	(513,000)	(1,342,936)		
Capital Equipment - Financed for the Parks & Planning Depts	1,800,000	-	1,800,000		
Capital Equipment - Financed for the IT Initiatives	125,000	-	125,000		
<u>CIO/CWIT INTERNAL SERVICE FUND</u>					
REVENUES					
Charges for Service	2,769,238	(373,800)	2,395,438		
Debt Proceeds	-	-	-		
Interest Income	-	-	-		
Current Revenue	2,769,238	(373,800)	2,395,438		
Use of Fund Balance	-	-	-		
Total Sources	2,769,238	(373,800)	2,395,438		
EXPENDITURES					
Operations	2,745,816	(373,800)	2,372,016		
Debt Service	-	-	-		
Total Expenditures	2,745,816	(373,800)	2,372,016	3.50	3.50
Transfer to Park Fund	-	-	-		
Total Expenditures and Uses	2,745,816	(373,800)	2,372,016		
Revenues Over/(Under) Expenditures	23,422	-	23,422		
<u>RISK MANAGEMENT INTERNAL SERVICE FUND</u>					
REVENUES					
Charges for Service	3,153,300	-	3,153,300		
Interest Income	200,000	-	200,000		
Current Revenue	3,353,300	-	3,353,300		
Use of Fund Balance	150,212	-	150,212		
Total Sources	3,503,512	-	3,503,512		
EXPENDITURES					
Operations	3,503,512	-	3,503,512	3.00	3.40
Total Expenditures	3,503,512	-	3,503,512		
Revenues Over/(Under) Expenditures	-	-	-		
<u>WHEATON HEADQUARTERS BUILDING INTERNAL SERVICE FUND</u>					
REVENUES					
Intergovernmental	1,654,477	-	1,654,477		
Charges for Service	1,248,118	-	1,248,118		
Current Revenue	2,902,595	-	2,902,595		
Use of Fund Balance	-	-	-		
Total Sources	2,902,595	-	2,902,595		
EXPENDITURES					
Operations	2,902,595	-	2,902,595		
Total Expenditures	2,902,595	-	2,902,595		
Revenues Over/(Under) Expenditures	-	-	-		
Total Montgomery County (including reserves, transfers)	247,406,539	7,248,757	254,655,296	1,059.76	1,130.15

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY22 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

	FY22 Proposed Budget	Council Adjustments	FY22 Adopted Budget	Positions	Workyears
ADMINISTRATION FUND					
REVENUES					
Tax Revenue (Tax rates: Real = 5.660 Cents, Personal = 14.150 Cents) Assessable Base in Billions (Real/Personal): 102.907 / 3.219	62,396,900	91,900	62,488,800		
Taxes - Interest and Penalties	150,000	-	150,000		
Intergovernmental	247,517	-	247,517		
Service Charges	625,000	-	625,000		
Interest Income	1,000,000	-	1,000,000		
Miscellaneous Revenue	-	-	-		
Current Revenue	64,419,417	91,900	64,511,317		
Use of Fund Balance	-	-	-		
Total Sources	64,419,417	91,900	64,511,317		
EXPENDITURES					
Commissioners' Office	3,487,679	150,000	3,637,679	16.50	14.50
Planning Department					
Director's Office	1,852,950	110,145	1,963,095		
Management Services	3,061,457	176,478	3,237,935		
Development Review	6,591,311	124,083	6,715,394		
Community Planning	5,454,091	1,460,100	6,914,191		
Information Management	6,830,133	-	6,830,133		
Countywide Planning	9,128,820	239,339	9,368,159		
Support Services	6,802,124	(150,000)	6,652,124		
Grants	-	-	-		
Planning Total	39,720,886	1,960,145	41,681,031	198.50	198.50
Department of Human Resources and Management	3,372,429	(34,035)	3,338,394	25.08	23.93
Department of Finance	2,945,326	(40,883)	2,904,443	27.00	25.74
Legal Department	1,361,563	-	1,361,563	12.00	12.00
Merit System Board	83,426	(2,345)	81,081	0.50	0.25
Office of Inspector General	364,718	-	364,718	3.00	3.30
Corporate IT	1,200,296	(24,139)	1,176,157	9.16	9.16
Support Services	865,002	(72,488)	792,514	0.00	0.00
CAS Total	10,192,760	(173,890)	10,018,870	76.74	74.38
NonDepartmental	3,059,588	335,119	3,394,707		
Total Expenditures	56,460,913	2,271,374	58,732,287	291.74	287.38
Transfer to Park Fund	-	-	-		
Transfer to Capital Projects Fund	30,000	-	30,000		
Contingency Reserve @ 5%	2,670,000	266,600	2,936,600		
Total Expenditures and Uses	59,160,913	2,537,974	61,698,887		

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY22 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

<u>PARK FUND</u>	<u>FY22 Proposed Budget</u>	<u>Council Adjustments</u>	<u>FY22 Adopted Budget</u>	<u>Positions</u>	<u>Workyears</u>
REVENUES					
Tax Revenue (Tax Rate: Real = 15.940 cents, Personal = 39.850 cents) Assessable Base in Billions (Real/Personal): 99.659 / 3.117	170,180,100	250,400	170,430,500		
Taxes - Interest and Penalties	450,000	-	450,000		
Intergovernmental	542,177	-	542,177		
Service Charges	76,100	(5,200)	70,900		
Interest Income	2,000,000	-	2,000,000		
Rentals/Concessions	2,052,335	(46,000)	2,006,335		
Miscellaneous Revenues	623,500	(10,000)	613,500		
Current Revenue	175,924,212	189,200	176,113,412		
Transfer from Admin Fund	-	-	-		
Transfer from CIP	1,000,000	-	1,000,000		
Use of Fund Balance	3,479,667	(354,758)	3,124,909		
Total Sources	180,403,879	(165,558)	180,238,321		
EXPENDITURES					
Operating Divisions					
Office of the Director	24,672,788	-	24,672,788		
Administration and Development	34,648,612	84,825	34,733,437		
Facility Operations	42,461,823	(354,983)	42,106,840		
Area Operations	21,462,404	-	21,462,404		
NonDepartmental	8,935,875	112,500	9,048,375		
Total Expenditures	132,181,502	(157,658)	132,023,844		
Transfer to Debt Service	13,063,277	-	13,063,277		
Transfer to CIP	28,550,000	-	28,550,000		
Contingency Reserve @ 5%	6,609,100	(7,900)	6,601,200		
Total Expenditures and Uses	180,403,879	(165,558)	180,238,321	816.00	1,033.86

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY22 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

	FY22 Proposed Budget	Council Adjustments	FY22 Adopted Budget	Positions	Workyears
RECREATION FUND					
REVENUES					
Tax Revenue (Tax Rate: Real = 7.800 cents, Personal = 19.500 cents)	88,969,100	131,000	89,100,100		
Assessable Base in Billions (Real/Personal): 106.474 / 3.331					
Taxes - Interest and Penalties	200,000	-	200,000		
Intergovernmental	265,306	-	265,306		
Service Charges	7,442,386	-	7,442,386		
Rentals/Concessions	997,448	-	997,448		
Interest Income	1,000,000	-	1,000,000		
Miscellaneous Revenues	78,320	-	78,320		
Current Revenue	98,952,560	131,000	99,083,560		
Use of Fund Balance	3,467,315	360,083	3,827,398		
Total Sources	102,419,875	491,083	102,910,958		
EXPENDITURES					
Operating Divisions					
Administration and Development	11,886,278	-	11,886,278		
Facility Operations	22,817,234	-	22,817,234		
Area Operations	36,383,401	-	36,383,401		
Non-Departmental	6,249,565	127,500	6,377,065		
Total Expenditures	77,336,478	127,500	77,463,978		
Transfer to Enterprise Fund	10,682,497	340,183	11,022,680		
Transfer to Capital Projects Fund	10,000,000	-	10,000,000		
Contingency Reserve @ 5%	4,400,900	23,400	4,424,300		
Total Expenditures and Uses	102,419,875	491,083	102,910,958	314.00	1,155.96
ADVANCE LAND ACQUISITION DEBT SERVICE FUND					
REVENUES					
Tax Revenue (Tax Rate: Real = 0.00 cents, Personal = 0.00 cents)	-	-	-		
Assessable Base in Billions (Real/Personal): 106.474 / 3.331					
Use of Fund Balance	-	-	-		
Total Sources	-	-	-		
EXPENDITURES					
Debt Service	-	-	-		
Total Expenditures	-	-	-		
Transfer to ALA Revolving Fund	-	-	-		
Total Expenditures and Uses	-	-	-		
TOTAL TAX-SUPPORTED FUNDS, LESS RESERVES & ALA TRANSFER	328,304,667	2,581,399	330,886,066	1,421.74	2,477.20

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY22 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

	FY22 Proposed Budget	Council Adjustments	FY22 Adopted Budget	Positions	Workyears
ADVANCE LAND ACQUISITION REVOLVING FUND					
REVENUES					
Interest Income	-	-	-		
Transfer from ALA Debt Service Fund	-	-	-		
Use of Fund Balance	304,715	-	304,715		
Total Sources	304,715	-	304,715		
EXPENDITURES					
Land	304,715	-	304,715		
Total Expenditures and Uses	304,715	-	304,715		
PARK DEBT SERVICE FUND					
REVENUES					
Premiums on Bonds Issued	225,000	-	225,000		
Transfer from Park Fund	13,063,277	-	13,063,277		
Total Sources	13,288,277	-	13,288,277		
EXPENDITURES					
Debt Service	13,288,277	-	13,288,277		
Total Expenditures	13,288,277	-	13,288,277		
CAPITAL PROJECTS FUND					
REVENUES					
Intergovernmental	3,000,000	29,423,244	32,423,244		
Interest/Contribution	3,000,000	-	3,000,000		
Bond Proceeds	15,600,000	-	15,600,000		
Miscellaneous	-	-	-		
Current Revenue	21,600,000	29,423,244	51,023,244		
Transfer from Park Fund	28,550,000	-	28,550,000		
Transfer from Recreation Fund	10,000,000	-	10,000,000		
Transfer from Administration Fund	30,000	-	30,000		
Use of Fund Balance	-	-	-		
Total Sources	60,180,000	29,423,244	89,603,244		
EXPENDITURES					
Park Acquisition & Development	58,180,000	30,423,244	88,603,244		
Total Expenditures	58,180,000	30,423,244	88,603,244		
Transfer to Park Fund	1,000,000	-	1,000,000		
Total Expenditures and Uses	59,180,000	30,423,244	89,603,244		
ENTERPRISE FUND					
REVENUES					
Charges for Service	8,598,560	61,200	8,659,760		
Interest Income	200,000	-	200,000		
Current Revenue	8,798,560	61,200	8,859,760		
Transfers from Recreation Fund	10,682,497	340,183	11,022,680		
Total Sources	19,481,057	401,383	19,882,440		
EXPENDITURES					
Operations	19,481,057	401,383	19,882,440		
Total Expenditures and Uses	19,481,057	401,383	19,882,440	69.00	267.80
Revenues Over/(Under) Expenditures	-	-	-		
SPECIAL REVENUE FUND					
REVENUES					
Intergovernmental	950,000	-	950,000		
Charges for Service	5,591,987	-	5,591,987		
Interest Income	105,500	-	105,500		
Miscellaneous	157,218	-	157,218		
Current Revenue	6,804,705	-	6,804,705		
Transfer from Administration Fund	-	-	-		
Use of Fund Balance	14,500	-	14,500		
Total Sources	6,819,205	-	6,819,205		
EXPENDITURES					
Operations	6,819,205	-	6,819,205		
Total Expenditures	6,819,205	-	6,819,205		
Transfer to CIP	-	-	-		
Total Expenditures and Uses	6,819,205	-	6,819,205	0.00	189.10
Revenues Over/(Under) Expenditures	-	-	-		
TOTAL OPERATING BUDGET LESS RESERVES AND ALARF	427,073,206	33,406,026	460,479,232	1,490.74	2,934.10

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY22 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

	FY22 Proposed Budget	Council Adjustments	FY22 Adopted Budget	Positions	Workyears
<u>CAPITAL EQUIPMENT INTERNAL SERVICE FUND</u>					
REVENUES					
Charges for Service	166,250	-	166,250		
Debt Proceeds	-	-	-		
Interest Income	-	-	-		
Current Revenue	166,250	-	166,250		
Use of Fund Balance	-	-	-		
Total Sources	166,250	-	166,250		
EXPENDITURES					
Operations	153,804	-	153,804		
Debt Service	-	-	-		
Total Expenditures	153,804	-	153,804		
Revenues Over/(Under) Expenditures	12,446	-	12,446		
Capital Equipment - Financed for Park & Rec	-	-	-		
Capital Equipment - Financed for IT Initiatives	-	-	-		
<u>CIO/CWIT INTERNAL SERVICE FUND</u>					
REVENUES					
Charges for Service	3,715,956	-	3,715,956		
Debt Proceeds	-	-	-		
Interest Income	-	-	-		
Current Revenue	3,715,956	-	3,715,956		
Use of Fund Balance	-	-	-		
Total Sources	3,715,956	-	3,715,956		
EXPENDITURES					
Operations	3,609,371	-	3,609,371		
Debt Service	-	-	-		
Total Expenditures	3,609,371	-	3,609,371	3.50	3.50
Revenues Over/(Under) Expenditures	106,585	-	106,585		
Capital Equipment - Financed for IT Initiatives	-	-	-		
<u>RISK MANAGEMENT INTERNAL SERVICE FUND</u>					
REVENUES					
Charges for Service	4,354,100	-	4,354,100		
Claims Recovery	-	-	-		
Interest Income	400,000	-	400,000		
Current Revenue	4,754,100	-	4,754,100		
Use of Fund Balance	327,213	-	327,213		
Total Sources	5,081,313	-	5,081,313		
EXPENDITURES					
Operations	5,081,313	-	5,081,313	3.00	3.40
Total Expenditures	5,081,313	-	5,081,313		
Revenues Over/(Under) Expenditures	-	-	-		
Total Prince George's County (including reserves, transfers)	449,902,409	33,688,126	483,590,535	1,497.24	2,941.00

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY22 ADOPTED BUDGET

COMMISSION-WIDE FUNDS

	FY22 Proposed Budget	Council Adjustments	FY22 Adopted Budget	Positions	Workyears
<u>EXECUTIVE OFFICE INTERNAL SERVICE FUND</u>					
REVENUES					
Charges For Service	1,406,080	-	1,406,080		
Interest Income	50,000	-	50,000		
Current Revenue	1,456,080	-	1,456,080		
Use of Fund Balance	45,125	-	45,125		
Total Sources	1,501,205	-	1,501,205		
EXPENDITURES					
Operating Expenses	1,501,205	-	1,501,205	2.00	2.00
Revenues Over/(Under) Expenditures	-	-	-		
<u>GROUP HEALTH INSURANCE FUND</u>					
REVENUES					
Intergovernmental	2,000,000	-	2,000,000		
Charges For Service	68,889,849	-	68,889,849		
Interest Income	200,000	-	200,000		
Total Sources	71,089,849	-	71,089,849		
EXPENDITURES					
Operating Expenditures	71,322,028	-	71,322,028		
Total Expenditure	71,322,028	-	71,322,028	6.00	6.20
Transfer to MC Capital Equipment ISF	-	-	-		
Total Expenditure and Uses	71,322,028	-	71,322,028		
Revenues Over/(Under) Expenditures	(232,179)	-	(232,179)		
Total Commission-wide Funds	72,823,233	-	72,823,233	8.00	8.20
Montgomery County Funds	247,406,539	7,248,757	254,655,296	1,059.76	1,130.15
Prince George's County Funds	449,902,409	33,688,126	483,590,535	1,497.24	2,941.00
Commission-wide Funds	72,823,233	-	72,823,233	8.00	8.20
TOTAL ALL FUNDS (includes reserves)	770,132,181	40,936,883	811,069,064	2,565.00	4,079.35

MEMORANDUM




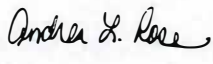
EMPLOYEES' RETIREMENT SYSTEM
 The Maryland-National Capital Park and Planning Commission
 6611 Kenilworth Avenue, Suite 100
 Riverdale, Maryland 20737

(301) 454-1415 - Telephone
 (301) 454-1413 - Facsimile
<http://ers.mncppc.org>

Andrea L. Rose
 Administrator

To: The Commission Date: May 14, 2021

Via: Elizabeth M. Hewlett
 Chairman, Board of Trustees 

From: Andrea L. Rose, Administrator 
 Sheila S. Joynes, Accounting Manager

Subject: *Recommendation for Approval of the FY2022 Operating Budget for the Employees' Retirement System*

RECOMMENDATION

The Board of Trustees ("Board") of the Maryland-National Capital Park and Planning Commission ("Commission") Employees' Retirement System ("ERS") respectfully submits the FY2022 Operating Budget for approval. The budget totals \$2,724,685 which is a 13.1% decrease from FY2021.

BACKGROUND

The Commission established the ERS effective July 1, 1972, in accordance with the Trust Agreement between the Commission and the ERS' Board. The Board's primary responsibility is to administer the ERS for the sole benefit of the members to pay the promised benefits.

Annually, the Board prepares and presents an operating budget setting forth projected expenditures for the operation of the ERS for the Commission's review and approval. The Board also prepares certain projected expenses, including banking, investment consulting and investment manager fees for the Commission's information. The Board monitors closely the fees and expenses from consultants and professional advisors.

Although there is no formal restriction or budget guideline imposed by parties outside the Board, the Board is sensitive to the limitations imposed on the Commission by the two counties. Annually, the Board approves an operating budget based on effectively managing the ERS' fiscal work program requirements which is consistent with other local retirement systems.

ANALYSIS

Staff examined each expenditure category and its funding. The FY2022 Operating Budget (Attachment 1) proposes overall spending at \$2,724,685 based on the work program requirements reflected below. The FY2022 Operating Budget is a decrease of 13.1% in spending from FY2021.

Personnel Services

The ERS staff consists of nine full-time employees and one part-time employee. The FY2022 Operating Budget includes a placeholder for salary adjustments and potential position reclassifications due to the Commission's Classification and Compensation Study. The employer pension contribution increased from 12.83% in FY2021 to 14.01% in FY2022 for the defined benefit plan. OPEB costs are projected to decrease by 11.2% from FY2021.

Other Services & Charges

This category nets to an overall increase of 15.4% and includes actuarial, auditing and tax consulting, legal, computer consulting and education and training as detailed below.

Actuarial Services

Actuarial services are estimated at \$77,000 (a decrease of 12.0% from FY2021) and includes funding for the annual actuarial valuation, actuarial deficiency calculations for transfers, review of the actuarial equivalence factors and actuarial deficiency assumptions, training, annual review of the investment and salary assumption, and additional work required for GASB Statement No. 67 and 68. The decrease in fees is because FY2021 included funding for an actuarial experience study resulting in higher fees.

Auditing & Tax Consulting Services

Auditing & Tax Consulting Services is projected at \$30,170 (a decrease of 24.5% from FY2021) and includes funding for the annual audit, tax advice related to the ERS' alternative investments, review of all K-1s, and assistance in navigating the filing and disclosure requirements for the ERS' international investments. The decrease in fees in FY2022 is due to issuance of a Request or Proposal and retention of the incumbent firm which resulted in lower annual fees.

Legal Services

Legal services for outside pension counsel are projected at \$172,500 (no increase from FY2021) and includes issues related to the new alternative investment structures, plan member issues, and maintenance of the ERS' tax qualified status. The robust funding for outside counsel affords the Administrator the flexibility to use outside counsel for specialized or high priority matters and for issues related to the increase in existing alternative investment structure. In FY2022, staff will be working closely with outside counsel on eDelivery via the ERS' new Member Direct portal which will include ensuring the cyber insurance policy provides coverage for same.

Education & Training

Education & Training for the Board and Staff is important to maintain the highest standards of fiduciary responsibility. Training is budgeted at \$31,250 (no increase from FY2021) and includes staff travel related to attendance at the new pension software vendor's annual

conference for staff. For every attendee who participates for the entire conference, the vendor awards 10 free support hours. In this case the ERS would receive 30 hours which is worth \$4,500 (based on a support rate of \$150/hr.). Training for staff and trustees remains dependent upon travel restrictions due to COVID-19 in FY2022.

Rent

The ERS reimburses the Commission for rent with an increase of 4% FY2021 to FY2022.

Chargebacks, Capital Outlay & Additional Information

The Commission's General Counsel's office provides legal services to the ERS in the areas of contract review and negotiation, litigation oversight, employee appeals and general plan advice. The ERS reimburses the General Counsel's Office through a chargeback of \$64,200 for these services.

The Board renegotiated a Memorandum of Understanding (MOU) with the Commission's Chief Technology Officer and team to provide the full range of technology services to the ERS for a chargeback of \$139,596 in FY2022 which is a 1.5% increase from FY2021.

Pension Administration Software Project

The new Pension Administration Software Project kicked off in January 2020. This project was approved by the ERS Board and the Commission last year for an overall seven-year total cost of ownership of \$2,480,774. The total cash outlay for FY2022 is expected to be \$416,512 including capital outlay of \$244,538 which will be amortized over the life of the software. The additional budgeted amount of \$157,474 for FY2022 includes maintenance, support and hosting fees. Phase 3 of the project is document imaging with estimated additional costs of \$115,000 which includes scanning, indexing, imaging, exporting and migrating costs for all existing member files.

FY2022 Investment Services

Attachment 2 estimates fees for bank custodial services provided by The Northern Trust Company of Chicago, Illinois; investment consulting services provided by Wilshire Associates of Pittsburgh, Pennsylvania; and investment management services provided by investment managers. Investment manager fees fluctuate based on the market value of the portfolio.

Attachments

1. FY2022 Operating Budget
2. FY2022 Investment Services

**The Maryland-National Capital Park and Planning Commission
Employees' Retirement System**

FY 2022 Operating Budget

	FY2019	FY2020	FY 2021		FY 2022		Variance	
	Actual as of 30-Jun-19	Actual as of 30-Jun-20	Budget	Actual as of 28-Feb-21	Projected as of 6/30/21	Proposed	Amount	%
PERSONNEL SERVICES:								
SALARIES-FULL TIME	850,672	776,558	886,129	528,095	818,300	942,394	56,265	6.3%
SALARIES-PART TIME	0	14,672	54,352	29,001	45,000	52,395	(1,957)	-3.6%
NON CAREER	0	26,262	0	0	0	0	0	0.0%
TOTAL SALARIES	850,672	817,492	940,481	557,096	863,300	994,789	54,308	5.8%
EMPLOYEE BENEFITS								
EMPLOYEE BENEFITS	299,989	250,920	329,322	137,629	278,000	359,244	29,922	9.1%
OPEB BENEFITS	22,250	26,321	24,723	0	24,723	27,500	2,777	11.2%
RETIREE BENEFITS	14,494	21,864	23,522	11,201	22,408	23,534	12	0.1%
TOTAL BENEFITS	336,733	299,105	377,567	148,830	325,131	410,278	32,711	8.7%
ACCRUED LEAVE	0	6,213	9,104	0	12,627	23,224	14,120	155.1%
TOTAL PERSONNEL SERVICES	1,187,405	1,122,810	1,327,152	705,926	1,201,058	1,428,291	101,139	7.6%
SUPPLIES & MATERIALS:								
OFFICE SUPPLIES & FURNITURE	4,787	4,408	6,500	1,226	6,500	6,500	0	0.0%
COMPUTER SUPPLIES	46,047	0	10,000	0	0	10,000	0	0.0%
TOTAL SUPPLIES & MATERIALS	50,834	4,408	16,500	1,226	6,500	16,500	0	0.0%
OTHER SERVICES & CHARGES:								
PROFESSIONAL SERVICES:								
Actuarial	49,415	43,913	87,520	24,630	87,520	77,000	(10,520)	-12.0%
Auditing & Tax Consulting	25,642	23,101	39,958	16,608	39,958	30,170	(9,788)	-24.5%
Legal	48,930	82,880	172,500	33,712	165,000	172,500	0	0.0%
Computer Consulting	2,316	41,207	65,084	65,084	65,084	65,084	0	0.0%
TRUSTEES	4,403	277	18,000	600	600	18,000	0	0.0%
EDUCATION AND TRAINING	9,390	1,386	31,250	600	600	31,250	0	0.0%
ADVERTISING	0	375	1,000	0	0	2,000	1,000	100.0%
COMMUNICATIONS	0	1,624	1,500	0	1,500	1,500	0	0.0%
POSTAGE	2,961	2,812	5,000	198	5,000	5,000	0	0.0%
INSURANCE	43,658	45,239	48,106	55,975	58,189	64,000	15,894	33.0%
MEMBERSHIPS AND SUBSCRIPTIONS	2,300	1,635	3,000	1,635	1,635	3,000	0	0.0%
MISCELLANEOUS SERVICES:								
Contractual Services	275	0	0	2037	6,354	43,646	43,646	0.0%
Payroll Services	4,086	3,866	4,280	3,190	4,280	4,280	0	0.0%
PRINTING & BINDING & IMAGING	0	0	500	0	0	115,000	114,500	22900.0%
RENT:								
Office	108,680	108,680	108,680	72,453	108,680	113,027	4,347	4.0%
Copier	6,827	1,555	5,000	0	5,000	5,000	0	0.0%
MAINTENANCE/LICENSING	26,215	34,073	117,684	91,621	117,684	94,603	(23,081)	-19.6%
OTHER	3,215	3,097	4,500	1,204	4,500	4,500	0	0.0%
TOTAL OTHER SERVICES & CHARGES	333,909	395,443	695,562	368,948	670,984	831,560	135,998	19.6%
CHARGEBACKS-M-NCPPC:								
CHARGEBACKS-IT	67,750	67,750	137,533	0	137,533	139,596	2,063	1.5%
CHARGEBACKS-LEGAL	64,200	64,200	64,200	0	64,200	64,200	0	0.0%
TOTAL CHARGEBACKS	131,950	131,950	201,733	0	201,733	203,796	2,063	1.0%
Total	1,704,098	1,654,610	2,240,947	1,076,100	2,080,275	2,480,147		
CAPITAL OUTLAY:								
CAPITAL OUTLAY:	0	244,538	892,730	325,100	983,758	244,538	-648,192	-72.6%
TOTAL CAPITAL OUTLAY	0	244,538	892,730	325,100	983,758	244,538	-648,192	-72.6%
TOTAL	1,704,098	1,899,148	3,133,677	1,401,200	3,064,033	2,724,685	-408,992	-13.1%

**The Maryland-National Capital Park and Planning Commission
Employees' Retirement System**

FY 2022 Investment Services

	<u>Actual FY 2018</u>	<u>Actual FY 2019</u>	<u>Actual FY 2020</u>	<u>Estimated FY 2021</u>	<u>Estimated FY 2022</u>	% Increase
Bank Custodial Services	\$ 298,739	\$ 298,154	\$ 292,885	\$ 301,672	\$ 310,722	3.00%
Investment Consulting Services	\$ 193,000	\$ 198,539	201,815	\$ 203,127	\$ 207,500 ⁽²⁾	2.15%
Investment Management Services	\$ 3,004,905	\$ 2,889,590	\$ 2,621,535	\$ 3,000,000	\$ 3,150,000 ⁽¹⁾	5.00%
Total	<u>\$ 3,496,644</u>	<u>\$ 3,386,283</u>	<u>\$ 3,116,235</u>	<u>\$ 3,504,799</u>	<u>\$ 3,668,222</u>	4.66%

(1) Investment manager fees fluctuate based on the market value of the portfolio. The market value per Wilshires' report as of December 31, 2020 was \$1,050,852,204. Estimated fees of 36.0 basis points are based on a 6.85% return assumption for 2020 and a 6.80% return for 2021 with no further assumption rate change for 2021.

(2) Investment Consulting services include fees for the primary investment consultant, Wilshire Associates' - Agreed upon new 2018 Fees.

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Commission No. 21-13

RESOLUTION

Grant Application: Rebuilding American Infrastructure with Sustainability and Equity

WHEREAS, The Maryland-National Capital Park and Planning Commission (“Commission”) seeks to improve the Capital Trails Network in order to facilitate bicycling and walking, to improve access and mobility for individuals with disabilities, and to enhance safety and connectivity throughout neighborhoods in Prince George’s and Montgomery Counties; and

WHEREAS, the Commission wishes complete critical gaps and fill in missing connections in the Capital Trails Network with seven (7) capital projects: Sligo Creek, Central Avenue Connector Trail, and Prince George’s Connector / Anacostia Gateway in Prince George’s County, and Sligo Creek, Rock Creek Trail, Northwest Branch Trail, and Wayfinding & Emergency response signage in Montgomery County (collectively, “Projects”); and

WHEREAS, the United States Department of Transportation (“USDOT”) is now soliciting applications for Rebuilding American Infrastructure with Sustainability and Equity (“RAISE”) grants pursuant to the Consolidated Appropriations Act, 2021; and

WHEREAS, USDOT will award RAISE grants on a competitive basis for capital surface transportation infrastructure projects that will have a significant local or regional impact; and

WHEREAS, the Commission wishes to empower staff of Prince George’s County Department of Parks and Recreation and Montgomery Parks to work together to apply for a RAISE grant in the name of the Commission in an amount up to \$25 million in order to assist the Commission in funding the Projects that would otherwise be funded by Commission capital improvement funds or other funds over which the Commission has oversight; and

WHEREAS, according to the RAISE grant Notice of Funding Opportunity, the federal share of project costs may not exceed 80 percent, so the Commission must contribute at least 20% of the project cost from non-federal sources including State funds originating from programs funded by State revenue, local funds originating from State or local revenue-funded programs, or private funds. The Commission intends to contribute 30% to 50%, in excess of the required 20%, to make the application more competitive.

NOW, THEREFORE BE IT RESOLVED that Commission staff may apply in the name of the Commission for a grant (including all understandings and assurances contained in such application) from United States Department of Transportation in order to assist the Commission in funding the Projects; and

FURTHER RESOLVED, that the Commission approves matching funds in the amount of at least \$7,400,000 but up to \$18,500,000; and

BE IT FURTHER RESOLVED, that in connection with the transactions contemplated herein, the Executive Director, Secretary-Treasurer and other appropriate officers of the agency are authorized to execute and deliver, on behalf of the Commission, any and all such agreements, certificates, and/or instruments, and to do or cause to be done, any and all such acts, as the Executive Director, Secretary-Treasurer or other appropriate officer of the agency deems necessary or appropriate to make effective or to implement the intended purposes of the foregoing resolutions, without limitation, and the taking of such actions shall be deemed conclusively to be authorized hereby.

Approved as to Legal Sufficiency

_____Kristen O. Maneval_____
M-NCPPC Legal Department
Date: __June 9, 2021_____



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC Resolution Number 21-11

FISCAL YEAR 2022 WAGE ADJUSTMENT FOR THE PARK POLICE BARGAINING UNIT

WHEREAS, the Maryland-National Capital Park and Planning Commission submitted its proposed Fiscal Year 2022 operating and capital budget to the Montgomery and Prince George's County Councils in compliance with §18-105 of the Land Use Article of the Annotated Code of Maryland;

WHEREAS, on May 13, 2021, the respective County Councils reviewed and together acted to approve the Bi-County budget items allocable to both counties, which with regard to compensation and benefit adjustments authorized compensation adjustments within the total dollars proposed by the Maryland-National Capital Park and Planning Commission ("Commission");

WHEREAS, §16-301 et seq. of the Land Use Article of the Annotated Code of Maryland requires the Maryland-National Capital Park and Planning Commission (the "Commission") to engage in collective bargaining for certain employees and under specified circumstances;

WHEREAS, eligible Commission employees are organized into the Park Police Bargaining Unit and have elected the Fraternal Order of Police Lodge No. 30 ("FOP") to be their exclusive representative for the purpose of collective bargaining with the Commission;

WHEREAS, the FOP has a Collective Bargaining Agreement with the Commission, effective February 1, 2020, through January 31, 2023 ("Agreement"), which called for reopener negotiations on certain issues related to Fiscal Year 2022. A tentative agreement has now been reached between the Commission and the FOP addressing certain Fiscal Year 2022 wage adjustments for represented Park Police Officers;

NOW THEREFORE, BE IT RESOLVED that the Commission hereby adopts the negotiated Fiscal Year 2022 compensation adjustments for Park Police Officers serving in the Park Police Bargaining Unit and active on the effective date of the wage adjustments:

- 1) For Fiscal Year 2022, a regular Merit pay increment (step increase) of up to 3.5% effective the first pay period after an employee's anniversary date.
- 2) For Fiscal Year 2021, a make-up regular Merit pay increment (step increase) of up to 3.5%. This increment shall be awarded to eligible officers effective the final pay period of Fiscal Year 2022. The increase will go into effect on this date but will not be calculated retroactively.
- 3) Implementation of existing Additional Service Increments (ASIs) for Fiscal Year 2022. ASI will be granted to officers eligible for this benefit.
- 4) A make-up ASI for Fiscal Year 2021 will be provided to officers who were otherwise eligible for the ASI during that period. This ASI will be effective the final pay period of Fiscal Year 2022; and.

- 5) Adjustment in pay schedule: The step increase for Step P (for Officers at the rank of PO2, PO3, and PO4) and Steps P & Q (for Officers at the rank of PO5) will be adjusted to 3.5% from the existing 2.5% level. This change will be effective at the start of the final pay period of Fiscal Year 2022.

BE IT FURTHER RESOLVED that upon the effectiveness of the changes all previous versions of the pay schedule shall be rescinded; and

BE IT FURTHER RESOLVED that the Commission does hereby authorize the Executive Director to take action as may be necessary to implement this resolution.

Ab/Resolution 21-11

APPROVED FOR LEGAL SUFFICIENCY:

William Dickerson,
M-NCPPC Legal Department
June 4, 2021



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC Resolution 21-12

Approval of the Fiscal Year 2022 Wage Adjustments for Officers
at the Command Ranks of Lieutenant, Captain and Commander

WHEREAS, §16-302 of the Land Use Article of the Annotated Code of Maryland requires the Maryland-National Capital Park and Planning Commission (the “Commission”) to engage in collective bargaining for certain employees and under specified circumstances; and

WHEREAS, eligible Commission employees are organized into the Park Police Bargaining Unit and have elected the Fraternal Order of Police Lodge No. 30 (“FOP”) to be their exclusive representative for the purpose of collective bargaining with the Commission; and

WHEREAS, the FOP has a Collective Bargaining Agreement with the Commission, effective February 1, 2020, through January 31, 2023 (“Agreement”), which called for reopener negotiations on certain issues related to Fiscal Year 2022.

WHEREAS the tentative agreement reached between the Commission and the FOP related to Fiscal Year 2022 includes certain wage adjustments which affect the compensation structure for all park police.

WHEREAS, Park Police Command Officers are non-represented Merit System employees, not subject to the Agreement; and

WHEREAS, contingent on the final ratification of the FOP tentative agreement by both the Commission and the FOP, the Commission desires to maintain consistency in certain economic terms across all Park Police.

NOW, THEREFORE BE IT RESOLVED that the Commission hereby adopts a pass through of specific economic terms and hereby authorizes the Executive Director to implement the following actions for eligible Command Rank Officers:

- 1) For Fiscal Year 2022, a regular Merit pay increment (step increase) of up to 3.5% effective the first pay period after an employee’s anniversary date.
- 2) For Fiscal Year 2021, a make-up regular Merit pay increment (step increase) of up to 3.5%. This increment shall be awarded to eligible officers effective the final pay period of Fiscal Year 2022. The increase will go into effect on this date but will not be calculated retroactively.

Resolution 21-12 AB

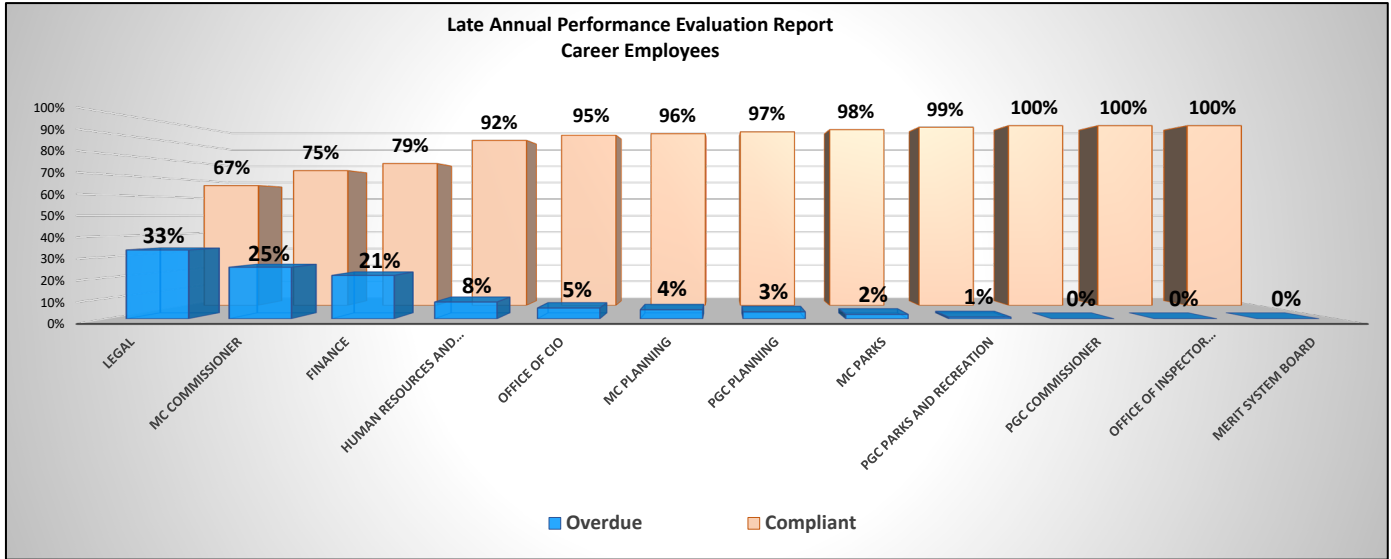
APPROVED FOR LEGAL SUFFICIENCY:

William Dickerson,
M-NCPPC Legal Department
June 4, 2021

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
BY DEPARTMENT AS OF MAY 2021**

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	<u>Apr-21</u>	<u>May-21</u>	<u>Apr-21</u>	<u>May-21</u>	<u>Apr-21</u>	<u>May-21</u>	<u>Apr-21</u>	<u>May-21</u>
CHAIRMAN, MONTGOMERY COUNTY	1	1	0	0	0	0	1	1
CHARIMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	1	0	0	1	0	1	1
OFFICE OF INSPECTOR GENERAL	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	1	1	0	0	3	3	3	4
LEGAL DEPARTMENT	0	5	0	1	2	1	4	7
FINANCE DEPARTMENT	4	2	1	3	3	3	8	8
PRINCE GEORGE'S PLANNING	3	6	0	0	0	0	3	6
PRINCE GEORGE'S PARKS & RECREATION	5	9	0	0	0	0	5	9
MONTGOMERY COUNTY PARKS	8	15	0	0	0	0	8	15
MONTGOMERY COUNTY PLANNING	2	6	0	0	0	0	2	6
DEPARTMENT TOTAL BY DAYS LATE	24	46	1	0	9	7		
COMMISSION-WIDE TOTAL							35	57

**DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.



*Data As Of May 31, 2021

Employee Count Department	Evaluation Status		Total Employees
	Overdue	Compliant	
Finance	8	30	38
Human Resources and Mgt	4	45	49
Legal	7	14	21
MC Commissioner	1	3	4
MC Parks	15	671	686
MC Planning	6	130	136
Merit System Board		1	1
Office of CIO	1	18	19
Office of Inspector General		4	4
PGC Commissioner		9	9
PGC Parks and Recreation	9	1,048	1,057
PGC Planning	6	170	176
Total Employees	57	2,143	2,200

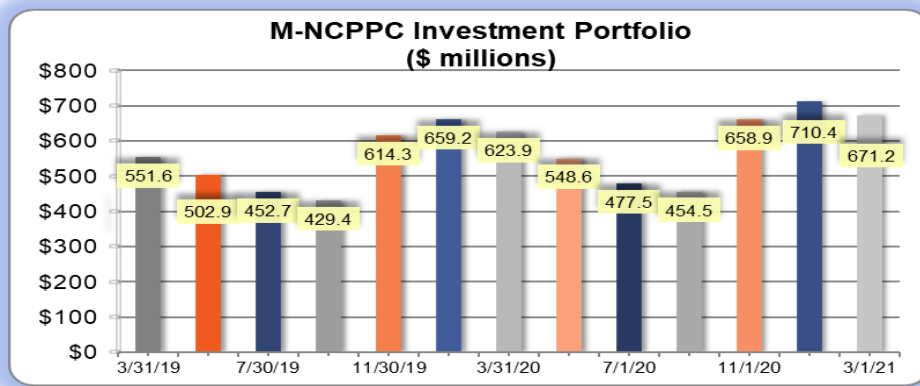


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 CORPORATE TREASURY & INVESTMENTS, FINANCE DEPARTMENT
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737
 Telephone (301) 454-1592 / Fax (301) 454-1637

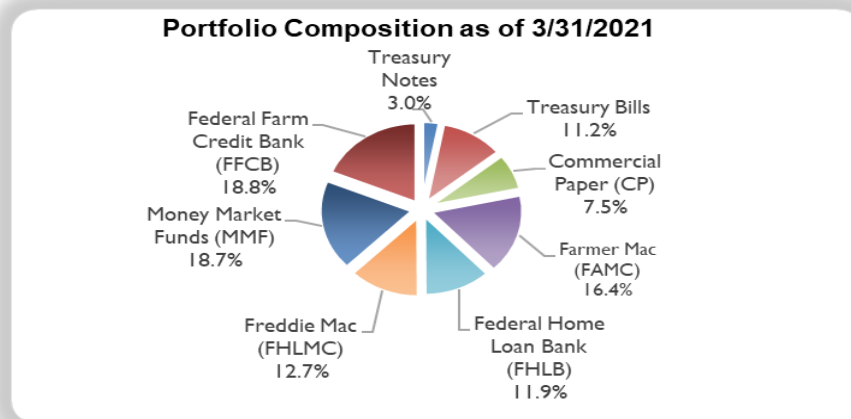
MEMO

TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Tanya Hankton, Corporate Treasury & Investments Manager *T.H.*
DATE: 4/9/2021
SUBJECT: Investment Report – **March 2021**

The Commission’s pooled cash investment portfolio totaled \$671.2 million as of March 31, 2021, with a 4.4% decrease from February 28, 2021. Details are as follows:



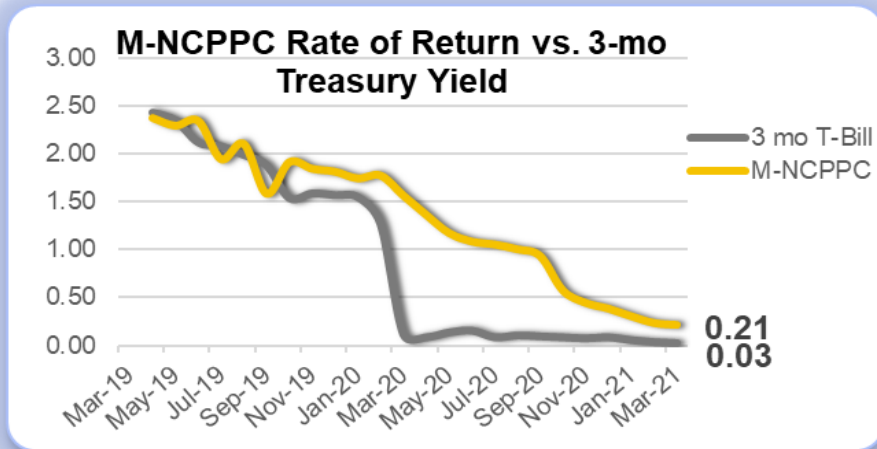
The composition of the pooled cash portfolio as of March 31, 2021 is summarized below:



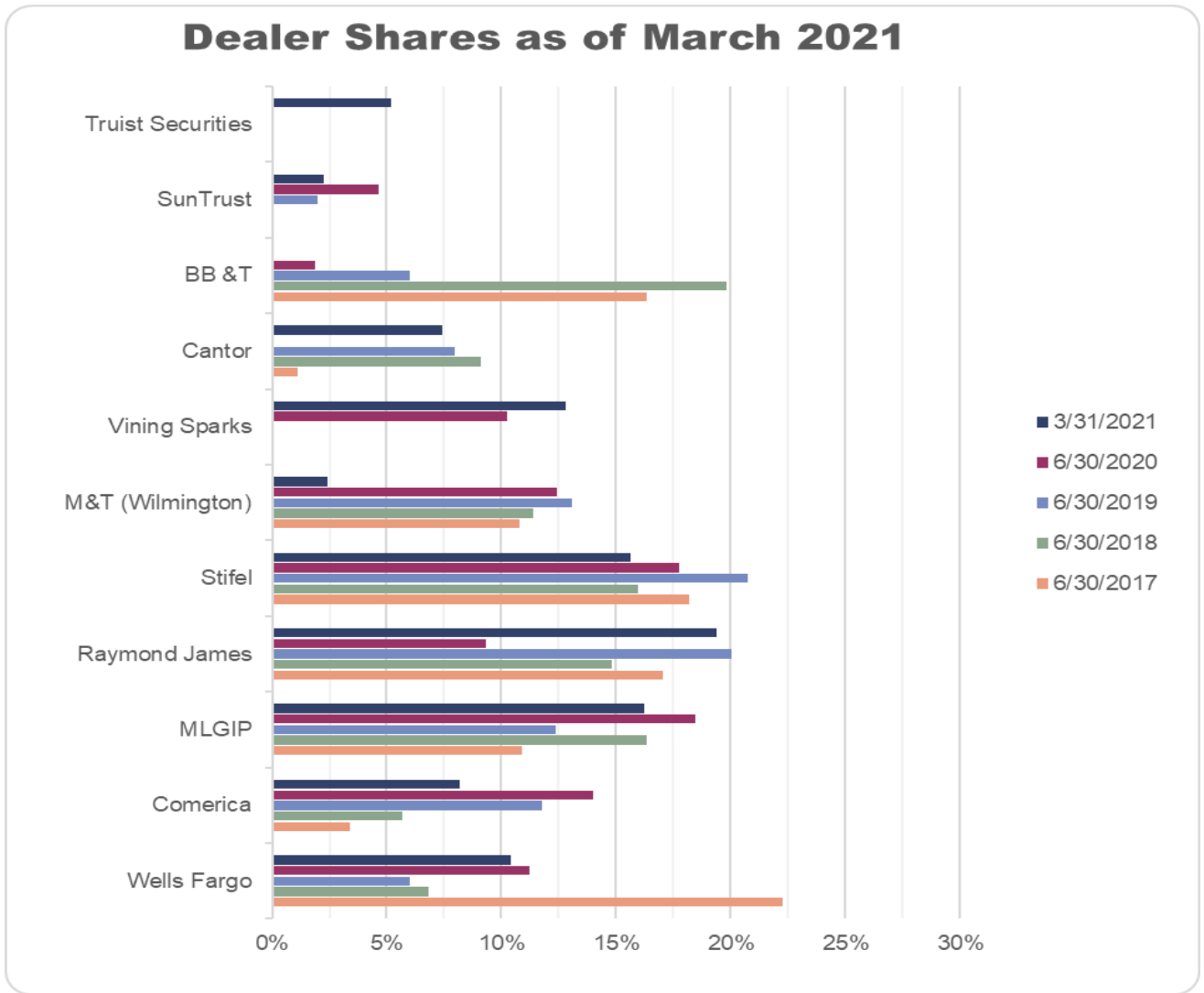
Current Investment Portfolio - March 2021					
Instrument	Policy	Actual	Par Value	Wtd. Avg.	
Federal Farm Credit Bank	20%	18.8%	\$ 126,000,000	0.18%	
Money Funds	*	25%	125,255,333	0.04%	
Farmer Mac	20%	16.4%	110,000,000	0.60%	
Freddie Mac	20%	12.7%	85,000,000	0.19%	
Federal Home Loan Banks	20%	11.9%	80,000,000	0.13%	
Treasury Bills	100%	11.2%	75,000,000	0.09%	
Commercial Paper	10%	7.5%	50,000,000	0.37%	
Treasury Notes	100%	3.0%	20,000,000	0.12%	
Fannie Mae	20%	0.0%	-	0.00%	
Certificates of Deposit	50%	0.0%	-	0.00%	
Bankers Acceptances	50%	0.0%	-	0.00%	
Repurchase Agreements	60%	0.0%	-	0.00%	
		100%	\$ 671,255,333	0.26%	

*As of 3/31/2021

The pooled cash portfolio complied with all policy limits with regards to product types and proportions throughout the month.



In addition to the product limits, portfolio purchases also adhered to the 30% limit per dealer. Dealer participation is shown below:



The market values of unspent debt balances (invested by T. Rowe Price) were as follows:

Market Value - March 2021	
Prince George's County (PGC-2018A)	\$ 2,860,145
Montgomery County (MC-2020A)	9,996,401
Montgomery County (MC-2018A)	2,425,050
	<u>\$ 15,281,596</u>

The Commission had no debt service payments during the month.

Details by issue of debt outstanding as of March 31, 2021 appear below:

Debt Balances - March 2021					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
NN-2 (Refunded Z-2)	14,080,000	1,335,000	9%	Mar-10	May-21
PGC-2012A (Refunded P-2, M-2, EE-2)	11,420,000	2,600,000	23%	Jun-12	Jan-24
PGC-2014A	8,415,000	1,115,000	13%	May-14	Jan-22
PGC-2015A (Refunded JJ-2)*	24,820,000	19,360,000	78%	Oct-15	Jan-36
PGC-2017A	33,000,000	26,400,000	80%	Jul-17	Jan-37
PGC-2018A	31,000,000	27,900,000	90%	Nov-19	Nov-38
PGC-2020 (Refunded PGC-2014A)	19,119,615	19,002,957	99%	Oct-20	Jan-34
Total Prince George's County	\$ 141,854,615	\$ 97,712,957	69%		
Montgomery County					
MC-2012A (Refunded CC-2, FF-2)	8,035,000	1,915,000	24%	Apr-12	Dec-22
MC-2012B	1,300,000	280,000	22%	Apr-12	Dec-22
MC-2014A	5,045,000	1,295,000	26%	Jun-14	Dec-22
MC-2016A	12,000,000	9,700,000	81%	Apr-16	Nov-35
MC-2016B (Refunded FF-2, II-2, MM-2)	6,120,000	4,740,000	77%	Apr-16	Nov-28
MC-2016C (Refunded FF-2 ALA of 2004)	1,075,000	490,000	46%	Apr-16	Nov-24
MC-2017A	8,000,000	6,400,000	80%	Apr-17	Nov-36
MC-2018A	12,000,000	10,800,000	90%	Oct-18	Nov-38
MC-2018B	3,000,000	1,800,000	60%	Oct-18	Nov-23
MC-2020A	10,000,000	10,000,000	100%	Jun-20	Nov-40
MC-2020B (Refunded MC-2012A)	4,895,487	4,895,487	100%	Oct-20	Dec-32
MC-2020C (Refunded MC-2012B)	1,866,095	1,866,095	100%	Oct-20	Dec-32
MC-2020D (Refunded MC-2014A)	9,655,588	9,655,588	100%	Oct-20	Dec-33
Total Montgomery County	\$ 82,992,170	\$ 63,837,170	77%		
Total	\$ 224,846,785	\$ 161,550,127	72%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012

FISCAL YEAR 2021 – March 31, 2021

OBJECTIVES	Met Objective	Within Limits	Comments
Protection of principal	Yes		
Limiting types and amounts of securities	Limit	Yes	
US Government	100%		All securities purchases were within the limits established by the Investment Policy at the time of purchase of the investments. This monthly report is prepared for the Secretary-Treasurer to demonstrate compliance with investment policy objectives and limitations.
US Federal Agencies - combined	60%		
US Federal Agencies - each	20%		
Repurchase Agreements	60%		
CD's and Time Deposits	50%		
Commercial Paper	10%		
Money Market Mutual Funds	25%		
MD Local Gov't Investment Pool	25%		
Investing Bond Proceeds:			
State and local agency securities	100%		
Money Market Mutual Funds	10%		
Bond Proceeds:		Yes	T. Rowe Price managed all funds within limits
Highly-rated state / local agency securities			
Highly-rated money market mutual funds			
(Max. 10% in lower-rated funds)			
Pre-qualify financial institutions, broker/dealers, intermediaries and advisers		Yes	All firms must meet defined capital levels and be approved by the Secretary-Treasurer
Ensure competition among participants	30%	Yes	No dealer shares exceeded 30%
Competitive Bidding		Yes	All purchases awarded competitively.
Diversification of Maturities		Yes	All maturities within limits
Majority of investments shall be a maximum maturity of one (1) year. A portion may be as long as two years.			
Require third-party collateral and safekeeping, and delivery-versus-payment settlement		Yes	M&T Investments serves as custodian, monitoring compliance daily
Maintain sufficient liquidity		Yes	Sufficient funds available for all cash requirements during period
Attain a market rate of return		Yes	More than market by 18 basis points.
The pro-rated rates of return for T-bills and the portfolio were 0.03% and 0.21% , respectively.			

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MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission

FROM: Adrian R. Gardner
General Counsel

RE: Litigation Report for May 2021 – FY 2021

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, June 16, 2021. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

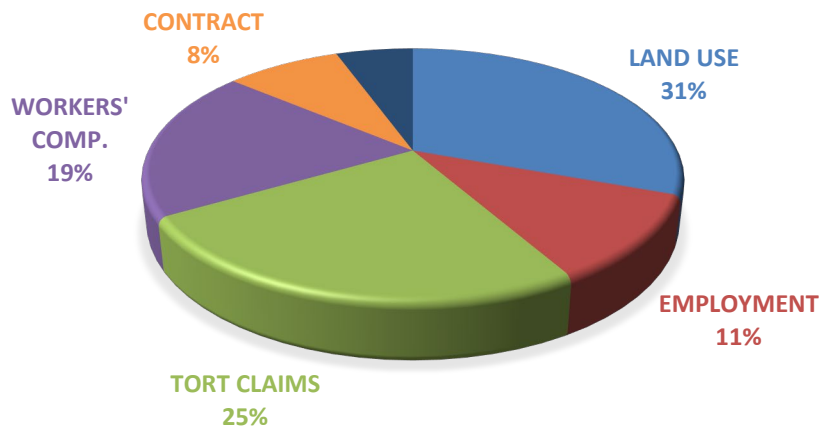
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May 2021
Composition of Pending Litigation
(Sorted by Subject Matter and Forum)

	STATE TRIAL COURT	MARYLAND COSA	MARYLAND COURT OF APPEALS	FEDERAL TRIAL COURT	FEDERAL APPEALS COURT	U.S. SUPREME COURT	SUBJECT MATTER TOTALS
ADMIN APPEAL: LAND USE	7	3	1				11
ADMIN APPEAL: OTHER							
BANKRUPTCY							
CIVIL ENFORCEMENT							
CONTRACT DISPUTE	3						3
DEBT COLLECTION							
EMPLOYMENT DISPUTE	2			2			4
LAND USE DISPUTE							
MISCELLANEOUS	2						2
PROPERTY DISPUTE							
TORT CLAIM	9						9
WORKERS' COMPENSATION	7						
PER FORUM TOTALS	30	3	1	2			36

OVERVIEW OF PENDING LITIGATION



May 2021 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2021			
	Pending In April 2021	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	11	1	1	8	13	10	11
Admin Appeal: Other (AAO)							
Bankruptcy (B)							
Civil Enforcement (CE)							
Contract Disputes (CD)	3				4	1	3
Debt Collection (D)							
Employment Disputes (ED)	3	1		3	3	2	4
Land Use Disputes (LD)							
Miscellaneous (M)		2			2	1	2
Property Disputes (PD)							
Tort Claims (T)	8	1		5	6	1	9
Workers' Compensation (WC)	6	1		3	6	2	7
Totals	31	6	1	19	28	15	36

**INDEX OF YTD NEW CASES
(7/1/2020 TO 6/30/21)**

A. <u>New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Getnet v. M-NCPPC	PG	Tort	July 20
HMF Paving Contractors, Inc. v. M-NCPPC	MC	Contract	July 20
Snyder v. State of Maryland, et al.	PG	Tort	July 20
Kathryn A. Nuzback Revocable Trust	PG	Misc.	July 20
Amica Mutual Insurance Company v. Montgomery County, Maryland, et al.	MC	Tort	Aug. 20
Uzlyan v. Montgomery County, Maryland, et al.	MC	Tort	Aug. 20
Heard v. M-NCPPC	PG	AALU	Aug. 20
Wolf, et al. v. Planning Board of Prince George's County	PG	AALU	Aug. 20
Structural Engineering Group Inc. v. M-NCPPC	MC	Contract	Aug. 20
Concerned Citizens of Cloverly, et al v. Montgomery County Planning Board	MC	AALU	Sep. 20
Shipkovitz v. Montgomery County Planning Board	MC	AALU	Sep. 20
Coakley & Williams v. Commission	PG	Contract	Sep. 20
Gibson v. Commission	PG	WC	Sep. 20
Murray v. Commission	PG	WC	Sep. 20
Newton, et al. v. Prince George's County Planning Board	PG	AALU	Sep. 20
Dana v. Lenk, et al.	MC	Tort	Oct. 20
HMF Paving Contractors, Inc. v. M-NCPPC	MC	Contract	Oct. 20
Hoenig v. Commission (case should be on prior reports as filed in March)	PG	WC	Dec. 20
Simmons, et al. v. Prince George's County Planning Board	PG	AALU	Jan. 21
Beck v. Montgomery County Department of Parks	MC	ED	Jan. 21
Snoot v. M-NCPPC	MC	WC	Mar. 21
Hitchcock v. M-NCPPC	MC	WC	Apr. 21
Izadjoo v. M-NCPPC	MC	ED	Apr. 21
Melito v. M-NCPPC	PG	ED	Apr. 21
Frederick Bey v. Dick	PG	Tort	May 21
Deutsche Bank v. M-NCPPC	PG	Misc.	May 21
B. <u>New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Benton v. Woodmore Overlook Commercial, LLC	PG	AALU	Aug. 20
Benton v. Woodmore Overlook Commercial, LLC	PG	AALU	Sep. 20
Estreicher v. Montgomery County Planning Board	MC	AALU	Sep. 20
Benton v. Woodmore Overlook Commercial LLC	PG	AALU	Sep. 20
West Montgomery County Citizens Association, Inc. v. Montgomery County Planning Board, et al.	MC	AALU	Dec. 20
M-NCPPC v. Mail My Meds, LLC	AC	WC	Jan. 21
Jan A.J. Bove, et al. v. Montgomery County Planning Board	MC	AALU	Jan. 21
Stewart v. P.G. Planning Board	PG	AALU	Mar. 21
Benton v. Woodmore Overlook Commercial, LLC	PG	AALU	May 21

**INDEX OF YTD RESOLVED CASES
(7/1/2020 TO 6/30/2021)**

A. <u>Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
McCourt v. Commission	PG	ED	Sep. 20
Estreicher v. Montgomery County Planning Board	MC	AALU	Sep. 20
Uzlyan v. Montgomery County, et al.	MC	Tort	Oct. 20
Newton, et al. v. Prince George's County Planning Board	PG	AALU	Nov. 20
M-NCPPC v. Mail My Meds, LLC	AC	WC	Dec. 20
Jan A.J. Bove, et al. v. Montgomery County Planning Board	MC	AALU	Dec. 20
Coe v. Commission	PG	ED	Feb. 21
Dana v. Lenk, et al.	PG	Misc.	Mar. 21
HMF Paving Contractors Inc. v. M-NCPPC	PG	CD	Mar. 21
Stewart, et al. v. Prince George's Planning Board, et al.	PG	AALU	Mar. 21

B. <u>Appellate Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Benton v. Woodmore Overlook Commercial, LLC	PG	AALU	July 20

(Appeared on the June report in error. The Commission was not a party to this suit)

Gaspard v. Montgomery County Planning Board	MC	AALU	Oct. 20
Benton v. Woodmore Overlook Commercial, LLC	PG	AALU	Oct. 20
M-NCPPC v. Mail My Meds, LLC	AA	WC	Feb. 21
Estreicher v. Montgomery County Planning Board	MC	AALU	Mar. 21
West Montgomery County Citizens Association, Inc.v. Montgomery County Planning Board, et al.	MC	AALU	Mar. 21
Jan A.J. Bove, et al. v. Montgomery County Planning Board	MC	AALU	Apr. 21

Disposition of FY21 Closed Cases Sorted by Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources & Management		
McCourt v. Commission	Judicial Review of Merit Board Decision related to reclassification under the Administrative Series	09/04/20 – Decision of Merit Board Affirmed.
Commission v. Mail My Meds, LLC	Judicial Review of WCC decision regarding mail order prescription medication.	11/23/20 – Decision of WCC Affirmed.
Commission v. Mail My Med, LLC	Appeal of Circuit Court decision affirming WCC decision regarding mail order prescription medication	02/03/21 – Appeal voluntarily dismissed.
Montgomery County Department of Planning		
Montgomery County Department of Parks		
Uzylan v. Montgomery Count, Maryland, et al.	Personal injuries matter as a result of a tulip poplar tree striking a home.	10/15/20 - Case Consolidated with Case No. 483068-V.
Dana v. Lenk, et al.	Plaintiff disputes the existence of, and access to, a right-of-way-utilized by an adjacent property owner.	03/22/2021 – Line of Dismissal with prejudice.
Montgomery County Park Police		
Montgomery County Planning Board		
Gaspard v. Montgomery County Planning Board	Judicial Review of decision affirming Planning Board's approval of Preliminary Plan 120160180 Glen Mill – Parcel 833	10/29/2020 – Judgment of Circuit Court Affirmed.
Jan A.J. Bove, et al. v. Montgomery Planning Board	Judicial Review of Planning Board's approval of 7025 Longwood Drive subdivision no. 62019100.	12/02/2020 – Resolution of Planning Board Affirmed.
Estreicher v. Montgomery County Planning Board	Appeal of August 28, 2020 Order reversing Planning Board Resolution MCPB No. 19-108 approving Sketch Plan 320190100 and remanding the matter to the Planning Board for further proceedings pursuant to the Court's findings.	03/01/2021 – Voluntary Dismissal

West Montgomery County Citizens Association, Inc. v. Montgomery County Planning Board, et al.	Appeal of August 28, 2020 Oder reversing Planning Board Resolution MCPB No. 19-108 approving Sketch Plan 320190100 and remanding the matter to the Planning Board for further proceedings pursuant to the Court's findings.	03/01/2021 – Petition for Writ of Certiorari denied by COA.
Jan A.J. Bove, et al. v. Montgomery Planning Board	Bove appealed a decision approving the subdivision to the Circuit Court and the Court affirmed the Planning Board. Bove Appealed to the Court of Special Appeals.	04/08/2021 – Notice of Voluntary Dismissal filed.
Prince George's County Department of Parks and Recreation		
HMF Paving Contractors Inc. v. M-NCPPC	Construction suit alleging failure to pay two pay applications.	03/15/2021 – Joint Line of Dismissal with prejudice.
Prince George's County Planning Department		
Prince George's County Planning Board		
Benton v. Woodmore Overlook Commercial, LLC	Judicial Review of decision of Prince George's County Planning Board	10/23/2020 – Petition for Writ of Cert. denied. Matter still pending in Court of Special Appeals.
Newton, et al. v. Prince George's County Planning Board	Judicial review of Prince Georges County Planning Board's approval of preliminary plan of subdivision 4 -19048	11/09/2020 - Petition dismissed by Petitioner.
Stewart, et al. v. Prince George's Planning Board	Judicial review of Prince Georges County Planning Board's approval of GB Mall Limited Partnership/Quantum Company Preliminary Plan Case No. 4-19023	03/08/2021 – Notice of Appeal to COSA filed.
Prince George's Park Police		
Coe v. Commission	Judicial Review of decision to terminate employment following LEOBR police disciplinary hearing	02/03/2021 – Court affirmed hearing board decision to terminate employment.
Office of Internal Audit		

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DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

No Pending Cases

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Amica Mutual Insurance Company v. Montgomery County, Maryland, et al.

Case No. 483068-V (Tort)

Lead Counsel: Adams
Other Counsel:

Abstract: Subrogation suit for damages caused by a tulip poplar tree striking home.

Status: In discovery.

Docket:

08/06/2020	Complaint filed.
08/19/2020	Commission served.
09/08/2020	Plaintiff's Motion to Consolidate with Case 483039-V
09/18/2020	Defendant Montgomery County Maryland's Answer to Complaint
09/22/2020	Commission's Motion to Dismiss
09/22/2020	Commission's Motion to Consolidate with Case 483039-V
10/15/2020	Order of the Court Granting Motion to Consolidate. All future pleadings to be filed in case 483068V.
05/17/2021	Order of the Court extending scheduling order.

Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board

Case No. 483411-V (AALU)

Lead Counsel: Mills
Other Counsel:

Abstract: Judicial Review of Montgomery County Planning Board's approval of RCCG Jesus House Preliminary Plan 120160040

Status: Awaiting decision.

Docket:

09/10/2020	Petition for Judicial Review filed
10/01/2020	Planning Board's Response to Petition for Judicial Review filed
01/04/2021	RCCG Jesus House DC's Motion to Strike
01/19/2021	Petitioner's Opposition to Motion to Strike
02/10/2021	Oral Argument held. Court grants Defendant's Motion to Supplement Record and takes matter under advisement.
03/01/2021	Plaintiff's Supplemental Memorandum of Judicial Review
03/19/2021	RCCG Jesus House DC's and Defendant's Joint Supplemental Post Hearing Memorandum of Law
03/19/2021	Plaintiff's Supplemental Memorandum of Statutory Requirements

HMF Paving Contractors Inc. v. Maryland-National Park and Planning Commission

Case No. 483255-V (CD)

Lead Counsel: Adams
Other Counsel:

Abstract: Dispute over whether or not an allowance should be made and additional monies paid regarding the measurement (and relative cost) of the retaining wall at Greenbriar Local Park.

Status: Matter stayed.

Docket:

08/25/2020	Complaint filed
11/01/2020	Commission served
11/25/2020	Motion to Dismiss
12/28/2020	Opposition to Motion to Dismiss
03/12/2021	Consent motion to postpone hearing and stay case.
03/15/2021	Order of Court. Matter stayed for 90 days.

Hitchcock v. Maryland-National Park and Planning Commission

Case No. 485337-V (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Hitchcock filed appeal of Workers' Compensation Commission determination that he did not sustain a compensable accidental injury on June 5, 2020.

Status: In discovery.

Docket:

04/06/2021	Petition for Judicial Review filed
04/06/2021	Response to Petition

Izadjoo v. Maryland-National Park and Planning Commission

Case No. 485175-V (ED)

Lead Counsel: Harvin
Other Counsel:

Abstract: Izadjoo filed an appeal of the Merit Board decision of February 25, 2021 denying his appeal of the Montgomery County Department of Parks' denial of grievance 20-14 regarding his 2020 Annual Performance Evaluation.

Status: Awaiting Oral Argument.

Docket:

03/22/2021	Petition for Judicial Review filed
04/19/2021	Response to Petition
08/20/2021	Oral Argument

Kosary v. Montgomery County Planning Board

Case No. 476283-V (AALU)

Lead Counsel: Mills
Other Counsel:

Abstract: Judicial Review of Montgomery County Planning Board's approval of Primrose School Preliminary Forest Conservation Plan CU-18-08.

Status: Case stayed.

Docket:

12/06/2019	Petition for Judicial Review filed
12/11/2019	Planning Board's Motion to Dismiss filed
12/12/2019	Response to Petition for Judicial Review filed
12/19/2019	Petitioner's Supplemental Petition for Judicial Review filed
12/23/2019	Petitioner's Response to Motion to Dismiss filed.
01/21/2020	Motion to Dismiss denied as moot.

01/22/2020	Petitioner's Motion for Stay and Request for Hearing.
02/06/2020	Primrose School Opposition to Motion to Stay.
02/28/2020	Motion for Stay Granted
03/03/2020	Case stayed pending resolution from County Hearing Examiner
03/26/2020	Petitioner's interim report on status of administrative proceedings
03/24/2021	Petitioner's second interim report on status of administrative proceedings.
03/24/2021	Petitioner's Motion to Defer entry of dismissal
03/26/2021	Order of Court. Motion to Defer dismissal granted.

Shipkovitz v. Montgomery County Planning Board

Case No. 483442-V (AALU)

Lead Counsel: Coleman
Other Counsel:

Abstract: Petition for Judicial Review of Planning Board Approval of 12500 Ardennes Avenue Site Plan820200080

Status: Motions pending.

Docket:

09/15/2020	Petition for Judicial Review filed.
09/28/2020	Planning Board's Response to Petition filed.
10/26/2020	Ardennes Partners, LLC's Response to Petition filed.
10/26/2020	Ardennes Partners, LLC's and Planning Board's Joint Motion to Dismiss Petition for Judicial Review
12/02/2020	Plaintiff's Motion to Suspend Proceedings
12/10/2020	Opposition to Motion to Suspend Proceedings
02/05/2021	Order of the Court. Petition dismissed with prejudice.
02/16/2021	Petitioner's Motion for Reconsideration filed.
03/02/2021	Joint Opposition to Motion for Reconsideration
03/12/2021	Plaintiff's Reply to joint opposition
04/27/2021	Order of the Court. Petitioner's Motion for Reconsideration denied. Order of February 3, 2021, granting Respondents' Motion to Dismiss Affirmed and entered.

Snoots v. Commission
Case No. 485170-V (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Petition for Judicial Review of Workers' Compensation Commission determination that not permanently totally disabled.

Status: Appeal resolved via full and final settlement of claim.

Docket:

03/19/2021	Petition for Judicial Review filed.
03/23/2021	Response to Petition and Cross- Petition

Structural Engineering Group Inc. v. Maryland-National Capital Park and Planning Commission
Case No. 483234-V (CD)

Lead Counsel: Dickerson
Other Counsel: Johnson

Abstract: Construction change order dispute and time delay claim related to greenhouse at Brookside Gardens.

Status: In discovery.

Docket:

08/21/2020	Complaint filed.
08/31/2020	Commission served.
09/29/2020	Motion to Dismiss or in the Alternative for Summary Judgment filed.
10/09/2020	Opposition to Motion to Dismiss filed.
12/09/2020	Motions hearing held.
12/09/2020	Motion to Dismiss or in the alternative for Summary Judgment denied.
12/28/2020	Answer to Complaint filed.
01/27/2021	Order of Court for Alternative Dispute Resolution
05/03/2021	Order of Court modifying scheduling order.

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

6525 Belcrest Road, LLC v. Dewey, L.C., et al.

Case No. CAE 20-11589 (AALU)

Lead Counsel: Dickerson
Other Counsel: Harvin

Abstract: Declaratory Judgment Action filed over a dispute involving a parking parcel. Plaintiff contends that Defendants have misconstrued prior approvals of the Planning Board regarding the need for parking in a manner that will harm their interests. Plaintiff seeks to enjoin the Planning Board from approving a Detailed Site Plan.

Status: Case stayed.

Docket:

04/14/2020	Complaint filed
06/05/2020	Commission served
07/06/2020	Answer filed by Commission
07/21/2020	Motion to Dismiss filed by Defendant Dewey, L.C.
07/23/2020	Motion to Dismiss filed by BE UTC Dewey Parcel, LLC
08/20/2020	Opposition to Motion to Dismiss
09/14/2020	Defendant, Dewey, L.C.'s Reply Response in Support of its Motion to Dismiss or Stay and Request for hearing
09/16/2020	Defendant, BE UTC Dewey Parcel, LLC's Reply in Support of Motion to Dismiss and Request for hearing
10/22/2020	Motions Hearing continued
10/26/2020	Defendants Dewey, L.C. and Bald Eagle Partners, Inc. Line Requesting Judicial Notice of Arbitrator's Decision
12/23/2020	Motions hearing held. Court takes under advisement.
01/11/2021	Order of Court - case is stayed pending resolution of the current arbitration proceedings; further ordered that a status hearing in this matter be scheduled.
02/17/2021	Arbitrator's decision filed.
04/02/2021	Status hearing.
05/20/2021	Suggestion of Bankruptcy filed.
05/24/2021	Case stayed.

Alexander v. Proctor
Case No. CAL19-37187 (Tort)

Lead Counsel: Adams
Other Counsel:

Abstract: Officer Proctor deployed his Commission issued pepper spray when an unknown individual was observed wearing police-type gear and approaching our police substation. The individual failed/refused to stop leading to the Officer deploying his pepper spray to stop and subsequently arrest the individual. Mr. Alexander (the individual) asserts that the stop was without Reasonable Articulate Suspicion/Probable Cause and therefore was unlawful and the amount of force used was excessive.

Status: In discovery.

Docket:

11/20/2019	Complaint filed
12/06/2019	Proctor served
12/09/2019	Commission served
01/03/2020	Commission's Motion to Dismiss filed
01/23/2020	Motion to Dismiss denied. Plaintiff to file Amended Complaint on or before 02/07/2020.
02/08/2020	Amended Complaint filed
02/21/2020	Motion to Strike Amended Complaint or in the alternative to Dismiss
03/09/2020	Opposition to Motion to Strike
03/27/2020	Court orders matter to be set in for hearing on Motion
05/06/2020	Motion to Quash and for Protective Order
05/06/2020	Plaintiff's Opposition to Motion to Quash and for Protective Order
05/22/2020	Order of Court – Motion to Quash and for Protective Order held in abeyance
06/19/2020	Motions Hearing postponed due to COVID-19
09/16/2020	Motions Hearing held.
9/23/2020	Order of Court – Motion to Strike or in the alternative Motion to Dismiss denied. Motion to Quash and for Protective Order moot. Case to continue to due course.
9/30/2020	Answer to Amended Complaint filed.

Frederick Bey v Dick, et al.
Case No. CAL20-04013 (Tort)

Lead Counsel: Dickerson
Other Counsel: Johnson

Abstract: Plaintiff claims injury in the course of using weight room at Allentown Splash and Fitness Center allegedly due a defect in the equipment as a result of negligence on the part of Commission staff and has sued a Commission employee who has not been properly served.

Status: Court vacated contemplated dismissal due to inactivity.

Docket:

02/03/2020	Complaint filed
03/20/2020	Affidavit of Service – claims served Romekia Dick on 3/12/20 by certified mail – not properly served on her.
03/30/2021	Notice to Parties of Contemplated Dismissal of Case
04/21/2021	Motion for Show Cause Order of Default filed
05/24/2021	Order of Court, Plaintiff's Motion granted. Plaintiff to file a Request for Order of Default within 30 days if the Defendant does not file an answer beforehand.

Brown v. City of Bowie, et al.
Case No. CAL19-35931 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Injuries resulting from an event at Trap and Skeet location owned by the Commission. Defendants include the individual who discharged a weapon, a volunteer assigned to the group that day and Shooting Stars Shotgun Sports, LLC, an entity that provides shooting instructors at that location.

Status: In discovery.

Docket:

11/15/2019	Complaint filed
01/27/2020	Defendant City of Bowie's Motion to Dismiss or in the Alternative for Summary Judgment
02/05/2020	Summons reissued for Commission
02/13/2020	Opposition to City of Bowie's Motion to Dismiss
02/26/2020	Defendant Daughtery's answer filed
03/13/2020	Commission served
04/08/2020	Commission's Answer filed
05/15/2020	Motions Hearing on City's Motion to Dismiss – continued due to pandemic
9/18/2020	Amended Complaint and Jury Trial
9/21/2020	Second Amended Complaint
9/24/2020	Hearing on Defendant City of Bowie's Motion to Dismiss and/or Summary Judgment. Motion to Dismiss is denied.

	Motion for Summary Judgment is granted based upon governmental immunity.
10/28/2020	Third Amended Complaint filed
12/08/2020	Answer to complaint by Defendant Knode
02/16/2022	Trial

Coakley & Williams Construction v. Commission

Case No. CAL 20-13593 (CD)

Lead Counsel: Adams
Other Counsel: Dickerson

Abstract: Breach of contract regarding work done at the Southern Area Aquatics Recreation Center.

Status: Motions pending.

Docket:

07/15/2020	Complaint filed
09/15/2020	Commission served
10/08/2020	Motion to Dismiss filed
10/27/2020	Opposition to Motion to Dismiss
01/11/2021	Motion to Quash and for Protective Order
04/02/2021	Order of Court. Motion to Quash denied.
04/02/2021	Order of Court. Motion to Dismiss Granted in part. Plaintiff to amend complaint within 15 days to correct the legal name of Defendant. The remaining issues in the Motion to Dismiss are denied.
04/14/2021	First Amended Complaint filed
05/04/2021	Commission Answer to First Amended Complaint and Jury Demand

Commission v. Batson

Case No. CAL19-24204 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: The Commission filed for Judicial Review on the record of WCC order regarding surgical authorization for leg causally related to accidental injury.

Status: Awaiting Remand.

Docket:

07/26/2019	Petition for Judicial Review filed
08/19/2019	Batson's Notice of Intent to Participate, Jury Demand
08/22/2019	Commission's Motion to Strike Request for De Novo Review and Request for Jury Demand
09/03/2019	Opposition to Motion to Strike filed
09/06/2019	Memo in Support of on the record Judicial Review filed

10/02/2019	Order of Court- Commission's Motion to Strike Request for De Novo Review and Request for Jury Trial denied. Case to proceed De Novo before a jury.
11/21/2019	Motion to Bifurcate filed by Commission in an attempt to litigate the dispositive legal issue preliminarily before any de novo trial.
12/16/2019	Motion to Bifurcate denied.
05/21/2021	Motion to Dismiss Appeal and Remand to Workers' Compensation Commission.

Deutsche Bank National Trust Company v Commission

Case No. CAE21-03810 (Misc.)

Lead Counsel: Dickerson
Other Counsel: Johnson

Abstract: Action seeking to quiet title as to alleged encroachment on Commission land.

Status: Complaint filed.

Docket:

04/08/2021	Complaint filed
05/07/2021	Commission served

Getnet v. Maryland-National Capital Park and Planning Commission

Case No. CAL 20-13268(Tort)

Lead Counsel: Harvin
Other Counsel: Johnson

Abstract: Tort suit for injuries allegedly sustained when visitor fell through decking at a historic property not owned by the Commission.

Status: In discovery.

Docket:

07/06/2020	Complaint filed
07/29/2020	Commission served
08/20/2020	Motion to Dismiss filed
09/10/2020	Amended Complaint
09/11/2020	Opposition to Motion to Dismiss
09/22/2020	Amended Complaint
10/09/2020	Answer filed.
11/02/2020	2 nd Amended Complaint filed
11/06/2020	Defendant Montgomery County's Motion to Dismiss 2 nd Amended Complaint
12/03/2020	Case dismissed as to Montgomery County only
03/04/2021	3 rd Amended Complaint filed
04/19/2021	Defendant/Cross-Plaintiff, Kadcon Corporation's Cross-Claim against Defendants/Cross-Defendants filed

05/19/2021	Robert Stillman Associates Answer to 3 rd Amended Complaint and Cross-Claim
05/19/2021	Bell Architects Answer to 3 rd Amended Complaint and Cross-Claim
02/22/2022	Trial

Gibson v. Commission
Case No. CAL 20-15318 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant seeks judicial review of an order from the Workers' Compensation Commission denying causal connection of back injury to the accidental injury of October 20, 2017.

Status: Awaiting Remand.

Docket:

09/03/2020	Petition for Judicial Review filed
09/18/2020	Response to Petition and Expert Designation
05/10/2021	Appeal resolved. Motion to Dismiss Appeal and remand to Worker's Compensation Commission filed.

Heard v. Maryland-National Capital Park and Planning Commission
Case No. CAL 20-14095(AALU)

Lead Counsel: Warner
Other Counsel: Goldsmith

Abstract: Judicial review of the Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-05068 and denial of March 31, 2020, request for document under the Maryland Public Information Act.

Status: Petition for Judicial Review filed.

Docket:

07/30/2020	Petition filed
08/16/2020	Commission notified by Court.
08/31/2020	Response to Petition for Judicial Review filed.
03/02/2021	Notice of Partial Voluntary Dismissal (MPIA claim) against Commission

Hoenig v. Commission
Case No. CAL 20-07257 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant seeks judicial review of February 7, 2020 order from the Workers' Compensation Commission regarding extent of disability.

Status: Awaiting Remand.

Docket:

03/04/2020	Petition for Judicial Review filed
03/16/2020	Response to Petition and Expert Designation
05/04/2021	Joint Motion to Dismiss Appeal and Remand to Workers' Compensation Commission.

Jackson v. Prince George's County Sports & Learning Complex
Case No. CAL19-21516 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Injury to a minor from use of equipment at the Sports & Learning Complex.

Status: In discovery.

Docket:

07/15/2019	Complaint filed
01/22/2020	Commission accepted service
01/27/2020	Complaint to be amended to reflect Commission as party.
02/04/2020	Amended Complaint filed
03/18/2020	Commission served
04/08/2020	Commission's answer filed.
09/02/2021	Trial

King v. Commission
Case No. CAL 19-30096 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant seeks judicial review of an order from the Workers' Compensation Commission denying authorization for neck surgery.

Status: Awaiting trial.

Docket:

09/23/2019	Petition for Judicial Review filed
10/03/2019	Commission filed response to Petition.
04/7/2022	Trial

Melito v Commission
Case No. CAL 21-03760 (ED)

Lead Counsel: Dickerson
Other Counsel:

Abstract: Plaintiff seeks to secure administrative meeting or hearing on termination, former employee claims were denied.

Status: Motions pending.

Docket:

04/01/2021	Complaint filed
04/22/2021	Commission served
05/20/2021	Motion to Dismiss filed

Montague v. Newton White Mansion
Case No. CAL 20-05753 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Slip and fall on ice at Newton White Mansion.

Status: In discovery.

Docket:

02/13/2020	Complaint filed.
06/19/2020	Amended Complaint filed.
07/21/2020	Answer filed.
09/15/2021	Trial.

Nuzback, Kathryn A. , Revocable Trust v. Commission
Case No. CAL 20-013248 (Misc.)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Action filed against the Commission and Prince George's County to obtain documents pertaining to a Maryland Public Information Act request.

Status: Awaiting hearing.

Docket:

07/01/2020	Complaint filed.
10/09/2020	Commission Answer filed

01/14/2021	Line Requesting Order of Default against Prince George's County Department of Permitting Inspection Enforcement
05/25/2021	Order of Default against Defendant Prince George's County Department of Permitting Inspection Enforcement
06/28/2021	Hearing

Murray v. Commission

Case No. CAL 20-16372 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant seeks judicial review of an order from the Workers' Compensation Commission that held claimant is not permanently and totally disabled.

Status: In discovery.

Docket:

09/18/2020	Petition for Judicial Review filed
10/05/2020	Response to Petition for Judicial Review and Expert Designation
10/13/2020	Subsequent Injury Fund's Response to Petition for Judicial Review
10/13/2020	Subsequent Injury Fund's Cross-Petition for Judicial Review
10/21/2020	Claimant's Response to Cross-Petition
10/27/2020	Commission's Response to Cross-Petition
10/27/2020	Notice of Cross-Appeal
08/11/2021	Trial

Pumphrey v. Wilson

Case No. CAL 19-30161 (Tort)

Lead Counsel: Dickerson
Other Counsel: Foster

Abstract: Automobile accident with vehicle driven by now deceased former Commission employee.

Status: Case settled.

Docket:

09/16/2019	Complaint filed
07/24/2020	Motion to Dismiss
08/17/2020	Opposition to Motion to Dismiss and Request for Hearing.
09/02/2020	Order of Court – Motion to Dismiss Denied
09/18/2020	Answer filed
04/20/2021	ADR held. Parties to submit settlement agreement.
05/03/2021	Line of Dismissal
05/17/2021	Case Dismissed

Simmons, et al. v. Prince George's Planning Board

Case No. CAL 21-00308 (AALU)

Lead Counsel: Warner
Other Counsel: Goldsmith

Abstract: Judicial Review of Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-20006 (Freeway Airport)

Status: Petition for Judicial Review filed.

Docket:

01/07/2021	Petition for Judicial Review filed
01/27/2021	Commission's Response to Petition
02/10/2021	Response to Petition for Judicial Review by Freeway Realty, LLC
06/11/2021	Hearing

Snyder v. State of Maryland, et al.

Case No. CAL 20-13024 (Tort)

Lead Counsel: Adams
Other Counsel:

Abstract: Tort suit for injuries allegedly sustained when tennis player allegedly tripped in hole of divider net and broke clavicle.

Status: In discovery.

Docket:

06/19/2020	Complaint filed.
07/27/2020	Commission's Motion to Dismiss
07/27/2020	Motion to Transfer Venue
08/11/2020	Opposition to Motion to Dismiss
08/25/2020	State of Maryland's Motion to Dismiss
09/10/2020	Amended Complaint.
10/30/2020	2 nd Amended Complaint filed
04/21/2021	Order of Court. Consent Motion Granted; and the Defendants, M-NCPPC and L. Gertzog, shall have until 5/5/2021 to file a response to the second Amended Complaint.
05/04/2021	Commission and L. Gertzog's Answer to 2 nd Amended Complaint

Wolf, et al. v. Planning Board of Prince George's County

Case No. CAL20-14895 (AALU)

Lead Counsel: Warner
Other Counsel: Goldsmith

Abstract: Judicial Review of the Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-18001 (Magruder Pointe).

Status: Awaiting decision on Motions.
Docket:

08/19/2020	Petition for Judicial Review filed.
09/29/2020	Notice of Intent to Participate
09/29/2020	Motion to Dismiss filed by Werrlein WSSC, LLC
10/13/2020	City of Hyattsville's Notice of Intent to Participate
10/19/2020	Response to Petition for Judicial Review
10/19/2020	Planning Board's Motion to Dismiss filed
10/27/2020	City of Hyattsville's Opposition to Motion to Dismiss filed
11/30/2020	Motion to Consolidate with cases CAL19-21492, City of Hyattsville v. Prince George's County District Council and CAL19-22819 Eisen v. Prince George's County District Council
12/28/2020	Opposition to Motion to Dismiss
03/03/2021	Motions hearing held. Taken under advisement.

MARYLAND COURT OF SPECIAL APPEALS

Benton v. Woodmore Overlook Commercial, LLC

CSA-REG-2118-2019 (AALU)

(Originally filed under CAL19-14488 in Prince George's County)

Lead Counsel: Borden
Other Counsel: Goldsmith

Abstract: Judicial Review of decision of the Prince George's County Planning Board No. 19-32, File No. 4-180007. Benton failed to appear at judicial review hearing in Circuit Court and his petition was dismissed without an opinion. Benton filed for reconsideration which was also denied. Benton appealed the denial of the motion for reconsideration.

Status: Petition for Writ of Certiorari filed.

Docket:

12/19/2019	Appeal filed
02/11/2020	Show Cause issued by Court regarding non-lawyer representing corporate entities
02/25/2020	Response to Show Cause filed
03/04/2020	Order of Court. Show Cause satisfied, appeal to proceed.
05/07/2020	Motion for Emergency Ex Parte Temporary Restraining Order Pending Appeal and Order to Show Cause Why a Preliminary Injunction Should Not Be Issued
05/13/2020	Commission's Response to Motion filed.
05/18/2020	Appellant's Motion for Leave & Notice of Intent to Respond to Commission's Opposition to Temporary Restraining Order Pending Appeal
05/26/2020	Appellant's Motion for Leave of the Maryland Rules Regard the Page Limit, Word Count, Content or Form of Appellant's Motion for Temporary, Preliminary and Permanent Injunction.
06/03/2020	Woodmore Overlook's Motion to Join in Commission's Opposition and Response to Appellant's Motion for Temporary Restraining Order and Preliminary Injunction.
06/04/2020	Order of the Court. Appellant's Motion's denied.
06/23/2020	Appellant Brief and Record Extract filed
06/30/2020	Order – Appellee to refile brief in compliance with Maryland Rules by 8/28/2020
08/03/2020	Petition for Writ of Certiorari
10/22/2020	Summary Notice from Court. Matter to be decided without oral argument
10/23/2020	Petition for Writ of Certiorari denied
03/18/2021	Circuit Court decision affirmed.
04/20/2021	Mandate. Circuit Court decision affirmed. Costs to be paid by appellant.
05/21/2021	Petition for Writ of Certiorari

Benton v. Woodmore Overlook Commercial, LLC

CSA-REG-0707-2020 (AALU)

(Originally filed under CAL20-13237 in Prince George's County)

Lead Counsel: Warner
Other Counsel: Goldsmith

Abstract: Judicial Review of decision of the Prince George's County Planning Board on Preliminary Plan of Subdivision 4-18007, Woodmore Overlook Commercial. Before the parties filed legal memoranda, in the Circuit Court and before the court held oral argument, and before the Planning Board had a chance to transmit the agency record, the developer's attorney filed a motion to dismiss based on, among other things, lack of standing. The Circuit Court granted the motion to dismiss. Benton appealed.

Status: Appeal filed.

Docket:

09/09/2020	Appeal filed
10/27/2020	Motion to Dismiss
11/18/2020	Motion to Dismiss denied

Stewart, et al. v. Prince George's Planning Board, et al.

Case No. CSA-REG-0038-2021 (AALU)

(Originally filed as Case No. CAL20-11215 in Circuit Court Prince George's County)

Lead Counsel: Goldsmith
Other Counsel:

Abstract: Appeal from Circuit decision affirming Prince George's County Planning Board's approval of GB Mall Limited Partnership/Quantum Company Preliminary Plan Case No.4-19023

Status: In mediation.

Docket:

03/08/2021	Appeal filed
06/07/2021	Mediation

MARYLAND COURT OF APPEALS

Benton v. Woodmore Overlook Commercial, LLC

COA-PET-0113-2021(AALU)

(Petition from CSA-REG-2118-2019, originally filed under CAL19-14488 in Prince George's County)

Lead Counsel: Borden
Other Counsel: Goldsmith

Abstract: Judicial Review of decision of the Prince George's County Planning Board No. 19-32, File No. 4-180007. Benton failed to appear at judicial review hearing in Circuit Court and his petition was dismissed without an opinion. Benton filed for reconsideration which was also denied. Benton appealed the denial of the motion for reconsideration.

Status: Decision of Circuit Court affirmed.

Docket:

05/21/2021	Petition for Writ of Cert.
05/27/2021	Entry of Appearance of Peter Goldsmith

U.S. DISTRICT COURT OF MARYLAND

Beck v. Montgomery County Department of Parks, et al.

8:20-cv-03305 PX (ED)

Lead Counsel: Dickerson
Other Counsel: Foster

Abstract: Plaintiff alleges discrimination on the basis of disability under the ADA and FMLA.

Status: In discovery.

Docket:

11/14/2020	Complaint filed
01/13/2021	Commission served
02/02/2021	Answer filed

Evans v. Commission, et al.
8:19-cv-02651 TJS (ED)

Lead Counsel: Dickerson
Other Counsel: Foster

Abstract: Plaintiff, police lieutenant, filed a complaint against the Commission and four individual defendants, alleging discrimination, retaliation and assorted negligence and constitutional violations.

Status: In discovery.
Docket:

09/11/2019	Complaint filed
10/23/2019	Notice of Intent to file Motion for More Definite Statement filed by Defendants Commission, McSwain, and Riley
10/24/2019	Notice of Intent to file Motion for More Definite Statement filed by J. Creed on behalf of Defendant Murphy
10/28/2019	Notice of Intent to File a Motion for More Definite Statement filed by attorney C. Bruce on behalf of Defendant Uhrig
11/26/2019	Status Report filed by Plaintiff agreeing to file Amended Complaint specifying against whom each claim is asserted and dates of alleged events.
12/10/2019	Amended Complaint filed.
12/23/2019	Notice of Intent to file a Motion to Dismiss filed by all defendants
01/09/2020	Order granting Plaintiff leave to file Amended Complaint
01/16/2020	Second Amended Complaint filed
02/14/2020	Joint Motion to Dismiss filed by all Defendants
03/20/2020	Opposition to Motion to Dismiss
03/20/2020	Motion for Leave to file Third Amended Complaint
03/20/2020	Third Amended Complaint
04/17/2020	Plaintiff's Reply to Defendants' joint Opposition to Plaintiff's Motion for Leave to file Third Amended Complaint.
05/07/2020	Order granting Motion for Leave to File Third Amended Complaint; denying as moot Defendants' Joint Motion to Dismiss; granting defendants leave to renew their Joint Motion to Dismiss by May 22, 2020.
06/05/2020	Joint Motion to Dismiss for Failure to State a Claim filed by Commission, McSwain, Murphy, Riley and Uhrig.
07/10/2020	Motion for Leave to File Excess Pages
07/16/2020	Order granting in part and denying in part Motion for Leave to file Excess Pages and directing the Plaintiff to file a brief by 7/23/2020
07/23/2020	Response in Opposition to Joint Motion to Dismiss for Failure to State a Claim
08/06/2020	Response to Motion for Leave to file Excess Pages.
08/06/2020	Reply to Opposition to Joint Motion to Dismiss.

11/13/2020	Defendants' Motion to Dismiss granted in part. Counts 4, 5, part of 6 and 7 -10, part of 11, and 12 dismissed. Counts, 1 -3, part of 6 and 11, 13 -15 will proceed at this stage. Defendants to file an answer to remaining claims.
11/27/2020	Answer filed.
01/11/2021	Order – Case referred to Magistrate Judge Timothy J. Sullivan generally and to Magistrate Judge Jillyn K. Schulze for mediation
01/15/2021	Joint Consent to Proceed before Magistrate
01/28/2021	Order of Court re mediation week of May 17, 2021.