



THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

COMMISSION MEETING

June 20, 2018

10:00 a.m. – 12:00 p.m.

PRA

Auditorium

6600 Kenilworth Avenue

Riverdale, MD 20737

ITEM 1

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION MEETING

Wednesday, June 20, 2018

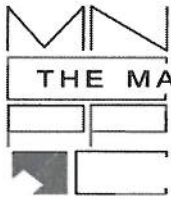
PRA (Auditorium)

10:00 a.m. – 12:00 p.m.

		<u>ACTION</u>	
		Motion	Second
1.	Approval of Commission Agenda (10:00)	(+*)	Page 1
2.	Approval of Commission Minutes		
	a) Open Session – May 16, 2018	(+*)	Page 3
3.	General Announcements (10:10)		
	a) June is National Caribbean American Heritage Month		
	b) June is Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Pride Month		
4.	Committee Minutes/Board Reports (For Information Only) (10:15)		
	a) Executive Committee Meeting – Open Session – June 4, 2018	(+)	Page 7
	b) Employees’ Retirement System Board of Trustees Meeting Minutes May 1, 2018	(+)	Page 11
5.	Action and Presentation Items (10:20)		
	a) Differences Between FSAs, HSAs and HRAs (Spencer/Henderson/AON)	(+)	Page 15
	b) Town of Cottage City Mutual Aid and Reciprocal Enforcement Agreement (Dickerson)	(+*)	Page 39
	c) Town Council of Colmar Manor Mutual Aid and Reciprocal Enforcement Agreement (Dickerson)	(+*)	Page 47
	d) Resolution #18-17: East Glenn Dale Minor Amendment (Checkley/Sams)	(+*)	Page 57
	e) Resolution #18-19: Revised Fund Balance Policy (Zimmerman)	(+*)	Page 75
	f) Resolution #18-20: FY19 Budget Adoption (Kroll)	(+*)	Page 77
	g) FY 2017 Comprehensive Annual Financial Report (CAFR) Award (Zimmerman)		
6.	Officers’ Reports		
	a) Executive Director’s Report (For Information Only) Employee Evaluations Not Completed by Due Date (May 2018)	(+)	Page 101
	b) Secretary Treasurer (For Information Only) Investment Report (March 2018)	(+)	Page 103
	c) General Counsel Litigation Report (For Information Only)	(+)	Page 109

(+) Attachment (++) Commissioners Only (*) Vote (H) Handout (LD) Late Delivery

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

Commission Meeting
Open Session Minutes
May 16, 2018

The Maryland-National Capital Park and Planning Commission met at the Montgomery Regional Office Auditorium.

PRESENT

Prince George's County Commissioners

Elizabeth M. Hewlett, Vice-Chair
Dorothy Bailey
William Doerner

Montgomery County Commissioners

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

NOT PRESENT

Manuel Geraldo
A. Shuanise Washington

Norman Dreyfuss

Chair Anderson convened the meeting at 10:15 a.m.

ITEM 1

APPROVAL OF COMMISSION AGENDA

ACTION: Motion of Hewlett to approve the Commission agenda
Seconded by Bailey
7 approved the motion

ITEM 2

APPROVAL OF COMMISSION MINUTES

Closed Session – March 8, 2018
Open Session – March 30, 2018
Closed Session – March 30, 2018
Open Session – April 18, 2018
Closed Session – April 18, 2018
ACTION: Motion of Hewlett to approve the Commission minutes
Seconded by Bailey
7 approved the motion

ITEM 3

GENERAL ANNOUNCEMENTS

Chair Anderson made the following announcements:
May is Asian Pacific American Heritage Month
May is Jewish-American Heritage Month
May is Arab-American Heritage Month
M-NCPPC Employee Health Fitness Week – May 11th – 18th
May is Stress Awareness Month and Alcohol Awareness Month
National Prevention Week – May 13th – 19th
(Mental Health/Substance Abuse Disorders)

- ITEM 4 COMMITTEE MINUTES/BOARD REPORTS (For Information Only)
- a) Executive Committee – Open Session – May 2, 2018
 - b) Executive Committee – Closed Session – May 2, 2018
 - c) Employees’ Retirement System Board of Trustees Meeting Minutes April 3, 2018

ITEM 5 ACTION AND PRESENTATION ITEMS

- a) Introduction of New Montgomery County Park Police Chief will occur at the June 20, 2018 Commission Meeting.

- b) Mandatory Referral Food and Drug Administration
General Counsel Gardner began the presentation stating that the Mandatory Referral was handled by each of the Planning Boards. He noted that our goal was to try to make this process as seamless as possible and resolve issues between the counties. Today the Commission is voting to transmit the comments from both Planning Boards to the National Capital Planning Commission and US General Services Administration. Debra Borden and Matthew Mills of the Commission’s General Counsel’s Office presented key components of the Montgomery and Prince George’s County Planning Boards’ comments as provided in the packet. GSA Director of Planning and Management Dawud Abdur-Rahman and Rod Henderer of RTKL presented the project

ACTION: Motion of Hewlett to transmit comments prepared and approved by the planning boards to the National Capital Planning Commission in consideration of the project.

Seconded by Fani-Gonzalez
7 approved the motion

- c) Memorandum on Fiscal Year 2019 Compensation and Benefits and Related Resolutions
Executive Director Barney introduced the memorandum outlining the following wage resolutions for approval by the Commission.

- d) Resolution #18-09 Fiscal Year Anniversary (Merit) Pay Increment Adjustment for Certain Non-Represented Merit System Employees
ACTION: Motion of Hewlett to approve Resolution #18-09
Seconded by Cichy
7 approved the motion

- e) Resolution #18-10 Fiscal Year 2019 Cost of Living Adjustments for Certain Non-Represented Merit System Employees and Certain Contract Employees
ACTION: Motion of Hewlett to approve Resolution #18-10
Seconded by Cichy
7 approved the motion

- f) Resolution #18-11 Fiscal Year 2019 Pay Increment Adjustments for Seasonal/Intermittent and Term Contract Employees
ACTION: Motion of Hewlett to approve Resolution #18-11
Seconded by Cichy
7 approved the motion

- g) Resolution #18-12 Fiscal Year 2019 Merit Increase and Cost of Living Adjustments for the Park Police Command Staff and Candidates
ACTION: Motion of Hewlett to approve Resolution #18-12
Seconded by Cichy
7 approved the motion

- h) Resolution #18-13 Fiscal Year 2019 Merit Increase and Cost of Living Adjustments for the Park Police Bargaining Unit

ACTION: Motion of Hewlett to approve Resolution #18-13
Seconded by Cichy
7 approved the motion

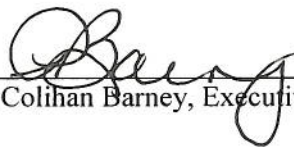
- i) Resolution #18-15 Fiscal Year 2019 Health Insurance Premium Holidays
ACTION: Motion of Hewlett to approve Resolution #18-15
Seconded by Doerner
7 approved the motion
- j) Resolution #18-14 Refunds to Appropriate Non-Departmental Accounts for Fiscal Year 2018 Overpayments to Group Insurance Fund
ACTION: Motion of Hewlett to approve Resolution #18-14
Seconded by Doerner
7 approved the motion
- k) Request for Use of Salary Lapse for the Office of Finance
ACTION: Motion of Hewlett to approve the use of salary lapse for the Office of Finance
Seconded by Cichy
7 approved the motion
- l) Request for Use of Salary Lapse for the Department of Human Resources and Management
ACTION: Motion of Hewlett to approve the use of salary lapse for DHRM
Seconded by Cichy
7 approved the motion
- m) Acknowledge Dr. Alicia Hart as the Prince George's County Open Trustee to the Employees' Retirement System Board of Trustees for the term ending June 30, 2021
ACTION: Motion of Hewlett to acknowledge Dr. Alicia Hart as the Open Trustee
Seconded by Patterson
7 approved the motion
- n) FY2019 Operating Budget for the Employees' Retirement System
ACTION: Motion of Hewlett to approve the ERS' FY19 Operating Budget
Seconded by Cichy
- o) Annual Legislative Update
General Counsel Adrian Gardner presented his annual legislative wrap-up to highlight the results from the 2018 Legislative Session of the Maryland General Assembly. Overall, he presented his annual written report to the Commission and reported his assessment that the session was successful for the Commission. The General Counsel reviewed the calendar of deadlines for the past session, and advised agency departments that proposals for legislation next year should begin the approval process now because the process with local hearings is expected to begin shortly after the Summer ends. Using a Power Point presentation (available with the minutes), he highlighted the absence of legislation after the release of the State's audit of the Department of Parks and Recreation capital program, as well as approximately \$18 million appropriated to the Commission for Program Open Space. The following bills were discussed:
- Forest Conservation HB 766 SB 616 (Failed)
 - Program Open Space SB 185 Operating Budget Bill Ch. 570 (passed 3/5/18)
 - Pr. George's County POS SB 1253 Definition of Body (Failed)
 - Md. Public Information Act HB 667 SB 477 Addresses (Passed)

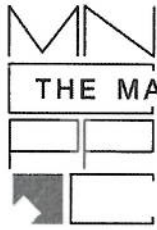
ITEM 6 OFFICERS' REPORTS

- a) Executive Director's Report (For information only)
Employee Evaluations Not Completed by Due Date (April 2018)

- b) Secretary Treasurer (For Information only)
MFD 1st and 2nd Quarter Purchasing Statistics FY18
- c) General Counsel (For information only)
 - 1) Litigation Report (April 2018)


Deirdra S. Walker, Administrative Specialist


Patricia Colihan Barney, Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

EXECUTIVE COMMITTEE MEETING MINUTES

June 4, 2018

On June 4, 2018, the Maryland-National Capital Park and Planning Commission’s Executive Committee met in the 4th floor Executive Director conference room of the Executive Office Building in Riverdale, MD. Present were Chair Casey Anderson, Vice-Chair Elizabeth M. Hewlett and Executive Director Patricia Barney. Also present were:

Department Heads

- Andree Checkley, Director, Prince George’s County Planning (via teleconference at 10:18)
- Mike Riley, Director, Montgomery County Parks (via teleconference)
- Gwen Wright, Director, Montgomery County Planning
- Debbie Tyner, Acting Director, Prince George’s Parks and Recreation
- Joseph Zimmerman, Secretary-Treasurer

Presenters/Staff

- Mazen Chilet, Chief Information Officer
- William Spencer, Human Resources Director
- Anju Bennett, Chief, Corporate Policy and Management Operations (CPMO) Division
- Michael Beckham, Policy Manager
- Brian Coburn, Management Analyst
- Cynthia Henderson, Health and Benefits Specialist
- Reggie Dixon, Project Manager, Office of the Chief Information Officer
- Jennifer McDonald, Health and Benefits Manager
- Edith Livingstone, AON Consultants (via teleconference for item 3a)
- Megan Marsjanik, AON Consultants (via teleconference for item 3a)

Executive Director Barney convened the meeting at 10:06 a.m.

ITEM 1a – APPROVAL OF EXECUTIVE COMMITTEE AGENDA

Discussion	<p>CIO Chilet requested to add a presentation on the ERP status to the Agenda (add: Item 3c).</p> <p>Presentations on Items 3a and 3b were taken out of sequence.</p>
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ITEM 1b – APPROVAL OF COMMISSION MEETING AGENDA

Discussion	<ul style="list-style-type: none"> • Joe Zimmerman requested to move the 2017 CAFR Award presentation to the June meeting.
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ITEM 1c – ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS

Discussion	<ul style="list-style-type: none"> • CAFR Award presentation moved to the June Commission Meeting. • Bond Sale – Secretary Treasurer Zimmerman will check on the timing. • Add an item to the September Commission Meeting for Roslyn Johnson to report on and discuss the TedX program.
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ITEM 2 – MINUTES

	<p>May 2, 2018 Executive Committee Meeting Open Session – accepted without changes.</p> <p>May 2, 2018 Executive Committee Meeting Closed Session – accepted without changes.</p>
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ITEM3b – PROPOSED AMENDMENTS TO M-NCPPC ADMINISTRATIVE PRACTICE 3-31, Fraud, Waste & Abuse (Bennett/Beckham)

Mr. Beckham described proposed amendments to Administrative Practice 3-31, explaining they were made to conform with recently adopted amendments to Administrative Practice 1-31, Organization and Functions of the Audit committee and Office of the Inspector General (OIG). Mr. Beckham explained that the Practice updates the responsibilities assigned to the Inspector General, definitions of fraud, waste and abuse; and clarifies the reporting and handling of concerns.

Chair Anderson asked about the filing of issues that fall outside the realm of fraud, waste and abuse. More specifically, the policy may require additional clarity, so individuals are not sending to the OIG, concerns which are more appropriately handled by other reviewing entities. The Practice should also make it clear that the OIG has the authority to refer the matters for review by the appropriate resources. Ms. Bennett stated the team would revisit the draft with the Legal department to address the concerns expressed. A revised draft will be brought back for review by the Executive Committee.

ITEM3a – DIFFERENCES BETWEEN FSAs, HSAs and HRAs (McDonald/Spencer)

Ms. McDonald introduced Ms. Marsjanik and Ms. Livingstone of AON Consulting, who briefed the Executive Committee on the differences between Flexible Spending Accounts, Health Savings Accounts and Health Reimbursement Accounts. Based on the requirement of the FSA, funds that are not used by employees by the end of the plan year, are forfeited and placed into fund reserve. Executive Director Barney stated that there is \$475,000 available from forfeited year-end FSA funds. Funds have been used to offset the administration costs for the FSA. Department Directors are considering options for use of the remaining funds in a way that may benefit employees. AON will present background on the three programs to the Commission on June 20, 2018.

ITEM3c – STATUS OF ERP (Chilet/Dixon)

Mr. Dixon presented on the current state of the Enterprise Resource Program (ERP) for the Executive sponsors of the Program. The CIO's office will be providing a quarterly update. Mr. Dixon reported the ERP was currently on track and in good health. He discussed milestones, decisions, risk analysis, finances, timeline and consideration for departmental blackout dates. There have been several successful training sessions to familiarize department leadership with the ERP dashboard and its capabilities. Additional sessions are scheduled with Departments. Executive Director Barney requested CAS leadership be included in the training as well.

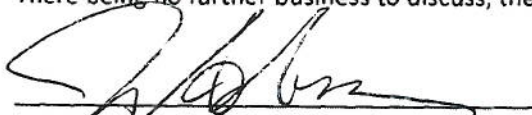
Mr. Dixon discussed the cost of the project. Staff realized they needed to make an adjustment to increase the hours required on different project modules. The ERP Steering Committee approved using contingency funds from the contract to cover the overage. Mr. Dixon asked if there was support to replenish the contingency fund. After much discussion, the Executive Committee did not support replenishing the fund at this time.

Mr. Dixon said all Subject Matter Experts were told any changes to the system had to be submitted by July 1 in order to be integrated into the system by the November 12 go live date. A Town Hall meeting is being held on June 20 to provide a platform for questions and answers from ERP users. This will be held following the Commission Meeting at PRA.

Mr. Dixon stated that the project was on track. Secretary-Treasurer Zimmerman suggested modifying the presentation of future budgets to include encumbered expenses as this would reflect a more accurate picture of the budget. While the ERP may not have incurred those expenses yet, the money is committed for those expenditures. Executive Director Barney offered it may be good to reflect the full encumbrance along with what has been spent to date to get a clearer picture of the remaining budget for the project. The

	Executive Director also asked the OCIO to provide an update on efforts to complete backfill resources.
ACTION ITEMS	
	<ul style="list-style-type: none"> • Practice 3-31 will be clarified with respect to the appropriate reporting of concerns which fall outside of fraud, waste and abuse. Staff will return in July Executive Committee (Policy/Legal) • OCIO will ensure CAS Department leadership is included on dashboard training (CIO) • Update the training calendar to reflect the correct date of the Town Hall on June 20, following the Commission Meeting at PRA. (CIO) • Follow-up discussion needed between Ms. Barney and Mr. Dixon about backfill resources. (CIO/Barney)

There being no further business to discuss, the meeting adjourned at 11:34 a.m.



 James Adams, Technical Writer (Acting)



 Patricia Colihan Barney, Executive Director

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

**REGULAR BOARD OF TRUSTEES MEETING
MINUTES**

Tuesday, May 1, 2018; 10:00 A.M.
ERS/Merit Board Conference Room

The Maryland-National Capital Park and Planning Commission Employees' Retirement System Board of Trustees met in the ERS/Merit Board Conference Room at its office in Riverdale, Maryland on Tuesday, May 1, 2018 and was called to order at 10:00 a.m. by CHAIRMAN HEWLETT.

Board members present:

1. Elizabeth M. Hewlett, Board of Trustees Chairman, Prince George's County Commissioner
2. Gerald R. Cichy, Board of Trustees Vice Chairman, Montgomery County Commissioner
3. Patricia Colihan Barney, CPA, M-NCPPC Executive Director, Ex-Officio
4. Howard Brown, FOP Represented Trustee
5. Pamela F. Gogol, Montgomery County Public Member
6. Dr. Alicia J. Hart, Prince George's County Open Trustee
7. Rick Liu, Montgomery County Open Trustee
8. Amy Millar, MCGEO Represented Trustee (*via conference call*)
9. Sheila Morgan-Johnson, Prince George's County Public Member (*via conference call*)
10. Barbara Walsh, Bi-County Open Trustee
11. Joseph C. Zimmerman, CPA, M-NCPPC Secretary-Treasurer, Ex-Officio

ERS staff present were: Andrea L. Rose, Administrator; Heather D. Brown, Senior Administrative Specialist; and, Sheila S. Joynes, Accounting Manager.

Presentations by: M-NCPPC Legal Department - LaTonya Reynolds, Senior Counsel; Groom Law Group - Alexander P. Ryan, Counsel; and, Wilshire Associates - Bradley A. Baker, Managing Director (*via conference call*).

1. CONSENT AGENDA

The following items are to be approved or accepted by vote on one motion unless a Board member requests separate consideration:

- A. Approval of the May 1, 2018 Board of Trustees Meeting Agenda
- B. Minutes of Regular Meeting, April 3, 2018
- C. Minutes of Closed Session, April 3, 2018
- D. Disbursements Granted Report – March 2018
- E. Transfer of \$24,600,000 to Cover Administrative Expenses and Benefit Payments for May to August 2018

ACTION: MS. BARNEY made a motion, seconded by MS. GOGOL to approve the Consent Agenda, as submitted.

The motion PASSED unanimously (10-0). (Motion #18-22)

MINUTES, AS APPROVED, AT THE JUNE 5, 2018 BOARD OF TRUSTEES MEETING

2. CHAIRMAN'S ITEMS

A. Board of Trustees Conference Summary

3. MISCELLANEOUS

4. CLOSED SESSION

The Board will meet in Closed Session, pursuant to the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(5) and 3-305(b)(7), for investment of public funds and to consult with legal counsel

At 10:09 a.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)(5) and 3-305(b)(7), for discussion of the investment of public funds and to consult with legal counsel regarding the Side Letter and Second Amended and Restated Limited Partnership Agreement for the White Oak Yield Spectrum Fund, L.P. and board self-assessments with presentations by the Groom Law Group - Alexander P. Ryan, Counsel; M-NCPPC Legal Department - LaTonya Reynolds, Senior Counsel; Wilshire Associates - Bradley A. Baker, Managing Director (*via conference call*); and, Administration & Personnel Oversight Committee Chairman – Barbara Walsh.

ACTION: MS. GOGOL made the motion, seconded by VICE CHAIRMAN CICHY to go into Closed Session.
The motion PASSED unanimously (10-0). (Motion #18-23)

DR. HART arrived at 10:31 a.m.

Mr. Ryan and Mr. Baker left the meeting at 10:48 a.m.

MS. MORGAN-JOHNSON left the meeting at 11:05 a.m.

During Closed Session, the Board of Trustees discussed the following matters:

1. The Board reviewed and approved the White Oak Yield Spectrum Fund L.P. Limited Partnership Agreement and Side Letter as recommended by Counsel.
2. The Board discussed the board self-assessments and advice of legal counsel.

At 11:20 a.m. CHAIRMAN HEWLETT requested a motion to leave Closed Session.

ACTION: MS. GOGOL made the motion, seconded by MS. WALSH to leave Closed Session.
The motion PASSED unanimously (10-0). (Motion #18-25)

ACTION: MS. WALSH made the motion, seconded by MS. BARNEY to ratify the actions taken in Closed Session.
The motion PASSED unanimously (10-0). (Motion #18-26)

5. COMMITTEE REPORTS/RECOMMENDATIONS

A. Investment Monitoring Group Committee
Presentation by Committee Chairman, Sheila Morgan-Johnson

i. Regular Report of April 17, 2018

In the absence of the Committee Chairman, Andrea Rose presented the Investment Monitoring Group's (IMG) Regular Report of April 17, 2018.

The IMG met with Western Asset for a performance review of the Western Asset Global Multi-Sector Fund. As of December 31, 2017, Western Asset had \$442.2 billion in assets under management with \$32.1 billion in public fund assets and \$2.8 billion in the Global Multi-Sector Fund. There were no gains or losses within the strategy in the last two years and no organizational or litigation to report. The last withdrawal of assets from the strategy was in 2016. Western Asset removed their benchmark several years ago and manages to a volatility target of 5-7%. The IMG questioned how to measure Western Asset's performance. Western agreed to prepare market data for the ERS and Wilshire's Brad Baker agreed to revise Western Asset's investment guidelines. There was a question about whether this was the most appropriate strategy for the portfolio. Wilshire has no immediate concerns with the Global Multi-Sector strategy, but agrees to an analysis of the fixed income portfolio's risk exposure.

The IMG reviewed Wilshire's Manager Review of the Voya Senior Loan Fund which has underperformed for the one-year, three-years and since inception period ending as of February 28, 2018. Voya performs better in down markets due to the conservative nature of the strategy. Wilshire will continue to monitor Voya's excess return and information ratio which have continued to decline.

The IMG discussed custodial fees and securities lending and agreed to continue the discussion at a future meeting following staff research.

B. Administration & Personnel Oversight Committee

Presentation by Committee Chairman, Barbara Walsh

i. Regular Report of April 17, 2018

a. Recommendation to Approve the FY2019 Operating Budget

MS. WALSH presented the Administration & Personnel Oversight Committee's ("Personnel Committee") Regular Report of April 17, 2018.

The Personnel Committee reviewed the proposed FY2019 Operating Budget of \$2,039,859 which is a 1.9% increase from the FY2018 Operating Budget. Andrea Rose explained the Pension Administration Committee will be requesting a budget amendment following selection of the pension administration software firm.

ACTION: MS. BARNEY made the motion, seconded by MS. GOGOL to approve the FY2019 Operating Budget of \$2,039,859.
The motion PASSED unanimously (10-0). (Motion #18-27)

At its March 6, 2018 meeting, the Board approved a full-scope actuarial audit of the July 1, 2017 actuarial valuation. An Actuarial Audit Services Request for Proposal was released with responses due May 23, 2018. The effective date of the contract is July 2018 with the results scheduled to be presented to the Board at its December 2018 meeting.

6. REPORT OF THE ADMINISTRATOR

Presentation by Administrator, Andrea L. Rose

A. Administrator's Report dated April 19, 2018

Andrea Rose presented the Administrator's Report dated April 19, 2018.

Since several trustees are attending the Mid-Atlantic Plan Sponsors Annual Conference, the June 5, 2018 Board meeting was moved to start at 9:00 a.m. An Audit Committee meeting was scheduled at 8:30 a.m. on June 19, 2018 prior to the other committee meetings.

The term for the Prince George's County Open Trustee serving on the Board of Trustees expires June 30, 2018. In accordance with election procedures, a Notice of Election was placed in Update, on the ERS' and the Commission's websites. Merit System employees working in the Prince George's County offices were invited to apply for the vacancy. Dr. Alicia Hart submitted an application for reappointment for the Prince George's County Open Trustee seat. No other applications were received. Dr. Hart is determined to have won by acclamation.

ACTION: MR. ZIMMERMAN made the motion, seconded by VICE CHAIRMAN CICHY to Acknowledge Dr. Alicia Hart as the Prince George's County Open Trustee to the Board of Trustees for the term ending June 30, 2021
The motion PASSED unanimously (10-0). (Motion #18-27)

The Board of Trustees meeting of May 1, 2018 adjourned at 11:30 a.m.

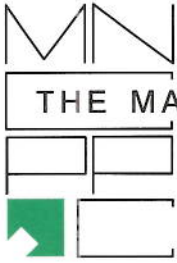
Respectfully,



Heather D. Brown
Senior Administrative Specialist



Andrea L. Rose
Administrator






THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

June 20, 2018

TO: The Maryland-National Capital Park and Planning Commission

VIA: Patricia C. Barney, Executive Director 
William Spencer, Human Resources Director

FROM: Jennifer McDonald, Benefits Manager 
Cynthia Henderson, Principal Benefits Specialist 

SUBJECT: Differences Between FSAs, HSAs and HRAs

Background

During April's Commission meeting questions were raised regarding the differences between a health flexible spending account (FSA), a health savings account (HSA), and a health reimbursement arrangement (HRA). They can all help you pay for qualified expenses related to your health care, which frequently include things like deductibles, copays, coinsurance and ineligible expenses under your health plan. Usually tied to a medical health plan, they are all tools to help manage any unexpected or uncovered health care costs, but there are some important differences.

Presentation

Currently the agency offers employees a health flexible spending account and a dependent care flexible spending account. Most of us are familiar with how they work but may not know how they differ from HSAs and HRAs. While the agency is not in a position to offer an HSA or HRA at this time, we invited Aon Consulting to help us understand the differences between FSAs, HSAs and HRAs; and to perhaps begin exploring these other options. See Exhibit A.

Forfeitures

Unused flexible spending account contributions are forfeited and can be used for the following reasons since M-NCPPC is exempt from ERISA:

- To be retained by the employer and used for any purpose the employer desires;
- To defray administrative costs of the FSA plan (most commonly used);
- To reduce salary reductions contributions by FSA participants in the next plan year;
- To be returned to participants as a cash refund, which will be taxed.

There is currently \$475,000 of forfeited funds held in the group insurance fund. To date, the agency has used the forfeitures only to defray the administrative costs which are approximately \$15,000 annually. Here are some figures based on the last 5 years.

- Annual average cumulative forfeiture for the last 5 years is \$30,992;
- Average annual enrollment has been approximately 500 participants;
- Average annual employee contribution for the last 5 years is \$1,633;
- Average total contribution for the last 5 years is \$816,522;
- Average forfeiture as a percentage of total contributions is 3.8%.
- Average annual forfeiture per participating member for the last 5 years is \$61.98.

Department Heads were asked to submit ideas on how to spend the current forfeiture balance of \$475,000 and any future forfeitures.



Flexible Spending Accounts (FSAs), Health Savings Accounts (HSAs), and Health Reimbursement Arrangement (HRAs)

Definitions and Differences

Prepared by Aon
Health & Benefits Consulting

What is a Health Flexible Spending Account (FSA)?

A Health FSA is:

- A self-insured medical reimbursement plan under IRC Section 105(h)
- A flexible spending arrangement under IRC Section 125
- A “group health plan” triggering the application of COBRA and HIPAA, FMLA, USERRA and other laws
- An “employee welfare benefit plan” under ERISA

Consequently, Health FSAs are highly regulated plans that are subject to numerous laws

FSA Reimbursement Requirements – IRC 105(h)

Health FSAs:

- Must have a written plan
 - Reimbursements are limited to medical care defined by IRC Section 213(d)
 - Limits reimbursements to employees, their tax dependents or adult children who have not attained age 27
 - Cannot reimburse employees for claims that could have been paid for by health insurance or other health coverage (dental or vision). Members must file services to their insurance plan first.
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- Allow for employer and employee contributions
 - Must be nondiscriminatory-cannot favor highly compensated individuals

Section 125 Cafeteria Plan Requirements For FSAs

Health FSAs are subject to the following rules under the Cafeteria Plan regulations:

- Uniform coverage rule – whole goal amount has to be available beginning on the first day of the plan year
- 12-month period of coverage
- Expenses have to be incurred during the period of coverage
- Reimbursement of health insurance premiums not allowed
- Long term care expenses cannot be reimbursed
- ② Third party claim adjudication required – the claims police!
- Use-or-lose rule – amounts not used during the plan year must be forfeited
 - Beginning in 2014-employers can allow a \$500 roll-over or a up to a 2 ½ month grace period
 - M-NCPPC elected the 2 ½ month grace period
- Elections are irrevocable unless employee has a change in status
- Limits the annual amount that can be contributed
 - M-NCPPC plan has a \$2,600 limit

Advantages of a Health FSA

Advantages of a Health FSA include:

- Lower FICA obligation since employer does not have to match FICA on FSA contributions
- Employees also save taxes on their federal, state and FICA contributions
- Employer can control what the account is used for
- Employer can use forfeitures to defray plan costs
- Health FSAs are considered easier to understand than other account-based health care plans

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Disadvantages of Health FSAs

- Administrative costs
- Employee's disenchantment with use-or-lose rule
- Not portable
- Do not earn interest and can't be invested
- Substantiation requirements
 - Use of debit cards has significantly reduced the need for employee substantiation
- Elections are irrevocable for the year unless a change in circumstances

22

Most employers use FSA forfeitures to defray administrative expenses

What is a Health Savings Account (HSA)?

An HSA is:

- A tax-favored IRA-type trust or custodial account
- An account that can be contributed to by, or on behalf of, employees who are considered “eligible individuals”
 - Eligible individuals are employees who have qualifying High Deductible Health Plan (HDHP) coverage and no impermissible coverage (any coverage paying a medical expense before the employee hits the statutory minimum deductible)
- An account that can be used to pay for medical expenses of the employee, their spouse, or tax dependents

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Who is Eligible to Contribute to an HSA?

To be eligible to contribute to an HSA, an individual:

- Must be covered by a “qualified” HDHP
 - Provides “significant benefits”
 - Complies with the statutory minimum deductible requirements (the “floor”)
 - Satisfies the maximum out-of-pocket requirements (the “ceiling”)
- Cannot be claimed as a tax dependent
- Cannot be “entitled” to Medicare
 - For HSA purposes, this means the individual cannot be enrolled in Medicare
- Must not have any “impermissible coverage” which is any coverage except “permitted” coverage that pays for an individual’s medical expense before they satisfy their minimum deductible

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Minimum Deductible – Maximum OOP

The IRS published minimum deductible and maximum OOP limits for 2018 are listed below:

- Minimum annual deductible: \$1,350 individual / \$2,700 family
- Maximum annual OOP expense: \$6,650 individual / \$13,300 family*
 - Deductible must apply to all medical and Rx services covered under the plan
 - Preventive care is not subject to minimum deductible requirements
 - The individual deductible does not apply under family coverage
 - In an HSA plan, the family deductible must be satisfied before coverage begins for any one family member (often referred to as a “true family” deductible)

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* Limit applies to in-network benefits only

Impermissible Coverage

The following types of coverage are “impermissible” coverage:

- General purpose health FSAs
 - Can offer limited purpose FSAs for dental and vision coverage
- General purpose HRAs
- Medicare (eligible and enrolled) or Medicaid
- Prescription drug coverage
- Veterans Administration (VA) medical benefits

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The following types of coverage can be “impermissible” coverage:

- On-site clinics that provide more than nominal services
- Employee assistance plans that provide more than 6-8 visits with a counselor
- Business travel insurance that provide medical care

2018 HSA Contribution Limits

For 2018, the HSA contribution maximums are:

- Individuals with self-only coverage: \$3,450
- Individuals with family coverage: \$6,850
- Individuals over age 55 are allowed to make additional catch-up contributions of \$1,000/year

The limits always apply on a calendar year basis, and all contributions must be made by April 15 for the previous calendar year



Employer Contribution Rules

Employers can contribute to employees' HSA accounts

- Most employers do contribute to HSAs as a way to encourage participation. Aon's data shows annual contributions in the \$500-\$750 range for single coverage and 2x that amount for family.

Employer contributions to an HSA can be made:

- Lump sum
- Pro rata

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Employer contributions **CANNOT** be reversed once they are deposited in the employee's HSA unless:

- The contribution was made for someone who was **NEVER** HSA eligible
- The contribution causes the employee to exceed the statutory HSA contribution maximum for the year

Using HSA Funds

Individuals can use their HSA account balance just like a checking account, they can pay for anything with their HSA funds:

- If the funds are not used for a qualified expense, the 20% excise tax applies
- All expenses must be incurred after the HSA was established
- Certain insurance expenses are allowable expenses
 - COBRA coverage
 - Health insurance while on unemployment
 - Qualified Long Term Care insurance
 - For individuals age 65 and over that are still HSA-eligible
 - Any health insurance other than a Medicare Supplement
 - Medicare Premiums
 - Premiums for individual policies except Medigap
 - Retiree medical premiums under an employer plan

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HSA Advantages – Why an HSA?

The advantages of an HSA are that an HSA:

- Can be invested and grow tax-free
- Is portable
- Is not subject to ERISA or COBRA
- Self-adjudicated claims, scouts honor, no claims police
- Can be used for non-medical reasons (subject to excise tax if used prior to age 65)
- Allows for both employee and employer contributions
- Not subject to discrimination rules

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Disadvantages of an HSA

- Employer contributions are non-forfeitable
- Employer has no control over the use of the funds
- HDHP needs to be qualified-Deductibles and Out-of-pocket limits need to be adjusted every year.

What is an HRA?

Health Reimbursement Accounts (HRAs) are often known by other names (MERPs, PCAs, IHAs), but are HRAs under the law. Requirements for HRAs include:

- The account is 100% employer-funded
- No employee contributions are allowed
- Rollovers of unused amounts permitted, but not required
- Spend downs are allowed after termination of employment
- HRAs are not portable
- ③ ▪ Unused amounts cannot be converted to cash
- Unused amounts cannot be assigned to a beneficiary

Types of HRAs

There are several types of HRAs:

- Stand Alone HRAs – less likely after health care reform because of the limit on annual and lifetime limits (must exist before September 23, 2010 or be a retiree only plan)
- Integrated HDHP/HRAs – most common HRA
- Limited Purpose/Post-Minimum Deductible HRAs – when an employer has an HDHP/HSA they may want a vehicle to pay for dental and vision expenses without being considered “impermissible coverage”

Employer Funding of HRAs

HRA funds can be:

- Lump sum or pro rata, the uniform coverage rule that applies to Health FSAs does not apply to HRAs
- Carryovers permitted, but not required, the use-or-lose rule does not apply – encourages employees to spend funds more wisely

Why an HRA?

Employers may choose to adopt an HRA because:

- They want to move to a “defined contribution approach” for health care coverage
- They want to decrease the employee’s “corridor of risk” associated with a HDHP
- They want an employer-funded vehicle to pay for unreimbursed dental and vision expenses
- They like the ability to offer a rollover of unused amounts without having to provide the funds to the employee on a non-forfeitable basis

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The Advantages of HRAs

The HRA has a number of desirable features. Those advantages include:

- HRAs can be forfeitable and the use of the funds limited to qualified medical expenses
 - Like Health FSAs, HRAs are not required to be funded
 - HRAs do not require as much coordination as HSAs
 - HRAs allows reimbursement of health insurance premiums
 - Health FSAs cannot reimburse premiums and HSAs are only allowed to in limited circumstances
- 37 HRAs can carry unused amounts over to future plan years

The Disadvantages of HRAs

Even though there are numerous advantages of HRA, there are also the following drawbacks:

- Full COBRA requirements apply and are challenging to administer
- Wellness concerns – will participants defer necessary care?
 - If the HRA does not have an annual forfeiture feature, participants may be inclined to forego needed medical care to save their balance for future years
- No earnings
 - Unless an HRA is funded in an interest-bearing account, HRAs do not have earnings
- ③ ▪ Expense substantiation is required by a third party subject to IRS substantiation requirements
- No cash-outs and nontransferable, confirmed in 2002 IRS Notice
- No employee contributions allowed, only the employer can contribute

MUTUAL AID AND RECIPROCAL ENFORCEMENT AGREEMENT

THIS MUTUAL AID AND RECIPROCAL ENFORCEMENT AGREEMENT (the "Reciprocal Agreement" or "Agreement") is made as of this _____ day of _____, 2018, by and between the Town of Cottage City, Maryland (the "Town"), a public body corporate and politic of the State of Maryland, and the Maryland-National Park and Planning Commission (the "Commission") a public body corporate and bi-county agency of the State of Maryland.

Explanatory Statements

A. Pursuant to the authority set forth in the Charter of the Town of Cottage City, § 18(45), the Town has established the Town of Cottage City Police Department (the "Town Police") to protect the health, safety and general welfare of the public within the corporate limits of Cottage City, Maryland (the "Town Limits").

B. Pursuant to the authority set forth in the Annotated Code of Maryland (the "Code") at Section 5-101 of the Land Use Article, the Commission regularly acquires, develops, owns and/or operates various park facilities and other real properties or interests therein, including such of the Commission properties located from time to time within the Town Limits presently including but not limited to the Dueling Branch Neighborhood Playground, the Cottage City Neighborhood Mini-Park, and the Anacostia River Stream Valley Park (the "Park Property").

C. Pursuant to the authority set forth in the Code at Section 17-301, et seq. of the Land Use Article the Commission has established the Prince George's County Division of the Maryland-National Capital Park Police (the "Park Police") as deemed thereby to be necessary for the protection of the Commission activities undertaken within the Town Limits and the Park Property.

D. Pursuant to the authority set forth in the Code, at Section 17-303 of the Land Use Article and the Criminal Procedure Article at Section 2-105, the Town, and the Commission, (collectively, the "Parties") through the Parties' respective police agencies desire to make and enter into this Reciprocal Agreement for the purposes provided thereunder.

E. The Parties desire to provide for the safe and efficient administration of law enforcement within the Park Property and that portion of all roads and sidewalks immediately adjacent to any such Park Property within the Town.

F. This Agreement has been authorized pursuant to § 11-7 of the Code of the Town of Cottage City by the action of the governing body of the Town of Cottage City, Maryland, taken on Apr. 11, 2018 2018 by Resolution 2018-01 approved and recorded in the journal, a true and correct copy of which is annexed hereto at Exhibit A.

G. This Agreement has been authorized by the formal action of the Maryland-National Capital Park and Planning Commission taken on _____, 2018, by Resolution _____, a true and correct copy of which is annexed hereto at Exhibit B.

NOW, THEREFORE, in consideration of the mutual rights, duties, promises and obligations herein, the parties desire to set forth in writing the understanding reached between them concerning the manner in which police service is to be rendered within the Park Property and within the City Limits and therefore agree to the following:

1. Authority Reserved. Nothing contained in this Agreement is intended to cede, relinquish or limit the respective legal authority or jurisdiction of either department under circumstances not addressed herein, and the Town Police and Park Police, respectively, do hereby expressly reserve all such authority and jurisdiction to the fullest extent otherwise provided under the Code, by the laws and ordinances of the Town, resolution of the Commission, Common Law of Maryland or any other applicable law or regulation promulgated pursuant thereto. By way of example and without limiting the generality of the foregoing, it is understood that nothing provided in this Agreement shall limit or otherwise impair the authority of any officer of the Town Police or Park Police to make an arrest pursuant to the provisions of the Code at Sections 2-102, 2-202, 2-203 or 2-301 of the Criminal Procedure Article as amended from time to time. In addition, the failure of either party to comply with the requirements of Sections 2.1 2.3, 2.4, 3, 4 or 5 of this Agreement may only be enforced by the parties under Section 6 of this Agreement and shall have no effect on the authority of the Town Police or the Park Police to exercise their respective police powers of this State, it being expressly understood that this Agreement shall have no third-party beneficiaries intended or implied.

2. Special Patrol Jurisdiction.

2.1. Jurisdiction Conferred. The Commission and Park Police and Town and Town Police do hereby warrant and muster the aid of each other and, accordingly, confer upon each other any concurrent and general jurisdiction necessary and sufficient under law to exercise police powers within the specified geographical areas contained within the Town Limits and enumerated in the map and *Schedule 2.1* attached to this Agreement (the "Special Patrol Areas"); provided, however, that such authority shall be subject to the following limitations:

2.1.1. *Special Patrol Areas*. The Town and Town Police expressly agree they will conduct regular patrols within the Special Patrol Areas sufficient to address the Town's public safety concerns. Activities undertaken by the Town Police within the Special Patrol Areas shall be confined to the Special Patrol Areas; provided, however, that this section is not intended to limit the authority of the Town Police to engage in fresh pursuit, for actions that occur within the Special Patrol Areas, as provided in the Code at Section 2-301 of the Criminal Procedure Article.

2.1.2. *Park Property Reserved*. Nothing provided in this Article 2 with respect to the Special Patrol Areas shall limit or otherwise impair the exercise by the Park Police of jurisdiction within any Park Property located within a Special Patrol Area, it being expressly understood that jurisdiction within any Park Property shall be exercised according to the provisions of Article 3 of this Agreement only.

2.2. Reserved.

2.3. Certain Practices of Town Police. For the purpose of securing the orderly exercise of Special Patrol Jurisdiction and conducting the patrols promised by the Town, the Town Police agree to observe certain practices and procedures provided as follows:

2.3.2. *Communication Protocol*. Incidents observed by the Town Police and arrests made by the Town Police within the Special Patrol Areas shall be reported promptly to the Park Police by means of radio or telephone transmission.

2.3.3 *Incident Reports*. The Town Police shall file with the Park Police a written report for any arrest or other incident reportable according to Park Police regulation or directive, or at the special request made pursuant to Park Police incident command. Written incident reports made by the Town Police

for this purpose shall be provided according to any form, content, and applicable written directives or procedures, which the Park Police may from time to time reasonably promulgate and require. It is understood that incident reports filed pursuant to this Section 2.3.3 shall be completed as soon as practicable following the close of the reporting officer's tour of duty, but not later than 24 hours thereafter. The Park Police will likewise provide incident reports to the Town Police with respect to any arrest or other reportable incident.

2.3.4 *Notice of Certain Operations.* To ensure the safety of both Town Police officers and Park Police officers, the Town Police shall provide to the Park Police reasonable prior notice of any narcotics investigation or undercover enforcement activity conducted on Park Property. Such notice shall be furnished within four (4) hours in advance of commencement of such activity according to such applicable written directives or procedures as the Park Police may from time to time reasonably promulgate and require, unless due to exigent circumstances such notice is impractical.

3. Concurrent Jurisdiction On Park Property. The Parties hereby acknowledge the concurrent jurisdiction of the Park Police with respect to Park Property, including without limitation that contained within the Special Patrol District and that portion of all roads and sidewalks immediately adjacent to any Park Property. As a matter of their mutual convenience, and not in limitation, it is understood that such concurrent jurisdiction shall be exercised according to the provisions of this Article 3.

3.1. Command.

3.1.1. On Park Property. Except and unless expressly waived at the sole option of the Park Police with respect to a particular incident, the Park Police shall have full charge and responsibility for on-the-scene command of any Town Police officer who exercises concurrent jurisdiction on Park Property.

3.1.2. Certain Areas Adjacent to Park Property. If any incident begins or is discovered on Park Property and thereafter continues without interruption onto the roads and sidewalks immediately adjacent to Park Property, then, except and unless expressly waived at the sole option of the Park Police with respect to that incident, the Park Police shall have full charge and responsibility for on-the-scene command of any Town Police officer who responds to that incident.

3.1.3 First on Scene. Notwithstanding anything herein to the contrary, in the event that a police officer for any signatory jurisdiction is first on the scene, that officer shall assume command and secure the area, maintain the integrity of any crime scene, establish a perimeter as required and begin to gather victim and/or witness information until an officer from the signatory jurisdiction having primary jurisdiction arrives on the scene. A police officer who initially assumes command of a scene as described in this subsection shall relinquish command to the first police officer having primary jurisdiction who arrives on the scene

3.2. Park Police. Except as otherwise expressly provided in Section 3.3. of this Agreement, the Park Police shall be the agency of principal responsibility for law enforcement activities undertaken with respect to Park Property, including, but not limited to, the following:

3.2.1. *Investigation.* Initiation and/or conduct of investigative activities relating to a crime, reported crime or possible crime occurring on Park Property; provided, however, that, the Prince George's County Police shall be and remain the agency of principal responsibility for investigative activities relating to any human death occurring or discovered on Park Property. With respect to those

events investigated by the Park Police, the Park Police shall be solely responsible for the collection and preservation of evidence/property recovered during the course of their investigations.

3.2.3. *Warrants.* The execution on Park Property of search or arrest warrants relating to any crime, reported crime or possible crime investigated by the Park Police.

3.2.4. *Crowd Control.* The planning and execution of law enforcement measures to control crowds, demonstrations, public displays, and similar scheduled and unscheduled congregations which may occur from time to time on Park Property.

3.2.5. *Drug and Alcohol Crime.* The investigation and enforcement of any violation occurring on Park Property of laws relating to the possession, use and/or distribution of narcotics, and similar controlled dangerous substances or alcoholic beverages.

3.2.6. *Motor Vehicle Laws.* The investigation and enforcement of any violation of the motor vehicle laws of the State of Maryland occurring on Park Property, whether or not the violation is a crime.

3.2.7. *Enforcement of Rules and Regulations.* The investigation and enforcement of the Park Rules and Regulations promulgated from time to time by the Commission in accordance with the Code at Land Use Article Section 17-207.

3.3. Certain Practices of Park Police. For the purpose of securing the orderly exercise of Special Patrol Jurisdiction, the Park Police agree to observe certain practices and procedures provided as follows:

3.3.2. *Communication Protocol.* Incidents observed by the Park Police and arrests made by the Park Police in the exercise of its Special Patrol Jurisdiction shall be reported promptly to the Town Police by means of radio or telephone transmission.

3.3.3. *Incident Reports.* The Park Police shall file with the Town Police a written report for any arrest or other incident reportable according to Park Police regulation or directive, or at the special request made pursuant to Town Police. Written incident reports made by the Park Police for this purpose shall be provided according to any form, content, and applicable written directives or procedures, which the Park Police may from time to time reasonably promulgate and require. It is understood that incident reports filed pursuant to this Section 3.3.3. shall be completed as soon as practicable following the close of the reporting officers tour of duty, but not later than 24 hours thereafter.

3.3.4. *Advance Notice of Certain Operations.* To ensure the safety of both Town Police officers and Park Police officers, the Park Police shall provide to the Town Police reasonable prior notice of any narcotics investigation or undercover enforcement activity conducted in the Special Patrol Areas. Such notice shall be furnished within four (4) hours in advance of commencement of such activity according to such applicable written directives or procedures as the Park Police may from time to time reasonably promulgate and require, unless due to exigent circumstances such notice is impractical.

4. Calls for Emergency Assistance. The Parties acknowledge that the proper and timely routing of telephone calls for emergency service between the Town Police and Park Police, and the notice thereof from one unto the other, is a serious matter of public service and a possible source of citizen confusion or complaints. Accordingly, the departments will exercise best efforts and due care in the transaction of such

calls according to the provisions of this Article 4.

4.1. Referral to Agency Having Principal Responsibility. The Park Police shall promptly refer to the Town Police any telephone call or other request for emergency service which relates to an area other than Park Property but within the Town Limits. The Town Police shall promptly refer to the Park Police any telephone call or other request for emergency service which relates to Park Property that is outside the Special Patrol Areas. Telephone calls referred by one agency to another shall be transacted using equipment designed to switch the call without interruption to the person initiating the call.

4.2. Records. Each agency shall maintain a record of calls referred to the other pursuant to this Article 4. The records shall record the date, time and duration of the call, street address or other information regarding location of the request, the nature of complaint, complaint number (if any) and identification of personnel assigned to respond (if any) to each call switched as provided herein. Each agency shall furnish to the other a copy of the records maintained upon request.

5. Cooperation; Technical Assistance; Procedures; Complaints. It is the intent of the Parties that the Town Police and Park Police shall share liberally their technical expertise, equipment, and human resources to prevent and reduce crime throughout the County Limits and to deliver efficient, coordinated police services to the citizens of Prince George's County, and particularly the residents of the Town of Cottage City, including without limitation any available camera feeds or footage taken within the Special Patrol Areas. Each Party signatory hereto, and their respective police agencies and employees, covenants that it shall in all events cooperate using best efforts to comply with any reasonable request made by the other. Each police agency shall promulgate reasonable rules, regulations and directives for the purpose of ensuring uniform compliance with the requirements set forth in this Agreement. Complaints alleging any incident of non-compliance shall be made in writing addressed to the chief of agency to which such complaint relates. Upon receipt, the chief shall conduct promptly a reasonable investigation of each complaint and shall in due course report in writing to the complainant whether such complaint is founded or not. On an annual basis beginning with the first anniversary of the effective date of this Agreement, the status of each complaint of non-compliance shall be reported to the Cottage City Commission and Commission, respectively.

6. Statutory Indemnity. The parties do mutually covenant and agree to waive all claims and indemnify the other according to the terms and requirements set forth in the Code at Section 2-105 (e)(2) of the Criminal Procedure Article, which terms and requirements, as amended from time to time, shall be deemed incorporated herein by reference as if set forth in their entirety.

7. Integration.

7.1. Prior Agreement of the Parties. This Agreement (including the Exhibits and Schedules hereto) constitutes and contains the entire, integrated agreement of the Parties with respect to the subject matter hereof, and shall supersede any and all prior negotiations, correspondence, understandings and agreements between the parties, respecting the subject matter hereof.

7.2. Other Agencies of Law Enforcement. Anything provided in this Agreement to the contrary notwithstanding, it is understood that the Parties may from time to time, under the authority provided under the Code at Section 2-105 of the Criminal Procedure Article, enter into agreements of reciprocal enforcement and mutual aid respecting other law enforcement agencies. In the event any provision contained in this Agreement conflicts with any other such enforcement and aid agreement, the terms of the other such agreement shall be deemed to control.

9.6. Applicable Law. This Agreement was made in the State of Maryland, and shall be governed by, construed, interpreted and enforced in accordance with the laws of the State of Maryland.

9.7. Use of Genders. Whenever used in this Agreement, the singular shall include the plural and vice versa, and the use of any gender shall include all genders and the neuter.

10. Colmar Manor and Cottage City Memoranda of Understanding Regarding Integrated Police Command and Other Functions. The Commission is on notice, understands and agrees that pursuant to various memoranda of understanding the Town Police and the police department of the Town of Colmar Manor ("Colmar Manor") are led, supervised and managed by a single police chief. The present police chief of police for both jurisdictions is William Lowry. Further, the Commission understands and acknowledges that police officers of the Town and Colmar Manor are regularly assigned to undertake patrol, response and other police functions within the Town and Colmar Manor.

IN WITNESS WHEREOF, the Parties have executed and acknowledged this Agreement as of the day and year first written above.

**THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION**

By: _____
Patricia Barney
Executive Director

By: _____
Elizabeth M. Hewlett
Chairman

ATTEST:

Joseph Zimmerman
Secretary-Treasurer

Approved as to form and legal sufficiency:

General Counsel
Maryland-National Capital Park and
Planning Commission

TOWN OF COTTAGE CITY, MARYLAND

By: Dylan O. Galloway
Dylan O. Galloway
Interim Town Manager

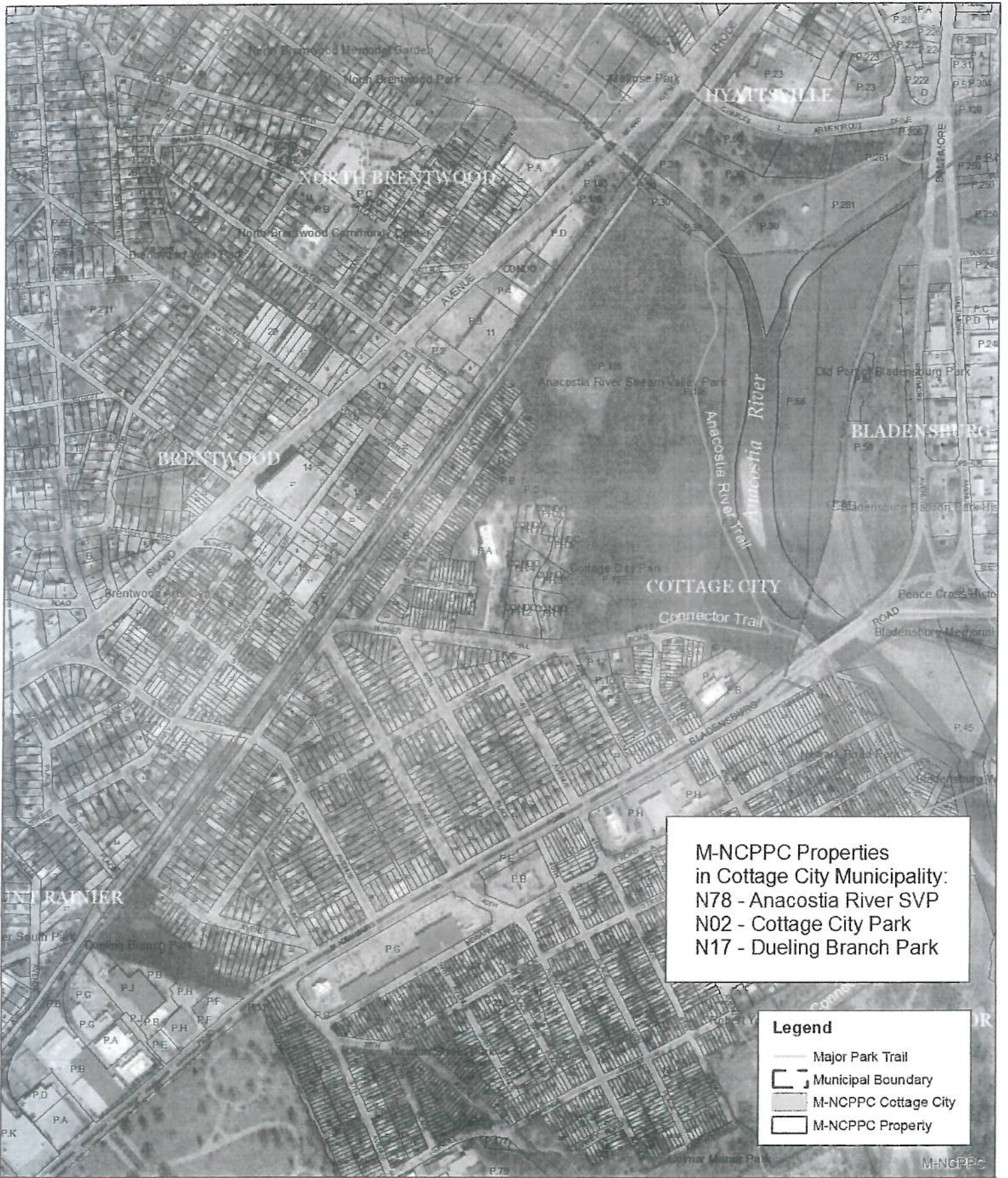
By: Sheila Butler
Sheila Butler
Commissioner-Chair

ATTEST:
Ann M. Young
Ann M. Young
Commissioner-Secretary

Approved as to form and legal sufficiency:

Kevin J. Bass
Town Attorney
Town of Cottage City

APPROVED AS TO LEGAL SUFFICIENCY
[Signature]
M-NCPPC Legal Department
Date 6/6/18



M-NCPPC Properties
 in Cottage City Municipality:
 N78 - Anacostia River SVP
 N02 - Cottage City Park
 N17 - Dueling Branch Park

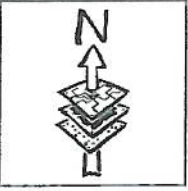
- Legend**
- Major Park Trail
 - Municipal Boundary
 - M-NCPPC Cottage City
 - M-NCPPC Property



**M-NCPPC Property in
 Cottage City Municipality**

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DATE: 03/13/2018
 SCALE: 600 Feet



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MUTUAL AID AND RECIPROCAL ENFORCEMENT AGREEMENT

THIS MUTUAL AID AND RECIPROCAL ENFORCEMENT AGREEMENT (the Reciprocal Agreement or Agreement) is made as of this ____ day of _____, 2018, by and between the Mayor and Town Council of Colmar Manor, Maryland (the Town), a public body corporate and politic of the State of Maryland, and the Maryland-National Park and Planning Commission (the ACommission@) a public body corporate and bi-county agency of the State of Maryland.

Explanatory Statements

A. Pursuant to the authority set forth in the Charter of the Town, the Town has established a Police Department (the Town Police) to protect the health, safety and general welfare of the public within the limits of Town (the Town Limits).

B. Pursuant to the authority set forth in the Annotated Code of Maryland (the Code) at Section 5-101 of the Land Use Article, the Commission regularly acquires, develops, owns and/or operates various park facilities and other real properties or interests therein, including such of the Commission properties located from time to time within the Town (the Park Property) as shown on the attached maps.

C. Pursuant to the authority set forth in the Code at Section 17-301, et seq. of the Land Use Article the Commission has established the Prince George=s County Division of the Maryland-National Capital Park Police (the Park Police) as deemed thereby to be necessary for the protection of the Commission activities undertaken within the Town Limits and the Park Property.

D. Pursuant to the authority set forth in the Code, at Section 17-303 of the Land Use Article and the Criminal Procedure Article at Section 2-105, the Town, and the Commission, (collectively, the Parties) through the Parties' respective police agencies desire to make and enter into this Reciprocal Agreement for the purposes provided thereunder.

E. The Parties desire to provide for the safe and efficient administration of law enforcement within the Park Property and that portion of all roads and sidewalks immediately adjacent to any such Park Property within the Town.

F. This Agreement has been authorized pursuant to action of the Mayor and Town Council of the Town taken on March 13, 2018

G. This Agreement has been authorized by the formal action of the Maryland-National Capital Park and Planning Commission taken on _____, 2018, by Resolution _____, a true and correct copy of which is annexed hereto at Exhibit B.

NOW, THEREFORE, in consideration of the mutual rights, duties, promises and obligations herein, the parties desire to set forth in writing the understanding reached between them concerning the manner in which police service is to be rendered within the Park Property and within the Town Limits and therefore agree to the following:

1. Authority Reserved. Nothing contained in this Agreement is intended to cede, relinquish or limit the respective legal authority or jurisdiction of either department under circumstances not addressed herein, and the Town Police and Park Police, respectively, do hereby expressly reserve all such authority and jurisdiction to the fullest extent otherwise provided under the Code, by the laws and ordinances of the Town, resolution of the Commission, Common Law of Maryland or any other applicable law or regulation promulgated pursuant thereto. By way of example and without limiting the generality of the foregoing, it is understood that nothing provided in this Agreement shall limit or otherwise impair the authority of any officer of the Town Police or Park Police to make an arrest pursuant to the provisions of the Code at Sections 2-102, 2-202, 2-203 or 2-301 of the Criminal Procedure Article as amended from time to time. In addition, the failure of either party to comply with the requirements of Sections 2.1 2.3, 2.4, 3, 4 or 5 of this Agreement may only be enforced by the parties under Section 6 of this Agreement and shall have no effect on the authority of the Town Police or the Park Police to exercise their respective police powers of this State, it being expressly understood that this Agreement shall have no third-party beneficiaries intended or implied.

2. Special Patrol Jurisdiction.

2.1. Jurisdiction Conferred. The Commission and Town do hereby warrant and muster the aid of each other and, accordingly, confer upon each other any concurrent and general jurisdiction necessary and sufficient under law to exercise police powers within the specified geographical areas contained within the Town Limits and enumerated in the map and *Schedule 2.1* attached to this Agreement (the Special Patrol Areas); provided, however, that such authority shall be subject to the following limitations:

2.1.1. *Special Patrol Areas.* The Town expressly agrees it will conduct regular patrols within the Special Patrol Areas sufficient to address the Town's public safety concerns. Activities undertaken by the Town Police within the Special Patrol Areas shall be confined to the Special Patrol Areas; provided, however, that this section is not intended to limit the authority of police officers of the Town to engage in fresh pursuit, for actions that occur within the Special Patrol Areas, as provided in the Code at Section 2-301 of the Criminal Procedure Article.

2.1.2. *Park Property Reserved.* Nothing provided in this Article 2 with respect to the Special Patrol Areas shall limit or otherwise impair the exercise by the Park Police of jurisdiction within any Park Property located within a Special Patrol Area, it being expressly understood that jurisdiction within any Park Property shall be exercised according to the provisions of Article 3 of this Agreement only.

2.2. Reserved.

2.3. Certain Practices of Town Police. For the purpose of securing the orderly exercise of jurisdiction described herein and conducting the patrols promised by the Town, the Town agrees to observe certain practices and procedures provided as follows:

2.3.2. *Communication Protocol.* Incidents observed by the Town Police and arrests made by the Town Police within the Special Patrol Areas shall be reported promptly to the Park Police by means of radio or telephone transmission.

2.3.3 *Incident Reports.* The Town Police shall file with the Park Police a written report for any arrest or other incident reportable according to Park Police regulation or directive, or at the special request made pursuant to Park Police incident command. Written incident reports made by the Town Police for this purpose shall be provided according to any form, content, and applicable written directives or procedures, which the Park Police may from time to time reasonably promulgate and require. It is understood that incident reports filed pursuant to this Section 2.3.3 shall be completed as soon as practicable following the close of the reporting officer's tour of duty, but not later than 24 hours thereafter. The Park Police will likewise provide incident reports, in the same timely form and manner to the Town Police with respect to any arrest or other reportable incident.

2.3.4 *Advance Notice of Certain Operations.* To ensure the safety of both Town Police officers and Park Police officers, the Town Police shall provide to the Park Police reasonable prior notice of any narcotics investigation or undercover enforcement activity conducted on Park Property. Such notice shall be furnished within four (4) hours in advance of commencement of such activity according to such applicable written directives or procedures as the Park Police may from time to time reasonably promulgate and require, unless due to exigent circumstances such notice is impractical.

3. Concurrent Jurisdiction On Park Property. The Parties hereby acknowledge the concurrent jurisdiction of the Park Police with respect to Park Property, including without limitation that contained within the Special Patrol District and that portion of all roads and sidewalks immediately adjacent to any Park Property. As a matter of their mutual convenience, and not in limitation, it is understood that such concurrent jurisdiction shall be exercised according to the provisions of this Article 3.

3.1. Command.

3.1.1. On Park Property. Except and unless expressly waived at the sole option of the Park Police with respect to a particular incident, the Park Police shall have full charge and responsibility for on-the-scene command of any Town Police officer who exercises concurrent jurisdiction on Park Property.

3.1.2. Certain Areas Adjacent to Park Property. If any incident begins or is discovered on Park Property and thereafter continues without interruption onto the roads and sidewalks immediately adjacent to Park Property, then, except and unless expressly waived at the sole option of the Park Police with respect to that incident, the Park Police shall have full charge and responsibility for on-the-scene command of any Town Police officer who responds to that incident.

3.1.3 First on Scene. Notwithstanding anything herein to the contrary, in the event that a police officer for any signatory jurisdiction is first on the scene, that officer shall assume command and secure the area, maintain the integrity of any crime scene, establish a perimeter as required and begin to gather victim and/or witness information until an officer from the signatory jurisdiction having primary jurisdiction arrives on the scene. A police officer who

initially assumes command of a scene as described in this subsection shall relinquish command to the first police officer having primary jurisdiction who arrives on the scene

3.2. Park Police. Except as otherwise expressly provided in Section 3.3. of this Agreement, the Park Police shall be the agency of principal responsibility for law enforcement activities undertaken with respect to Park Property, including, but not limited to, the following:

3.2.1. *Investigation.* Initiation and/or conduct of investigative activities relating to a crime, reported crime or possible crime occurring on Park Property; provided, however, that, the Prince George's County Police shall be and remain the agency of principal responsibility for investigative activities relating to any human death occurring or discovered on Park Property. With respect to those events investigated by the Park Police, the Park Police shall be solely responsible for the collection and preservation of evidence/property recovered during the course of their investigations.

3.2.3. *Warrants.* The execution on Park Property of search or arrest warrants relating to any crime, reported crime or possible crime investigated by the Park Police.

3.2.4. *Crowd Control.* The planning and execution of law enforcement measures to control crowds, demonstrations, public displays, and similar scheduled and unscheduled congregations which may occur from time to time on Park Property.

3.2.5. *Drug and Alcohol Crime.* The investigation and enforcement of any violation occurring on Park Property of laws relating to the possession, use and/or distribution of narcotics, and similar controlled dangerous substances or alcoholic beverages.

3.2.6. *Motor Vehicle Laws.* The investigation and enforcement of any violation of the motor vehicle laws of the State of Maryland occurring on Park Property, whether or not the violation is a crime.

3.2.7. *Enforcement of Rules and Regulations.* The investigation and enforcement of the Park Rules and Regulations promulgated from time to time by the Commission in accordance with the Code at Land Use Article Section 17-207.

3.3. Certain Practices of Park Police. For the purpose of securing the orderly exercise of Special Patrol Areas, the Park Police agree to observe certain practices and procedures provided as follows:

3.3.1 There is no Section 3.3.1.

3.3.2. *Communication Protocol.* Incidents observed by the Park Police and arrests made by the Park Police in the exercise of its jurisdiction granted herein shall be reported promptly to the Town Police by means of radio or telephone transmission.

3.3.3 Incident Reports. The Park Police shall file with the Town Police a written report for any arrest or other incident reportable according to Park Police regulation or directive, or at the special request made pursuant to Town Police. Written incident reports made by the Park Police for this purpose shall be provided according to any form, content, and applicable written directives or procedures, which the Park Police may from time to time reasonably promulgate and require. It is understood that incident reports filed pursuant to this Section 3.3.3. shall be completed as soon as practicable following the close of the reporting officers tour of duty, but not later than 24 hours thereafter.

3.3.4 Advance Notice of Certain Operations. To ensure the safety of both Town Police officers and Park Police officers, the Park Police shall provide to the Town Police reasonable prior notice of any narcotics investigation or undercover enforcement activity conducted in the Special Patrol Areas. Such notice shall be furnished within four (4) hours in advance of commencement of such activity according to such applicable written directives or procedures as the Park Police may from time to time reasonably promulgate and require, unless due to exigent circumstances such notice is impractical.

4. Calls for Emergency Assistance. The Parties acknowledge that the proper and timely routing of telephone calls for emergency service between the Town Police and Park Police, and the notice thereof from one unto the other, is a serious matter of public service and a possible source of citizen confusion or complaints. Accordingly, the departments will exercise best efforts and due care in the transaction of such calls according to the provisions of this Article 4.

4.1. Referral to Agency Having Principal Responsibility. The Park Police shall promptly refer to the Town Police any telephone call or other request for emergency service which relates to an area other than Park Property but within the Town Limits. The Town Police shall promptly refer to the Park Police any telephone call or other request for emergency service which relates to Park Property that is outside the Special Patrol Areas. Telephone calls referred by one agency to another shall be transacted using equipment designed to switch the call without interruption to the person initiating the call.

4.2. Records. Each agency shall maintain a record of calls referred to the other pursuant to this Article 4. The records shall record the date, time and duration of the call, street address or other information regarding location of the request, the nature of complaint, complaint number (if any) and identification of personnel assigned to respond (if any) to each call switched as provided herein. Each agency shall furnish to the other a copy of the records maintained upon request.

5. Cooperation; Technical Assistance; Procedures; Complaints. It is the intent of the Parties that the Town Police and Park Police shall share liberally their technical expertise, equipment, and human resources to prevent and reduce crime throughout the County Limits and to deliver efficient, coordinated police services to the citizens of Prince George=s County, and particularly the residents of the Town, including without limitation any available camera feeds or footage taken within the Special Patrol Areas. Each Party signatory hereto, and their respective police agencies and employees, covenants that it shall in all events cooperate using best efforts to comply with any reasonable request made by the other. Each police agency shall promulgate reasonable rules, regulations and directives for the purpose of ensuring uniform compliance with the requirements set forth in this Agreement. Complaints alleging any incident

of non-compliance shall be made in writing addressed to the chief of agency to which such complaint relates. Upon receipt, the chief shall conduct promptly a reasonable investigation of each complaint and shall in due course report in writing to the complainant whether such complaint is founded or not. On an annual basis beginning with the first anniversary of the effective date of this Agreement, the status of each complaint of non-compliance shall be reported to the Town and Commission, respectively.

6. Statutory Indemnity. The parties do mutually covenant and agree to waive all claims and indemnify the other according to the terms and requirements set forth in the Code at Section 2-105 (e)(2) of the Criminal Procedure Article, which terms and requirements, as amended from time to time, shall be deemed incorporated herein by reference as if set forth in their entirety.

7. Integration.

7.1. Prior Agreement of the Parties. This Agreement (including the Exhibits and Schedules hereto) constitutes and contains the entire, integrated agreement of the Parties with respect to the subject matter hereof, and shall supersede any and all prior negotiations, correspondence, understandings and agreements between the parties, respecting the subject matter hereof.

7.2. Other Agencies of Law Enforcement. Anything provided in this Agreement to the contrary notwithstanding, it is understood that the Parties may from time to time, under the authority provided under the Code at Section 2-105 of the Criminal Procedure Article, enter into agreements of reciprocal enforcement and mutual aid respecting other law enforcement agencies. In the event any provision contained in this Agreement conflicts with any other such enforcement and aid agreement, the terms of the other such agreement shall be deemed to control.

8. Term. This Agreement shall be deemed effective at 12:01 AM on the date first written above and shall continue in full force and effect until such time as it is terminated by either the Town or the Commission upon thirty (30) days written notice.

9. Miscellaneous.

9.1. Notices. Except as otherwise expressly provided by this Agreement, any written notices, requests, demands, consents, and other communications which are required or may be given under this Agreement shall be given as follows:

If to the Town:

Daniel R. Baden
Clerk-Treasurer
Mayor and Town Council of Colmar Manor
3710 Lawrence Street
Colmar Manor, Maryland 20722

With a copy to:
John R. Barr, Esq.

3480 Chiswick Court
Silver Spring, Maryland 20906

If to the Town Police:

Chief William Lowry
Colmar Manor Police Department
3710 Lawrence Street
Colmar Manor, Maryland 20722

If to the Commission:

Executive Director
Maryland-National Capital Park and Planning Commission
6611 Kenilworth Avenue, Suite 403
Riverdale, Maryland 20737

If to the Park Police:

Chief Stanley R. Johnson
Maryland-National Capital Park Police
8100 Corporate Drive
Landover, Maryland 20785

9.2. Severability. Any provision of this Agreement which is held by a court of competent jurisdiction to be prohibited or unenforceable shall be ineffective to the extent of such prohibition or unenforceability, without invalidating or rendering unenforceable the remaining provisions of this Agreement.

9.3. Amendment; Waiver. No provision of this Agreement may be amended, waived, or otherwise modified without the prior written consent of all of the parties hereto.

9.4. Section Headings. The section and other headings contained in this Agreement are for reference purposes only and shall not affect the meaning or interpretation of this Agreement.

9.5. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which together shall be deemed to be one and the same instrument.

9.6. Applicable Law. This Agreement was made in the State of Maryland, and shall be governed by, construed, interpreted and enforced in accordance with the laws of the State of Maryland.

9.7. Use of Genders. Whenever used in this Agreement, the singular shall include the plural and vice versa, and the use of any gender shall include all genders and the neuter.

10. Colmar Manor and Cottage City Memoranda of Understanding Regarding Integrated Police Command and Other Functions.

The Commission is on notice and understands and agrees that pursuant to various memoranda of understanding the Town Police and the police department of the Town of Cottage City ("Cottage City") are led, supervised and managed by a single police chief. The present police chief of police for both jurisdictions is William Lowry. Further the Commission understands and acknowledges that police officers of the Town and Cottage City are regularly assigned to undertake patrol, response and other police functions within the Town and Cottage City.

IN WITNESS WHEREOF, the Parties have executed and acknowledged this Agreement as of the day and year first written above.

**THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION**

**Mayor and Town Council of Colmar
Manor**

Patricia Barney
Executive Director



William Lowry, Chief of Police

Elizabeth M. Hewlett
Chairman


ATTEST:

Joseph Zimmerman
Secretary-Treasurer

Approved as to form and legal sufficiency:

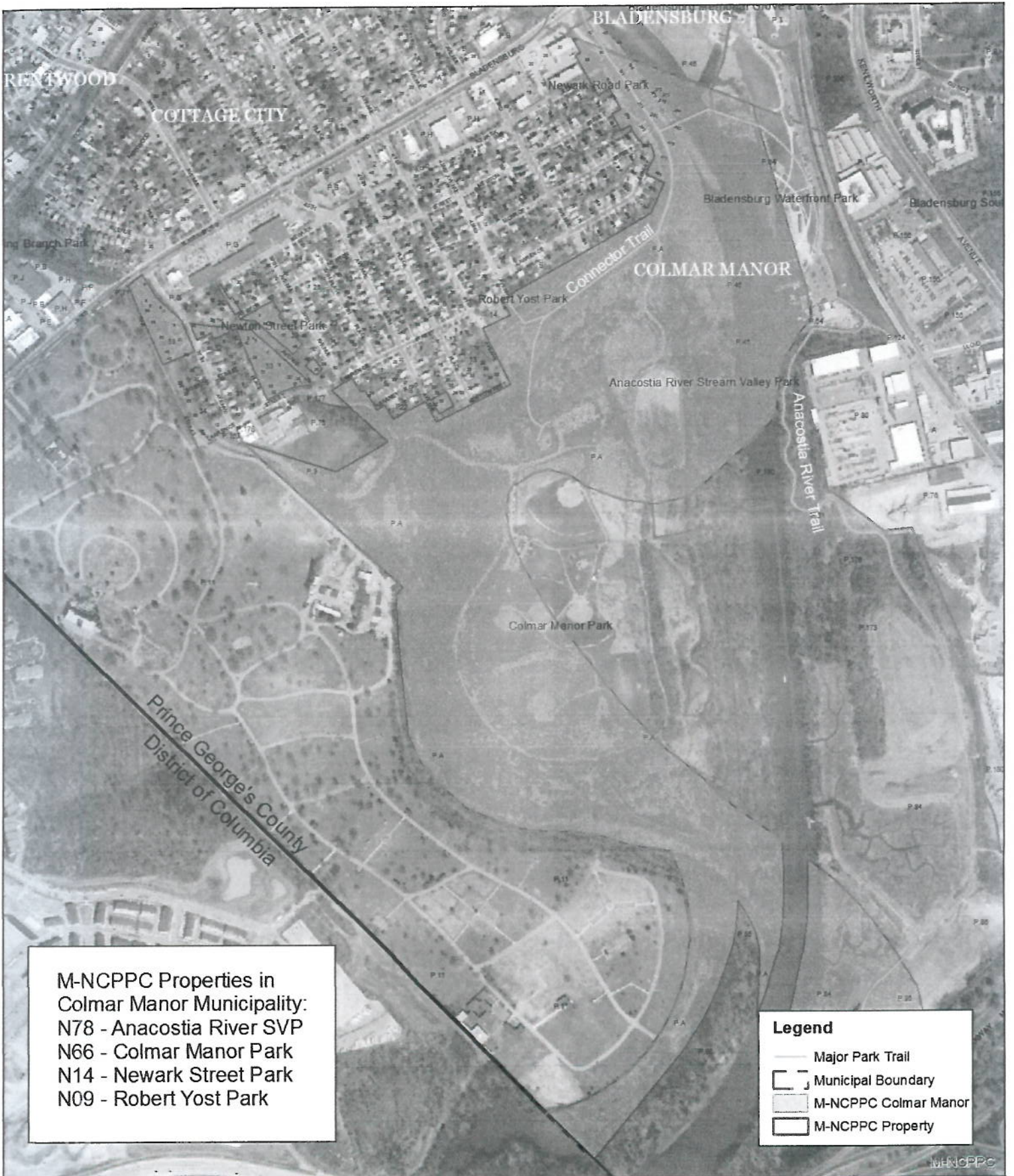
General Counsel
Maryland-National Capital Park and
Planning Commission

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date

6/6/18



M-NCPPC Properties in Colmar Manor Municipality:
 N78 - Anacostia River SVP
 N66 - Colmar Manor Park
 N14 - Newark Street Park
 N09 - Robert Yost Park

Legend

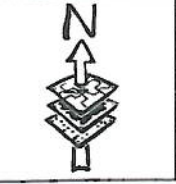
- Major Park Trail
- Municipal Boundary
- M-NCPPC Colmar Manor
- M-NCPPC Property



M-NCPPC Property in Colmar Manor Municipality

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May 29, 2018

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission

VIA: Andree Green Checkley, Planning Director *AGC*
 Kipling Reynolds, AICP, Division Chief, Community Planning Division *KR*
 Scott Rowe, AICP, CNU-A, Acting Supervisor, Long Range Planning Section,
 Community Planning Division *BSL*
 Frederick Stachura, J.D., Supervisor, Neighborhood Revitalization Section, *FS*
 Community Planning Division

FROM: Daniel Sams, Planner Coordinator, Neighborhood Revitalization Section, *DS*
 Community Planning Division

SUBJECT: **The Maryland-National Capital Park and Planning Commission Resolution
 M-NCPPC No. 18-17 to certify Minor Amendments to the
 2006 Approved Sector Plan for the East Glenn Dale Area**

Attached for your review and approval is the draft Full Commission Resolution M-NCPPC No. 18-17 to certify minor amendments to the 2006 *Approved Sector Plan for the East Glenn Dale Area*.

A draft Certificate of Adoption and Approval is also attached for your approval. We have also attached for your information a copy of Prince George's County Council Resolution CR-20-2018 adopting the minor amendments and Prince George's County Planning Board Resolution PGCPB No. 18-15.

RECOMMENDATION

Staff recommends that the Full Commission approve the resolution of adoption.

Attachments

1. Full Commission Resolution No. 18-17
2. Draft Certificate of Adoption and Approval
3. Prince George's County Council Resolution CR-20-2018
4. Prince George's County Planning Board Resolution PGCPB No. 18-15

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

M-NCPPC No. 18-17

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission, by virtue of the Land Use Article of the Annotated Code of Maryland, is authorized and empowered, from time to time, to make and adopt, amend, extend and add to a General Plan for Physical Development of the Maryland-Washington Regional District; and

WHEREAS, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission, held a duly advertised joint public hearing with the Prince George's County Council, sitting as the District Council, on February 6, 2018 to consider the minor amendments to the 2006 *Approved Sector Plan for the East Glenn Area*; and

WHEREAS, the Prince George's County Planning Board on March 8, 2018 after due deliberation and consideration of the public hearing testimony, adopted the amendments with revisions, as described in Prince George's County Planning Board Resolution PGCPB No. 18-015, and transmitted the amendments to the District Council on March 8, 2018; and

WHEREAS, the Prince George's County Council, sitting as the District Council for the portion of the Maryland-Washington Regional District lying within Prince George's County, held a work session on March 30, 2018, to consider hearing testimony and the Planning Board's resolution; and

WHEREAS, upon consideration of the testimony received through the hearing process, the District Council on April 3, 2018 determined that the adopted amendments should be approved as amendments to the sector plan for the East Glenn Dale Area (portions of Planning Area 70) for Prince George's County, Maryland, as set forth in Resolution CR-20-2018.

NOW, THEREFORE, BE IT RESOLVED, that The Maryland-National Capital Park and Planning Commission does hereby adopt said amendments to the sector plan for the East Glenn Dale Area (portions of Planning Area 70) as an amendment to the General Plan for physical development of the Maryland-Washington Regional District within Prince George's County as approved by the Prince George's County District Council in the attached Resolution CR-20-2018; and

BE IT FURTHER RESOLVED, that the Recitals are hereby incorporated into this Resolution by reference; and

BE IT FURTHER RESOLVED, that copies of said amendment shall be certified by The Maryland-National Capital Park and Planning Commission and filed with the Clerk of the Circuit Court of Prince George's and Montgomery Counties, as required by law.

* * * * *

This is to certify that the foregoing is a true and correct copy of a resolution adopted by The Maryland-National Capital Park and Planning Commission on the motion of Commissioner X, seconded by Commissioner X, with Commissioners X, X, X, and X and Commissioner X being absent, at its regular meeting held on June 20, 2018 in Riverdale, Maryland.

Patricia Colihan Barney
Executive Director

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department

Date 5/30/18

CERTIFICATE OF ADOPTION AND APPROVAL

These amendments amend the 2006 *Approved Sector Plan for the East Glenn Dale Area* (portions of Planning Area70) as an amendment to the General Plan for physical development of the Maryland-Washington Regional District within Prince George's County. The Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the amendments by Resolution No. 18-015 on March 8, 2018. The Prince George's County Council sitting as the District Council, approved the amendments by Resolution No. CR-20-2018 on April 3, 2018, after duly advertised public hearings held on February 6, 2018, March 8, 2018 and March 20, 2018.

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Casey Anderson
Chairman

Elizabeth M. Hewlett, Esq.
Vice Chairman

Joseph C. Zimmerman
Secretary-Treasurer

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COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2018 Legislative Session

Resolution No. CR-20-2018
Proposed by Council Member Turner
Introduced by Council Members Turner, Glaros, and Harrison
Co-Sponsors _____
Date of Introduction April 3, 2018

RESOLUTION

1 A RESOLUTION concerning
2 The 2006 East Glenn Dale Area Sector Plan and Sectional Map Amendment
3 For the purpose of approving a minor amendment to the land use and development policy
4 recommendations for a character area known as ‘The Area Between Prospect Hill Road and
5 Daisy Lane’ within the 2006 *East Glenn Dale Area Sector Plan and Sectional Map Amendment*.
6 WHEREAS, on March 28, 2006, the Prince George’s County Council, sitting as the District
7 Council for that portion of the Maryland-Washington Regional District in Prince George’s
8 County (“District Council”) approved the 2006 *East Glenn Dale Area Sector Plan and Sectional*
9 *Map Amendment*; and
10 WHEREAS, in approving the comprehensive plan for the East Glenn Dale Area, the
11 District Council approved comprehensive land use and development policies and
12 recommendations for future land use and development recommendations for each character area
13 set forth in the sector plan; and
14 WHEREAS, for the focus area identified in the sector plan as ‘The Area Between Prospect
15 Hill Road and Daisy Lane’, the District Council also approved certain site-specific development
16 policies calling for a planned active adult community with luxury residential units to be located
17 on portions of the golf course and on portions of the adjacent Kyle and Scheig properties; and
18 WHEREAS, as a result, the District Council finds that, since approving the East Glenn Dale
19 Area Sector Plan in 2006, the vision for such specific development recommendations on the golf
20 course and portions of the Kyle and Scheig properties have not come to fruition; and

1 WHEREAS, it is the desire of the District Council to repeal certain obsolete land use
2 policies for the physical development of a portion of the comprehensive plan area for a character
3 area known as 'The Area Between Prospect Hill Road and Daisy Lane'; and

4 WHEREAS, Sections 27-548.26 and 27-642 of the Zoning Ordinance establish a process
5 whereby which the District Council may initiate minor amendments to an approved master plans,
6 sector plans, and D-D-O (Development District Overlay) Zones in the County; and

7 WHEREAS, the District Council adopted CR-099-2017 on November 14, 2017, thereby
8 directing initiation of a minor amendment to the 2006 *East Glenn Dale Area Sector Plan and*
9 *Sectional Map Amendment* in order to propose the deletion of certain obsolete, development-
10 specific language in the sector plan for a certain character area within the East Glenn Dale Area
11 Sector Plan; and

12 WHEREAS, as previously adopted by way of the findings set forth in CR-099-2017, it
13 remains the finding of the District Council that the proposed minor amendments to the East
14 Glenn Dale Area Sector Plan are authorized by the provisions of Section 27-642 of the Zoning
15 Ordinance, because the subject proposed minor amendment: (1) advances the goal of an
16 approved development district plan; (2) involve no more than 50% of the underlying plan area,
17 but are not limited to a single property or property owner; and (3) do not constitute an
18 amendment which would require major transportation analysis and/or modeling, revised water
19 and sewer classifications, or any Adequate Public Facilities analysis; and

20 WHEREAS, in accordance with the prescriptions of law, the District Council and Planning
21 Board thereafter conducted a duly advertised joint public hearing on February 6, 2018, in order
22 to receive public comment and other testimony into a record of joint public hearing testimony
23 concerning the proposed minor amendments to the East Glenn Dale Area sector plan; and

24 WHEREAS, after the close of the record of joint public hearing testimony on February 21,
25 2018, Planning Board's technical staff prepared a summary of testimony submitted to the record
26 for the February 6, 2018, joint public hearing on the proposed minor amendment for use by
27 Planning Board for use in preparation of a recommendation as to the proposed amendments to
28 'The Area Between Prospect Hill Road and Daisy Lane' within the 2006 East Glenn Dale Area
29 sector plan, as required by law; and

30 WHEREAS, upon conducting a public work session on the proposed minor amendments on
31 March 8, 2018, Planning Board voted to adopt Resolution No. PGCPB No. 18-15, including its

1 recommendations for approval of the minor amendments proposed for the 2006 East Glenn Dale
2 Area Sector Plan embodied therein, and transmitted same to the District Council on March 8,
3 2018, respectively, in accordance with the applicable prescriptions of law; and

4 WHEREAS, on March 20, 2018, the District Council held a public work session, convened
5 by the Council Chair as the Committee of the Whole in accordance with all applicable
6 administrative procedures and provisions of law, to examine the record of joint public hearing
7 testimony; the digest of said hearing testimony prepared by Planning Board technical staff; and
8 the recommendations adopted by Planning Board regarding the proposed minor amendments to
9 the 2006 *East Glenn Dale Area Sector Plan and Sectional Map Amendment*; and

10 WHEREAS, after respective procedural and substantive presentations by legal counsel to
11 the Council and Planning Board staff, as well as questions and other discussion regarding the
12 record of hearing testimony for the proposed minor amendment by members of the District
13 Council, the Committee of the Whole voted favorably on March 20, 2018, to direct staff to
14 prepare a resolution of approval as to the proposed minor amendments to the 2006 *East Glenn
15 Dale Area Sector Plan and Sectional Map Amendment*, in accordance with the recommendations
16 adopted by Planning Board within PGCPB No. 18-15.

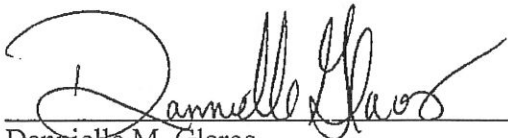
17 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
18 County, Maryland, sitting as the District Council for that part of the Maryland-Washington
19 Regional District in Prince George's County, Maryland, that, in accordance with Sections 27-
20 548.26 and 27-642 of the Zoning Ordinance for Prince George's County, Maryland, being also
21 Subtitle 27 of the Prince George's County Code, the proposed minor amendment to the 2006
22 *East Glenn Dale Area Sector Plan and Sectional Map Amendment*, as set forth in the
23 recommendation of approval and embodied in a resolution adopted by Planning Board via
24 PGCPB No. 18-15, within Attachment A hereto and incorporated as if restated fully herein, be
25 and the same is hereby APPROVED.

26 BE IT FURTHER RESOLVED that the Clerk of the Council shall transmit a copy of this
27 Resolution to the Prince George's County Planning Board of the Maryland-National Capital Park
28 and Planning Commission in accordance with the requirements of Sections 27-642 of the County
29 Zoning Ordinance.

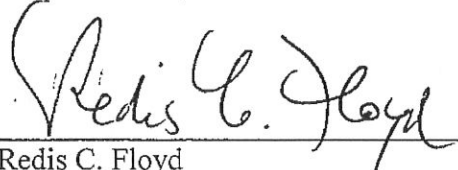
30 BE IT FURTHER RESOLVED that this Resolution shall take effect on the date of its
31 adoption.

Adopted this 3rd day of April, 2018.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: 
Danielle M. Glaros
Chair

ATTEST:


Redis C. Floyd
Clerk of the Council

RESOLUTION

WHEREAS, on March 28, 2006, the District Council adopted CR-23-2006, approving the *Sector Plan and Sectional Map Amendment for the East Glenn Dale Area*; and

WHEREAS, this sector plan defines long-range land use and development policies, setting forth and adopting detailed zoning proposals in portions of Planning Area 70, for the area bounded by Good Luck Road to the north, Springfield Road and Hillmeade Road to the east, Daisy Lane to the south, and Greenbelt Road/Glenn Dale Boulevard (MD 193) to the west; and

WHEREAS, on May 6, 2014, the District Council passed CR-26-2014, approving *Plan Prince George's 2035* (Plan 2035), the General Plan for development in Prince George's County; and,

WHEREAS, Plan 2035 establishes a series of general land use categories to be used in comprehensive planning; and,

WHEREAS, the 2006 *Approved Sector Plan for the East Glenn Dale Area* contains a future land use map that includes two categories of future land use that are not used in Plan 2035 or other area master plans: Active Adult Community and Low-Density Residential/Open Space; and,

WHEREAS, on June 13, 2017, the County Council passed CB-29-2017, amending Section 27-441 of the Zoning Ordinance for the purpose of permitting apartment housing for elderly or handicapped families in the R-R and R-18C Zones without a special exception under certain circumstances, including designation as an "Active Adult Community" in a sector plan; and

WHEREAS, on November 14, 2017, the District Council passed CR-99-2017, initiating a minor amendment to the 2006 *Approved Sector Plan for the East Glenn Dale Area*, proposing the following amendments:

PROPOSED MINOR AMENDMENT NUMBER ONE:

Amend "Chapter II—Development Pattern Element—Focus Areas" on pages 16–18 to amend, repeal and/or refine the land use development policy for a portion of the plan area known as "The Area Between Prospect Hill Road and Daisy Lane," within the 2006 Glenn Dale Area Sector Plan and Sectional Map Amendment:

[Development plans for single-family detached residential homes on the golf course property were filed in 2003 and 2004. On July 25, 2005, the District Council remanded DSP-04023 for the golf course property to the Planning Board for the following reasons:]

["A. The detailed site plan must be substantially revised. The staff report and Planning Board resolution both indicate, in the numerous conditions imposed on the applicant, that it must address many

environmental and design issues. The revised site plan must comply with conditions proposed by staff and imposed by Planning Board.]

["B. The residential subdivision proposed in this case must be reviewed as part of the East Glenn Dale Sector Plan and Sectional Map Amendment. The sector plan/SMA proceeding is currently under way, the public hearing has been held, the sector plan proposes special treatment for properties affecting and affected by the subject property, and this case should not be approved separately, without regard to the research for and recommendations from the East Glenn Dale comprehensive master plan and rezoning process."]

[Development of a planned active adult community with luxury residential units may be located on portions of the golf course and on portions of the adjacent Kyle and Scheig properties in order to retain the existing 18-hole golf course.]

1. [The residential portion of the project shall be located solely within the "development pods" of the project—areas zoned R-18C, primarily located on the Kyle property; and the interior of the Scheig property and adjacent golf course.]

2. [The majority of residential units within the "development pods" shall be located within the Scheig/golf course pod, with a lesser concentration of units located on the Kyle property.]

3. [Residential development shall be limited to a maximum of 390 dwelling units, all of which shall be "for sale," and none of which shall be rental units, for the project consisting of the Glenn Dale Golf Course, Kyle and Scheig properties. If additional, adjacent properties are included in the overall project, a maximum of 2.5 additional units per acre of additional development would be permitted (based on the amount of acreage added by the adjacent property), but solely within the "development pods."]

4. [The residential development may include a mix of housing types: (1) single-family attached, (2) townhouse, (3) duplex, (4) quadplex, or (5) multifamily condominiums, pursuant to the regulations of the R-18C Zone. In addition to the golf course, the active adult development should include amenities for the residents, including a multipurpose clubhouse and other recreational opportunities for the community where residents may recreate, relax, and meet with or entertain others. The active adult community may also include an additional facility for residents in an assisted living complex. The units of any such additional facility shall be included in, and shall not be in addition to, the 390-unit maximum permitted. No residential or other structure shall be more than four stories in height.]

5. [Pursuant to federal regulations, at least 80 percent of the dwelling units in the planned active adult community must be occupied by at least one person at least 55 years of age. Covenants setting forth the minimum age of the residents and the minimum occupancy percentage of such residents shall be submitted with the application and shall be filed in the land records at the time the subdivision plat is recorded. No change in the minimum age shall be permitted, unless both the covenants and the site plan have been amended.]

6. [At the time of subdivision plan and plat approvals, protective covenants or no less binding conservation easements shall be recorded on the golf course portion of the development project to retain the open space character of the property in perpetuity (and in any event, for no less than 30 years from the date of recordation), while allowing the golf course owner/operator to improve and/or expand the golf course and banquet facilities on the property.]

The development concept based on R-R Zone densities may include a mix of high quality, single-family residential development that enhance and preserve the existing community character and provide active and passive recreational opportunities for the homeowners or the public.

PROPOSED MINOR AMENDMENT NUMBER TWO:

Revise the strategies for development within “Chapter II—Development Pattern 2 Element—Focus Areas” on page 18 to implement the new land use and development vision.

WHEREAS, a public open house was held at the Glenn Dale Fire/Emergency Medical Services Station on January 16, 2018 to discuss the proposed minor amendments and to solicit community input on the proposed amendments and potential revised strategies; and,

WHEREAS, the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission, in conjunction with the Prince George’s County Council, pursuant to Section 27-644 of the Zoning Ordinance of Prince George’s County, held a duly advertised public hearing on the proposed minor amendments to the *2006 Approved Sector Plan for the East Glenn Dale Area* on February 6, 2018; and,

WHEREAS, on March 8, 2017, the Planning Board held a public work session on the minor amendments to examine the analysis of testimony presented at the February 6, 2018, joint public hearing and exhibits received before the close of the record on February 21, 2018; and

WHEREAS, at its public work session on March 8, 2017, the Prince George’s County Planning Board accepted, and considered staff recommendations pertaining to, testimony submitted following the close of public record; and

WHEREAS, a technical staff report has been prepared that analyzes the proposed amendments to the *2006 Approved Sector Plan for the East Glenn Dale Area* and recommends additions, revisions, and deletions to the Sector Plan pursuant to the direction of the District Council in CR-99-2017;

WHEREAS, the Prince George’s County Planning Board determined to amend the *2006 Approved Sector Plan for the East Glenn Dale Area* in response to staff recommendations and public testimony, and to adopt and transmit the minor amendment.

NOW, THEREFORE, BE IT RESOLVED, that the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission does hereby adopt the Minor Amendment to the *2006 Approved Sector Plan for the East Glenn Dale Area*, this said adoption updates the Sector Plan with the following extensions, revisions, deletions, and additions in response to staff analysis and the public hearing record:

ADOPTED AMENDMENT ONE

Amend Map 5, Approved Land Use, by changing the designation “Active Adult Community” to the Plan 2035-compatible “Residential Medium-High.” This change would affect 7100 Hillmeade Road (Tax Account 14-1672789) and 11415 Old Prospect Hill Road/11609 Facchina Place (Tax Accounts 14-1627298/14-1640366; presently referred to as the Woodlands property) and a portion of the golf course (Tax Account 14-1676220);

ADOPTED AMENDMENT TWO

Amend Map 5, Approved Land Use, by changing the designation “Residential, Low-Density/Open Space Reservation” to the Plan 2035-compatible “Residential Low.” This change would affect the Glenn Dale Golf Course (Tax Account 14-1676220);

ADOPTED AMENDMENT THREE

As indicated in CR-99-2017, amend the development-specific language on pages 16-18 as follows:

[Development plans for single-family detached residential homes on the golf course property were filed in 2003 and 2004. On July 25, 2005, the District Council remanded DSP-04023 for the golf course property to the Planning Board for the following reasons:

“A. The detailed site plan must be substantially revised. The staff report and Planning Board resolution both indicate, in the numerous conditions imposed on the applicant, that it must address many environmental and design issues. The revised site plan must comply with conditions proposed by staff and imposed by Planning Board.

“B. The residential subdivision proposed in this case must be reviewed as part of the East Glenn Dale Sector Plan and Sectional Map Amendment. The sector plan/SMA proceeding is currently under way, the public hearing has been held, the sector plan proposes special treatment for properties affecting and affected by the subject property, and this case should not be approved separately, without regard to the research for and recommendations from the East Glenn Dale comprehensive master plan and rezoning process.”

Development of a planned active adult community with luxury residential units may be located on portions of the golf course and on portions of the adjacent Kyle and Scheig properties in order to retain the existing 18-hole golf course.

1. The residential portion of the project shall be located solely within the “development pods” of the project—areas zoned R-18C, primarily located on the Kyle property and the interior of the Scheig property and adjacent golf course.
2. The majority of residential units within the “development pods” shall be located within the Scheig/golf course pod, with a lesser concentration of units located on the Kyle property.
3. Residential development shall be limited to a maximum of 390 dwelling units, all of which shall be “for sale,” and none of which shall be rental units, for the project consisting of the Glenn Dale Golf Course, Kyle and Scheig properties. If additional, adjacent properties are included in the overall project, a maximum of 2.5 additional units per acre of additional development would be permitted (based on the amount of acreage added by the adjacent property), but solely within the “development pods.”
4. The residential development may include a mix of housing types: (1) single-family attached, (2) townhouse, (3) duplex, (4) quadplex, or (5) multifamily condominiums, pursuant to the regulations of the R-18C Zone. In addition to the golf course, the active adult development should include amenities for the residents, including a multipurpose clubhouse and other recreational opportunities for the community where residents may recreate, relax, and meet with or entertain others. The active adult community may also include an additional facility for residents in an assisted living complex. The units of any such additional facility shall be included in, and shall not be in addition to, the 390-unit maximum permitted. No residential or other structure shall be more than four stories in height.
5. Pursuant to federal regulations, at least 80 percent of the dwelling units in the planned active adult community must be occupied by at least one person at least 55 years of age. Covenants setting forth the

minimum age of the residents and the minimum occupancy percentage of such residents shall be submitted with the application and shall be filed in the land records at the time the subdivision plat is recorded. No change in the minimum age shall be permitted, unless both the covenants and the site plan have been amended.

6. At the time of subdivision plan and plat approvals, protective covenants or no less binding conservation easements shall be recorded on the golf course portion of the development project to retain the open space character of the property in perpetuity (and in any event, for no less than 30 years from the date of recordation), while allowing the golf course owner/operator to improve and/or expand the golf course and banquet facilities on the property.]

and replace it with:

The development concept based on R-R Zone densities may include a mix of high quality, single-family residential development that enhance and preserve the existing community character and provide active and passive recreational opportunities for the homeowners or the public.

ADOPTED AMENDMENT FOUR

Revise and amend the strategies for “the area between Prospect Hill Road and Daisy Lane” on page 18 as follows:

- Maintain the existing character of the neighborhood by retaining [and improve current uses] the existing low- and medium-density land uses with attention to preservation of open spaces, woodlands, existing tree canopy, archeological areas, heritage sites, and historic vistas.
- Encourage a variety of housing types in the focus area to allow residents to age in place in the community.
- Encourage active adult communities in the R-18C zoned areas.
- [Adjust zoning designation for properties within this focus area via the sectional map amendment to be compatible with lot sizes except the areas proposed for an active adult community.]
- An open space reservation to protect the existing Glenn Dale Golf Course shall be established except the small portion of the existing site proposed for an active adult community.]
- Identify potential areas that may warrant additional landscaping during the review of development applications to ensure adequate screening and buffering between land uses.
- Construct continuous on-road sidewalks and bikeways to improve pedestrian and bicycle connectivity, especially on MD 564 and Hillmeade Road. Dead-end streets are discouraged.
- Coordinate with M-NCPPC’s Department of Parks and Recreation to provide recreational facilities at existing parks such as running tracks and trails. One area of focus is the Daisy Lane Neighborhood Park.
- Coordinate with the Department of Public Works and Transportation to identify areas where additional pedestrian safety measures are warranted.

BE IT FURTHER RESOLVED, that the Prince George's County Planning Board finds that the minor amendment has been prepared in accordance with the requirements of Section 27-642 of the Zoning Ordinance; and

BE IT FURTHER RESOLVED that the adopted minor amendment updates the *2006 Approved Sector Plan for the East Glenn Dale Area* text, maps, tables as amended by this resolution; and

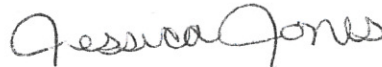
BE IT FURTHER RESOLVED that in accordance with Section 27-642(e) of the Zoning Ordinance of Prince George's County, the Planning Board shall transmit a draft of the proposed amendment, a technical report analyzing the amendment, and the Planning Board's resolution of adoption of the plan amendment within 30 days of the date of the joint public hearing; and

BE IT FURTHER RESOLVED that the Prince George's County Planning Board finds that the minor amendment recommendations, as heretofore described, are in conformance with the principles of orderly comprehensive land use planning and staged development, being consistent with the *2006 Approved Sector Plan for the East Glenn Dale Area* and consideration having been given to the applicable County Laws, Plans, and Policies.

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Bailey, seconded by Commissioner Geraldo, with Commissioners Bailey, Geraldo, Hewlett and Doerner voting in favor of the motion, and with Commissioner Washington absent, at its regular meeting held on Thursday, March 8, 2018, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of March 2018.

Elizabeth M. Hewlett
Chairman



By Jessica Jones
Planning Board Administrator

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date 3/8/18



Prince George's County Council

Agenda Item Summary

Meeting Date: 4/3/2018 **Effective Date:** 4/3/2018
Reference No.: CR-020-2018 **Chapter Number:**
Draft No.: 1 **Public Hearing Date:**
Proposer(s): Turner
Sponsor(s): Turner, Glaros and Harrison
Item Title: A RESOLUTION CONCERNING THE 2006 EAST GLENN DALE AREA SECTOR PLAN AND SECTIONAL MAP AMENDMENT for the purpose of approving a minor amendment to the land use and development policy recommendations for a character area known as 'The Area Between Prospect Hill Road and Daisy Lane' within the 2006 East Glenn Dale Area Sector Plan and Sectional Map Amendment.

Drafter: Karen T. Zavakos, Zoning and Legislative Counsel
Resource Personnel: Brandon Scott Rowe, M-NCPPC
Karen T. Zavakos, Zoning and Legislative Counsel

LEGISLATIVE HISTORY:

Date:	Acting Body:	Action:	Sent To:
04/03/2018	County Council	introduced	
	Action Text: This Resolution was introduced by Council Members Turner, Harrison and Glaros		
04/03/2018	County Council	rules suspended	
	Action Text: A motion was made by Council Member Davis, seconded by Vice Chair Turner, that the Council Rules of Procedure be suspended to allow for the immediate adoption of this Resolution. The motion carried by the following vote: Aye: 8 Glaros, Davis, Franklin, Harrison, Lehman, Patterson, Toles and Turner Absent: 1 Taveras		
04/03/2018	County Council	adopted	
	Action Text: A motion was made by Vice Chair Turner, seconded by Council Member Franklin, that this Resolution be adopted. The motion carried by the following vote: Aye: 8 Glaros, Davis, Franklin, Harrison, Lehman, Patterson, Toles and Turner Absent: 1 Taveras		

AFFECTED CODE SECTIONS:

BACKGROUND INFORMATION/FISCAL IMPACT:

Sections 27-548.26 and 27-642 of the Zoning Ordinance of Prince George’s County provide a process for initiation and approval of minor amendments to approved comprehensive plans by the District Council. Accordingly, by way of its adoption of CR-099-2017 on November 14, 2017, the District Council directed initiation of certain minor amendments to the 2006 *East Glenn Dale Sector Plan and Sectional Map Amendment*, more specifically, to delete obsolete language within the sector plan area and revise the strategies for land use and development more appropriate for the area and is compatible with existing residential uses in the area of the sector plan known as ‘The Area Between Prospect Hill Road and Daisy Lane’.

In accordance with the requirements of law, the District Council and Prince George’s County Planning Board conducted a duly advertised joint public hearing on February 6, 2018, in order to garner public comment and/or written testimony concerning the proposed minor amendments to the East Glenn Dale Sector Plan. After the close of the joint public hearing record, the Planning Board reviewed the record testimony with staff and transmitted its comments and recommendations to the District Council on March 8, 2018, as prescribed by law.

Thereafter, on March 20, 2018, and as publicly advertised upon its published public meeting agenda, the County Council conducted a public work session, while convened as the Committee of the Whole, to review the record of public hearing testimony received at the February 6, 2018, joint public hearing on the proposed minor amendments. After presentations by the Planning Department and Council’s legal staff, as well as questions and other discussion from the committee members, the Committee of the Whole voted to direct staff to prepare this Resolution of Approval for the proposed minor amendments to the 2006 *East Glenn Dale Area Sector Plan and Sectional Map Amendment*, as recommended within the resolution adopted by Planning Board via PGCPB No. 18-15.

Accordingly, this Resolution will approve, as a final action by the District Council in accordance with prescriptions of local zoning laws, certain minor amendments to the 2006 *East Glenn Dale Area Sector Plan and Sectional Map Amendment*.

Document(s): CR-20-2018 Attachment A (PGCPB No. 18-15), CR-20-2018 AIS



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC RESOLUTION NO. 18-19

REVISION OF M-NCPPC FUND BALANCE POLICY

WHEREAS, the Maryland-National Capital Park and Planning Commission (the “Commission”), by virtue of Division II of the Land Use Article of the Annotated Code of Maryland, is authorized and empowered, from time to time, to make and adopt budgetary policies and procedures; and

WHEREAS, the Commission considers the development of fund balance policy goals (“Fund Balance Policy”) as an important part of sound fiscal management; and

WHEREAS, the Commission desires to maintain favorable bond ratings and recognizes that establishing fund balance policy goals is encouraged by rating agencies; and

WHEREAS, from time to time the Commission may make adjustments to its Fund Balance Policy based on actual experience; and


WHEREAS, the Fund Balance Policy was most recently revised on July 16, 2014 by Commission Resolution 14-24, “Fund Balance Policy”.

NOW, THEREFORE, BE IT RESOLVED, that The Maryland-National Capital Park and Planning Commission does hereby replace previous Fund Balance Policy with the following policy goals:

<u>Fund</u>	<u>Policy</u>
General Fund	3-5% of expenditures
Prince George's Special Revenue Funds	10% of expenditures
Montgomery Special Revenue Funds	15% of expenditures
Montgomery Enterprise Fund	Minimum cash balance equal to 10% of operating expenses plus one year's debt service on all debt excluding that which is related to golf course operations, with a 3 year replenishment period, if necessary.
Prince George's Enterprise Fund	Minimum cash balance equal to 10% of operating expenses with a 3 year replenishment period, if necessary.

Montgomery Risk Management Fund	2% of operating expenditures (General, Enterprise and Capital Projects Funds)
Pr. George's Risk Management Fund	2% of operating expenditures (General, Enterprise and Capital Projects Funds)
Flexible Spending and Leave Funds	100% of Net Assets
Insurance Fund (employee life and health benefits)	10% of fund expenditures

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

APPROVED AS TO LEGAL SUFFICIENCY


 M-NCPPG Legal Department
 Date 6/6/2018


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue Riverdale, Maryland 20730

June 20, 2018

To: The Maryland-National Capital Park and Planning Commission

Via: Patricia C. Barney, Executive Director 
From: John Kroll, Corporate Budget Manager 
Subject: **Resolution 18-20 - Adoption of the Commission's FY 2019 Operating and Capital Budgets**
Recommendation:

Approve Resolution No. 18-20 "Adoption of the FY 2019 Commission Operating and Capital Budgets". Although the attached resolution and schedules reflect the actions of the County to date, Prince George's Park Fund, specifically the pay-go transfer to the Capital Projects Fund, does not reflect the final actions taken by Prince George's County in adopting the CIP. Per direction from Prince George's County staff, we are sending a formal request to amend the budget. Once the Prince George's County Council acts, the Commission will be asked to ratify the revised budget.

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 24, 2018, Montgomery County Council adopted resolutions 18-1138 and 18-1147. On May 24, 2018, the Prince George's County Council approved bill CB-22-2018. Further, both Councils on May 10, 2018 approved those portions of the Commission budget allocable to both counties.

Resolution No. 18-20, "Adoption of the FY 2019 Commission Operating and Capital Budgets" adopts the budget for FY19 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 \$608.2 million excluding reserves, ALARF, and Internal Service Funds. Compared to the FY18 Adopted Budget, the FY19 Budget is about \$62.5 million higher.

In Prince George's County, the budget is increasing by 13.3 percent for FY19. This primarily reflects increased capital program debt service, transfers and expenditures, as well as rightsizing staffing at

existing facilities to accommodate increased usage. Property tax rates remain the same as those set in FY16.

In Montgomery County, the budget is increasing by 7.7 percent for FY19. This net increase is also due to increased capital projects debt service, transfers and expenditures. Tax supported funds increased by 1.9 percent. As part of the final balancing, the County decreased both the Administration Fund's and the Park Fund's proposed property tax rates, and increased the use of fund balance. The following chart provides a comparative summary of the FY19 Adopted Budget for each county.

**Summary of FY19 Adopted Budget Expenditures
(net reserves, ALARF, and Internal Service Funds)**

	FY18 Adopted	FY19 Adopted	\$ Change	% Change
Prince George's Funds				
Administration (1)	\$ 50,612,147	\$ 52,399,074	\$ 1,786,927	3.5%
Park (2)	145,623,321	160,360,581	14,737,260	10.1%
Recreation (3)	77,823,883	97,487,006	19,663,123	25.3%
ALA Debt	-	-	-	-
Subtotal Tax Supported	274,059,351	310,246,661	36,187,310	13.2%
Park Debt Service	11,053,742	13,753,538	2,699,796	24.4%
Capital Projects	49,015,701	59,791,000	10,775,299	22.0%
Enterprise	19,829,221	19,314,798	(514,423)	-2.6%
Special Revenue (1)	9,144,545	8,442,397	(702,148)	-7.7%
Total Prince George's	\$ 363,102,560	\$ 411,548,394	\$ 48,445,834	13.3%
Montgomery Funds				
Administration	\$ 31,728,741	\$ 31,767,007	\$ 38,266	0.1%
Park (2)	101,362,780	103,860,211	2,497,431	2.5%
ALA Debt	155,550	152,850	(2,700)	-1.7%
Subtotal Tax Supported	133,247,071	135,780,068	2,532,997	1.9%
Park Debt Service	5,511,210	6,461,285	950,075	17.2%
Capital Projects	26,632,000	32,530,000	5,898,000	22.1%
Enterprise (1)	10,347,797	13,871,959	3,524,162	34.1%
Property Management	1,311,100	1,528,240	217,140	16.6%
Special Revenue	5,634,625	6,519,833	885,208	15.7%
Total Montgomery	\$ 182,683,803	\$ 196,691,385	\$ 14,007,582	7.7%
Combined Total	\$ 545,786,363	\$ 608,239,779	\$ 62,453,416	11.4%

(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

Summary of Adjustments in the FY19 Adopted Budget

The FY19 budgets, as approved by the respective County Councils, included the following adjustments from the Proposed Budget.

Montgomery County Adjustments from Proposed

Administration Fund

- ✓ Reduced health insurance funding by \$120,178
- ✓ Within the Commissioners' Office,
 - Reduced \$25,000 intended to change a part-time to full-time position, \$2,500 in training, and \$3,697 in supplies.
- ✓ Within the Planning Department,
 - \$205,000 in Functional Planning and Policy, budgeted for Traffic Generation Study, Pedestrian Connectivity, Open Space Benefits, and Bill 24-17 Burial Sites Vehicle, was not approved.
 - \$50,000 in Area 2, budgeted for White Flint II implementation, was not approved.
 - \$49,750 in Information Technology and Innovation, budgeted for GIS/ESRI Licensing and Bill 24-17 Burial Sites Supplies, was not approved.
 - \$75,000 for Creative Sector Needs in Research and Special Projects was not approved.
 - \$25,000 for Utilities and \$58,499 for CIO/CWIT chargebacks in Support Services were not approved.
- ✓ Within the Department of Human Resources and Management,
 - \$41,117 for HRIS and Management Analyst positions was not approved.
 - \$30,014 for consulting services was not approved.
 - \$12,936 for CIO/CWIT chargebacks was not approved.
- ✓ Within the Finance Department,
 - \$31,665 for a Purchasing position was not approved; now funded for six months only.
 - \$8,372 of professional services and training was not approved.
 - \$8,995 for CIO/CWIT chargebacks was not approved.
- ✓ Within the Legal Department,
 - Non-personnel budget was reduced by \$56,895.
 - \$7,957 for CIO/CWIT chargebacks was not approved.
- ✓ Within the Office of Inspector General,
 - \$4,143 for CIO/CWIT chargebacks was not approved.
- ✓ Within the Corporate IT Division,
 - \$36,424 for PC replacement, office supplies, and staff training was reduced.
 - \$6,853 for CIO/CWIT chargebacks was not approved.
- ✓ Within CAS Support Services, \$22,900 for other services & charges was not approved.

- ✓ OPEB Pre-funding was reduced by \$53,566.
- ✓ Distributed the proposed salary dollar marker from the non-departmental account to each division's operating budget.
- ✓ Reduced the compensation marker by \$34,759.
- ✓ Proposed transfer of \$500,000 to Development Review Special Revenue Fund was not funded.
- ✓ Property tax revenues have been adjusted to reflect the March 2018 assessable base estimates issued by Montgomery OMB; and the tax rate contemplated in the Proposed Budget (1.72 cents) was reduced to 1.56 cents
- ✓ To balance the Administration Fund, use of fund balance was increased by \$1,393,243.

Park Fund

- ✓ The health insurance funding was reduced by \$607,249.
- ✓ Reduction in CIO/CWIT chargebacks (\$242,435).
- ✓ Reduction in CIO/CWIT debt service (\$19,600).
- ✓ Expansion of Wi-fi in Parks was not funded (\$700,000).
- ✓ Water Quality Protection Fund (WQPF) was not funded (\$266,566).
- ✓ Park infrastructure funding for plumbing and electrical systems was not funded (\$250,000).
- ✓ Sustainability program analyst was not funded (\$42,177).
- ✓ Recycling waste and container monitoring pilot was not funded (\$50,000).
- ✓ Playground repair crew was not funded (\$156,676).
- ✓ Targeted outreach and marketing initiative was not funded (\$160,036).
- ✓ Contractual services and inflationary increases partially funded (\$437,897).
- ✓ Debt service on Capital Equipment ISF was not funded (\$1,046,500).
- ✓ Debt service on CIP was reduced by \$60,000.
- ✓ OPEB Pre-funding was reduced by \$185,058.
- ✓ Distributed the proposed salary dollar marker from the non-departmental account to each division's operating budget.
- ✓ Reduced the compensation marker by \$112,517.
- ✓ Property tax revenues have been adjusted to reflect the March 2018 assessable base estimates issued by Montgomery OMB; and the tax rate contemplated in the Proposed Budget (5.68 cents) was reduced to 5.30 cents.
- ✓ To balance the Park Fund, use of fund balance was increased by \$3,444,534.

Advance Land Acquisition Debt Service Fund

- ✓ Property tax revenues have been adjusted to reflect the March 2018 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 reduced by \$10,367,000, reflecting an increase of \$515,000 in acquisition and a reduction of \$10,882,000 in park development.

Risk Management Fund

- ✓ Health insurance funding was reduced by \$4,092.
- ✓ OPEB Prefunding was reduced by \$751.

CIO/CWIT Fund

- ✓ Health insurance funding was reduced by \$2,022.
- ✓ OPEB Prefunding was reduced by \$525.
- ✓ Non-personnel budget was reduced by \$341,818, reflecting the reduction of funding for four IT projects, staff training and consulting services.

Prince George's County Adjustments from Proposed

Administration Fund

- ✓ Reduced health insurance funding by \$200,540.
- ✓ Within the Planning Department, \$62,645 for CIO/CWIT chargebacks were not approved.
- ✓ Within the Department of Human Resources and Management,
 - \$54,282 for HRIS and Management Analyst positions was not approved.
 - \$39,624 for consulting services was not approved.
 - \$11,999 for CIO/CWIT chargebacks was not approved.
- ✓ Within the Finance Department,
 - \$40,795 for a Purchasing position was not approved; now funded for six months only.
 - \$10,786 of professional services and training was not approved.
 - \$7,954 for CIO/CWIT chargebacks was not approved.
- ✓ Within the Legal Department,
 - Non-personnel budget was reduced by \$57,123.
 - \$7,332 for CIO/CWIT chargebacks was not approved.
- ✓ Within the Office of Inspector General,
 - \$4,102 for CIO/CWIT chargebacks was not approved.

- ✓ Within the Corporate IT Division,
 - \$46,926 for PC replacement, office supplies, and staff training was reduced.
 - \$6,375 for CIO/CWIT chargebacks was not approved.
- ✓ Within CAS Support Services, \$28,793 for other service charges was not approved.
- ✓ OPEB Prefunding was reduced by \$64,879.
- ✓ Distributed the proposed salary dollar marker from the non-departmental account to each division's operating budget.
- ✓ Property tax revenues have been adjusted to reflect the March 2018 assessable base estimates issued by the State Department of Assessments and Taxation. These estimates are higher than the November 2017 County OMB estimates used in the Proposed Budget.

Park Fund

- ✓ Reduced health insurance funding by \$587,272.
- ✓ Increased funding for project manager position related to the Central Avenue Connector Trail project by \$117,139.
- ✓ Reduced CIO/CWIT chargebacks by \$171,531.
- ✓ OPEB Prefunding was reduced by \$192,821.
- ✓ Increased the transfer to Capital Projects Fund by \$3,700,000.
- ✓ Distributed the proposed salary dollar marker from the non-departmental account to each division's operating budget.
- ✓ Property tax revenues have been adjusted to reflect the March 2018 assessable base estimates issued by the State Department of Assessments and Taxation. These estimates are higher than the November 2017 County OMB estimates used in the Proposed Budget.

Recreation Fund

- ✓ Proposed project charge reductions were further reduced. The Library project charge was completely eliminated, offset by some increases to new and existing agencies, resulting in a net decrease from the Proposed Budget of \$667,500.
- ✓ Reduced health insurance funding by \$193,355.
- ✓ Increased funding for a field use lease agreement at Liberty Sports Park by \$7,500,000.
- ✓ Reduced CIO/CWIT chargebacks by \$156,721.
- ✓ OPEB Prefunding was reduced by \$71,369.
- ✓ Distributed the proposed salary dollar marker from the non-departmental account to each division's operating budget.
- ✓ Property tax revenues have been adjusted to reflect the March 2018 assessable base estimates issued by the State Department of Assessments and Taxation. These estimates are higher than the November 2017 County OMB estimates used in the Proposed Budget.

Capital Projects Fund

- ✓ Capital project expenditures were increased by \$3,700,000, funded by the increased transfer from the Park Fund of \$3,700,000.

Risk Management Fund

- ✓ Health insurance funding was reduced by \$4,092.
- ✓ OPEB Prefunding was reduced by \$751.

CIO/CWIT Fund

- ✓ Health insurance funding was reduced by \$2,795.
- ✓ OPEB Prefunding was reduced by \$727.
- ✓ Non-personnel budget was reduced by \$419,954, reflecting the reduction of funding for four IT projects, staff training and consulting services.

Commission-wide Adjustments from Proposed

Executive Office Building Fund

- ✓ Health insurance funding was reduced by \$1,105.
- ✓ OPEB Prefunding was reduced by \$501.

Group Insurance Fund

- ✓ Health insurance funding was reduced by \$4,612.
- ✓ OPEB Prefunding was reduced by \$1,502.

Attachments
M-NCPCC Resolution 18-20
Exhibits A, B, and C

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

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC
RESOLUTION NO. 18-20
June 20, 2018

**ADOPTION OF THE FY 2019 COMMISSION OPERATING BUDGET
AND FY 2019 CAPITAL BUDGET**

WHEREAS, the Maryland-National Capital Park and Planning Commission (the "Commission") has prepared and submitted its proposed FY 2019 operating budget ("the Proposed Operating Budget") and its proposed FY 2019 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 18-1147, and Prince George's County Bill CB-22-2018; and

WHEREAS, the Montgomery County Council made certain revisions to the Proposed Capital Budget, which action is set forth in Montgomery County Resolution 18-1138; and

WHEREAS, the County Councils on May 10, 2018 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 2019 operating budget ("the Operating Budget") and FY 2019 Capital Budget certain expenditures, including those funded by grants, together totaling in the aggregate \$196,691,385 allocable to the various sources derived in Montgomery County as set forth in Exhibit A hereto and \$411,548,394 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 2019 Operating Budget and the FY 2019 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 \$50,000 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 Executive Director shall direct the Budget Office to provide to all members of the Commission and each administrator listed above a summary of a semi-annual budget adjustment report with cumulative adjustments for each controlling account as of the reporting date; 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 AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date 6/17/2018

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY19 ADOPTED BUDGET

MONTGOMERY COUNTY

	FY19 Proposed Budget	Council Adjustments	FY19 Adopted Budget	Positions	Workyears
ADMINISTRATION FUND					
REVENUES					
Tax Revenue (Tax rates: Real = 1.56 Cents, Personal = 3.90 Cents)	30,241,300	(2,897,525)	27,343,775		
Assessable Base in Billions (Real/Personal): 167.323 / 3.426					
Taxes - Interest and Penalties	75,000	-	75,000		
Intergovernmental	541,700	-	541,700		
Charges for Service	204,200	-	204,200		
Interest Income	100,000	-	100,000		
Current Revenue	31,162,200	(2,897,525)	28,264,675		
Use of Fund Balance	3,062,089	1,393,243	4,455,332		
Total Sources	34,224,289	(1,504,282)	32,720,007		
EXPENDITURES					
Commissioners' Office	1,262,647	(15,301)	1,247,346	12.00	9.50
Planning Department					
Planning Director's Office	1,104,116	7,324	1,111,440		
Management Services	2,422,688	24,346	2,447,034		
Functional Planning & Policy	3,146,394	(175,685)	2,970,709		
Area 1	1,821,227	21,246	1,842,473		
Area 2	1,921,859	(22,369)	1,899,490		
Area 3	1,768,230	28,160	1,796,390		
Dev. Applications & Regulatory Coordination	996,114	24,470	1,020,584		
Information Technology and Innovation	3,600,468	(28,927)	3,571,541		
Research and Special Projects	1,231,654	(63,649)	1,168,005		
Grants	150,000	-	150,000		
Support Services	2,286,099	(83,499)	2,202,600		
Planning Total	20,448,849	(268,583)	20,180,266	152.00	117.69
Department of Human Resources and Management	2,374,330	(60,343)	2,313,987	18.49	16.64
Department of Finance	1,968,312	(21,782)	1,946,530	19.27	18.57
Legal Department	1,459,554	(34,412)	1,425,142	13.00	13.00
Merit System Board	84,116	(2,263)	81,853	0.50	0.25
Office of Inspector General	272,413	(677)	271,736	2.00	2.20
Corporate IT	1,583,564	(32,274)	1,551,290	7.90	7.90
Support Services	649,864	(22,900)	626,964	0.00	0.00
CAS Total	8,392,153	(174,651)	8,217,502	61.16	58.56
Non-Departmental	2,638,340	(516,447)	2,121,893		
Total Expenditures	32,741,989	(974,982)	31,767,007	225.16	185.75
Transfer to Special Revenue Fund	500,000	(500,000)	-		
Transfer to Park Fund	-	-	-		
Contingency Reserve @ 3%	982,300	(29,300)	953,000		
Total Expenditures and Uses	34,224,289	(1,504,282)	32,720,007		

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY19 ADOPTED BUDGET

MONTGOMERY COUNTY

	FY19 Proposed Budget	Council Adjustments	FY19 Adopted Budget	Positions	Workyears
<u>PARK FUND</u>					
REVENUES					
Tax Revenue (Tax Rate: Real = 5.30 cents, Personal = 13.25 cents) Assessable Base in Billions (Real/Personal): 167.323/3.426	99,866,700	(6,967,978)	92,898,722		
Taxes - Interest and Penalties	300,000	-	300,000		
Intergovernmental	4,811,475	(966,566)	3,844,909		
Charges for Service	2,207,400	(13,575)	2,193,825		
Rentals/Concessions	739,700	13,575	753,275		
Interest Income	40,000	25,000	65,000		
Miscellaneous Revenues	117,100	-	117,100		
Current Revenue	108,082,375	(7,909,544)	100,172,831		
Transfer from CIP	25,000	-	25,000		
Transfer from Capital Equipment Fund	-	-	-		
Transfer from Administration Fund	-	-	-		
Use of Fund Balance	3,129,346	3,444,534	6,573,880		
Total Sources	111,236,721	(4,465,010)	106,771,711		
EXPENDITURES					
Operating Divisions					
Director of Parks	1,828,951	25,000	1,853,951		
Public Affairs & Community Partnerships	3,329,648	(272,149)	3,057,499		
Management Services	2,017,413	27,150	2,044,563		
Information Technology and Innovation	3,285,796	(764,044)	2,521,752		
Park Planning and Stewardship	5,481,457	(45,325)	5,436,132		
Park Development	3,658,675	(30,818)	3,627,857		
Park Police	14,195,756	62,167	14,257,923		
Horticulture, Forestry & Environmental Education	10,551,141	13,081	10,564,222		
Facilities Management	12,538,040	(227,983)	12,310,057		
Northern Parks	10,538,908	(92,515)	10,446,393		
Southern Parks	14,040,839	38,521	14,079,360		
Support Services	11,233,065	(1,351,195)	9,881,870		
Grants	400,000	-	400,000		
Non-Departmental	8,225,947	(1,658,600)	6,567,347		
Total Expenditures	101,325,636	(4,276,710)	97,048,926		
Transfer to Debt Service	6,521,285	(60,000)	6,461,285		
Transfer to CIP	350,000	-	350,000		
Contingency Reserve @ 3%	3,039,800	(128,300)	2,911,500		
Total Expenditures and Uses	111,236,721	(4,465,010)	106,771,711	756.00	732.60
<u>ADVANCE LAND ACQUISITION DEBT SERVICE FUND</u>					
REVENUES					
Tax Revenue (Tax Rate: Real = 0.10 cents, Personal = 0.25 cents) Assessable Base in Billions (Real/Personal): 192.599 / 4.238	2,031,100	(6,172)	2,024,928		
Current Revenue	2,031,100	(6,172)	2,024,928		
Use of Fund Balance	-	-	-		
Total Sources	2,031,100	(6,172)	2,024,928		
EXPENDITURES					
Debt Service	152,850	-	152,850		
Total Expenditures	152,850	-	152,850		
Transfer to ALA Revolving Fund	1,878,250	(6,172)	1,872,078		
Total Expenditures and Uses	2,031,100	(6,172)	2,024,928		
TOTAL TAX-SUPPORTED FUNDS, LESS RESERVES & ALA TRANSFER	141,591,760	(5,811,692)	135,780,068	981.16	918.35

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY19 ADOPTED BUDGET

MONTGOMERY COUNTY

	FY19 Proposed Budget	Council Adjustments	FY19 Adopted Budget	Positions	Workyears
<u>ADVANCE LAND ACQUISITION REVOLVING FUND</u>					
REVENUES					
Interest Income	50,000	-	50,000		
Current Revenue	50,000	-	50,000		
Transfer from ALA Debt Service Fund	1,878,250	(6,172)	1,872,078		
Use of Fund Balance	5,016,530	-	5,016,530		
Total Sources	6,944,780	(6,172)	6,938,608		
EXPENDITURES					
Land	6,944,780	(6,172)	6,938,608		
Total Expenditures	6,944,780	(6,172)	6,938,608		
<u>PARK DEBT SERVICE FUND</u>					
REVENUES					
Transfer from Park Fund	6,521,285	(60,000)	6,461,285		
Total Sources	6,521,285	(60,000)	6,461,285		
EXPENDITURES					
Debt Service	6,521,285	(60,000)	6,461,285		
Total Expenditures	6,521,285	(60,000)	6,461,285		
<u>CAPITAL PROJECTS FUND</u>					
REVENUES					
Intergovernmental	27,267,000	(7,001,000)	20,266,000		
Interest	25,000	-	25,000		
Bond Proceeds	10,080,000	(3,366,000)	6,714,000		
Contributions	1,050,000	-	1,050,000		
Miscellaneous	-	-	-		
Current Revenue	38,422,000	(10,367,000)	28,055,000		
Transfer from Park Fund	350,000	-	350,000		
Transfer from Enterprise Fund	4,125,000	-	4,125,000		
Total Sources	42,897,000	(10,367,000)	32,530,000		
EXPENDITURES					
Park Acquisition & Development	42,872,000	(10,367,000)	32,505,000		
Total Expenditures	42,872,000	(10,367,000)	32,505,000		
Transfer to Park Fund	25,000	-	25,000		
Total Expenditures and Uses	42,897,000	(10,367,000)	32,530,000		
<u>ENTERPRISE FUND</u>					
REVENUES					
Charges for Service	11,115,962	-	11,115,962		
Interest Income	110,000	-	110,000		
Current Revenue	11,225,962	-	11,225,962		
Use of Fund Balance	2,676,813	(30,816)	2,645,997		
Total Sources	13,902,775	(30,816)	13,871,959		
EXPENDITURES					
Operations	9,777,775	(30,816)	9,746,959		
Total Expenditures	9,777,775	(30,816)	9,746,959		
Transfer to CIP	4,125,000	-	4,125,000		
Total Expenditures and Uses	13,902,775	(30,816)	13,871,959	38.00	125.40
Revenues Over/(Under) Expenditures	-	-	-		

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY19 ADOPTED BUDGET

MONTGOMERY COUNTY

	FY19 Proposed Budget	Council Adjustments	FY19 Adopted Budget	Positions	Workyears
<u>PROPERTY MANAGEMENT FUND</u>					
REVENUES					
Rental Revenue	1,424,800	-	1,424,800		
Interest Income	8,000	-	8,000		
Current Revenue	1,432,800	-	1,432,800		
Use of Fund Balance	100,000	(4,560)	95,440		
Total Sources	1,532,800	(4,560)	1,528,240		
EXPENDITURES					
Operating Expenditures	1,532,800	(4,560)	1,528,240	4.00	7.00
Total Expenditures	1,532,800	(4,560)	1,528,240		
<u>SPECIAL REVENUE FUND</u>					
REVENUES					
Intergovernmental	1,276,700	-	1,276,700		
Charges for Service	3,317,330	-	3,317,330		
Interest Income	28,000	-	28,000		
Current Revenue	4,622,030	-	4,622,030		
Transfer from Administration Fund	500,000	(500,000)	-		
Use of Fund Balance	1,397,803	500,000	1,897,803		
Total Sources	6,519,833	-	6,519,833		
EXPENDITURES					
Operations	6,519,833	-	6,519,833	0.00	34.15
Total Expenditures	6,519,833	-	6,519,833		
Revenues Over/(Under) Expenditures	-	-	-		
TOTAL OPERATING BUDGET LESS RESERVES AND ALARF	212,965,453	(16,274,068)	196,691,385	1,023.16	1,084.90

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY19 ADOPTED BUDGET

MONTGOMERY COUNTY

	FY19 Proposed Budget	Council Adjustments	FY19 Adopted Budget	Positions	Workyears
<u>CAPITAL EQUIPMENT INTERNAL SERVICE FUND</u>					
REVENUES					
Charges for Service	2,104,250	(1,046,500)	1,057,750		
Debt Proceeds	2,650,000	(600,000)	2,050,000		
Interest Income	4,000	-	4,000		
Current Revenue	4,758,250	(1,646,500)	3,111,750		
Use of Fund Balance	-	-	-		
Total Sources	4,758,250	(1,646,500)	3,111,750		
EXPENDITURES					
Operations	2,692,000	(600,000)	2,092,000		
Debt Service	1,886,500	(114,000)	1,772,500		
Total Expenditures	4,578,500	(714,000)	3,864,500		
Transfer to Park Fund	-	-	-		
Total Expenditures and Uses	4,578,500	(714,000)	3,864,500		
Revenues Over/(Under) Expenditures	179,750	(932,500)	(752,750)		
Capital Equipment - Financed for the Parks & Planning Depts	2,650,000	(600,000)	2,050,000		
Capital Equipment - Financed for the Finance Dept	-	-	-		
<u>CIO/CWIT INTERNAL SERVICE FUND</u>					
REVENUES					
Charges for Service	1,340,902	(361,418)	979,484		
Debt Proceeds	-	-	-		
Interest Income	-	-	-		
Current Revenue	1,340,902	(361,418)	979,484		
Use of Fund Balance	-	-	-		
Total Sources	1,340,902	(361,418)	979,484		
EXPENDITURES					
Operations	1,315,369	(344,365)	971,004		
Debt Service	38,122	-	38,122		
Total Expenditures	1,353,491	(344,365)	1,009,126	3.00	3.00
Transfer to Park Fund	-	-	-		
Total Expenditures and Uses	1,353,491	(344,365)	1,009,126		
Revenues Over/(Under) Expenditures	(12,589)	(17,053)	(29,642)		
Capital Equipment - Financed for IT Initiatives	-	-	-		
<u>RISK MANAGEMENT INTERNAL SERVICE FUND</u>					
REVENUES					
Charges for Service	2,389,800	-	2,389,800		
Interest Income	73,000	-	73,000		
Current Revenue	2,462,800	-	2,462,800		
Use of Fund Balance	475,258	(4,843)	470,415		
Total Sources	2,938,058	(4,843)	2,933,215		
EXPENDITURES					
Operations	2,938,058	(4,843)	2,933,215	3.00	3.40
Total Expenditures	2,938,058	(4,843)	2,933,215		
Revenues Over/(Under) Expenditures	-	-	-		
Total Montgomery County (including reserves, transfers)	234,680,632	(17,507,220)	217,173,412	1,029.16	1,091.30

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY19 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

	FY19 Proposed Budget	Council Adjustments	FY19 Adopted Budget	Positions	Workyears
ADMINISTRATION FUND					
REVENUES					
Tax Revenue (Tax rates: Real = 5.660 Cents, Personal = 14.150 Cents)	53,933,800	360,700	54,294,500		
Assessable Base in Billions (Real/Personal): 88.181 / 3.303					
Taxes - Interest and Penalties	150,000	-	150,000		
Intergovernmental	200,500	-	200,500		
Service Charges	635,000	-	635,000		
Interest Income	300,000	-	300,000		
Miscellaneous Revenue	-	-	-		
Current Revenue	55,219,300	360,700	55,580,000		
Use of Fund Balance	478,491	(1,040,917)	(562,426)		
Total Sources	55,697,791	(680,217)	55,017,574		
EXPENDITURES					
Commissioners' Office	3,290,392	28,396	3,318,788	16.50	14.50
Planning Department					
Director's Office	5,218,594	(687,315)	4,531,279		
Development Review	6,403,246	57,024	6,460,270		
Community Planning	4,809,940	775,807	5,585,747		
Information Management	5,544,534	23,788	5,568,322		
Countywide Planning	6,768,441	51,597	6,820,038		
Support Services	8,241,579	(62,645)	8,178,934		
Grants	147,500	-	147,500		
Planning Total	37,133,834	158,256	37,292,090	176.50	176.25
Department of Human Resources and Management	2,953,464	(74,325)	2,879,139	24.51	23.36
Department of Finance	2,166,683	(24,430)	2,142,253	24.73	23.93
Legal Department	1,303,370	(33,895)	1,269,475	12.00	12.00
Merit System Board	84,116	(2,263)	81,853	0.50	0.25
Office of Inspector General	379,404	2,506	381,910	3.00	3.30
Corporate IT	1,779,923	(39,125)	1,740,798	10.10	10.10
Support Services	818,313	(28,793)	789,520	0.00	0.00
CAS Total	9,485,273	(200,325)	9,284,948	74.84	72.94
NonDepartmental	3,107,492	(634,244)	2,473,248		
Total Expenditures	53,016,991	(647,917)	52,369,074	267.84	263.69
Transfer to Capital Projects Fund	30,000	-	30,000		
Contingency Reserve @ 5%	2,650,800	(32,300)	2,618,500		
Total Expenditures and Uses	55,697,791	(680,217)	55,017,574		

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY19 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

<u>PARK FUND</u>	<u>FY19 Proposed Budget</u>	<u>Council Adjustments</u>	<u>FY19 Adopted Budget</u>	<u>Positions</u>	<u>Workyears</u>
REVENUES					
Tax Revenue (Tax Rate: Real = 15.940 cents, Personal = 39.850 cents)	147,098,200	983,400	148,081,600		
Assessable Base in Billions (Real/Personal): 85.399 / 3.199					
Taxes - Interest and Penalties	450,000	-	450,000		
Service Charges	162,800	-	162,800		
Interest Income	700,000	-	700,000		
Rentals/Concessions	2,804,800	-	2,804,800		
Miscellaneous Revenues	623,500	-	623,500		
Current Revenue	151,839,300	983,400	152,822,700		
Transfer from CIP	350,000	-	350,000		
Use of Fund Balance	11,521,018	1,878,963	13,399,981		
Total Sources	163,710,318	2,862,363	166,572,681		
EXPENDITURES					
Operating Divisions					
Office of the Director	21,695,788	323,698	22,019,486		
Administration and Development	33,787,526	20,426	33,807,952		
Facility Operations	39,949,459	290,036	40,239,495		
Area Operations	20,743,264	172,418	20,915,682		
NonDepartmental	8,863,743	(1,604,315)	7,259,428		
Total Expenditures	125,039,780	(797,737)	124,242,043		
Transfer to Debt Service	13,753,538	-	13,753,538		
Transfer to CIP	18,665,000	3,700,000	22,365,000		
Contingency Reserve @ 5%	6,252,000	(39,900)	6,212,100		
Total Expenditures and Uses	163,710,318	2,862,363	166,572,681	784.00	955.43

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY19 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

	FY19 Proposed Budget	Council Adjustments	FY19 Adopted Budget	Positions	Workyears
RECREATION FUND					
REVENUES					
Tax Revenue (Tax Rate: Real = 7.800 cents, Personal = 19.500 cents)	76,902,000	514,100	77,416,100		
Assessable Base in Billions (Real/Personal): 91.238 / 3.417					
Taxes - Interest and Penalties	200,000	-	200,000		
Intergovernmental	-	-	-		
Service Charges	9,015,674	-	9,015,674		
Rentals/Concessions	1,087,701	-	1,087,701		
Interest Income	300,000	-	300,000		
Miscellaneous Revenues	89,800	-	89,800		
Current Revenue	87,595,175	514,100	88,109,275		
Use of Fund Balance	7,673,124	6,179,007	13,852,131		
Total Sources	95,268,299	6,693,107	101,961,406		
EXPENDITURES					
Operating Divisions					
Administration and Development	10,199,166	7,345,479	17,544,645		
Facility Operations	20,979,564	111,797	21,091,361		
Area Operations	36,137,703	269,308	36,407,011		
Non-Departmental	7,211,411	(1,352,277)	5,859,134		
Total Expenditures	74,527,844	6,374,307	80,902,151		
Transfer to Enterprise Fund	8,584,855	-	8,584,855		
Transfer to Capital Projects Fund	8,000,000	-	8,000,000		
Contingency Reserve @ 5%	4,155,600	318,800	4,474,400		
Total Expenditures and Uses	95,268,299	6,693,107	101,961,406	294.00	947.82
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): 91.238 / 3.417					
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	301,618,008	8,628,653	310,246,661	1,345.84	2,166.94

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY19 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

	FY19 Proposed Budget	Council Adjustments	FY19 Adopted Budget	Positions	Workyears
ADVANCE LAND ACQUISITION REVOLVING FUND					
REVENUES					
Interest Income	-	-	-		
Current Revenue	-	-	-		
Transfer from ALA Debt Service Fund	-	-	-		
Use of Fund Balance	288,347	-	288,347		
Total Sources	288,347	-	288,347		
EXPENDITURES					
Land	288,347	-	288,347		
Total Expenditures and Uses	288,347	-	288,347		
PARK DEBT SERVICE FUND					
REVENUES					
Transfer from Park Fund	13,753,538	-	13,753,538		
Total Sources	13,753,538	-	13,753,538		
EXPENDITURES					
Debt Service	13,753,538	-	13,753,538		
Total Expenditures	13,753,538	-	13,753,538		
CAPITAL PROJECTS FUND					
REVENUES					
Intergovernmental	5,880,000	4,582,000	10,462,000		
Interest/Contribution	2,350,000	5,000,000	7,350,000		
Bond Proceeds	11,250,000	-	11,250,000		
Miscellaneous	-	-	-		
Current Revenue	19,480,000	9,582,000	29,062,000		
Transfer from Park Fund	18,665,000	4,034,000	22,699,000		
Transfer from Recreation Fund	8,000,000	-	8,000,000		
Transfer from Administration Fund	30,000	-	30,000		
Use of Fund Balance	-	-	-		
Total Sources	46,175,000	13,616,000	59,791,000		
EXPENDITURES					
Park Acquisition & Development	45,825,000	13,616,000	59,441,000		
Total Expenditures	45,825,000	13,616,000	59,441,000		
Transfer to Park Fund	350,000	-	350,000		
Total Expenditures and Uses	46,175,000	13,616,000	59,791,000		
ENTERPRISE FUND					
REVENUES					
Charges for Service	10,718,200	-	10,718,200		
Interest Income	80,000	-	80,000		
Current Revenue	10,798,200	-	10,798,200		
Transfers from Recreation Fund	8,584,855	-	8,584,855		
Total Sources	19,383,055	-	19,383,055		
EXPENDITURES					
Operations	19,383,055	(68,257)	19,314,798	67.00	199.00
Total Expenditures and Uses	19,383,055	(68,257)	19,314,798		
Revenues Over/(Under) Expenditures	-	-	68,257		
SPECIAL REVENUE FUND					
REVENUES					
Intergovernmental	950,000	-	950,000		
Charges for Service	6,927,893	-	6,927,893		
Interest Income	50,000	-	50,000		
Miscellaneous	173,722	-	173,722		
Current Revenue	8,101,615	-	8,101,615		
Transfer from Administration Fund	-	-	-		
Use of Fund Balance	340,782	-	340,782		
Total Sources	8,442,397	-	8,442,397		
EXPENDITURES					
Operations	8,442,397	-	8,442,397		
Total Expenditures	8,442,397	-	8,442,397		
Transfer to CIP	-	-	-		
Total Expenditures and Uses	8,442,397	-	8,442,397	0.00	263.50
Revenues Over/(Under) Expenditures	-	-	-		
TOTAL OPERATING BUDGET LESS RESERVES AND ALARF	389,371,998	22,176,396	411,548,394	1,412.84	2,629.44

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY19 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

	FY19 Proposed Budget	Council Adjustments	FY19 Adopted Budget	Positions	Workyears
<u>CAPITAL EQUIPMENT INTERNAL SERVICE FUND</u>					
REVENUES					
Charges for Service	1,973,777	-	1,973,777		
Debt Proceeds	-	-	-		
Interest Income	3,000	-	3,000		
Current Revenue	1,976,777	-	1,976,777		
Use of Fund Balance	-	-	-		
Total Sources	1,976,777	-	1,976,777		
EXPENDITURES					
Operations	44,000	-	44,000		
Debt Service	56,800	-	56,800		
Total Expenditures	100,800	-	100,800		
Revenues Over/(Under) Expenditures	1,875,977	-	1,875,977		
Capital Equipment - Financed for Park & Rec	-	-	-		
Capital Equipment - Financed for Finance Dept.	-	-	-		
<u>CIO/CWIT INTERNAL SERVICE FUND</u>					
REVENUES					
Charges for Service	2,188,492	(432,181)	1,756,311		
Debt Proceeds	-	-	-		
Interest Income	-	-	-		
Current Revenue	2,188,492	(432,181)	1,756,311		
Use of Fund Balance	27,639	-	27,639		
Total Sources	2,216,131	(432,181)	1,783,950		
EXPENDITURES					
Operations	2,058,753	(432,181)	1,626,572		
Debt Service	157,378	-	157,378		
Total Expenditures	2,216,131	(432,181)	1,783,950	3.00	3.00
Revenues Over/(Under) Expenditures	-	-	-		
Capital Equipment - Financed for IT Initiatives	-	-	-		
<u>RISK MANAGEMENT INTERNAL SERVICE FUND</u>					
REVENUES					
Charges for Service	3,362,200	(4,843)	3,357,357		
Claims Recovery	-	-	-		
Interest Income	131,000	-	131,000		
Current Revenue	3,493,200	(4,843)	3,488,357		
Use of Fund Balance	811,668	-	811,668		
Total Sources	4,304,868	(4,843)	4,300,025		
EXPENDITURES					
Operations	4,304,868	(4,843)	4,300,025	3.00	3.40
Total Expenditures	4,304,868	(4,843)	4,300,025		
Revenues Over/(Under) Expenditures	-	-	-		
Total Prince George's County (including reserves, transfers)	409,340,544	21,985,972	431,326,516	1,418.84	2,635.84

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY19 ADOPTED BUDGET**

COMMISSION-WIDE FUNDS

	FY19 Proposed Budget	Council Adjustments	FY19 Adopted Budget	<u>Positions</u>	<u>Workyears</u>
<u>EXECUTIVE OFFICE INTERNAL SERVICE FUND</u>					
REVENUES					
Charges For Service	1,352,000	-	1,352,000		
Interest Income	5,000	-	5,000		
Current Revenue	1,357,000	-	1,357,000		
Use of Fund Balance	-	-	-		
Total Sources	1,357,000	-	1,357,000		
EXPENDITURES					
Operating Expenses	1,357,000	(1,606)	1,355,394	2.00	2.00
Revenues Over/(Under) Expenditures	-	1,606	1,606		
<u>GROUP HEALTH INSURANCE FUND</u>					
REVENUES					
Intergovernmental	1,681,000	-	1,681,000		
Charges For Service	57,281,696	(2,000,000)	55,281,696		
Interest Income	150,000	-	150,000		
Total Sources	59,112,696	(2,000,000)	57,112,696		
EXPENDITURES					
Operating Expenditures	59,514,635	(6,114)	59,508,521		
Total Expenditure	59,514,635	(6,114)	59,508,521	6.00	6.20
Revenues Over/(Under) Expenditures	(401,939)	(1,993,886)	(2,395,825)		
Total Commission-wide Funds	60,871,635	(7,720)	60,863,915	8.00	8.20
Montgomery County Funds	234,680,632	(17,507,220)	217,173,412	1,029.16	1,091.30
Prince George's County Funds	409,340,544	21,985,972	431,326,516	1,418.84	2,635.84
Commission-wide Funds	60,871,635	(7,720)	60,863,915	8.00	8.20
TOTAL ALL FUNDS (includes reserves)	704,892,811	4,471,032	709,363,843	2,456.00	3,735.34

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**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
BY DEPARTMENT AS OF MAY 2018**

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	Apr-18	May-18	Apr-18	May-18	Apr-18	May-18	Apr-18	May-18
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0
CHARIMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	0	0	0	1	0	1	0
OFFICE OF INSPECTOR GENERAL	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	1	0	1
DEPT. OF HUMAN RESOURCES & MGT.	0	0	0	0	0	0	0	0
LEGAL DEPARTMENT	1	2	1	2	0	0	2	4
FINANCE DEPARTMENT	2	1	1	1	0	0	3	2
PRINCE GEORGE'S PLANNING	1	2	1	1	0	0	2	3
PRINCE GEORGE'S PARKS & RECREATION	10	13	3	6	1	0	14	19
MONTGOMERY COUNTY PARKS	7	4	2	3	1	1	10	8
MONTGOMERY COUNTY PLANNING	4	5	2	2	2	1	8	8
DEPARTMENT TOTAL BY DAYS LATE	25	27	10	15	5	3		
COMMISSION-WIDE TOTAL							40	45

**DEPARTMENTS WITH RATINGS MORE THAN 60 DAYS LATE HAVE BEEN CONTACTED.

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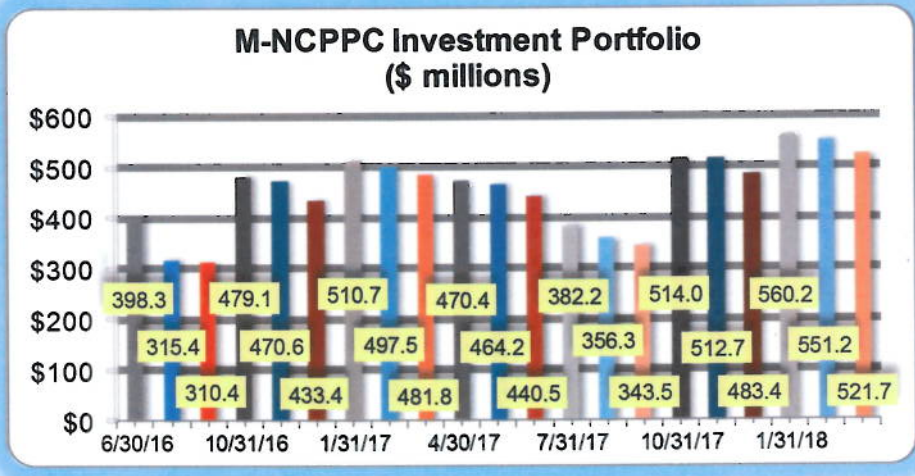


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 TREASURY OPERATIONS, FINANCE DEPARTMENT
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737
 Telephone (301) 454-1541 / Fax (301) 209-0413

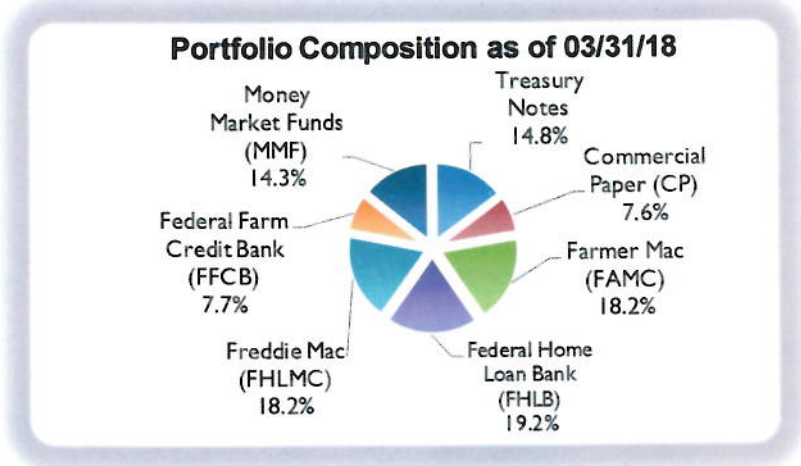
MEMO

TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Abbey Rodman, Investment & Treasury Operations Manager
DATE: 6/8/2018
SUBJECT: Investment Report – March 2018

The Commission’s pooled cash investment portfolio totaled \$521.7 million as of March 31, 2018, with a 5.4% decrease from February 28, 2018. Details are as follows:

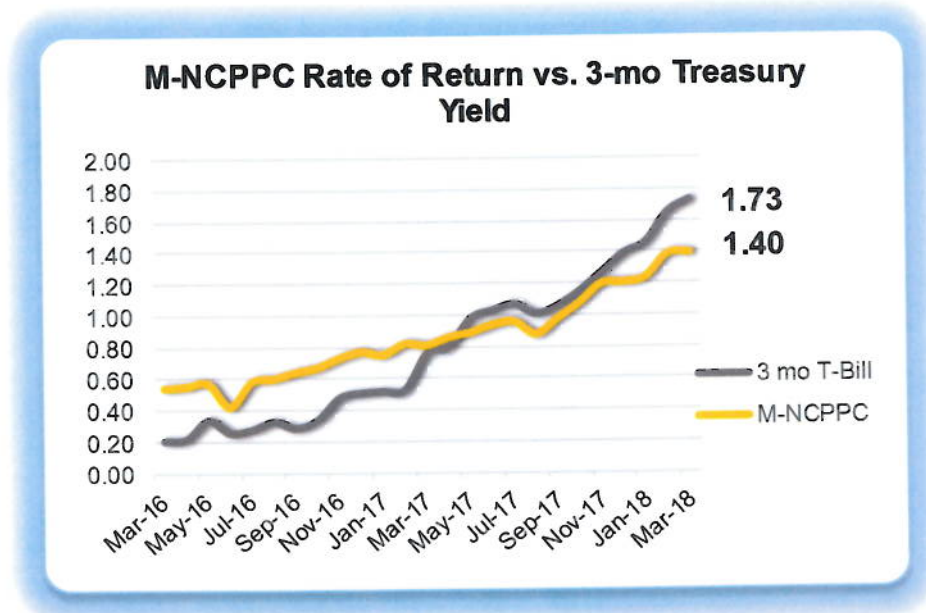


The composition of the pooled cash portfolio as of March 31, 2018 is summarized below:

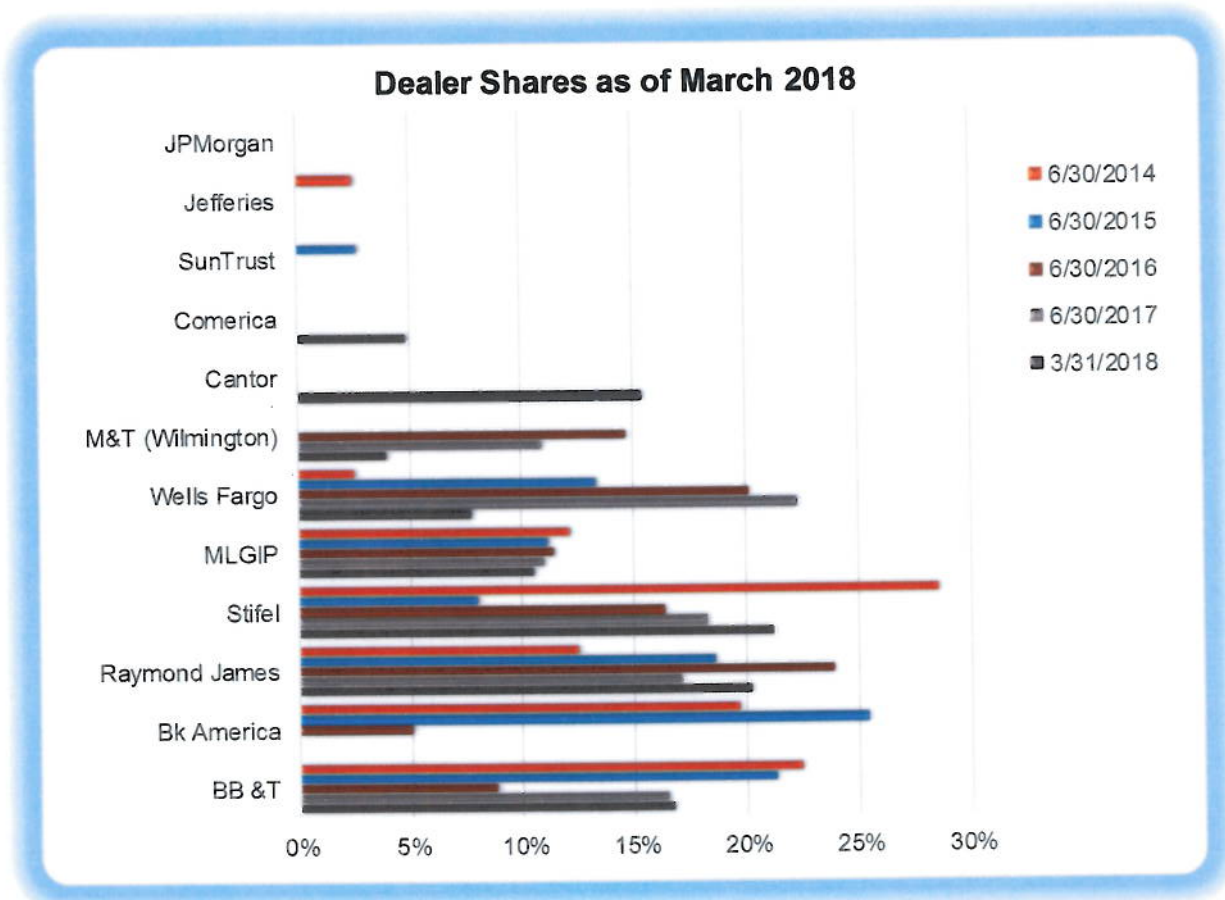


Current Investment Portfolio - March 2018				
Instrument	Policy Limit	Actual	Par Value	Wtd. Avg. Return (B/E)
Federal Home Loan Banks	20%	19%	\$ 100,000,000	1.51%
Farmer Mac	20%	18%	95,000,000	1.42%
Freddie Mac	20%	18%	95,000,000	1.49%
Treasury Notes	100%	15%	77,000,000	1.04%
Money Funds	25%	14%	74,692,872	n/a
Commercial Paper	10%	8%	40,000,000	2.40%
Federal Farm Credit Bureau	20%	8%	40,000,000	0.81%
Fannie Mae	20%	0%	-	
Certificates of Deposit	50%	0%	-	
Bankers Acceptances	50%	0%	-	
Repurchase Agreements	60%	0%	-	
			\$ 521,692,872	1.42%

The pooled cash portfolio complied with all policy limits with regard 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 2018	
Prince George's County (PGC-2017A)	\$ 22,999,518
Montgomery County (MC-2017A)	4,152,409
	<u>\$ 27,151,928</u>

The Commission had no debt service payments during the month.

Details by issue of debt outstanding as of March 31, 2018 appear below:

Debt Balances - March 2018					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
KK-2 (Refunded AA-2)	17,300,000	1,856,181	11%	Apr-08	May-18
NN-2 (Refunded Z-2)	14,080,000	5,465,000	39%	Mar-10	May-21
PGC-2012A (Refunded P-2, M-2, EE-2)	11,420,000	5,225,000	46%	Jun-12	Jan-24
PGC-2014A	26,565,000	22,400,000	84%	May-14	Jan-34
PGC-2015A (Refunded JJ-2)*	24,820,000	23,135,000	93%	Oct-15	Jan-36
PGC-2017A	33,000,000	31,350,000	95%	Jul-17	Jan-37
Total Prince George's County	\$ 127,185,000	\$ 89,431,181	70%		
Montgomery County					
LL-2	8,405,000	1,710,000	20%	May-09	Nov-20
MM-2	5,250,000	525,000	10%	May-09	Nov-19
MC-2012A (Refunded CC-2, FF-2)	12,505,000	9,185,000	73%	Apr-12	Dec-32
MC-2012B	3,000,000	2,375,000	79%	Apr-12	Dec-32
MC-2014A	14,000,000	11,970,000	86%	Jun-14	Jun-34
MC-2016A	12,000,000	11,140,000	93%	Apr-16	Nov-35
MC-2016B (Refunded FF-2, II-2, MM-2)	6,120,000	5,940,000	97%	Apr-16	Nov-28
MC-2016C (Refunded FF-2 ALA of 2004)	1,075,000	885,000	82%	Apr-16	Nov-24
MC-2017A	8,000,000	7,600,000	95%	Apr-17	Nov-36
Total Montgomery County	\$ 70,355,000	\$ 51,330,000	73%		
Total	\$ 197,540,000	\$ 140,761,181	71%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012
 FISCAL YEAR 2018 - March 31, 2018

OBJECTIVES			Met Objective	Within Limits	Comments
Protection of principal			Yes		
	Limiting types and amounts of securities	Limit		Yes	
	US Government	100%			
	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:				
	Highly-rated state / local agency securities			Yes	T. Rowe Price managed all funds within limits
	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 share exceeded 30%
	Competitive Bidding			Yes	All purchases awarded competitively.
	Diversification of Maturities				
	Majority of investments shall be a maximum maturity of one (1) year. A portion may be as long as two years.			Yes	All maturities within limits
	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		No		Less than market by 33 basis points
	The pro-rated rates of return for the portfolio and T-bills were 1.73% and 1.40%, 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 2018

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, June 20, 2018. 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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Disposition of FY18 Closed Cases Sorted by DepartmentPage 05

Index of Reported Cases Sorted by Jurisdiction.....Page 09

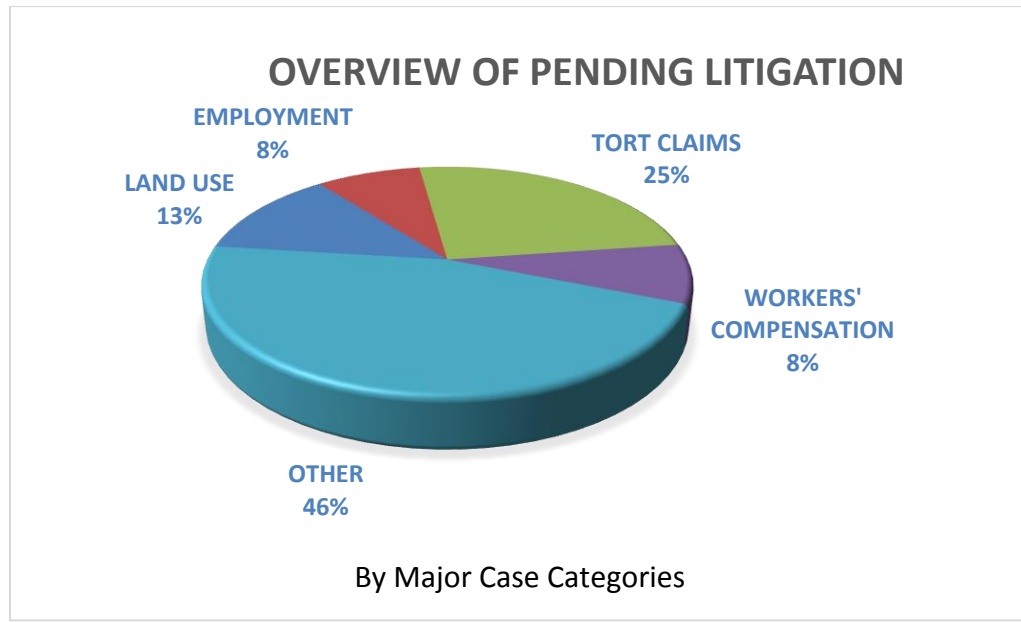
Litigation Report Ordered by Court Jurisdiction.....Page 10

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May 2018 Composition of Pending Litigation

(Sorted By Subject Matter and Forum)

	State Trial Court	Federal Trial Court	Maryland COSA	Maryland Court of Appeals	Federal Appeals Court	U.S. Supreme Court	Subject Matter Totals
Admin Appeal: Land Use			2				2
Admin Appeal: Other							0
Land Use Dispute					1		1
Tort Claim	6						6
Employment Dispute	1		1				2
Contract Dispute	3		2				5
Property Dispute			2				2
Civil Enforcement							0
Workers' Compensation	2						2
Debt Collection							0
Bankruptcy							0
Miscellaneous	1		2			1	4
Per Forum Totals	13	0	9	0	1	1	24



May 2018 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2018			
	Pending In April 2018	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	2			4		2	2
Admin Appeal: Other (AAO)	0			0			0
Land Use Disputes (LD)	1			1	1	1	1
Tort Claims (T)	5	1		6	5	7	6
Employment Disputes (ED)	2			1	3	2	2
Contract Disputes (CD)	5			2	5	2	5
Property Disputes (PD)	2			1	2		2
Civil Enforcement (CE)	0			0			0
Workers' Compensation (WC)	0	2		2	1	3	2
Debt Collection (D)	0			0			0
Bankruptcy (B)	0			0			0
Miscellaneous (M)	3	2	1	5		3	4
Totals	20	5	1	22	16	20	24

**INDEX OF YTD NEW CASES
(7/1/2017 TO 6/30/18)**

<u>A. New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Moore v. Thompson, et al	PG	Tort	July 17
Evans v. Commission	MC	Tort	Aug 17
Gregg v. Commission	PG	ED	Sept 17
Commission v. McCoy	PG	CD	Oct 17
Commission v. Clean Air Mechanical, Inc., et al	MC	CD	Oct 17
Bundu v. Bowman	PG	Tort	Oct 17
Chick v. Commission	PG	ED	Dec 17
Adesakin v. Commission	PG	Tort	Jan 18
Diggs v. Robinson, et al	PG	Tort	Jan 18
Commission v. Clean Air Mechanical, Inc., et al	MC	CD	Jan 18
Commission v. Ferrante	PG	WC	April 18
Ross v. Commission	PG	WC	April 18
Rivers v. Fitts	PG	Tort	April 18
Global LifeSci Dev.Corp. v. Montgomery Cnty. et al.	MC	Misc.	April 18
<u>B. New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
URS v. Commission	MC	CD	April 17
Rounds v. Commission	MC	PD	Sept 17
Rounds v. Commission	MC	PD	Oct 17
Fort Myers Construction Corp. v. Commission	MC	CD	Nov 17
Pulte Home Corp. v. Montgomery County, et al	MC	LD	Nov 17
Burnette v. Commission	PG	ED	Jan 18
Pletsch v. Commission	PG	AALU	Feb 18
Price, et al. v. Commission	PG	Misc.	Feb 18
The Town of Forest Heights	PG	Misc.	Feb 18
<u>C. New Supreme Court of the U.S. Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Commission v. American Humanists Ass., et al.	PG	Misc.	April 18

**INDEX OF YTD RESOLVED CASES
(7/1/2017 TO 6/30/18)**

C. <u>Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Parker v. Commission	PG	WCC	July 2017
Commission v. Pollard	MC	WCC	Sept 2017
Pulte Home Corp., et al v. Mont. County, et al	MC	LD	Sept 2017
Green v. Commission	PG	Tort	Oct 2017
Swain v. Seay, et al	PG	Misc.	Oct 2017
Shipe v. Louketis, et al	MC	Tort	Nov 2017
Tugwell v. Louketis, et al	MC	Tort	Nov 2017
Fort Myer Construction Corp v. Commission	MC	CD	Nov 2017
Rounds v. Commission, et al	MC	Tort	Nov 2017
Gregg v. Commission	PG	ED	Dec 2017
Moore v. Thompson, et al	PG	Tort	Dec 2017
Grier, et al v. Commission	PG	AALU	Dec 2017
Burnette v. Commission	PG	ED	Feb 2018
Commission v. Clean Air Mechanical, Inc. et al	MC	CD	Feb 2018
Pletsch v. Commission	PG	AALU	Feb 2018
Price, et al. v. Prince George's County, et al.	PG	Misc.	Feb 2018
Commission v. The Town of Forest Heights	PG	Misc.	Feb 2018
Adesakin v. Commission	PG	Tort	Mar 2018
Membrano v. Johns	PG	Tort	Mar 2018
Commission v. Carillo-Cruz	MC	WC	Mar 2018

D. Appellate Court Cases Resolved.

Cohn v. Commission	MC	Misc.	Nov 2017
Friends of Croom Civic Assoc., et al v. Commission	PG	AALU	Nov 2017
American Humanist Association v. Commission	PG	Misc.	Mar 2018

Disposition of FY18 Closed Cases Sorted by Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Price, et al. v. Commission	Plaintiffs file lawsuit for injunctive relief questioning validity of certain personal tax enactments involving the Commission and Prince George's County.	1/23/18 - Court grants Commission's Motion to Dismiss Amended Complaint and alternatively entered judgment in favor of the Commission
Department of Human Resources & Management		
Montgomery County Department of Planning		
Rounds v. Commission, et al	Defense of claim for alleged slander of title regarding Farm Road easement.	08/25/17- Court grants Commission's Motion to Dismiss
Montgomery County Department of Parks		
Cohhn v. Commission	Plaintiff appealed Circuit Court ruling granting the judgment in favor of the Commission and denying Plaintiff's request to restrain Commission's Archery Managed Deer Hunting Program in Montgomery County.	10/18/17- Court affirms decision of lower court that granted summary judgment in favor of Commission's authorization of bow hunting on its properties
Commission v. Carillo-Cruz	Commission files petition for de novo review based on WCC's ruling that a compensable accident occurred on the grounds that driving a vehicle carries an increased risk of injury, without making a ruling on whether Claimant suffered an idiopathic condition.	03/02/18 – Appeal dismissed and remanded to WCC for approval of settlement agreement between parties.

Commission v. Clean Air Mechanical Inc., et al	Commission files complaint for breach of contract, fraud and misrepresentation arising out of purchase order for installation of three DDU units at Cabin John and Wheaton Ice rinks.	12/28/17-Court orders venue of case to be changed to Prince George's County
Fort Myer Construction Corporation v. Commission	Plaintiff filed complaint for alleged delays and damages associated with the erection of a steel girder pedestrian bridge in Montgomery County	10/10/17- Court grants Commissions' Motion to Dismiss, case dismissed with prejudice
Montgomery County Park Police		
Shipe v. Louketis, et al	Defense of claim for assault & battery, intentional infliction of emotional distress, negligence, negligent hiring.	10/06/17 Voluntary dismissal in entirety with prejudice
Tugwell v. Louketis, et al	Defense of claim for assault & battery, intentional infliction of emotional distress, negligence, negligent hiring.	10/06/17 Voluntary dismissal in entirety with prejudice
Montgomery County Planning Board		
Pulte Home Corporation, et al v. Montgomery County, et al	Plaintiff filed complaint for alleged delays and damages associated with the construction of a residential development in Clarksburg, Maryland.	08/25/17- Court grants Defendants' Motion for Judgment on Pleadings; case dismissed
Prince George's County Department of Parks and Recreation		
Adesakin v. Commission	Defense of claim for property damage involving vehicle owned by Commission.	03/19/18 – Case dismissed under Rule 3-506
American Humanist Association, et al. v. Commission	Defense of claim alleging violation of establishment clause of Constitution	10/18/17 – case remanded back to the U.S. District Court holding that display and maintenance violates Establishment Clause 03/01/18 Petition for Rehearing En Banc denied. 3/12/18 Mandate Issued

Commission v. Pollard	Employer is seeking de novo judicial review of the WCC's decision that the Claimant had suffered a 39% worsening of condition regarding his right hip since the last permanency award and found no cause for apportionment to preexisting conditions.	07/28/17- Joint Motion to Remand to WCC
Commission v. Town of Forest Heights	Commission filed a declaratory judgment action against the Town of Forest Heights.	1/13/18 – Court denies Defendant's Motion to Dismiss and/or in the alternative, Motion for Summary Judgment; declares Sixth and Seventh Annexations by Defendant null and void and Defendant may not exercise law enforcement powers on Commission property.
Green, et al v. Commission	Defense of claim for personal injury involving fall by minor child from playground equipment at Peppermill Recreation Center.	08/30/17-Case dismissed with prejudice
Membrano v. Johns	Defense of claim for personal injury involving vehicle drive by commission employee.	03/30/18 – Case dismissed under Rule 3-506
Moore v. Thompson, et al	Defense of claim for property damage involving vehicle owned by Commission.	10/26/17-Case dismissed under Rule 3-506
Parker v. Commission	Claimant/employee is seeking de novo judicial review of the WCC's decision denying she has an occupational disease.	6/26/17-Case settled and remanded to WCC
Swain v. Seay, et al	Plaintiff files to foreclose a statutory attorney's lien on property with a Historic Agriculture Resource Preservation Program Deed of Easement.	09/01/17-Case voluntarily dismissed
Prince George's County Planning Department		
Prince George's County Planning Board		
Friends of Croom Civic Association, et al v. Commission	Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-11004 in Stephen's Crossing at Brandywine.	05/08/17-Court affirmed judgment of Circuit Court for Prince George's County Planning Board

Grier, et al v. Commission	Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan of Subdivision 4-16032 in Laurelind-orinan Estate.	11/27/17-Court affirmed Planning Board's decision
Pletsch, et al. v. Commission	Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan of Subdivision 4-16006 Melford Village.	01/18/18 – Court affirmed Planning Board's decision
Prince George's Park Police Burnette v. Commission	Former park police officer seeks judicial review of termination.	12/26/17-Order of Court affirming Administrative Hearing Board decision
Gregg v. Commission	Plaintiff filed complaint for alleged race and gender discrimination.	11/06/17-Case settled and dismissed
Office of Internal Audit		

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DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Chick v. Commission

Case No. 0502-0036532-2017 (ED)

Lead Counsel: Adams
Other Counsel:

Abstract: Plaintiff filed complaint alleging breach of settlement agreement based on Plaintiff's disputed interpretation.

Status: Pending trial.

Docket:

12/06/17	Complaint filed
01/19/18	Notice of Intention to Defend filed; Counter Claim filed
03/23/18	Motion for Appropriate Relief filed
04/02/18	Case Dismissed (Rule 3-506)

Commission v. McCoy

Case No. 0502-0025950-2017 (CD)

Lead Counsel: Adams
Other Counsel:

Abstract: Complaint for property damage to Commission's golf cart.

Status: Case stayed.

Docket:

08/31/17	Complaint filed
11/17/17	Case stayed pending settlement negotiations

Milam v. Doe and Commission
Case No. 0502-0034226-2016 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for personal injury involving vehicle owned by Commission.

Status: Pending trial.

Docket:

12/27/16	Complaint filed
02/03/17	Subpoena served on Commission
03/22/17	Court issues notice of service on Commission
05/01/17	Commission requests re-issue for dormant service
05/19/17	Motion to Quash Service filed by Commission
06/05/17	Notice of Service stricken
09/28/17	Amended Complaint filed
10/16/17	Notice of Intention to Defend filed
04/05/18	Judgment in favor of Plaintiff entered. \$8,722.33 plus \$96 costs

Rivers v. Fitts
Case No. 0502-0009015-2018 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for personal injury involving vehicle owned by Commission.

Status: Complaint filed.

Docket:

03/22/18	Complaint filed
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CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Bundu v. Bowman

Case No. CAL17-28259 (Tort)

Lead Counsel: Adams
Other Counsel:

Abstract: Defense of claim for personal injury involving motor vehicle accident in Prince George's County.

Status: In discovery.

Docket:

10/12/17	Complaint filed
11/02/17	Service of complaint on Commission
11/17/17	Answer to Complaint filed by Commission
03/28/18	Pretrial Conference continued
06/05/18	Pretrial Conference

Commission v. Clean Air Mechanical Inc., et al

Case No. CAL18-00211 (CD)

Lead Counsel: Adams
Other Counsel:

Abstract: Commission files complaint for breach of contract, fraud and misrepresentation arising out of purchase order for installation of three DDU units at Cabin John and Wheaton Ice rinks.

Status: In discovery.

Docket:

01/03/18	Case transferred to Circuit Court Prince George's County from Montgomery County (438017-V)
01/16/18	Answer to complaint and Motion to Dismiss and/or Motion for Summary Judgment filed by Defendants
02/02/18	Voluntary dismissal of Hudgins and Hardesty; Opposition to Motion for Summary Judgment filed; Amended Complaint filed
03/06/18	Motion to Dismiss, or in the Alternative, for Summary Judgment and Request for Hearing denied as Moot; matter shall continue in due course
05/14/18	Pretrial conference

Commission v. Ferrante
Case No. CAL 18-09401 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Appeal from WCC Order requiring MNCPPC to pay indemnity benefits corresponding to medical treatment.

Status: Pending trial.

Docket:

04/17/2018	Petition for Judicial Review filed
09/10/18	Pretrial Conference

Diggs v. Robinson, et al
Case No. CAL17-40851(Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for personal injury following an automobile accident.

Status: In discovery.

Docket:

12/20/17	Complaint filed
01/08/18	Defendant Robinson served via certified mail
01/29/18	Plaintiff files Amended Complaint
02/02/18	Answer to Complaint filed
04/02/18	Plaintiff's Expert Designation filed
06/21/18	Pretrial Conference

O'Brien v. Sports & Learning Complex

Case No. CAL17-00241(Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for personal injury involving slip and fall at swimming pool.

Status: Pending trial.

Docket:

01/11/17	Complaint filed
03/03/17	Service of complaint on Commission
03/31/17	Amended Complaint filed
08/09/17	Pretrial conference
02/27/18	ADR Conference - cancelled
04/10/18	Trial Continued
05/07/18	ADR Conference

Ross v. Commission

Case No. CAL18-12424 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant filed for judicial review of WCC Order.

Status: Pending trial.

Docket:

04/23/18	Petition for Judicial Review filed
09/06/18	Pretrial Conference

Sauer, Inc. v. Commission
Case No. CAL17-05868 (CD)

Lead Counsel: Dickerson
Other Counsel: Adams

Abstract: Plaintiff filed complaint for alleged delays and damages associated with the renovation and expansion of the Palmer Park Community Center in Prince George's County.

Status: In discovery.
Docket:

02/28/17	Complaint filed but improperly served; awaiting proper re-service
06/20/17	Complaint properly served and accepted by Commission
08/21/17	Line filed extending responsive pleadings deadline
09/29/17	Defendant's Motion to Dismiss filed
11/03/17	Line filed extending Plaintiff's deadline to respond to Motion to Dismiss until November 22, 2017
11/17/17	Plaintiff files Opposition to Motion to Dismiss
12/22/17	Court denies Motion to Dismiss
01/02/18	Commission files Answer to Complaint
01/26/18	Counterclaim filed
03/05/18	Motion to Amend Scheduling Track filed
03/19/18	Consent Motion to Extend time to respond to Counterclaim and other schedule modifications
03/26/18	Court grants motion to extend time and sets new dates.
05/09/18	Pretrial conference
07/17/18	ADR conference

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Evans v. Commission, et al

Case No. 435465-V(Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for personal injury following an automobile accident.

Status: In discovery.

Docket:

08/11/17	Complaint filed
08/22/17	Service of complaint on Commission
09/19/17	Commission files Answer to Complaint
11/09/17	Plaintiff files Motion for Default against Defendant, Melara
11/28/17	Defendant Melara files Answer to Complaint
12/01/17	Plaintiff's Motion for Default denied as Defendant Melara filed Answer
04/26/18	Amended Complaint filed
05/24/18	Pre-trial/settlement conference

Global Lifesci Development Corporation v. Montgomery County, et al.

Case No. 444115-V (Misc.)

Lead Counsel: Foster
Other Counsel: Dickerson

Abstract: Declaratory Judgment, Quiet Title and Injunctive Relief.

Status: In discovery.

Docket:

03/12/18	Complaint filed
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MARYLAND COURT OF SPECIAL APPEALS

Brooks v. Commission

September Term 2016, No. 02295 (AALU)
(Originally filed under CAE16-25941 in Prince George's County)

Lead Counsel: Mills
Other Counsel: Borden

Abstract: Plaintiff appealed Planning Board ruling granting the departure from design standards in Prince George's County.

Status: Awaiting decision.

Docket:

01/06/17	Notice of Appeal filed
06/30/17	Appellant's Brief and Joint Record Extract filed
02/18/18	Oral Argument held

Burnette v. Commission

September Term 2017, No.2258 (ED)
(Originally filed under CAL16-35180 in Prince George's County)

Lead Counsel: Adams
Other Counsel:

Abstract: Former park police officer appealed Circuit Court ruling affirming Administrative Hearing Board decision to terminate.

Status: Appeal filed.

Docket:

01/23/18	Notice of Appeal
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Fort Myer Construction Corporation v. Commission

September Term 2017, No. 1684 (CD)

(Originally filed under 399804-V in Montgomery County)

Lead Counsel: MarcusBonsib, LLC (Bruce L. Marcus)
Other Counsel: Dickerson

Abstract: Plaintiff appealed Circuit Court ruling granting dismissal of complaint for alleged delays and damages associated with the erection of a steel girder pedestrian bridge in Montgomery County.

Status: Appeal filed.
Docket:

10/26/17	Notice of Appeal
11/2018	Oral Argument

Pletsch, et al v. Commission

(AALU)

(Originally filed under CAL17-12150 in Prince George's County)

Lead Counsel: Mills
Other Counsel: Borden

Abstract: Two separate appeals filed. The Citizens filed an appeal of order affirming the underlying decision and resolution. The developer filed an appeal of the denial of the motion to dismiss for lack of standing. The Commission did not join in the appeal of the denial of the motion to dismiss.

Status: Appeals filed.

Docket:

02/16/18	Notice of Appeal filed by Pletsch, et al.
2/23/18	Notice of Appeal file by St. John Properties, Inc.

Price, et al v. Prince George's County, et al

No. 2489 September Term 2017 (Misc.)

(Originally filed under CAE16-37806 in Prince George's County)

Lead Counsel: Gardner
Other Counsel: Dickerson

Abstract: Plaintiffs below filed a lawsuit for injunctive relief questioning validity of certain personal tax enactments involving the Commission and Prince George's County.

Status: Appeal filed.
Docket:

02/12/18	Notice of Appeal filed
03/01/18	Court issued show cause for inquiry as to why Pre-hearing Information Report not filed
03/08/18	Court accepts Pre-hearing Information Report for filing
03/13/18	Order entered to proceed without Pre-hearing Conference

Rounds v. Montgomery County, MD, et al

September Term, 2016, No. 02501(PD)

(Originally filed under #350954-V in Montgomery County)

Lead Counsel: Gardner
Other Counsel: Dickerson
Harvin

Abstract: Appeal from dismissal of claim for violations of the Maryland Constitution and declaratory relief concerning alleged Farm Road easement.

Status: Awaiting decision.

Docket:

02/03/17	Notice of Appeal filed
01/09/18	Oral Argument held

Rounds v. Montgomery County, MD, et al

September Term, 2017, No.1561 (PD)
(Originally filed under #430530-V in Montgomery County)

Lead Counsel: Gardner
Other Counsel: Dickerson
Harvin

Abstract: Appeal from dismissal of claim barred by res judicata concerning alleged Farm Road easement.

Status: Appeal filed.

Docket:

09/25/17	Notice of Appeal filed
10/19/17	Court issued show cause for inquiry as to why Pre-hearing Information Report not filed
11/15/17	Court accepts Pre-hearing Information Report for filing

The Town of Forest Heights v. Commission

No 2538, September Term 2017 (Misc.)
(Originally filed under CAL 16-29110 in Prince George's County)

Lead Counsel: Mills
Other Counsel:

Abstract: Commission below filed a declaratory judgment against the Town of Forest Heights. The Town appealed.

Status: Appeal filed.

Docket:

02/23/18	Notice of Appeal filed
03/16/18	Order to Proceed w/out Pre-hearing Conference

URS Corporation v. Commission

September Term, 2017, No. 00288 (CD)

Lead Counsel: MarcusBonsib, LLC (Bruce L. Marcus)
Other Counsel: Dickerson

Abstract: URS appeals the Circuit Court Decision entering judgment in favor of Commission as a result of URS breach of duty to defend.

Status: Awaiting Decision.

Docket:

04/21/17	Notice of Appeal
03/06/18	Oral Argument held

MARYLAND COURT OF APPEALS

No Pending Cases

U.S. DISTRICT COURT OF MARYLAND

No Pending Cases

U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT

Pulte Home Corporation, et al v. Montgomery County, et al

Case No. 17-2112 (LD)

(Originally filed under Case No 8:14-cv-03955)

Lead Counsel: Outside Counsel-Whiteford Taylor and Preston
Other Counsel: Gardner/Dickerson/Adams

Abstract: Plaintiff filed appeal following dismissal of complaint in U. S. District Court for alleged delays and damages associated with the construction of a residential development in Clarksburg, Maryland.

Status: Appeal filed.

Docket:

09/25/17	Notice of Removal and Complaint filed
10/10/17	Court files Briefing Order
11/20/17	Brief filed by Appellant Pulte Home Corporation
12/19/17	Response Brief filed by Commission
01/02/18	Reply brief filed by Pulte Home Corporation

SUPREME COURT OF THE UNITED STATES

Commission v. American Humanist Association, et al

Case No. 17A1175 (Misc.)
(Appeal from Case No. 15-2597)

Lead Counsel: Hogan Lovells (Neal Kmar Katyal & Mitchell P. Reich)
Other Counsel: Gardner
Dickerson
Harvin

Abstract: The Commission intends to seek review by the Supreme Court of the decision of the Court of Appeals for the Fourth Circuit finding violation of establishment clause of Constitution.

Status: Petition for Writ of Certiorari to be filed by extended deadline.

Docket:

04/24/18	Application to extend the time to file a Petition for Writ of Certiorari from May 30, 2018 to June 29, 2018
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