



THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

COMMISSION MEETING

January 18, 2023

10:00 a.m. – 12:00 p.m.

**Prince George's
Parks and Recreation Administration**
Auditorium

6600 Kenilworth Avenue
Riverdale, Maryland 20737

This page intentionally left blank.

**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING AGENDA
Wednesday, January 18, 2023**

		<u>ACTION</u>	
		Motion	Second
1.	Approval of Commission Agenda (10:00 a.m.)	(+*) Page 1	
2.	Approval of Commission Minutes (10:05 a.m.)		
	a) Open Session – December 21, 2022	(+*) Page 3	
	b) Closed Session – December 21, 2022	(++*)	
3.	General Announcements (10:05 a.m.)		
	a) National Blood Donor Month		
	b) National Slavery and Human Trafficking Prevention Month		
	c) Upcoming M-NCPPC Black History Month Observances		
	d) Financial Disclosure Filing Requirement April 30 (State and M-NCPPC Deadlines)		
<i>Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (9) & (15) a closed session is proposed to consult with counsel to consider matters that relate to negotiation with the Fraternal Order of Police Collective Bargaining Unit and discuss matters related to Cybersecurity.</i>			
4.	Closed Session (10:10 a.m.)		
	a) Collective Bargaining Update (Chiang-Smith)	(++)	
	b) Discussion of Resolution 23-01, Amendments to the MCGEO Trades and Office/ Clerical Pay Schedules (Spencer/Chiang-Smith)	(++)	
	c) CIO Quarterly Report (Chilet)	(++)	
<i>Open session resumes</i>			
5.	Action and Presentation Items (10:45 a.m.)		
	a) Resolution 23-01, Amendments to the MCGEO Trades and Office/Clerical Pay Schedules (Harvin)	(+*) Page 11	
	b) Diversity Council Year-in-Review / Introduction of New Council & Farewell to Departing Members (Chiang-Smith/Diversity Council)	(+) Page 15	
	c) Presentation on Annual Comprehensive Financial Report (ACFR) for Fiscal Year Ended June 30, 2022 (Cohen/Lehman)	(+) Page 35	
	<u>Annual Comprehensive Financial Report (ACFR) for Fiscal Year Ended June 30, 2022</u>		
6.	Officers' Reports (11:15 a.m.)		
	<u>Executive Director's Report</u>		
	a) Late Evaluation Report, December 2022 (For Information Only)	(+) Page 83	
	b) 1 st Quarter Purchasing Statistics (from December) (For Information Only)	(+) Page 85	
	<u>Secretary Treasurer</u>		
	No report scheduled		
	<u>General Counsel</u>		
	d) Litigation Report (For Information Only)	(+) Page 99	
	e) Legislative Update	(+)	

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

This page intentionally left blank.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
Open Session Minutes
December 21, 2022

The Maryland-National Capital Park and Planning Commission met in hybrid, in-person/videoconference, with the Chair initiating the meeting at the Wheaton Headquarters Building in Wheaton, Maryland. The meeting was broadcast by the Montgomery County Planning Department.

PRESENT

Prince George's County Commissioners

Peter A. Shapiro, Chair (videoconference)
Dorothy Bailey (videoconference)
William Doerner (videoconference)
Manuel Geraldo (videoconference)
A. Shuanise Washington (videoconference) (dep 11:30)

Montgomery County Commissioners

Jeffrey Zyontz, Vice Chair (videoconference)
Cherri Branson (videoconference)
David Hill (videoconference)
Robert Piñero (videoconference)
Amy Presley (videoconference)

NOT PRESENT

Chair Shapiro called the meeting to order at 10:01 a.m.

ITEM 1

APPROVAL OF COMMISSION AGENDA

ACTION: Motion of Commissioner Geraldo to approve the agenda
Seconded by Commissioner Presley
10 approved the motion

ITEM 2

APPROVAL OF COMMISSION MINUTES

Open Session – November 16, 2022

Closed Session – November 16, 2022, Vice-Chair Zyontz asked to hold the vote to discuss in closed session

ACTION: Motion of Commissioner Hill to approve Open minutes
Seconded by Commissioner Geraldo
8 approved the motion
2 abstained (Doerner & Pinero)

ITEM 3

GENERAL ANNOUNCEMENTS

- a) National Human Rights Month
- b) National Drugged and Drunk Driving Prevention Month
- c) Global AIDS Awareness Month
- d) Ongoing Festival of Lights and Winter Garden of Lights Walk-Through in Prince George's and Montgomery Counties
- e) Diversity Council Openings for 2023

ITEM 4

COMMITTEE MINUTES/BOARD REPORTS (For Information Only)

- a) Employees' Retirement System Board of Trustees Regular Meeting, November 1, 2022

ITEM 5

ACTION AND PRESENTATION ITEMS

- a) Resolution 22-42 Adoption of the Montgomery County Thrive Master Plan (Afsal)

No discussion

ACTION: Motion of Commissioner Geraldo to adopt Resolution 22-42

Seconded by Commissioner Bailey

10 approved the motion

- b) Resolution 22-43 Adoption of the M-NCPPC FY24 Proposed Annual Capital and Operating Budgets (Kroll)

No discussion

ACTION: Motion of Commissioner Geraldo to adopt Resolution 22-42

Seconded by Commissioner Presley

10 approved the motion

- c) Resolution 22-45 Adoption of the Montgomery County Uniform Standards for Mandatory Referral (Mills)

No discussion

ACTION: Motion of Commissioner Washington to adopt Resolution 22-45

Seconded by Commissioner Geraldo

10 approved the motion

- d) Audit Committee and Office of the Inspector General Annual Report/OIG Annual Report (Bailey/Kenney)

Commissioner Bailey thanked Inspector General Kenney and her team for their comprehensive report. She highlighted some items, including performance audits, handling issues with Fraud, Waste and Abuse investigations, audit recommendations, major audit findings, Fraud, Waste and Abuse prevention training, and follow-up recommendations. She said the report contains a lot of useful information, including details on the audit process, including planning, fieldwork, and reporting.

Chair Shapiro thanked Commissioner Bailey, adding the thoroughness of the report speaks to the good work the Audit, Committee, and OIG's Office have done.

Inspector General Kenney then presented the accompanying Office of the Inspector General's Annual report. She touched on the highlights from the OIG Annual report.

Commissioner Hill asked why there was a 9-month lead time to allow a certain facility to know auditors were coming. Inspector General Kenney clarified this was an unusual situation for a brand new facility to make certain the new management had a good handle on audit controls. She then listed typical timelines for other types of conventional audits which were much smaller.

Commissioner Doerner asked about the life insurance audit's opt-out and opt-in options and why the agency did not default to an opt-in benefit. Inspector General Kenney noted that the cost was minimal, and Human Resources did a great deal of work negotiating a valuable plan. Executive Director Chiang-Smith said it was decided Human Resources would offer this benefit with an opt-out provision. This decision was made at the height of the pandemic, after the discovery of a number of employees who had passed and did not have life insurance. Commissioners and unions agreed to the opt-out provision.

e) Plan Integration Tool (Finio)

Nicholas Finio of the University of Maryland and National Center for Smart Growth (NCSG) presented from the power point included in the packet and took questions.

Commissioner Hill asked about staffing requirements to put more Plans into the system. Mr. Finio said it would take a full time staff person with support. Commissioner Hill asked if there are plans to make this a purchasable or licensable product. Mr. Finio said they are currently making it publicly available with the intent of advancing the science, not to sell it.

Commissioner Presley enthusiastically praised the tool. She asked if the user would be able to associate dates and deliverables to track at any time where we are in plans and deliveries. Mr. Finio said that would be part of the next iteration. Commissioner Presley asked what would need to happen to propose funding and roll out. Finio said this could be rolled into planning departments' existing GIS sections and added that the University would be happy to provide support to roll it out. Commissioner Presley would like to see how this could be funded and go forward. Vice Chair Zyontz said it looks like a combination of work M-NCPPC has already produced. Mr. Finio confirmed much of the data came from existing GIS plans.

Commissioner Doerner suggested a capstone course with a local planning tool focus and suggested specific tools to develop. The university can market it to go on the students' resumes. He also suggested creating a suggestion box on the dashboard and went on to make several suggestions on the interface/data presentation.

Chair Shapiro asked how or why is it difficult to track users. Mr. Finio said tracking could be obtained by requiring a sign-in. Chair Shapiro asked Planning Directors Checkley and Stern if this is something they could use. Acting Montgomery Planning Director Stern said the Montgomery County Planning Department works regularly with the NCSG. She agreed this is a fascinating tool that can make our plans more accessible and interesting. From a practical perspective, it could track. Chair Shapiro asked if we could maintain such a tool over a period of years. Acting Director Stern said she will talk with her GIS team about modifying or creating such a tool. Prince George's Planning Director Checkley agreed with all points that Acting Director Stern brought up and said she plans to contact and be in touch with the NGSC. Chair Shapiro asked if there was any coordination with the Council of Governments. Mr. Finio said not yet, that the focus was local, but it could be expanded.

ITEM 6 OFFICERS' REPORTS

Executive Director's Report

a) Late Evaluation Report (November 2022) (For information only)

Secretary-Treasurer's Report (no report this month)

General Counsel's Report

b) Litigation Report (For information only)

General Counsel Borden briefed Commissioners on three bills recently presented by Maryland State Senator Kramer. Commissioner Branson asked if there was any indication someone from the House will introduce it. General Counsel Borden replied not yet. Commissioner Hill asked if the Commission has a vulnerability we should be addressing. General Counsel Borden said the agency has seen an increase in tort claims but it has been without a pattern.

Chair Shapiro called for a motion to move the meeting into closed session. Commissioner Geraldo moved; Commissioner Branson seconded. All Commissioners in attendance voted in favor of moving to closed session. The meeting adjourned to a secure meeting location and re-convened in closed session at 11:35 a.m.

Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b)(9) a closed session is proposed to consult with counsel to consider matters that relate to negotiation with the Fraternal Order of Police Collective Bargaining Unit.

The following individuals were present (in person and via videoconference):

Also present:

Asuntha Chiang-Smith, Executive Director
Gavin Cohen, Secretary-Treasurer
Debra Borden, General Counsel
Andree Checkley, Director, Prince George's Planning
Bill Tyler, Director, Prince George's Parks and Recreation
Mike Riley, Director, Montgomery Parks
Tanya Stern, Acting Director, Montgomery Planning

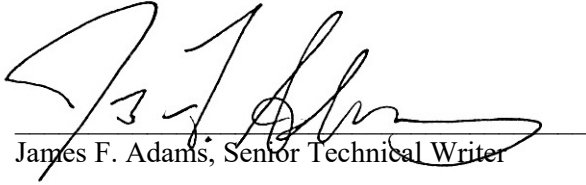
James Adams, Senior Technical Writer, DHRM
Gary Burnett, Deputy Director Montgomery Parks
Steve Carter, Deputy Director, Prince George's Parks and Recreation
Mazen Chilet, Chief Information Officer
Tracey Harvin, CPMO Director, DHRM
John Kroll, Corporate Budget Director
Robert Kronenberg, Deputy Director, Montgomery Planning
Alvin McNeal, Deputy Director, Prince George's Parks and Recreation
Matt Mills, Senior Counsel
Wanda Ramos, Deputy Director, Prince George's Parks and Recreation
William Spencer, Acting Deputy Executive Director

The Executive Director updated Commissioners on collective bargaining negotiations and related matters. Commissioners provided direction and support on how to proceed.

There being no further business to discuss in closed session, Chair Shapiro called for a motion to adjourn the

meeting from closed session. Commissioner Geraldo moved; Commissioner Presley seconded. All Commissioners in attendance voted in favor of adjournment, and returned to open session.

With no further business to discuss, Chair Shapiro adjourned the meeting from open session at 12:04 p.m.

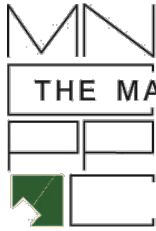


James F. Adams, Senior Technical Writer



Asuntha Chiang-Smith, Executive Director

This page intentionally left blank.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

WRITTEN STATEMENT FOR CLOSING A MEETING
UNDER THE OPEN MEETINGS ACT

Date: 12/21/2022 Time: 11:35 am Location: Wheaton HQ & Via Videoconference

Motion to close meeting made by Commissioner Geraldo. Seconded by Commissioner Branson.

Members voting in favor: Bailey, Branson, Doerner, Geraldo, Hill, Piñero, Presley, Shapiro, and Zyontz. Commissioner Washington was absent for the closed session.

Opposed: N/A Abstaining: N/A Absent: 1

STATUTORY AUTHORITY TO CLOSE SESSION, General Provisions Article, §3-305(b)
(check all that apply):

- (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals;
- (2) To protect the privacy or reputation of individuals concerning a matter not related to public business;
- (3) To consider the acquisition of real property for a public purpose and matters directly related thereto;
- (4) To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
- (5) To consider the investment of public funds;
- (6) To consider the marketing of public securities;
- (7) To consult with counsel to obtain legal advice on a legal matter;
- (8) To consult with staff, consultants, or other individuals about pending or potential litigation;
- (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- (10) To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans;
- (11) To prepare, administer, or grade a scholastic, licensing, or qualifying examination;
- (12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct;
- (13) To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;
- (14) Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.
- (15) To discuss cybersecurity, if the public body determines that public discussion would constitute a risk to: (i) security assessments or deployments relating to information resources technology; (ii) network security information, such as information that is related to passwords, personal ID numbers, access codes, encryption, security devices, or vulnerability assessments or that a governmental entity collects or maintains to prevent, detect, or investigate criminal activity; or (iii) deployments or implementation of security personnel, critical infrastructure, or security devices.

FOR EACH CITATION CHECKED ABOVE, THE REASONS FOR CLOSING AND TOPICS TO BE DISCUSSED:


Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (9), a closed session is proposed. The purposes for closing this meeting generally are to protect and promote the public interest by: (i) preserving privileged and confidential deliberations needed to manage ongoing collective bargaining negotiations.

The topics to be discussed include a) Collective Bargaining Update with the Fraternal Order of Police Collective Bargaining Unit (Chiang-Smith)

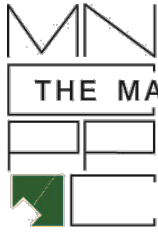
This statement is made by:

Peter Shapiro, Chair, Presiding Officer.

PRINT NAME

 1/9/23

SIGNATURE & DATE



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC Resolution 23-01

AMENDMENTS TO THE MCGEO TRADES AND OFFICE/CLERICAL PAY SCHEDULES

WHEREAS, the Maryland-National Capital Park and Planning Commission ("M-NCPPC" or "Agency") has a Classification Plan for its employees that provides for the analysis and evaluation of positions on the basis of work-related job factors and includes a listing of occupational classifications and the assigned pay grade for each class of positions;

WHEREAS, the listing of the assigned pay grade for each class of position for employees represented by the Municipal and County Government Employees Organization (MCGEO) for Trades and Office/Clerical positions, is referred to as the Trades Bargaining Unit Pay Schedule and Office/Clerical Bargaining Unit Pay Schedule, respectively;

WHEREAS, the Commission is continuing to face challenges attracting and retaining employees to fill certain positions;

WHEREAS, a review and analysis performed by the agency's Classification and Compensation Office as part of the ongoing Classification Study concluded that pay ranges of certain classifications represented by The Municipal and County Government Employees Organization (MCGEO) were particularly low as compared to other local jurisdictions;

WHEREAS, the analysis performed by the Classification and Compensation Office included salary data obtained from the Local Government Personnel Association's (LGPA) Fiscal Year 2022 Compensation and Benefits Survey which reports many positions similar to those utilized by the Commission, including: Electricians, HVACr Mechanics, Plumbers, Automotive/Equipment Mechanics and, Park Police Communications;

WHEREAS, Electricians, HVACr Mechanics, and Plumber classifications play an important role in the development, restoration, and maintenance of Commission facilities;

M-NCPPC Resolution 23-01

WHEREAS, Park Police Communications and Automotive/ Equipment Mechanics are both critical in providing support to our Park Police Officers, who in turn, provide a safe environment for our citizens who utilize our amenities and parks;

WHEREAS, in order to remedy the hiring situation faced by the agency, the Classification and Compensation Office recommends adding an additional grade to the impacted pay schedules, as shown in Exhibit A as T05 and C07;

WHEREAS, upon effectiveness of the amended Trades Bargaining Unit Pay Schedule and Office/Clerical Bargaining Unit Pay Schedule, the Classification and Compensation Office will submit to the Merit System Board for approval, the reclassification of Electrician I, HVACr Mechanic I, Plumber I, and Automotive/Equipment Mechanic I to a grade T04 and the reclassification of Electrician II, HVACr Mechanic II, Plumber II, and Automotive/Equipment Mechanic II to a grade T05; and

WHEREAS, a new Public Safety Communications job family will be submitted to the Merit System Board, for approval, after its current review by Department Heads and the Union is complete, and the impacted employees will be allocated into the new series as part of the Classification Study project.

NOW THEREFORE BE IT RESOLVED, the Commission does hereby approve and adopt the recommended amendments to the Trades Bargaining Unit Pay Schedule and Office/Clerical Bargaining Unit Pay Schedule, attached as Exhibit A, to be effective immediately.

BE IT FURTHER RESOLVED that upon the effectiveness of the changes all previous versions of the Trades Bargaining Unit Pay Schedule and Office/Clerical Bargaining Unit Pay Schedule be shall be rescinded; and

BE IT FURTHER RESOLVED that the Commission does hereby authorize the Executive Director and/or her designee(s) to take action as may be necessary to implement this resolution.

M-NCPPC Resolution 23-01

.....

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 motion of Commissioner _____, seconded by Commissioner _____, with Commissioners _____, _____, _____, _____, and _____ voting in favor of the motion, (note absence of any Commissioner), at its regular meeting held on _____, _____, 2021, virtually and in person at the _____ Auditorium in _____, Maryland.

Asuntha Chiang-Smith
Executive Director

REVIEWED AND APPROVED FOR LEGAL SUFFICIENCY:

s\ Debra S. Borden

M-NCPPC Legal Department Date

EXHIBIT A

Trades Pay Schedule (effective July 11, 2021)

Grade	Minimum	Midpoint	Maximum	Longevity
T01	\$28,892	\$40,031	\$51,169	\$52,832
T02	\$33,937	\$47,019	\$60,101	\$62,055
T03	\$37,549	\$52,024	\$66,500	\$68,661
T04	\$42,133	\$58,377	\$74,621	\$77,047
T05	\$45,524	\$63,075	\$80,625	\$83,447

Office/Clerical Pay Schedule (effective July 11, 2021)

Grade	Minimum	Midpoint	Maximum	Longevity
C01	\$27,048	\$37,476	\$47,904	\$49,461
C02	\$28,892	\$40,031	\$51,169	\$52,832
C03	\$30,206	\$43,203	\$56,199	\$58,026
C04	\$33,937	\$47,019	\$60,101	\$62,055
C05	\$37,549	\$52,025	\$66,502	\$68,663
C06	\$42,133	\$58,377	\$74,621	\$77,047
C07	\$45,524	\$63,075	\$80,625	\$83,447



2022 Year in Review

Genevieve Jennai, Co-Chair
Ryan Harrison, Co-Chair
Zubin Adrianvala, Vice Chair

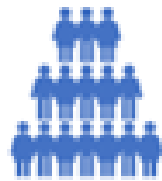
Mission, Vision & Values

Mission:

- Advise the Commission on developing and implementing a diversity policy framework that promotes an inclusive workplace.
- Measure progress and ensure effective programming and services, both internally and externally, through the lens of diversity.

Vision:

- Promote behavior in the workplace that contributes to understanding, respecting, and valuing all people.
- **Values:**
 - Fairness, equal treatment, leveling the playing field, integrity, and understanding



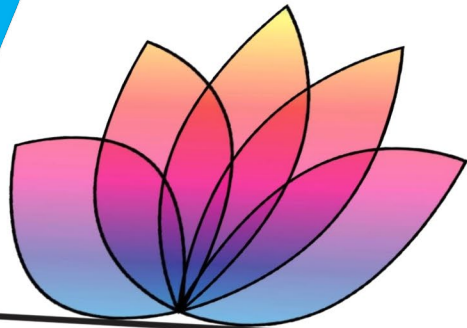
Cultivating a Culture of Diversity, Equity, and Inclusion

The Maryland-National Capital
Park and Planning Commission
Diversity Council



Hosted Agency- wide Events

Women's History Month



WOMEN
PROVIDING HEALING
PROMOTING HOPE

REGISTER BY
MARCH 28th-
Click the [link!](#)



HER in the Workplace (Hope, Empathy, Resilience)

Hosted by Diversity Council and Workplace Wellness

Women's History Month is a month dedicated to reflect on the contributions of women to United States history. The 2022 Women's History theme, "Providing Healing, Promoting Hope," is both a tribute to the ceaseless work of caregivers and frontline workers during this ongoing pandemic and a recognition of the thousands of ways that women of all cultures have provided both healing and hope throughout history. Let's get closer to home and **celebrate the Women of the Commission!** Watch this panel discussion to learn how some provide healing and promote health at home and in the workplace every day!

Wednesday, March 30th at 10:00am

Register here: <https://forms.office.com/r/8XV8rFg7Em>

AANHPI Month Panel and Museum

- Panel discussion: “Culture with a small ‘c’”
- “Museum of Small Things” was on display in the second-floor lobby.



ADA Anniversary Contest



Did you know the ADA is turning 32 this year?

July 26th marks the 32nd anniversary of the American's with Disabilities Act (ADA). The M-NCPPC Diversity Council, the Department of Parks and Recreation Prince George's County Disability Services, and the Montgomery Parks Program Access teams invite you to enjoy a collection of short (and sometimes hilarious) videos to shed some light on various disabilities, accessibility, and inclusion. Watch the videos and submit your answers to the [5-minute quiz](#) by July 31st for a chance to win a prize!

[I got 99 problems ... palsy is just one | Maysoon Zayid](#)

[Asking for help is a strength, not a weakness | Michele L. Sullivan](#)

[How autism freed me to be myself | Rosie King](#)

[Why design should include everyone | Sinéad Burke](#)

[When we design for disability, we all benefit | Elise Roy](#)

[The cost of failing to design accessibly | Kings Floyd](#)

Thank you!



NATIVE AMERICAN HERITAGE MONTH



NATIVE
AMERICAN
HERITAGE MONTH

Diversity Council Events!

*The M-NCPPC Diversity Council
is proud to sponsor two virtual events to
celebrate Native American Heritage Month:*

- **November 14: Commissioners from the Maryland Commission on Indian Affairs** will help improve our knowledge and understanding of Native American Heritage as it relates to our work in parks and planning. Register by clicking [here](#).*
- **November 21: Film screening of *Reel Injun***, a documentary by Cree filmmaker Neil Diamond, which “traces the evolution of cinema’s depiction of Native people from the silent film era to today.” Register by clicking [here](#).*

**Link will be provided the day of the event.*

M-NCPPC encourages and supports the participation of individuals with disabilities. Please indicate requested accommodations on the registration form. For more information, please email Genevieve.Jennai@montgomeryparks.org, Genevieve Jennai, Diversity Council Chair.

Two Meet & Greets



**Title I:
Accommodation /
Welcome Language
for Prospective
Employees**



Equal Employment Policy

Menu

- Job Categories
- Job Opportunities
- Join a Winning Team!
- How to Apply; Reasonable Accommodation Requests; Non-Discrimination Statement
- Equal Employment Opportunity Policy**
- One Commission, One Philosophy: Thriving in a Culture of Diversity, Equity, and Inclusion
- COVID-19 Vaccination Requirement & Protocols

JOBS OPPORTUNITIES

Sign In



Our Team at The Maryland-National Capital Park an...
powered by NEOGOV®

application to be considered for available positions; non-solicited resumes and applications cannot be accepted. For help in resetting and/or difficulty uploading attachments, please contact GovernmentJobs.com's Applicant Support at 855-524-5627.

ark and Planning Commission (M-NCPPC) is an Equal Opportunity Employer. We celebrate a workplace culture of diversity, equity and inclusion, and do not tolerate discrimination or harassment on the basis of race, color, religion, sex, age, national origin, sexual orientation, marital status, disability, genetic information, or any other merit factor.

must provide proof of being fully vaccinated for COVID-19 (with limited religious or medical exceptions).

ur positions, you may contact the Recruitment and Selection Services office at RecruitandSelect@mncppc.org or at 301-454-1411.

rtunities at The Maryland-National Capital Park and Planning Commission!

SHOW LESS

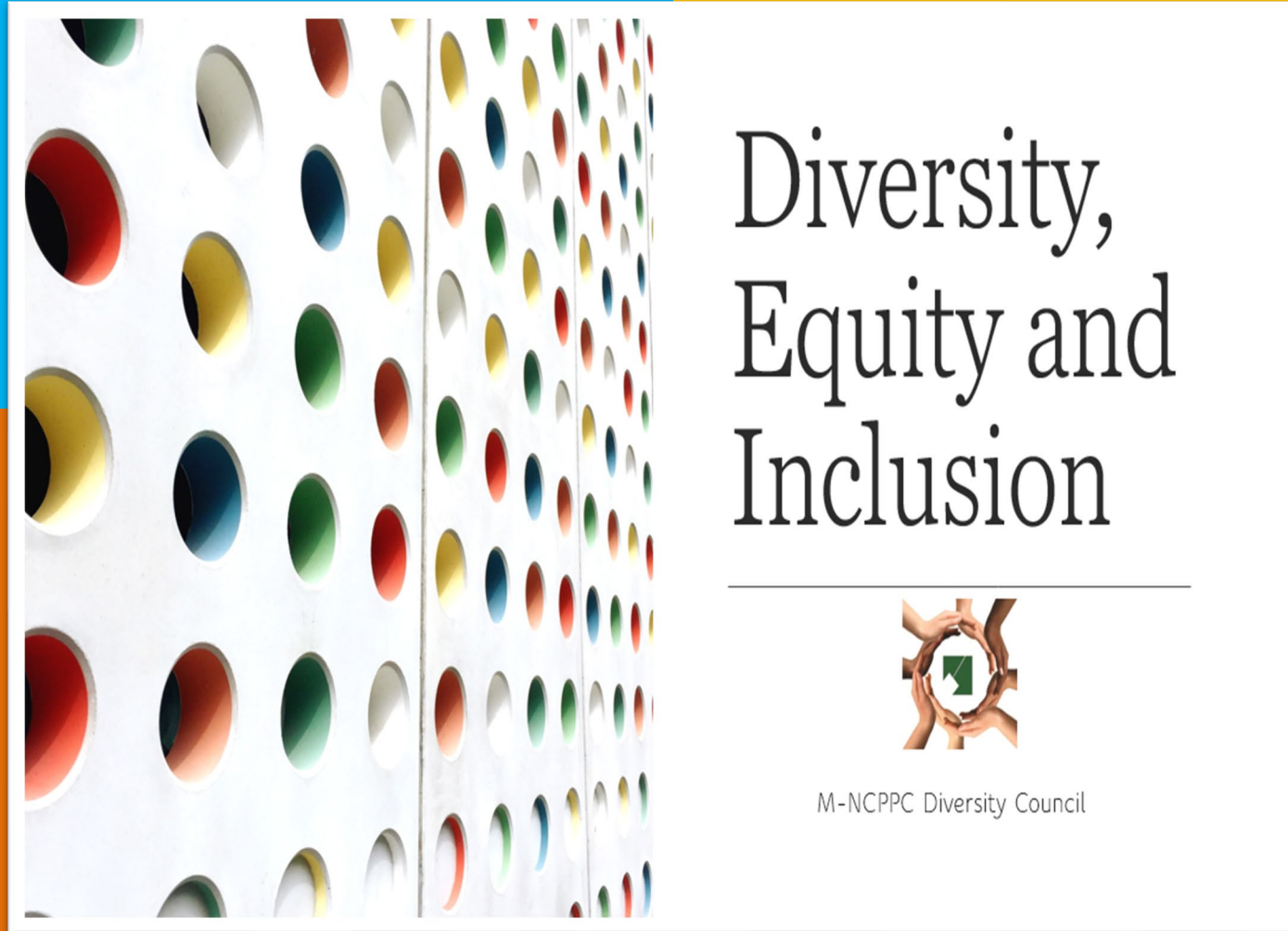
Search

Home

Account

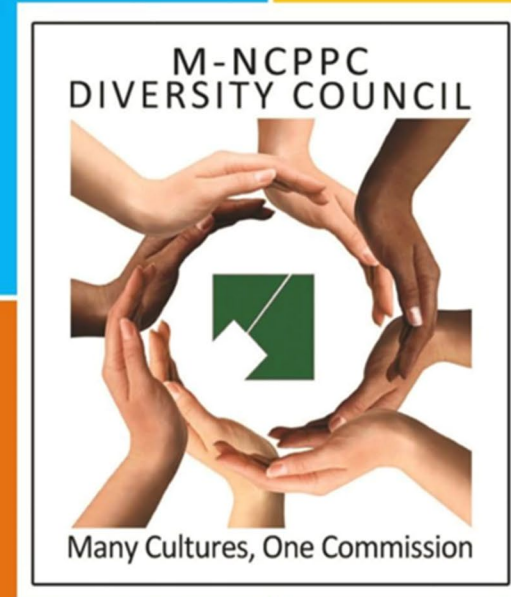
Settings

Inclusion Policy



Updated Strategic Plan and Charter

M-NCPPC Diversity Council
Strategic Plan



2022-2024

Assisted at Departmental Events

Celebration!
**BLACK HISTORY MONTH
2022**



M-NCPPC DIVERSITY COUNCIL CELEBRATES

PRIDE



 **PR**
live more
pgparks.com

**CELEBRATE HISPANIC HERITAGE MONTH WITH
M-NCPPC, DEPARTMENT OF PARKS AND RECREATION!**

Additional Initiatives, Discussions, and Research

- Safe Zone Conversation
- Signage for Gender Neutral Bathrooms
- Gender Identity Language on Registration Forms
- Equity/Mindfulness Challenge Global Diversity Awareness Month
- Research on Columbus Day language
- Hosting a table at Capital Pride Event for 2023
- Self Advocacy and Resources for Conflict Mitigation

Ongoing Council Work



- Communications and Marketing: *Updating internal and external websites, as changes took place*
- Training sub-committee: *Updating DEI training to fit the needs of the Commission*
- Chairs meet monthly to discuss important items and next steps for each meeting



- Host Women's History Event
- Host triennial One Commission Diversity Event
- Continue to support Commission-wide events
- Continue promoting Diversity, Equity and Inclusion
- Continue work on Commission-wide Inclusion Policy

Diversity and Awareness Calendar

2023 DIVERSITY & INCLUSION AWARENESS CALENDAR

A partial list of the many holidays, significant dates, special occasions, and awareness months celebrated and observed within our diverse and vibrant communities and workforce!

*Denotes M-NCPPC holidays for Merit Employees.

JANUARY

- 1 New Year's Day
- 2 **New Year's Day Observed***
- 4 World Braille Day
- 6 Epiphany (Christianity)
- 7 Christmas Day (Eastern Orthodox Christian)
- 16 Religious Freedom Day
- 16 World Religion Day
- 16 **Martin Luther King Jr. Day***
- 18 Mahavana New Year (Buddhism)

APRIL

- 1 Hindi New Year (Hinduism)
- 1 April Fool's Day
- 2 Ramadan begins (Islam)
- 2 World Autism Awareness Day
- 10 Palm Sunday (Christianity)
- 13 Equal Pay Day
- 14 Holy Thursday (Christianity)
- 15 Good Friday (Christianity)
- 15-23 Passover (Judaism)
- 15 Tax Day
- 17 Easter (Christianity)
- 22 Earth Day
- 27 Administrative Professionals Day

2022

Members



Thriving in a Culture of Diversity, Equity, and Inclusion



The Maryland-National Capital Park and Planning Commission
Diversity Council



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING
COMMISSION

DEPARTMENT OF FINANCE

OFFICE OF THE SECRETARY-TREASURER

6611 KENILWORTH AVENUE, SUITE 304, RIVERDALE, MD 20737

TELEPHONE (301) 454-1540 / FAX (301) 454-1545

MEMO

To: Commissioners/Audit Committee
From: Gavin Cohen, Secretary-Treasurer
 Abbey Rodman, Corporate Accounting Director *AR*
Date: January 18, 2023
Subject: FY 2022 Audited Annual Comprehensive Financial Report (ACFR), FY 2021
 Single Audit & FY 2021 GFOA Certificate of Achievement Award

RECOMMENDATION/ACTION:

Staff recommends that the Commission and Audit Committee receive the presentation from SB & Company, LLC (SBC) on the fiscal year ending June 30, 2022 (FY 2022) financial audit.

The auditor's presentation covers the audit opinion on the FY 2022 financial statements and a report on the communication with those charged with governance. Chris Lehman, Audit Partner, will be presenting from SBC.

Staff will do a brief presentation on the FY 2022 financial results and which includes the new Lease Accounting Standard Government Accounting Standards Board (GASB) 87, which fundamentally changes lease recognition, measurement, and related disclosures for lessees and lessors.

This is an informational item and no action is required by the Commission or the Audit Committee.

BACKGROUND:

Land Use Article Section 15-115 specifies that the Commission shall prepare an annual financial report that is audited by an independent Certified Public Accountant (CPA). The publication of the FY 2022 ACFR meets this requirement. The audited financial report shall be made available for distribution to the public.

Land Use Article Section 15-116 specifies that the Commission must publish a report describing the work of the Commission for the year. This requirement is met on pages 9-18 of the ACFR.

The Commission's Audit Committee is responsible for the appointment and oversight of the work of any external auditor. The Audit Committee met with SBC in February and July 2022 to close out the FY2021 audit and to perform pre-audit planning for the FY2022 audit.

DISCUSSION:

The Commission is pleased to report healthy Fund Balances in full compliance of the Commission's Fund Balance Policy (Resolution No. 21-23), at the end of FY 2022.

The FY 2022 audit was another year of being performed virtually/remotely. Audit testing and assessments were conducted by the SBC audit team with the assistance of the Commission Accounting staff consisting of Elaine Stookey, Tanya Hankton, Latisha Parker, TaPrece Williams, Milly Chung, Gwendolyn Lindsay, Dilnar Hasim, De Maris Lewis and Christina Chiles. Many other Commission staff contribute to the preparation of the final ACFR and a full listing can be found on the Acknowledgments page 145.

Annual Comprehensive Financial Report (ACFR)

The ACFR is a very detailed report that goes beyond the requirements of Generally Accepted Accounting Principles (GAAP) and beyond any legal reporting requirements. The ACFR covers all funds of the Commission and all of the financial transactions incurred during the year. It is a general-purpose report as its contents are intended to meet the needs of a broad range of user groups.

In an independent audit, the CPA expresses an opinion on whether the financial statements present fairly the financial position and results of operations for the year under audit. The FY 2022 Report contains this unmodified opinion starting on page 20 of the ACFR, at the beginning of the financial section. There were no significant financial issues of concern with the FY 2022 financial statements. There were no identified material weaknesses in the Commission's internal controls.

Single Audit

The Commission was required to undergo a Single Audit for FY 2021 with the provisions of the Title 2 United States *Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance)*. This audit focused on the compliance of the Commission's major Federal programs and an unmodified or clean opinion was received. For FY 2022, the Commission was not required to undergo a Single Audit, since the \$750,000 threshold of Federal expenditures was not met.

GFOA Certificate of Achievement for Excellence in Financial Reporting Award

The Commission was proud to accept for the 49th year in a row, the Certificate of Achievement for Excellence in Financial Reporting Award from the Government Finance Officers Association (GFOA) for FY 2021. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. GFOA considers the Maryland-National Capital Park and Planning Commission a Special District when compiling their results. Currently in this category, the Commission has received this award the greatest number of times. Staff is confident that the FY 2022 report will again earn this distinction.

IN CLOSING:

Overall, the Commission's FY 2022 audit and financial results reflect healthy financials on both a fund and entity wide level. All funds comply with the Commission's established financial policies. Staff is grateful to the Commissioners for their interest and support in planning and conducting the financial operations of the Commission in a conservative and responsible manner.

Attachments:

- A – SBC Presentation FY 2022 Audit
- B – Staff Presentation on FY 2022 Financial Results
- C – FY 2021 Single Audit (Information only)
- D – FY 2021 GFOA Certificate of Achievement Award
- E – FY 2022 Annual Comprehensive Financial Report (ACFR) – Electronic copy provided with meeting request.

Presentation to Those Charged with Governance

June 30, 2022 Audit Results



The Maryland-National Capital Park and Planning Commission

January 18, 2023



SB & COMPANY, LLC

CERTIFIED PUBLIC ACCOUNTANTS AND BUSINESS ADVISORS

Introductions

❖ SB & Company, LLC Leadership Team

- Christopher Lehman, Engagement Partner
- Rahel Demissie, Audit Manager

Agenda

- Executive Summary
- Audit Approach
- Assessment of Control Environment
- Evaluation of Key Process
- Required Communications
- Your Expectations of Us

Executive Summary

I. Scope of Services

- Audit of June 30, 2022 financial statements
- Review of Annual Comprehensive Financial Report
- Review of Uniform Financial Report
- Available for year-round consultation

II. Results

- Issued an unmodified opinion on financial statements
- We did not discover any instances of fraud
- No material weaknesses in internal controls were identified during the audit
- Received full cooperation from management
- No journal entries proposed

SBC Audit Approach

FORCAM Audit Approach *Focus on Risk, Controls, and Account Misstatement*

Agree on Expectations and Deliverables

Planning - Understand the Business & Risk

Client Acceptance • Client Environment • Tone at the Top
Materiality • Initial Risk Assessment • Audit Plan • Client Expectations

Assess & Test Design & Operations of Controls

What Can Go Wrong? • Test Key Controls • Walkthrough
Map Accounts & Transactions • Identify Key Controls

Financial Close & Reporting Misstatement Analysis

Analyze Balances • Financial Close Process
Principles Applied • Management's Verification

Substantive Testing

Negative Account Analysis • Negative Financial Close
Firm & GAAS Required • Significant Estimates
Negative Operating Controls • Unusual Transactions

GAAS Compliance & Reporting

GAAS Checklist • Review Reports • Wrap Up
Draft Board/Management Presentation
Did We Meet Your Expectations?

Goals:

Detect Financial Statement Misstatement Risk
Detect Error

- Accounting Principle
- Estimate
- Information Processing
- Account Balances

Fraud
Business Failure
Business Improvement Opportunities
Client Expectations

Communicate Value Delivered and Measure Satisfaction



Assessment of Control Environment

Area	Points to Consider		Our Assessment
Control Environment	<ul style="list-style-type: none"> ▪ Key executive integrity, ethics, and behavior ▪ Control consciousness and operating style ▪ Commitment to competence 	<ul style="list-style-type: none"> ▪ Board’s participation in governance and oversight ▪ Organizational structure, responsibility, and authority ▪ HR policies and procedures 	
Risk Assessment	<ul style="list-style-type: none"> ▪ Define objectives and risk tolerances ▪ Identify, analyze, and respond to risk ▪ Assess fraud risk 	<ul style="list-style-type: none"> ▪ Identify, analyze, and respond to change ▪ Mechanisms to anticipate, identify, and react to significant events ▪ Processes and procedures to identify changes in GAAP, business practices, and internal control 	
Control Activities	<ul style="list-style-type: none"> ▪ Existence of necessary policies and procedures ▪ Clear financial objectives with active monitoring ▪ Logical segregation of duties 	<ul style="list-style-type: none"> ▪ Adequate safeguards of documents, records, and assets ▪ Assess controls in place 	
Information and Communication	<ul style="list-style-type: none"> ▪ Use quality information ▪ Communicate internally ▪ Communicate externally ▪ Adequate performance reports produced from information systems 	<ul style="list-style-type: none"> ▪ Information systems are connected with business strategy ▪ Commitment of HR and finance to develop, test, and monitor IT systems and programs ▪ Business continuity and disaster plan for IT ▪ Established communication channels for employees to fulfill responsibilities ▪ Adequate communication across organization 	
Monitoring	<ul style="list-style-type: none"> ▪ Perform monitoring activities ▪ Remediate deficiencies ▪ Periodic evaluations of internal controls ▪ Implementation of improvement recommendations 		

	Not effective
	Suggested improvements
	Effective

Evaluation of Key Processes

Process	Function	A	B	C	D	Our Assessment
Treasury	<ul style="list-style-type: none"> ▪ Cash Management ▪ Cash Reconciliations ▪ Investment Monitoring ▪ Investment Policy ▪ Investment Accounting ▪ Investment Valuation 	✓	✓	✓	✓	Effective
Estimation	<ul style="list-style-type: none"> ▪ Methodology ▪ Calculation 	✓	✓	✓	✓	Effective
Financial Reporting	<ul style="list-style-type: none"> ▪ Accounting Principles and Disclosure ▪ Closing the Books ▪ Report Preparation ▪ General Ledger and Journal Entry Processing ▪ Verification and Review of Results 	✓	✓	✓	✓	Effective
Expenditures	<ul style="list-style-type: none"> ▪ Purchasing ▪ GL Coding ▪ Accounts Payable and Cash Disbursements ▪ Disbursement 	✓	✓	✓	✓	Effective

A	Understand the Process
C	Walk-through

B	What Can Go Wrong?
D	Test of Controls/ Substantive

Evaluation of Key Processes (continued)

Process	Function	A	B	C	D	Our Assessment
Payroll	<ul style="list-style-type: none"> ▪ Attendance Reporting ▪ Payroll Accounting and Processing ▪ Payroll Disbursements 	✓	✓	✓	✓	Effective
Revenue	<ul style="list-style-type: none"> ▪ Billing ▪ Cash Receipts ▪ Revenue Recognition ▪ Cutoff 	✓	✓	✓	✓	Effective
Fixed Assets	<ul style="list-style-type: none"> ▪ Physical Custody ▪ Asset and Constriction in Process Accounting ▪ Report Preparation 	✓	✓	✓	✓	Effective

A	Understand the Process
C	Walk-through

B	What Can Go Wrong?
D	Test of Controls/ Substantive

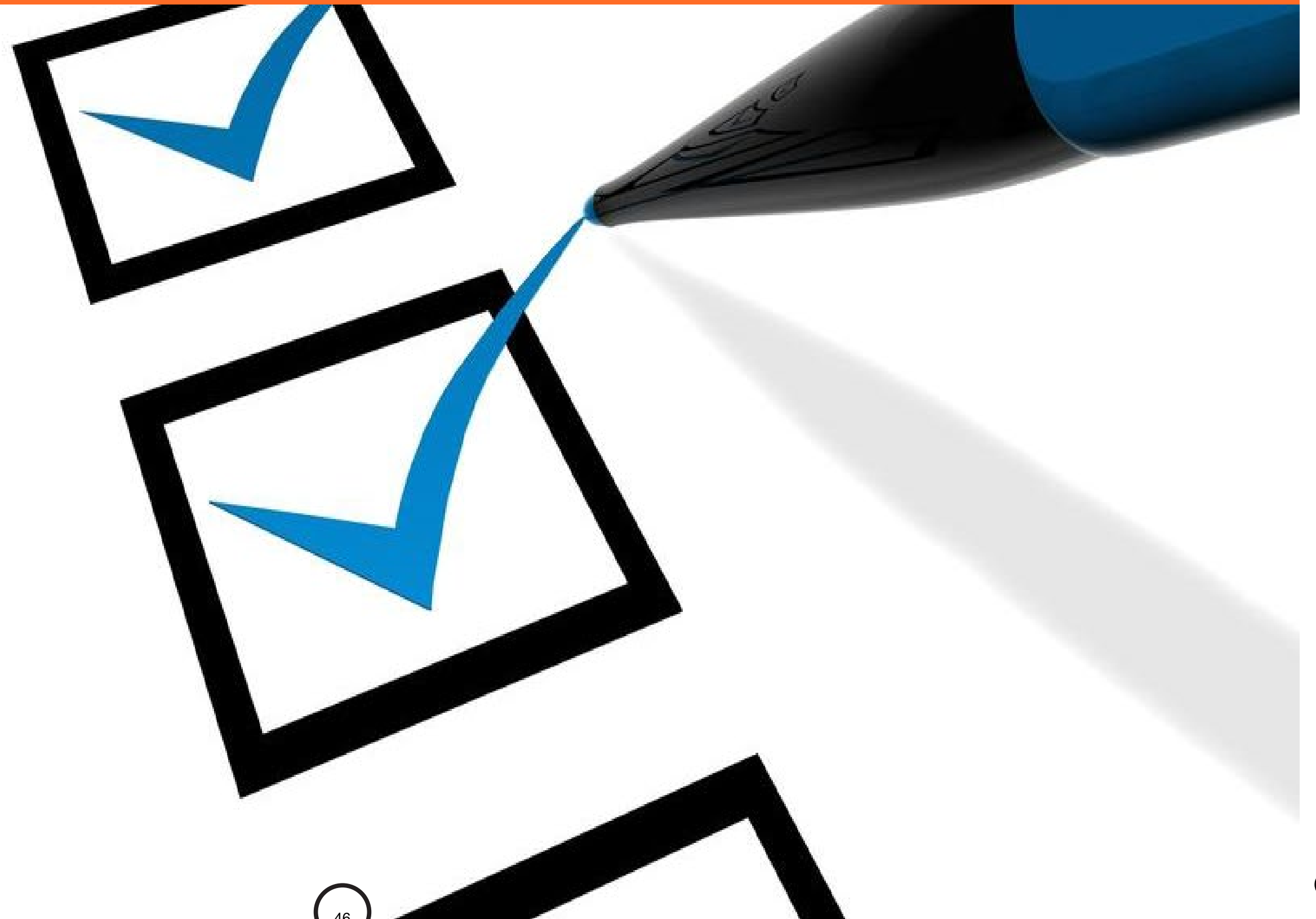
Evaluation of Key Processes (continued)

Process	Function	A	B	C	D	Our Assessment
Information Technology	<ul style="list-style-type: none"> ▪ Program Change ▪ Network and Communication ▪ Cybersecurity Preparation and Risk Management ▪ Cloud Service Provider ▪ Back up and Recovery ▪ Logical Access ▪ Physical and Environmental Controls ▪ System Maintenance/Software Versions 	✓	✓	✓	✓	Effective

A	Understand the Process
C	Walk-through

B	What Can Go Wrong?
D	Test of Controls/ Substantive

Required Communications



Required Communications

1. Auditor's Responsibilities Under Generally Accepted Auditing Standards (GAAS)

The financial statements are the responsibility of management. Our audit was designed in accordance with auditing standards generally accepted in the United States of America, and provide for reasonable, rather than absolute, assurance that the financial statements are free of material misstatement.

2. Significant Accounting Policies

Management has the responsibility for selection and use of appropriate accounting policies. In accordance with the terms of our engagement letter, we will advise management about the appropriateness of accounting policies and their application.

The significant accounting policies used by management are described in the notes to the financial statements.

3. Auditor's Judgments About the Quality of Accounting Principles

We discuss our judgments about the quality, not just the acceptability, of accounting principles selected by management, the consistency of their application, and the clarity and completeness of the financial statements, which include related disclosures.

We have reviewed the significant accounting policies adopted by the Commission and have determined that these policies are acceptable accounting policies.

Required Communications (continued)

4. Audit Adjustments

We are required to inform the Commission's oversight body about adjustments arising from the audit (whether recorded or not) that could, in our judgment, either individually or in the aggregate, have a significant effect on the Commission's financial reporting process.

We are also required to inform the Commission's oversight body about unadjusted audit differences that were determined by management to be individually and in the aggregate, immaterial.

There were no passed adjustments identified during the audit process.

5. Fraud and Illegal Acts

We are required to report to the Commission's oversight body any fraud or illegal acts involving senior management and fraud or illegal acts (whether caused by senior management or other employees) that cause a material misstatement of the financial statements.

We are not aware of any suspected or alleged fraud that may have occurred.

Required Communications (continued)

6. Material Weaknesses in Internal Control

We are required to communicate all significant deficiencies in the Commission's systems of internal controls, whether or not they are material weaknesses.

There were no material weaknesses noted during the audit.

7. Other Information in Documents Containing Audited Financial Statements

None.

8. Disagreements with Management on Financial Accounting and Reporting Matters

None.

9. Serious Difficulties Encountered in Performing the Audit

None.

10. Major Issues Discussed with Management Prior to Acceptance

None.

Required Communications (continued)

11. Consultation with Other Accountants

To our knowledge, there were no consultations with other accountants since our appointment as the Commission's independent public accountants.

12. Independence

As part of our client acceptance process, we go through a process to ensure we are independent of the Commission. We are independent of the Commission.

13. Non-Attest Services

We do not perform non-attest services for the Commission.

Required Communications (continued)

14. Subsequent Events

We were not made aware of any material subsequent events that have occurred that would affect the information presented in the accompanying financial statements or require additional disclosure.

15. Our Responsibility Related to Fraud

- Plan and perform the audit to obtain reasonable assurance that there is no material misstatement caused by error or fraud;
- Comply with GAAS AU-C 240, “*Consideration of Fraud in a Financial Statement Audit*”;
- Approach all audits with an understanding that fraud could occur in any entity, at any time, by anyone; and
- Perform mandatory procedures required by GAAS and our firm policies.

16. Examples of Procedures Performed

- Discuss thoughts and ideas in areas where the financial statements might be susceptible to material misstatement due to fraud;
- Understand pressures on the financial statement results;
- Understand the tone and culture of the organization;
- Look for unusual or unexpected transactions, relationships, or procedures;
- Discussions with individuals outside of finance;
- Evaluate key processes and controls; and
- Consider information gathered throughout the audit.

Responsibility for Mitigating Fraud

External Auditor:

- ⦿ Evaluate management programs and controls to deter and detect fraud for identified risks
- ⦿ Reasonable assurance that financial statements are free of material misstatement due to fraudulent financial reporting or misappropriation of assets
- ⦿ Compliance with fraud standard (SAS 99)
 - Conversations with finance and operations personnel
 - Disaggregated analytics
 - Surprise audit procedures
 - Journal entry testing



Management:

- ⦿ CFO/Controller: controls to deter and detect fraud
- ⦿ General Counsel/Compliance: monitoring

Audit Committee:

- ⦿ Evaluate management identification of fraud risk
- ⦿ Evaluate implementation of fraud controls
- ⦿ Reinforce “tone at the top”
- ⦿ Conduct special investigations

SBC's Service Pledge to You

We will consistently deliver a **Quality Product** and **Quality Service** so that we have the opportunity to establish a **Quality Relationship** with you, allowing us to provide you with **Quality Knowledge** for your continual success. Only after we have provided you with the knowledge that enables your business to grow and prosper, we have *hit the bullseye!*

Our commitment to you is the execution of our **Bullseye Philosophy**. We execute this philosophy for every client, on every engagement, every time.

Questions & Answers

Engagement Team Contact Info



Chris Lehman
Engagement Partner

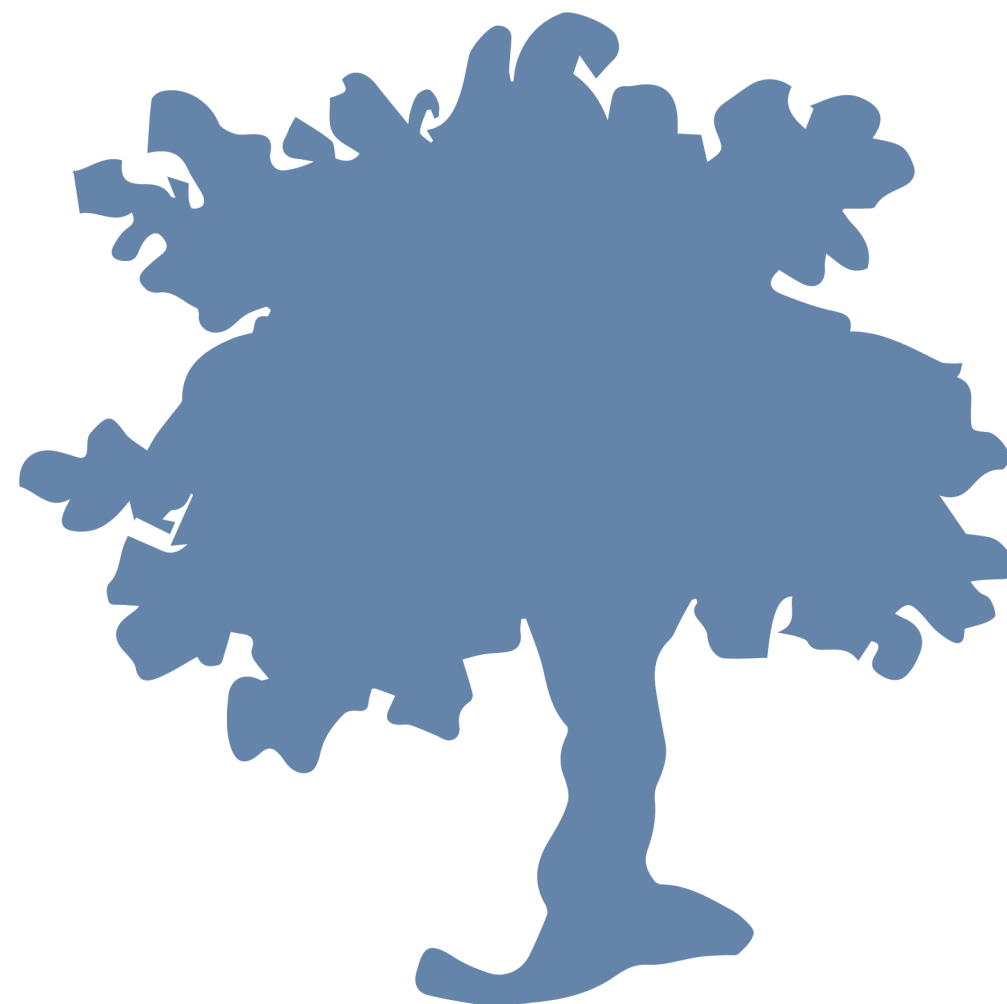
Office: (410) 584-2201
Mobile: (301) 785-7408
clehman@sbandcompany.com

Executive Assistant:
Susan Teneza
Office: (410) 584-9303
Email: steneza@sbandcompany.com



Rahel Demissie
Audit Manager

Office: 202-609-8307
Cell: 202-250-1219
rdemissie@sbandcompany.com



Maryland

10200 Grand Central Avenue
Suite 250
Owings Mills, MD 21117
410.584.0060

Washington, D.C.

1200 G Street, NW
Suite 809
Washington, DC 20005
202.434.8684

Pennsylvania

1500 Market Street
Suite 1200
Philadelphia, PA 19102
215.665.5749

Virginia

6802 Paragon Place
Suite 410
Richmond, VA 23230
804.441.6290

South Florida

4000 Hollywood Boulevard
Suite 555-S
Hollywood, FL 33021
954.843.3477

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Annual Comprehensive Financial Report



Land Use Article:

- Section 15-115
 - Commission must publish an annual financial report certified by an independent Certified Public Accountant.
- Section 15-116
 - Commission must publish an annual report setting forth the work of the Commission for the year.

Received an unmodified
(clean) audit opinion from
SB & Company, LLC

Uniform Guidance Single Audit

- FY21 – clean opinion (July 8, 2022)
- FY22 – not required

Audit conducted fully off-
site

FY2022 Audit Results

Commission's Net Position (Millions)

	Governmental Activities	Business- Type Activities	Total
	<u> </u>	<u> </u>	<u> </u>
Revenues	\$ 509.8	\$ 22.0	\$ 531.8
Expenses	(460.3)	(37.0)	(497.3)
Transfers	(12.3)	12.3	-
	<u> </u>	<u> </u>	<u> </u>
Inc (Dec) in Net Position	\$ 37.2	\$ (2.7)	\$ 34.5
Net Position- Ending	\$ 1,143.1	\$ 180.5	\$ 1,323.6
	<u> </u>	<u> </u>	<u> </u>

MONTGOMERY COUNTY
ADMINISTRATION ACCOUNT- GENERAL FUND (Thousands)

	<u>Final Budget</u>	<u>Actual</u>	<u>Variance</u>
Revenues:			
Total Revenues	\$ 32,916.9	\$ 32,444.7	\$ (472.2)
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	34,223.3	32,921.1	1,302.2
Revenues over (under) Expenditures	(1,306.4)	(476.4)	830.0
Transfers In (Out)			
Park Fund	(225.0)	(225.0)	-
Special Revenue Fund - Dev. Review	(500.0)	(500.0)	-
Total Transfers	(725.0)	(725.0)	-
Change in Fund Balance	<u>\$ (2,031.4)</u>	<u>(1,201.4)</u>	<u>\$ 830.0</u>
Fund Balance - Budget Basis, Beginning		<u>3,551.2</u>	
Fund Balance - Budget Basis, Ending		<u>\$ 2,349.8</u>	

Fund balance, budget basis

Assigned (for FY 2023 Budget)

\$ 528.3

Unassigned (for Contingencies)

1,109.9

Unassigned (net of Contingency)

711.6

Total Unassigned

1,821.5

Total Fund balance, budget basis

\$ 2,349.8

MONTGOMERY COUNTY
PARK ACCOUNT- GENERAL FUND (Thousands)

	<u>Final Budget</u>	<u>Actual</u>	<u>Variance</u>
Revenues:			
Total Revenues	\$ 111,680.5	\$ 110,289.9	\$ (1,390.6)
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	112,049.1	110,343.0	1,706.1
Revenues over (under) Expenditures	<u>(368.6)</u>	<u>(53.1)</u>	<u>315.5</u>
Transfers In (Out)			
Capital Project Funds	25.0	0.8	(24.2)
Administration Fund	225.0	225.0	-
Debt Service Fund	(6,037.5)	(6,033.6)	3.9
Capital Project Funds - Development	(450.0)	(450.0)	-
Special Revenue Fund	-	(94.0)	(94.0)
Total Transfers	<u>(6,237.5)</u>	<u>(6,351.8)</u>	<u>(114.3)</u>
Change in Fund Balance	<u>\$ (6,606.1)</u>	<u>(6,404.9)</u>	<u>\$ 201.2</u>
Fund Balance - Budget Basis, Beginning		<u>12,063.5</u>	
Fund Balance - Budget Basis, Ending		<u>\$ 5,658.6</u>	

Fund balance, budget basis

Assigned (for FY 2023 Budget)	<u>\$ 629.9</u>
Unassigned (for Property Management)	689.0
Unassigned (for Contingencies)	3,522.7
Unassigned (net of Contingency)	<u>817.0</u>
Total Unassigned	<u>5,028.7</u>
Total Fund balance, budget basis	<u>\$ 5,658.6</u>

PRINCE GEORGE'S COUNTY
ADMINISTRATION ACCOUNT- GENERAL FUND (Thousands)

	<u>Final Budget</u>	<u>Actual</u>	<u>Variance</u>
Revenues:			
Total Revenues	\$ 64,511.3	\$ 63,898.4	\$ (612.9)
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	58,711.3	50,345.0	8,366.3
Revenues over (under) Expenditures	5,800.0	13,553.4	7,753.4
Transfers In (Out)			
Capital Projects Fund - Development	(30.0)	(30.0)	-
Change in Fund Balance	<u>\$ 5,770.0</u>	<u>13,523.4</u>	<u>\$ 7,753.4</u>
Fund Balance - Budget Basis, Beginning		<u>20,657.3</u>	
Fund Balance - Budget Basis, Ending		<u>\$ 34,180.7</u>	

Fund balance, budget basis

Assigned (for FY 2023 Budget)	<u>\$ 0.0</u>
Unassigned (for Contingencies)	3,244.2
Unassigned (net of Contingency)	<u>30,936.5</u>
Total Unassigned	<u>34,180.7</u>
Total Fund balance, budget basis	<u>\$ 34,180.7</u>

**PRINCE GEORGE'S COUNTY
PARK ACCOUNT- GENERAL FUND (Thousands)**

	Final Budget	Actual	Variance
Revenues:			
Total Revenues	\$ 176,113.4	\$ 174,356.8	\$ (1,756.6)
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	132,023.8	132,324.9	(301.1)
Revenues over (under) Expenditures	44,089.6	42,031.9	(2,057.7)
Transfers In (Out)			
Capital Project Funds - Interest	1,000.0	(1,373.0)	(2,373.0)
Debt Service - Park Fund	(13,063.3)	(10,559.2)	2,504.1
Capital Project Funds - Development	(28,550.0)	(28,550.0)	-
Total Transfers	(40,613.3)	(40,482.2)	131.1
Change in Fund Balance	\$ 3,476.3	1,549.7	\$ (1,926.6)
Fund Balance - Budget Basis, Beginning		117,640.2	
Fund Balance - Budget Basis, Ending		<u>\$ 119,189.9</u>	

Fund balance, budget basis

Assigned (for FY 2023 Budget)	<u>\$ 63,454.2</u>
Unassigned (for Contingencies)	7,046.3
Unassigned (net of Contingency)	<u>48,689.4</u>
Total Unassigned	<u>55,735.7</u>
Total Fund balance, budget basis	<u>\$ 119,189.9</u>

**PRINCE GEORGE'S COUNTY
RECREATION ACCOUNT- GENERAL FUND (Thousands)**

	<u>Final Budget</u>	<u>Actual</u>	<u>Variance</u>
Revenues:			
Total Revenues	\$ 99,083.6	\$ 95,551.1	\$ (3,532.5)
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	77,464.0	67,842.7	9,621.3
Revenues over (under) Expenditures	<u>21,619.6</u>	<u>27,708.4</u>	<u>6,088.8</u>
Transfers In (Out)			
Capital Projects Fund	(10,000.0)	(10,000.0)	-
Enterprise Fund	<u>(11,022.7)</u>	<u>(11,022.7)</u>	<u>-</u>
Total Transfers	<u>(21,022.7)</u>	<u>(21,022.7)</u>	<u>-</u>
Change in Fund Balance	<u>\$ 596.9</u>	<u>6,685.7</u>	<u>\$ 6,088.8</u>
Fund Balance - Budget Basis, Beginning		63,525.5	
Fund Balance - Budget Basis, Ending		<u><u>\$ 70,211.2</u></u>	

Fund balance, budget basis

Assigned (for FY 2023 Budget)	<u>\$ 61,980.4</u>
Unassigned (for Contingencies)	6,575.9
Unassigned (net of Contingency)	<u>1,654.9</u>
Total Unassigned	<u>8,230.8</u>
Total Fund balance, budget basis	<u><u>\$ 70,211.2</u></u>

Enterprise Funds

(Thousands)

	Wheaton Headquarters	Montgomery County	Prince George's County
Operating revenues	\$ 2,402	\$ 12,659	\$ 7,170
Operating expenses, excluding depreciation	2,317	8,739	18,203
Operating income (loss), excluding depreciation	85	3,920	(11,033)
Depreciation	4,454	447	1,731
Operating Income (loss)	(4,369)	3,473	(12,764)
Nonoperating revenue (expense)	(4)	(216)	(1,188)
Transfers/Contributions	0	0	12,342
Changes in Net Position	\$ (4,373)	\$ 3,257	\$ (1,610)

Questions?

Contact:

Abbey Rodman

Corporate Accounting Director

6611 Kenilworth Avenue, Suite 301

Riverdale, Maryland 20737

abbey.rodman@mncppc.org

(301) 454-1541

Thank you!

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

**Single Audit Together with
Reports of Independent Public Accountants**

For the Year Ended June 30, 2021



S B & COMPANY, LLC
KNOWLEDGE • QUALITY • CLIENT SERVICE

JUNE 30, 2021

CONTENTS

REPORT OF INDEPENDENT PUBLIC ACCOUNTANTS	1
REPORT OF INDEPENDENT PUBLIC ACCOUNTANTS ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH <i>GOVERNMENT AUDITING STANDARDS</i>	4
REPORT OF INDEPENDENT PUBLIC ACCOUNTANTS ON COMPLIANCE FOR EACH MAJOR FEDERAL PROGRAM AND ON INTERNAL CONTROL OVER COMPLIANCE IN ACCORDANCE WITH THE UNIFORM GUIDANCE	6
Schedule of Expenditures of Federal Awards	9
Notes to the Schedule of Expenditures of Federal Awards	10
Schedule of Findings and Questioned Costs	11
Schedule of Prior Year Findings and Questioned Costs	12



S B & COMPANY, LLC
KNOWLEDGE • QUALITY • CLIENT SERVICE

REPORT OF INDEPENDENT PUBLIC ACCOUNTANTS

Board of Commissioners
The Maryland-National Capital Park and Planning Commission

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Maryland-National Capital Park and Planning Commission (the Commission) as of and for the year ended June 30, 2021, and the related notes to the financial statements, which collectively comprise the Commission's basic financial statements.

Management's Responsibility for the Financial Statements

The Commission's management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.



Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, the aggregate remaining fund information of the Commission as of June 30, 2021, and the respective changes in financial position and, where applicable, cash flows thereof and the respective budgetary comparison for the general fund for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis, the schedules of required supplementary information for defined benefit pension plans, and the schedules of required supplementary information for Other Postemployment Benefits, as referenced in the table of contents be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with evidence sufficient to express an opinion or provide any assurance.

Supplementary and Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Commission's basic financial statements. The introductory section, statistical section, and supplementary data listed in the table of contents are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The supplementary data is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated in all material respects in relation to the financial statements as a whole.



SB & COMPANY, LLC
KNOWLEDGE • QUALITY • CLIENT SERVICE

The introductory section and statistical sections have not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on them.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated December 29, 2021, on our consideration of the Commission's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Commission's internal control over financial reporting and compliance.

Owings Mills, MD
December 29, 2021

SB & Company, LLC



S B & COMPANY, LLC
KNOWLEDGE • QUALITY • CLIENT SERVICE

**REPORT OF INDEPENDENT PUBLIC ACCOUNTANTS ON INTERNAL CONTROL
OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS
BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN
ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS***

Board of Commissioners
The Maryland-National Capital Park and Planning Commission

We have audited in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the Maryland-National Capital Park and Planning Commission (the Commission) as of and for the year ended June 30, 2021, and the related notes to the financial statements, which collectively comprise the Commission's basic financial statements, and have issued our report thereon dated December 29, 2021.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Commission's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control. Accordingly, we do not express an opinion on the effectiveness of the Commission's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.



SB & COMPANY, LLC
KNOWLEDGE • QUALITY • CLIENT SERVICE

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Commission's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Commission's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Commission's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Owings Mills, MD
December 29, 2021

SB & Company, LLC



S B & COMPANY, LLC
KNOWLEDGE • QUALITY • CLIENT SERVICE

REPORT OF INDEPENDENT PUBLIC ACCOUNTANTS ON COMPLIANCE FOR EACH MAJOR FEDERAL PROGRAM AND ON INTERNAL CONTROL OVER COMPLIANCE IN ACCORDANCE WITH THE UNIFORM GUIDANCE

Board of Commissioners
The Maryland-National Capital Park and Planning Commission

Report on Compliance for Each Major Federal Program

We have audited the Maryland-National Capital Park and Planning Commission's (the Commission) compliance of with the types of compliance requirements described in the *U.S. Office of Management and Budget (OMB) Compliance Supplement* that could have a direct and material effect on each of its major Federal programs for the year ended June 30, 2021. The Commission's major Federal programs are identified in the summary of independent public accountants' results section of the accompanying schedule of findings and questioned costs.

Management's Responsibility

Management is responsible for compliance with Federal statutes, regulations, and the terms and conditions of its Federal awards applicable to its Federal programs.

Auditor's Responsibility

Our responsibility is to express an opinion on compliance for each of the Commission's major Federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. Code of Federal Regulations (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Those standards and the Uniform Guidance require that we plan and perform the compliance audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major Federal program occurred. An audit includes examining, on a test basis, evidence about the Commission's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major Federal program. However, our audit does not provide a legal determination of the Commission's compliance.



Opinion on Each Major Federal Program

In our opinion, the Commission complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major Federal programs for the year ended June 30, 2021.

Report on Internal Control over Compliance

Management of the Commission is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the Commission’s internal control over compliance with the types of requirements that could have a direct and material effect on each major Federal program as a basis for designing auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major Federal program and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the Commission’s internal control over compliance.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a Federal program on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or combination of deficiencies in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a Federal program will not be prevented, or detected and corrected, on a timely basis. *A significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a Federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.



SB & COMPANY, LLC
KNOWLEDGE • QUALITY • CLIENT SERVICE

Report on Schedule of Expenditures of Federal Awards Required by the Uniform Guidance

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Commission as of and for the year ended June 30, 2021, and the related notes to the financial statements, which collectively comprise the Commission’s basic financial statements. We issued our report thereon dated December 29, 2021, which contained unmodified opinions on those financial statements. Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the basic financial statements. The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by the Uniform Guidance and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of federal awards is fairly stated, in all material respects, in relation to the basic financial statements as a whole

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

Owings Mills, MD
July 8, 2022

SB & Company, LLC

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**Schedule of Expenditures of Federal Awards
For the Year Ended June 30, 2021**

Federal Grantor/Pass Through Grantor/Program or Cluster Title	Federal Assistance Listing	Pass Through Entity Identifying Number	Federal Expenditures	Passed Through to Subrecipients
Department of Treasury				
Pass through the Maryland Department of Public Health Coronavirus Relief Fund	21.019	Unknown	\$ 2,038,476	\$ -
Total Department of Treasury			<u>2,038,476</u>	<u>-</u>
Department of Homeland Security				
Disaster Grant - Public Assistance	97.036	031-UE4FD-00	1,479,681	-
Total Department of Homeland Security			<u>1,479,681</u>	<u>-</u>
Total Expenditures of Federal Awards			<u>\$ 3,518,157</u>	<u>\$ -</u>

The accompanying notes are an integral part of this schedule.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Notes to the Schedule of Expenditures of Federal Awards For the Year Ended June 30, 2021

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

All Federal grant operations of the Maryland-National Capital Park and Planning Commission (the Commission) are included in the scope of the Title 2 U.S. Code of Federal Regulations (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (the Single Audit or Uniform Guidance). The Single Audit was performed in accordance with the provisions of the OMB Compliance Supplement (the Compliance Supplement). Compliance testing of all requirements, as described in the Compliance Supplement, was performed for the major grant program noted below. The programs on the accompanying schedule of expenditures of Federal awards represent all Federal award programs and other grants with fiscal year 2021 cash or non-cash expenditure activities. For our Single Audit testing, we tested the Federal award program with 2021 cash and non-cash expenditures to ensure coverage of at least 40% of Federally granted funds. Our actual coverage was 100%.

Expenditures reported on the schedule of expenditures of Federal awards (the Schedule) are recognized following the cost principles contained in the Uniform Guidance, wherein certain types of expenditures are not allowable or are limited as to reimbursement. In the opinion of management, disallowed costs, if any, from such audit will not have a material effect on this Schedule of financial position of the Commission. The Commission has elected not to use the 10 percent de minimis indirect cost rate allowed under the Uniform Guidance.

<u>Major Programs</u>	<u>Federal Assistance Listing</u>	<u>Federal Expenditures</u>
Coronavirus Relief Fund	21.019	\$ 2,038,476
Disaster Grant - Public Assistance	97.036	1,479,681
Total Major Programs		<u>\$ 3,518,157</u>

2. BASIS OF PRESENTATION

The accompanying Schedule includes the Federal award activity of the Commission and is presented on the accrual basis of accounting. The information in the Schedule is presented in accordance with the requirements of the cost principles contained in the Uniform Guidance.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**Schedule of Findings and Questioned Costs
For the Year Ended June 30, 2021**

Section I - Summary of Independent Public Accountants' Results

Financial Statements

Type of Independent Public Accountant' report issued:	Unmodified
Internal control over financial reporting:	
Material weakness(es) identified?	No
Significant deficiency(ies)?	None Reported
Noncompliance material to the financial statements noted?	No

Federal Awards

Type of Independent Public Accountant' report issued on compliance for major programs	Unmodified
Internal control over major programs:	
Material weakness(es) identified?	No
Significant deficiency(ies)?	None Reported
Any audit findings disclosed that are required to be reported in accordance with Section 200.516(a) of Uniform Guidance?	No

<u>Major Programs</u>	<u>Federal Assistance Listing</u>	<u>Federal Expenditures</u>
Coronavirus Relief Fund	21.019	\$ 2,038,476
Disaster Grant - Public Assistance	97.036	1,479,681
Total Major Programs		<u>\$ 3,518,157</u>
Threshold for distinguishing between Type A and B programs		\$ 750,000
Does the Commission qualify as a low risk auditee?		No

Section II – Financial Statement Findings

None noted.

Section III – Federal Award Findings

None noted.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**Schedule of Prior Year Findings and Questioned Costs
For the Year Ended June 30, 2021**

There was no single audit for the fiscal year ended June 30, 2020, as the Commission was not required to have a single audit.



Government Finance Officers Association

Certificate of
Achievement
for Excellence
in Financial
Reporting

Presented to

**Maryland-National Capital Park
and Planning Commission**

For its Annual Comprehensive
Financial Report
For the Fiscal Year Ended

June 30, 2021

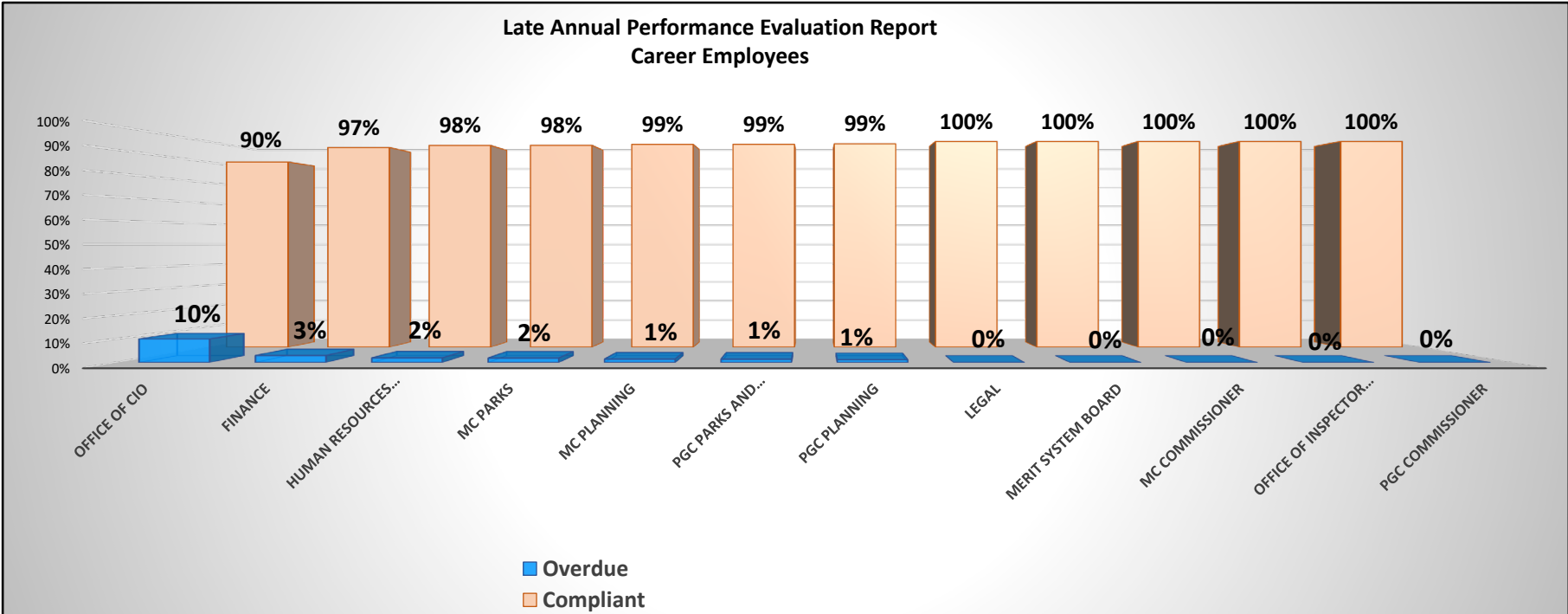
Christopher P. Morill

Executive Director/CEO

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
 BY DEPARTMENT AS OF DECEMBER 2022**

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	Nov-22	Dec-22	Nov-22	Dec-22	Nov-22	Dec-22	Nov-22	Dec-22
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	1	1	0	0	0	0	1	1
OFFICE OF INSPECTOR GENERAL	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	1	1	0	0	0	0	1	1
LEGAL DEPARTMENT	0	0	0	0	0	0	0	0
FINANCE DEPARTMENT	2	1	0	0	0	0	2	1
PRINCE GEORGE'S PLANNING	0	2	0	0	0	0	0	2
PRINCE GEORGE'S PARKS & RECREATION	14	12	2	2	0	0	16	14
MONTGOMERY COUNTY PARKS	15	10	3	4	0	0	18	14
MONTGOMERY COUNTY PLANNING	4	2	0	0	0	0	4	2
DEPARTMENT TOTAL BY DAYS LATE	37	29	5	6	0	0		
COMMISSION-WIDE TOTAL							42	35

**DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.



*Data as of December 31, 2022

Employee Count	Evaluation Status		Total Employees
	Overdue	Compliant	
Finance	1	33	34
Human Resources and Mgt	1	50	51
Legal		20	20
MC Commissioner		2	2
MC Parks	13	672	685
MC Planning	2	133	135
Merit System Board		1	1
Office of CIO	2	18	20
Office of Inspector General		5	5
PGC Commissioner		7	7
PGC Parks and Recreation	14	971	985
PGC Planning	2	164	166
Total Employees	35	2,076	2,111



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

January 10, 2023

TO: Commissioners

VIA: Asuntha Chiang-Smith, Executive Director

FROM: Malcolm Jackson, Supplier Diversity Program Manager

SUBJECT: MFD Purchasing Statistics— First Quarter FY23

As the Commission continues to establish appropriate procurement programs for minority and small local-owned businesses, M-NCPPC staff remains in partnership with the Maryland Department of Transportation (MDOT) to provide data in support of the State's current disparity study.

When the Commission learned that the 2018 Maryland state Disparity Study for the MBE Preference Program would not start until 2022 (delayed due to the pandemic), we decoupled it from our Local Small Business Enterprise (SBE) Program. This has enabled us to move forward with the Local Small Business Enterprise (SBE) Program without undue delay. Currently, the Commission is working with an independent research consultant firm to assist in the analysis for the development and implementation of a Local and Small Business Supplier Diversity Program. The analysis is expected to be completed by January 2023.

The Commission's procurement policy (Practice 4-10, Purchasing) includes an anti-discrimination component which assures that fair and equitable vendor opportunities are made available to minority, female or disabled owned firms (MFDs). This program is administered jointly by the Office of the Executive Director and the Corporate Procurement Division and includes an MFD subcontracting component based on the Commission procurement practices and the available MFD vendors in the marketplace. The price preference program has been suspended until an MFD study (2018 Maryland state Disparity Study for the MBE Preference Program) is conducted to provide evidence that the price preference is/is not needed. This report is provided for your information and may be found on the Commission's intranet.

Some of the observations of this FY 2023 report include:

- Attachment A indicates that through the First Quarter of FY23, the Commission procured \$30,416,864 in goods, professional services, construction, and miscellaneous services and 19% or \$5,791,196 was spent with minority, female and disabled (MFD) owned firms.
- Attachment B indicates that in the First Quarter of FY23, 19% was spent with minority, female and disabled (MFD) owned firms.

- Attachment C represents the MFD participation by type of procurement. The MFD participation for construction through the First Quarter of FY23 was 27.8%. Attachment C also indicates that the largest consumers of goods and services in the Commission are Prince George's County Department of Parks and Recreation and Montgomery Parks. These programs significantly impact the Commission's utilization of MFD firms. The MFD cumulative utilization numbers for these Departments through the First Quarter of 2023 are 17.1% and 22.7% respectively.
- Attachment D presents the FY23 activity for the Purchase Card program totaling \$3,083,645 of which 2.1% was spent with minority, female and disabled (MFD) firms. The amount of procurement card activity represents 10.1% of the Commission's total procurement dollars.
- Attachment E portrays the historic MFD participation rates, and the total procurement from FY 1991 to First Quarter FY23.
- Attachments F & G shows the MFD participation in procurements at various bid levels to determine if MFD vendors are successful in obtaining opportunities in procurements that require informal bidding and formal bidding. Based on the analysis, MFD vendors do appear to be participating, at an overall rate of 16.1% in informal (under \$30,000) and 20.5% in the formal (over \$30,000) procurements. For transactions under \$10k, MFD participation is 10.5%. For transactions over \$10k but under \$30k, MFD participation is 21.8%. MFD vendors are participating at an overall rate of 20.5% in transactions over \$250,000.
- Attachment H presents the total amount of procurements and the number of vendors by location. Of the \$30,416,864 in total procurement, \$20,061,062 was procured from Maryland vendors. Of the \$20,061,062 in procurement from Maryland vendors, \$5,317,016 was procured from MFD vendors located in Maryland with 78.6% or \$4,552,405 procured from MFD vendors located in Montgomery and Prince George's Counties.
- Attachment I compares the utilization of MFD vendors by the Commission with the availability of MFD vendors. The results show under-utilization in the following categories: African American, Asian, Native American, and Females. The amount and percentage of procurement from MFD vendors is broken out by categories as defined by the Commission's Anti-Discrimination Policy. The availability percentages are taken from the most recent State of Maryland disparity study dated June 25, 2018.
- Attachments J and K are prepared by the Department of Human Resources and Management and show the amount and number of waivers of the procurement policy by department and by reason for waiver. Total waivers were 3.7% of total procurement.

For further information on the MFD report, please contact the Office of Executive Director at (301) 454-1740.

Attachments

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
FY 2023
FOR THREE MONTHS ENDED SEPTEMBER 30, 2022

Attachment A

	<u>Procurement</u>		<u>Waivers</u>		<u>Procurement</u>	
	<u>Total \$</u>		<u>Total \$</u>	<u>Total #</u>	<u>MFD \$</u>	<u>%</u>
<u>Prince George's County</u>						
Commissioners' Office	\$ 8,547	\$	-	-	\$ 97	1.1%
Planning Department	519,849		-	-	215,936	41.5%
Parks and Recreation Department	18,554,861		821,512	6	3,165,483	17.1%
Total	19,083,257		821,512	6	3,381,516	17.7%
<u>Montgomery County</u>						
Commissioners' Office	1,578		-	-	-	0.0%
Planning Department	535,739		61,197	1	127,388	23.8%
Parks Department	9,934,301		37,053	2	2,252,666	22.7%
Total	10,471,618		98,250	3	2,380,054	22.7%
<u>Central Administrative Services</u>						
Dept. of Human Resources and Mgt.	152,981		92,997	3	23,739	15.5%
Finance Department	51,424		26,000	1	-	0.0%
Legal Department	126,299		88,000	1	2,990	2.4%
Merit Board	-		-	-	-	0.0%
Office of Chief Information Officer	531,285		20,232	1	2,897	0.5%
Office of Inspector General	-		-	-	-	0.0%
Total	861,989		227,229	6	29,626	3.4%
Grand Total	\$ 30,416,864	\$	1,146,991	15	\$ 5,791,196	19.0%

Note: The "Waivers" columns report the amount and number of purchases approved to be exempt from the competitive procurement process, including sole source procurements.

Prepared by Finance Department
December 16, 2022

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT STATISTICS

FY 2023

MFD STATISTICS - CUMULATIVE AND ACTIVITY BY QUARTER

Attachment B

CUMULATIVE BY QUARTER

	SEPTEMBER	DECEMBER	MARCH	JUNE
<u>Prince George's County</u>				
Commissioners' Office	1.1%			
Planning Department	41.5%			
Parks and Recreation Department	17.1%			
Total	17.7%			
<u>Montgomery County</u>				
Commissioners' Office	0.0%			
Planning Department	23.8%			
Parks Department	22.7%			
Total	22.7%			
<u>Central Administrative Services</u>				
Dept. of Human Resources and Mgt.	15.5%			
Finance Department	0.0%			
Legal Department	2.4%			
Merit Board	0.0%			
Office of Chief Information Officer	0.5%			
Office of Inspector General	0.0%			
Total	3.4%			
Grand Total	19.0%			

ACTIVITY BY QUARTER

	FIRST QUARTER	SECOND QUARTER	THIRD QUARTER	FOURTH QUARTER	TOTAL
<u>Prince George's County</u>					
Commissioners' Office	1.1%				1.1%
Planning Department	41.5%				41.5%
Parks and Recreation Department	17.1%				17.1%
Total	17.7%				17.7%
<u>Montgomery County</u>					
Commissioners' Office	0.0%				0.0%
Planning Department	23.8%				23.8%
Parks Department	22.7%				22.7%
Total	22.7%				22.7%
<u>Central Administrative Services</u>					
Dept. of Human Resources and Mgt.	15.5%				15.5%
Finance Department	0.0%				0.0%
Legal Department	2.4%				2.4%
Merit Board	0.0%				0.0%
Office of Chief Information Officer	0.5%				0.5%
Office of Inspector General	0.0%				0.0%
Total	3.4%				3.4%
Grand Total	19.0%				19.0%

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT STATISTICS
BY MAJOR PROCUREMENT CATEGORY
FY 2023

FOR THREE MONTHS ENDED SEPTEMBER 30, 2022

ATTACHMENT C

	Grand Total	Montgomery Planning	Montgomery Parks	Pr. Geo. Parks & Recreation	Pr. Geo. Planning	Dept. of Human Resources	Finance Dept.	Legal Dept.	Office of Chief Information
Goods:									
Total \$	\$ 9,841,730	\$ 82,057	\$ 3,355,430	6,110,079	\$ 231,532	\$ 36,790	\$ 2,630	14,086	\$ 9,126
MFD \$	\$ 820,719	\$ 13,099	\$ 14,698	592,429	\$ 194,020	\$ 3,576	\$ 0	0	\$ 2,897
Percentage	8.3%	16.0%	0.4%	9.7%	83.8%	9.7%	0.0%	0.0%	31.7%
Miscellaneous Services:									
Total \$	\$ 4,261,237	\$ 402,333	\$ 999,992	2,342,461	\$ 265,204	\$ 24,937	\$ 25,677	9,676	\$ 190,957
MFD \$	\$ 781,978	\$ 114,289	\$ 127,000	517,803	\$ 21,916	\$ 970	\$ 0	0	\$ 0
Percentage	18.4%	28.4%	12.7%	22.1%	8.3%	3.9%	0.0%	0.0%	0.0%
Professional Services:									
Total \$	\$ 3,607,328	\$ 51,349	\$ 849,648	2,188,592	\$ 23,113	\$ 40,760	\$ 23,117	99,547	\$ 331,202
MFD \$	\$ 654,302	\$ 0	\$ 174,315	479,987	\$ 0	\$ 0	\$ 0	0	\$ 0
Percentage	18.1%	0.0%	20.5%	21.9%	0.0%	0.0%	0.0%	0.0%	2.0%
Construction:									
Total \$	\$ 12,696,444	\$ 0	\$ 4,729,231	7,913,729	\$ 0	\$ 50,494	\$ 0	2,990	\$ 0
MFD \$	\$ 3,534,100	\$ 0	\$ 1,936,653	1,575,264	\$ 0	\$ 19,193	\$ 0	2,990	\$ 0
Percentage	27.8%	0.0%	41.0%	19.9%	0.0%	38.0%	0.0%	100.0%	0.0%
SUBTOTAL									
Total \$	\$ 30,406,739	\$ 535,739	\$ 9,934,301	18,554,861	\$ 519,849	\$ 152,981	\$ 51,424	126,299	\$ 531,285
MFD \$	\$ 5,791,099	\$ 127,388	\$ 2,252,666	3,165,483	\$ 215,936	\$ 23,739	\$ 0	2,990	\$ 2,897
Percentage	19.0%	23.8%	22.7%	17.1%	41.5%	15.5%	0.0%	2.4%	0.5%
Pr. Geo. Commissioners' Office									
Total \$	\$ 8,547								
MFD \$	\$ 97								
Percentage	1.1%								
Mont. Commissioners' Office									
Total \$	\$ 1,578								
MFD \$	\$ 0								
Percentage	0.0%								
Merit Board									
Total \$	\$ 0								
MFD \$	\$ 0								
Percentage	0.0%								
Office of Inspector General									
Total \$	\$ 0								
MFD \$	\$ 0								
Percentage	0.0%								
GRAND TOTAL \$	\$ 30,416,864								
MFD\$	\$ 5,791,196								
Percentage	19.0%								

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
Comparison of MFD % for Total Procurement and Purchase Card Procurement
FY 2023
FOR THREE MONTHS ENDED SEPTEMBER 30, 2022

Attachment D

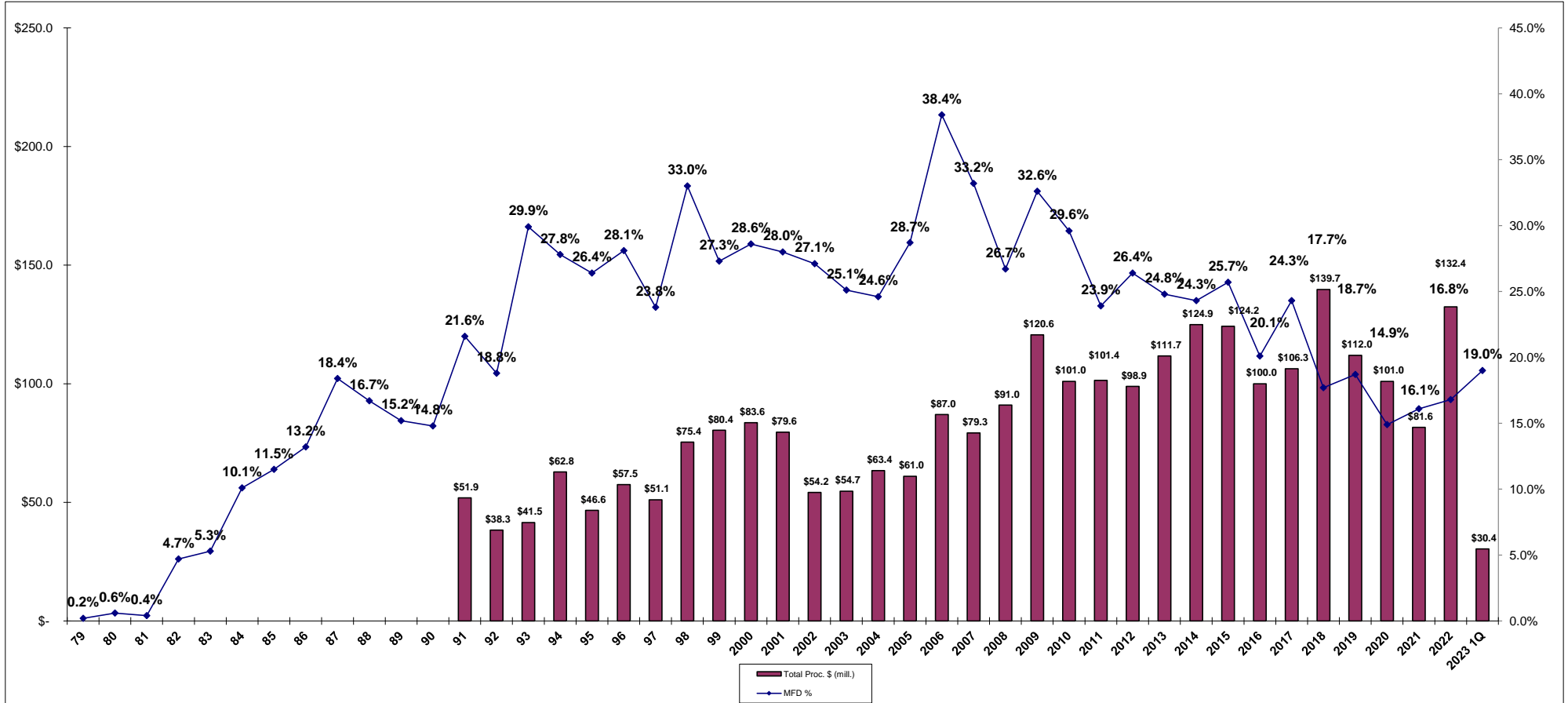
	Total Procurement		Purchase Card Procurement	
	Total \$	MFD %	Total \$	MFD %
<u>Prince George's County</u>				
Commissioners' Office	\$ 8,547	1.1%	\$ 7,968	1.2%
Planning Department	519,849	41.5%	42,730	0.0%
Parks and Recreation Department	18,554,861	17.1%	1,620,126	2.2%
Total	19,083,257	17.7%	1,670,824	2.2%
<u>Montgomery County</u>				
Commissioners' Office	1,578	0.0%	1,578	0.0%
Planning Department	535,739	23.8%	56,416	15.6%
Parks Department	9,934,301	22.7%	1,318,179	1.6%
Total	10,471,618	22.7%	1,376,173	2.2%
<u>Central Administrative Services</u>				
Dept. of Human Resources and Mgt.	152,981	15.5%	22,559	0.0%
Finance Department	51,424	0.0%	2,630	0.0%
Legal Department	126,299	2.4%	8,476	0.0%
Merit Board	-	0.0%	-	0.0%
Office of Chief Information Officer	531,285	0.5%	2,983	0.0%
Office of Inspector General	-	0.0%	-	0.0%
Total	861,989	3.4%	36,648	0.0%
Grand Total	\$ 30,416,864	19.0%	\$ 3,083,645	2.1%

Percentage of Purchase Card Procurement to Total Procurement 10.1%

Prepared by Finance Department
December 16, 2022

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT RESULTS and TOTAL PROCUREMENT (millions)

Attachment E

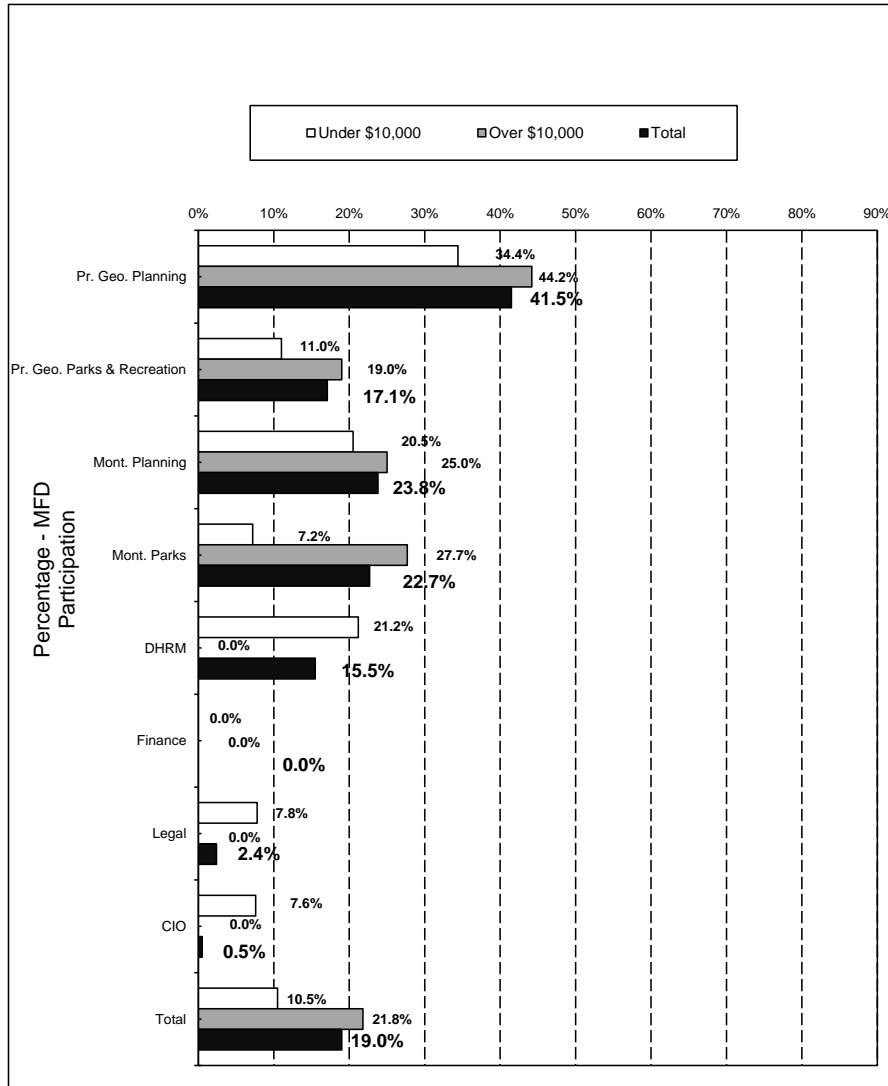


	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
TOTAL PROCUREMENT \$ (MIL.)	\$124.9	\$124.2	\$100.0	\$106.3	\$139.7	\$112.0	\$101.0	\$81.6	\$132.4	\$30.4
MFD %	24.3%	25.7%	20.1%	24.3%	17.7%	18.7%	14.9%	16.1%	16.8%	19.0%

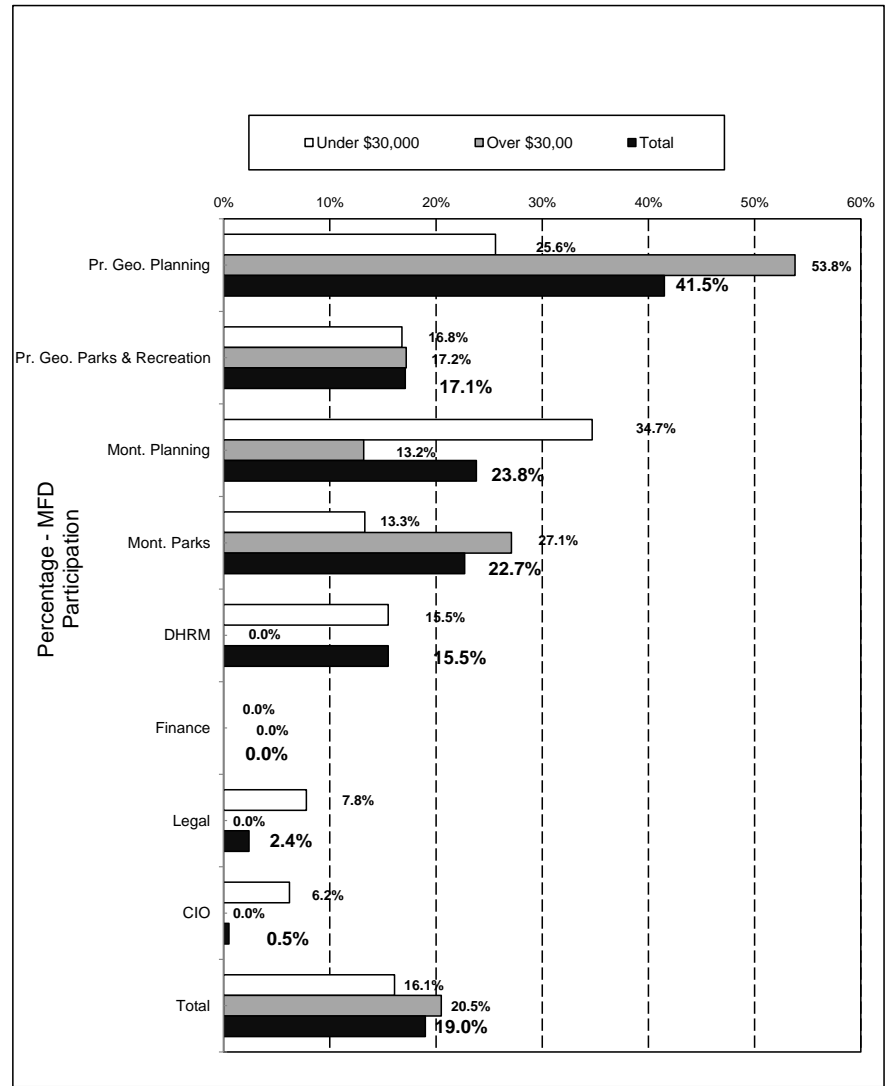
Prepared by Finance Department
 December 16, 2022

The Maryland-National Capital Park and Planning Commission
 MFD Procurement Statistics - Transactions Under/Over \$10,000 & \$30,000 plus Total %
 FY 2023 1Q

Under/Over \$10,000

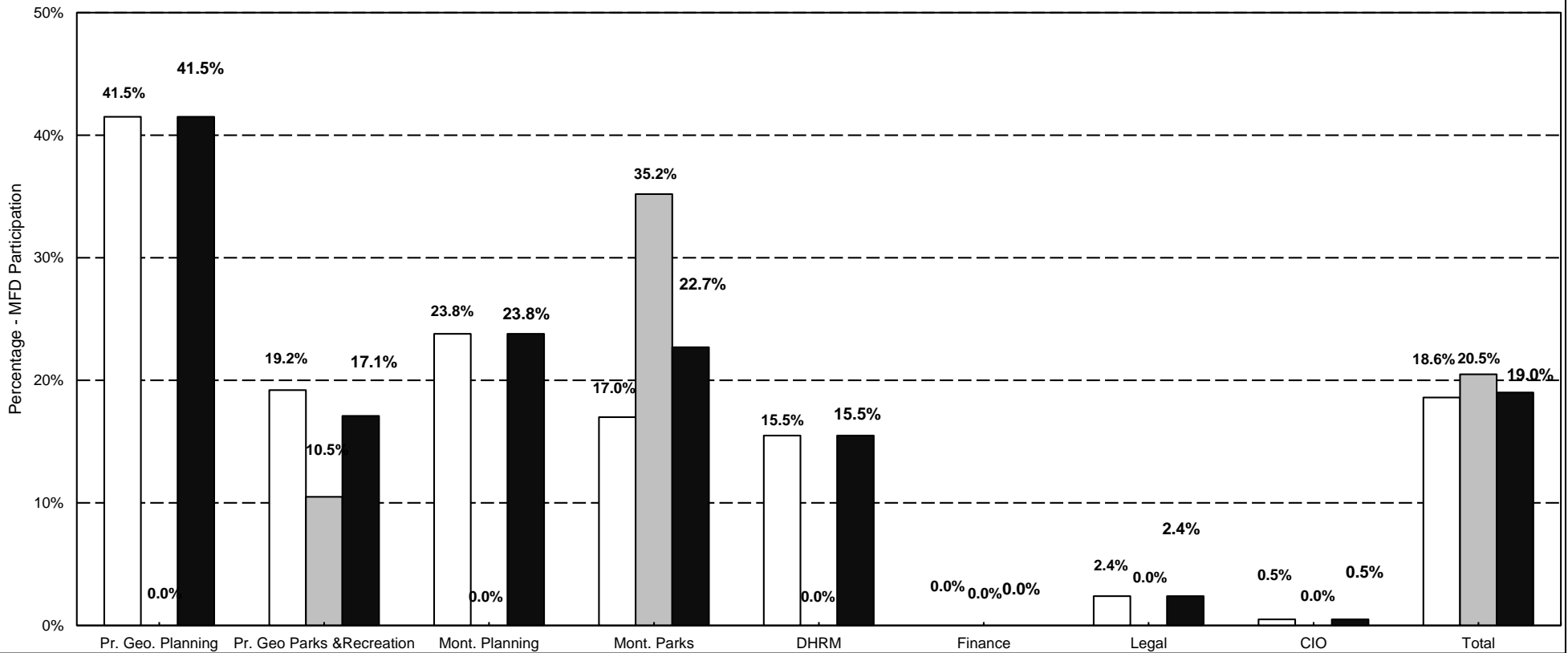


Under/Over \$30,000



The Maryland-National Capital Park and Planning Commission
 MFD Procurement Statistics - Transactions Under /Over \$250,000 and Total %
 FY 2023 1Q

□ Under \$250K □ Over \$250K ■ Total



Prepared by Finance Department
 December 16, 2022

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Amount of Procurement and Number of Vendors by Location

FY 2023

FOR THREE MONTHS ENDED SEPTEMBER 30, 2022

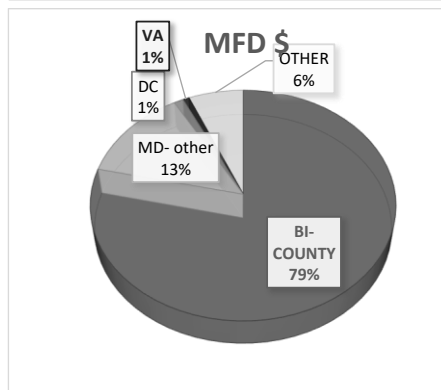
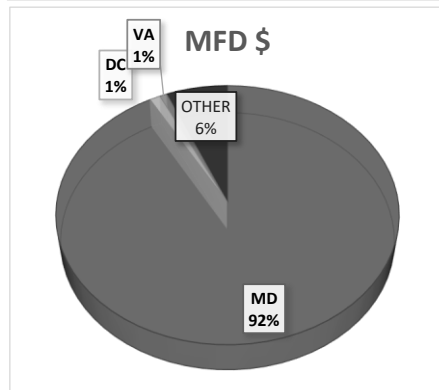
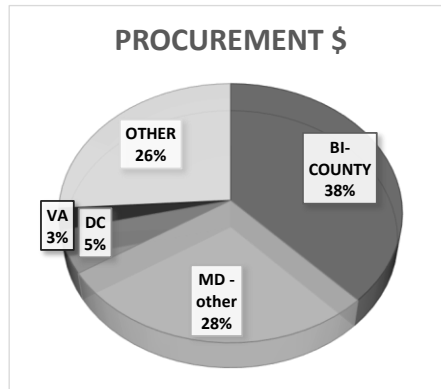
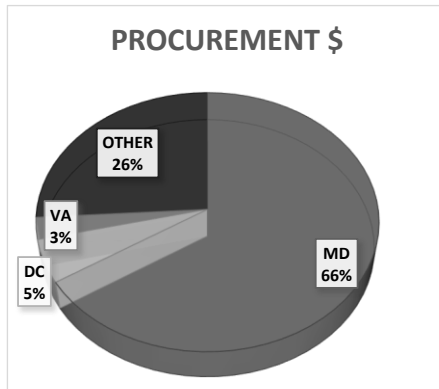
Attachment H

ALL VENDORS

Location	Procurement		Number of Vendors	
	Amount	%	Number	%
Montgomery County	\$ 4,859,578	16.0%	115	14.9%
Prince George's County	6,654,296	21.9%	214	27.8%
Subtotal	11,513,874	37.9%	329	42.7%
Maryland - other locations	8,547,188	28.1%	159	20.6%
Total Maryland	20,061,062	66.0%	488	63.3%
District of Columbia	1,624,024	5.3%	32	4.1%
Virginia	830,153	2.7%	61	7.9%
Other Locations	7,901,625	26.0%	191	24.7%
Total	\$ 30,416,864	100.0%	772	100.0%

MFD Vendors

Location	Procurement		Number of Vendors	
	Amount	%	Number	%
Montgomery County	\$ 1,707,960	29.5%	37	27.4%
Prince George's County	2,844,445	49.1%	45	33.4%
Subtotal	4,552,405	78.6%	82	60.8%
Maryland - other locations	764,611	13.2%	26	19.3%
Total Maryland	5,317,016	91.8%	108	80.1%
District of Columbia	63,218	1.1%	5	3.7%
Virginia	42,520	0.7%	11	8.1%
Other Locations	368,442	6.4%	11	8.1%
Total	\$ 5,791,196	100.0%	135	100.0%



Prepared by Finance Department
December 16, 2022

Note: The number of vendors excludes purchase card vendors.

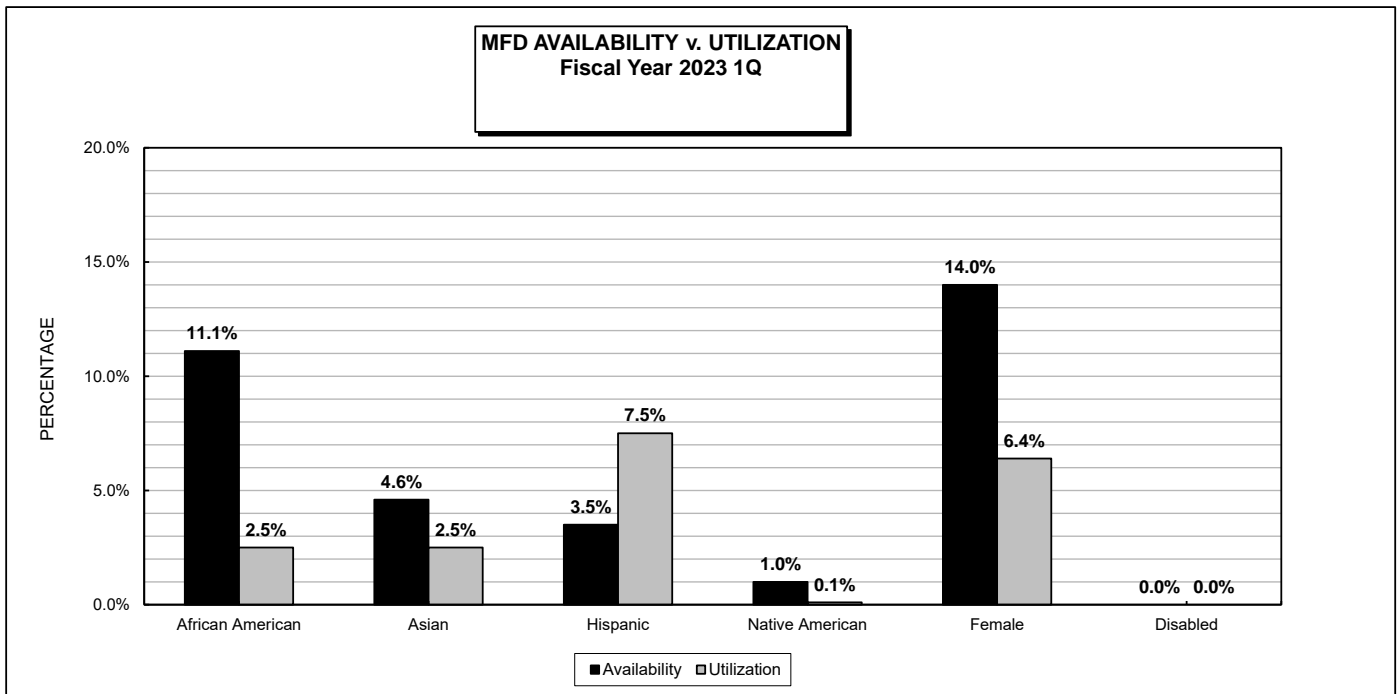
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT RESULTS
FY 2023
FOR THREE MONTHS ENDED SEPTEMBER 30, 2022

Attachment I

Total Amount of Procurement **\$ 30,416,864**

**Amount, Percentage of Procurement by Category, and
Percentage of Availability by Category:**

	Procurement		Availability
	Amount	%	%
Minority Owned Firms			
African American	\$ 764,681	2.5%	11.1%
Asian	761,624	2.5%	4.6%
Hispanic	2,275,417	7.5%	3.5%
Native American	27,009	0.1%	1.0%
Total Minority Owned Firms	3,828,731	12.6%	20.2%
Female Owned Firms	1,962,465	6.4%	14.0%
Disabled Owned Firms	0	0.0%	n/a
Total Minority, Female, and Disabled Owned Firms	\$ 5,791,196	19.0%	34.2%



Note: (1) Availability percentages are taken from State of Maryland study titled "Disadvantaged Business Enterprise Disparity Study: Vol. 1", dated June 25, 2018, page 13.

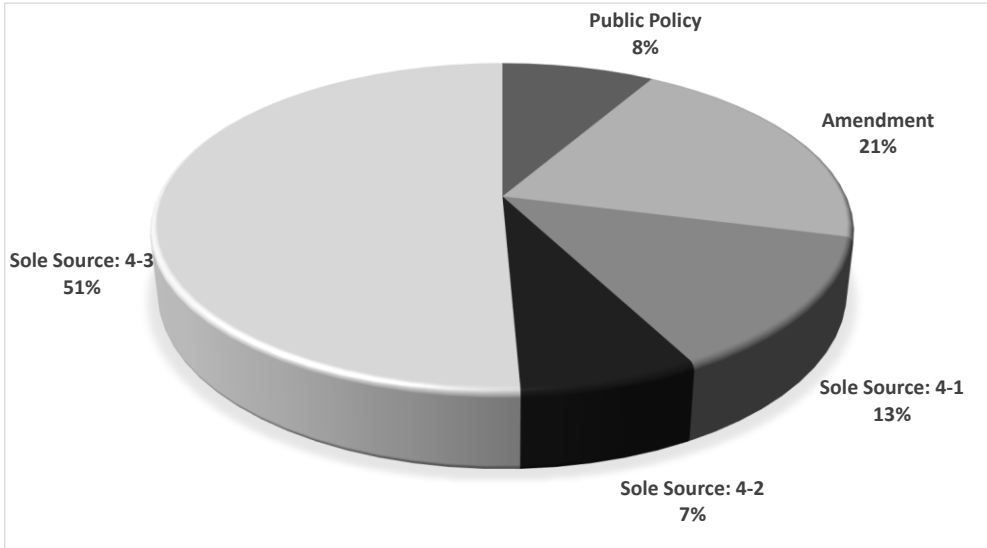
(2) n/a = not available

Prepared by Department of Finance
December 16, 2022

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
REASONS FOR WAIVERS
CUMULATIVE DOLLAR AMOUNT & NUMBER OF WAIVERS
FY 2023
FOR THREE MONTHS ENDED SEPTEMBER 30, 2022**

Attachment J

REASON	NUMBER	AMOUNT	%
Emergency	0	\$ -	0.0%
Public Policy	2	\$ 96,588	8.4%
Amendment	4	\$ 235,467	20.5%
Sole Source: 4-1	4	\$ 153,053	13.3%
Sole Source: 4-2	2	\$ 80,517	7.0%
Sole Source: 4-3	3	\$ 581,366	50.8%
Total	15	\$ 1,146,991	100.0%



Waiver Reason Definitions:

Emergency:

Sudden and unforeseeable circumstance have arisen which actually or imminently threaten the continuance of an essential operation of the Commission or which threaten public health, welfare or safety such that there is not enough time to conduct the competitive bidding.

Required by Law or Grant:

Public law or the terms of a donation/grant require that the above noted vendor be chosen.

Amendment:

A contract is already in place and it is appropriate for the above noted vendor to provide additional services and/or goods not within the original scope of the contract because the interested service and/or goods are uniquely compatible with the Commission's existing systems and patently superior in quality and/or capability than what can be gained through an open bidding process.

Sole Source 4:

It has been determined that:

- #1: The vendor's knowledge and experience with the Commission's existing equipment and/or systems offer a greater advantage in quality and/or cost to the Commission than the cost savings possible through competitive bidding, or
- #2: The interested services or goods need to remain confidential to protect the Commission's security, court proceedings and/or contractual commitments, or
- #3: The services or goods have no comparable and the above noted vendor is the only distributor for the interested manufacturer or there is otherwise only one source available for the sought after services or goods, e.g. software maintenance, copyrighted materials, or otherwise legally protected goods or services.

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
TOTAL WAIVERS, MFD WAIVERS, AND SOLE SOURCE WAIVERS BY DEPARTMENT
PROCESSED FY 2023
FOR THE THREE MONTHS ENDED SEPTEMBER 30, 2022**

Attachment K

	Total Waivers		MFD/Waivers		% of MFD	Sole Source 4-1 Waivers		Sole Source 4-2 Waivers		Sole Source 4-3 Waivers		% Sole Source
	\$	Number	\$	Number	%	\$	Number	\$	Number	\$	Number	%
Prince George's County												
Commissioners' Office	\$ -	0	\$ -	0	0.0%	\$ -	0	\$ -	0	\$ -	0	0.0%
Planning Department	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Parks and Recreation Department	821,512	6	-	0	0.0%	28,000	1	-	0	555,366	2	71.0%
Total	821,512	6	-	0	0.0%	28,000	1	-	0	555,366	2	71.0%
Montgomery County												
Commissioners' Office	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Planning Department	61,197	1	-	0	0.0%	-	0	-	0	-	0	0.0%
Parks Department	37,053	2	-	0	0.0%	37,053	2	-	0	-	0	100.0%
Total	98,250	3	-	0	0.0%	37,053	2	-	0	-	0	37.7%
Central Administrative Services												
Dept. of Human Resources and Mgt.	92,997	3	-	0	0.0%	-	0	80,517	2	-	0	86.6%
Finance Department	26,000	1	-	0	0.0%	-	0	-	0	26,000	1	0.0%
Legal Department	88,000	1	-	0	0.0%	88,000	1	-	0	-	0	100.0%
OCIO	20,232	1	-	0	0.0%	-	0	-	0	-	0	0.0%
Merit Board	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Total	227,229	6	-	0	0.0%	88,000	1	80,517	2	26,000	1	85.6%
Grand Total	\$ 1,146,991	15	\$ -	0	0.0%	\$ 153,053	4	\$ 80,517	2	\$ 581,366	3	71.0%

Purpose of Summary of Waiver Report:

- (1) To monitor the amount, number, reasons for waivers in order to ensure the Commission is encouraging and maintaining good community, public, vendor, and interdepartmental relations;
To ensure fair and equitable treatment of all persons who deal in purchasing matters; to promote economy in Commission purchasing; and to ensure that minority owned firms receive a fair share of Commission awards (source: Practice 4-10); and
- (2) To comply with the Prince George's Planning Board directive of January 29, 1991 to report waiver activity to the Department Heads and the Planning Boards on a quarterly basis.

Sole Source: 4

It has been determined that:

- 4-1: The vendor's knowledge and experience with the Commission's existing equipment and/or systems offer a greater advantage in quality and/or cost to the Commission than the cost savings possible through competitive bidding, or
- 4-2: The interested services or goods need to remain confidential to protect the Commission's security, court proceedings and/or contractual commitments, or
- 4-3: The services or goods have no comparable and the above noted vendor is the only distributor for the interested manufacturer or there is otherwise only one source available for the sought after services or goods, e.g. software maintenance, copyrighted materials, or otherwise legally protected goods or services.

Prepared by Department of Finance
December 16, 2022

This page intentionally left blank.



Office of the General Counsel
Maryland-National Capital Park and Planning Commission

Reply To

January 3, 2023

Debra S. Borden
General Counsel
6611 Kenilworth Avenue, Suite 200
Riverdale, Maryland 20737
(301) 454-1670 • (301) 454-1674 fax

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission

FROM: Debra S. Borden
General Counsel

RE: Litigation Report for December – FY 2023

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, January 18, 2023. 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.

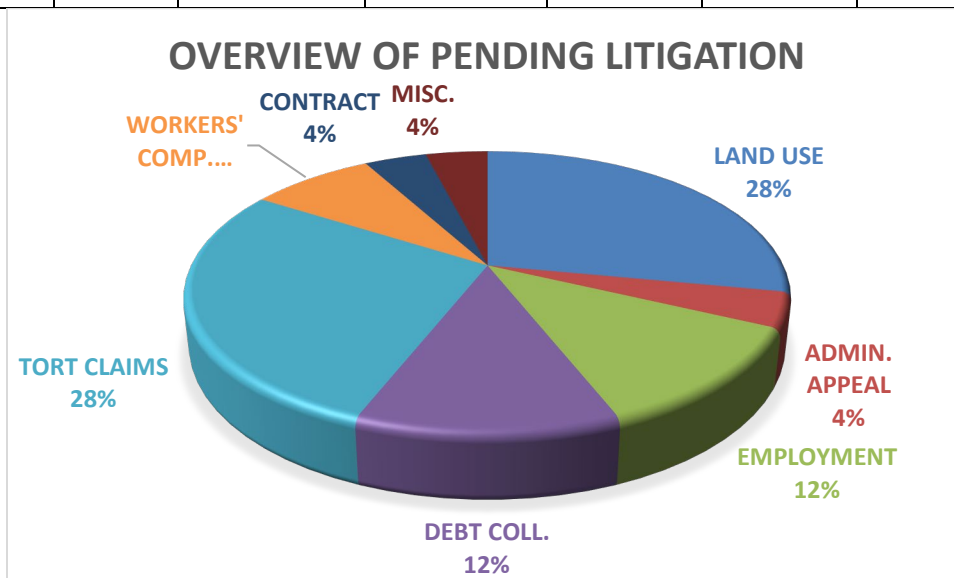
Table of Contents – December 2022 FY 2023 Report

Composition of Pending Litigation.....Page 01
Overview of Pending Litigation (Chart).....Page 01
Litigation Activity SummaryPage 02
Index of New YTD Cases (FY23)Page 03
Index of Resolved YTD Cases (FY23)Page 04
Disposition of FY23 Closed Cases Sorted by DepartmentPage 05
Index of Reported Cases Sorted by Jurisdiction.....Page 08
Litigation Report Ordered by Court Jurisdiction.....Page 09

December 2022 Composition of Pending Litigation

(Sorted by Subject Matter and Forum)

	STATE TRIAL COURT	APPELLATE COURT OF MARYLAND	SUPREME COURT OF MARYLAND	FEDERAL TRIAL COURT	FEDERAL APPEALS COURT	U.S. SUPREME COURT	SUBJECT MATTER TOTALS
ADMIN APPEAL: LAND USE	6	1					7
ADMIN APPEAL: OTHER	1						1
BANKRUPTCY							
CIVIL ENFORCEMENT							
CONTRACT DISPUTE	1						1
DEBT COLLECTION	3						3
EMPLOYMENT DISPUTE		1		2			3
LAND USE DISPUTE							
MISCELLANEOUS	1						1
PROPERTY DISPUTE	7						7
TORT CLAIM							
WORKERS' COMPENSATION	2						2
PER FORUM TOTALS	21	2		2			25



December 2022 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2023			
	Pending Nov. 2022	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	8		1	7	5	5	7
Admin Appeal: Other (AAO)	1						1
Bankruptcy (B)							
Civil Enforcement (CE)							
Contract Disputes (CD)	1			7			1
Debt Collection (D)	3						3
Employment Disputes (ED)	3			5	1	2	3
Land Use Disputes (LD)							
Miscellaneous (M)	1			2	2	1	1
Property Disputes (PD)							
Tort Claims (T)	7			9	1	2	7
Workers' Compensation (WC)	2			2	1	1	2
Totals	26		1	26	7	11	25

**INDEX OF YTD NEW CASES
(7/1/2022 TO 6/30/23)**

A. <u>New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Commission v. Joseph Cleveland-Cooper (Defendant was not served until August 2022; did not appear on report prior)	MC	Misc.	April 2020
Antawan Williams, et al. v. Prince George's County Planning Board (Did not appear on report prior)	PG	AALU	July 2022
Wilmington Savings Fund Society v. Tomel Burke, Jr., et al. (Commission recently served.)	PG	Misc.	Aug. 2022
English-Figaro v. Planning Board of Prince George's County	PG	AALU	Aug. 2022
Fairwood Community Association, Inc. v. Prince George's County Planning Board	PG	AALU	Aug. 2022
Stewart v. Dorsey, et al.	MC	Tort	Sept. 2022
Commission v. Lindsey	PG	Misc.	Sept. 2022
In the Matter of James Montville	PG	WC	Nov. 2022
In the Matter of Danielle Jones-Dawson	PG	ED	Nov. 2022

B. <u>New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Friends of Ten Mile Creek, et al. v. Montgomery County Planning Board	MC	AALU	Aug. 2022

**INDEX OF YTD RESOLVED CASES
(7/1/2022 TO 6/30/2023)**

A. <u>Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Friends of Ten Mile Creek, et al. v. Montgomery County Planning Board	MC	AALU	Aug. 2022
Village of Friendship Heights v. Montgomery County Planning Board	MC	AALU	Aug. 2022
Tolson v. Commission	PG	ED	Aug. 2022
Alexander v. Proctor	PG	Tort	Sept. 2022
Melito v. Commission	PG	ED	Sept. 2022
Snyder v. Commission	PG	Tort	Sept. 2022
Commission v. Joseph Cleveland-Cooper	MC	Misc.	Sept. 2022
Stewart v. Dorsey	MC	Tort	Oct. 2022
McGill v. Commission	PG	WC	Oct. 2022
B. <u>Appellate Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Heard v. Commission	PG	AALU	Aug. 2022
6525 Belcrest Road, LLC v. Dewey, et al.	PG	AALU	Oct. 2022
Heard v. Commission	PG	AALU	Nov. 2022

Disposition of FY23 Closed Cases Sorted by Department		
CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources & Management		
Montgomery County Department of Parks		
Snyder v. State of Maryland, et al.	Tort suit for injuries allegedly sustained when tennis player allegedly tripped in hole of divider net and broke clavicle.	08/15/2022 – Stipulation of Dismissal filed. 9/12/2022 Case dismissed. Parties reached a settlement.
Stewart v. Dorsey, et al.	Injuries resulting from a motor vehicle incident. Vehicle operated by Commission employee.	10/16/2022 – Case settled for \$4,000. Joint stipulation of dismissal to be filed.
Montgomery County Park Police		
Commission v. Joseph Cleveland-Cooper	Forfeiture for cash of \$3,043.00	9/29/2022 – Court ordered monies forfeited.
Montgomery County Planning Board		
Friends of Ten Mile Creek, et al. v. Montgomery County Planning Board	Appeal of decision affirming the Montgomery County Planning Board's approval of Site Plan 820200160 – Creekside at Cabin Branch.	08/02/2022 - Planning Board's Approval of Site Plan Affirmed. Petition for Judicial Review Denied.
Village of Friendship Heights v. Montgomery County Planning Board	Judicial Review of the Montgomery County Planning Board's approval of Sketch Plan 320220010-5500 Wisconsin Avenue.	08/24/2022 - Order of Court. Affirmed ruling of Planning Board.
Prince George's County Department of Parks and Recreation		
Melito v. Commission	Plaintiff seeks to secure administrative meeting or hearing on termination, former employee claims were denied.	09/15/2022 - Case dismissed pending implementation of contingencies allowing for appeal to Merit Board.

McGill v. Commission	Judicial review of Workers' Compensation Commission decision dated July 19, 2021, which determined claimant had not sustained an increase in permanent partial disability and denied further treatment.	10/26/2022 – Case settled and remanded to WCC for approval of settlement.
Prince George's County Planning Board		
Heard v. Commission	Appeal of decision affirming Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-05068 and denial of March 31, 2020, request for document under the Maryland Public Information Act.	08/05/2022 – Judgment of the Circuit Court for Prince George's County affirmed.
6525 Belcrest Road, LLC v. Dewey, L.C., et al.	Declaratory Judgment Action filed over a dispute involving a parking parcel. Plaintiff contended that Defendants misconstrued prior approvals of the Planning Board regarding the need for parking in a manner that will harm their interests. Plaintiff sought to enjoin the Planning Board from approving a Detailed Site Plan.	10/25/2022 – Order of Court of Special Appeals affirming decision of Circuit Court that upheld Planning Board.
Heard v. Commission	Petition for Writ of Certiorari of the Court of Special Appeals decision affirming the Circuit Court's ruling that affirmed the Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-05068 and denial of March 31, 2020, request for document under the Maryland Public Information Act.	11/22/2022 Petition for Writ denied.

Prince George's Park Police		
Tolson v. Commission	Show Cause Action under the LEOBR regarding mandatory COVID vaccination requirements for police officers.	08/08/2022 Show Cause Hearing held. Application for Show Cause Order denied.
Alexander v. Proctor	Officer Proctor deployed his Commission issued pepper spray when an unknown individual was observed wearing police-type gear and approaching our police substation. The individual failed/refused to stop, leading to the Officer deploying his pepper spray to stop and subsequently arrest the individual. Mr. Alexander (the individual) asserted that the stop was without Reasonable Articulate Suspicion/Probable Cause and therefore was unlawful and the amount of force used was excessive.	9/29/2022 – Joint Stipulation of Dismissal filed. Parties settled matter at mediation.
Office of Internal Audit		

INDEX OF CASES

DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND 9

Stewart v. Dorsey, et al. 9

DISTRICT COURT FOR PRINCE GEORGE’S COUNTY, MARYLAND 9

Chambers v. Commission 9

Commission v. Conwell 10

Commission v. Faulk 10

Commission v. Lindsey 10

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND 11

HMF Paving Contractors Inc. v. Maryland-National Park and Planning Commission 11

CIRCUIT COURT FOR PRINCE GEORGE’S COUNTY, MARYLAND 12

Antawan Williams, et al. v. Prince George’s County Planning Board 12

Brown v. City of Bowie, et al. 12

English-Figaro v. Planning Board of Prince George’s County 13

Fairwood Community Association, Inc. v. Prince George’s County Planning Board 14

Fricklas v. The Planning Board of Prince George’s County 14

Getnet v. Maryland-National Capital Park and Planning Commission 15

Jackson v. Prince George’s County Sports & Learning Complex 16

In the Matter of Danielle Jones-Dawson 16

King v. Commission 17

In the Matter of James Montville 17

Robinson, et al. v. Prince George’s County Planning Board, et al. 18

Troublefield v. Prince George’s County, et al. 19

Walters v. Commission 19

Wilmington Savings Fund Society v. Tomel Burke, Jr., et al. 20

Wolf, et al. v. Planning Board of Prince George’s County 20

APPELLATE COURT OF MARYLAND 21

Friends of Ten Mile Creek, et al. v. Montgomery County Planning Board 21

Izadjoo v. Maryland-National Capital Park and Planning Commission 21

SUPREME COURT OF MARYLAND 22

U.S. DISTRICT COURT OF MARYLAND 22

Evans v. Commission, et al. 22

Miles v. Commission, et al. 24

DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

Stewart v. Dorsey, et al.

Case No. D-06-CV-22-013649 (Tort)

Lead Counsel: Rupert

Other Counsel:

Abstract: Injuries resulting from a motor vehicle incident. Vehicle operated by Commission employee.

Status: Case settled, and dismissal filed.

Docket:

06/13/2022	Complaint filed
10/16/2022	Case settled. Joint stipulation of dismissal to be filed.
12/7/2022	Joint Stipulation of Dismissal

DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Chambers v. Commission

Case No. 050200212652020 (Tort)

Lead Counsel: Rupert

Other Counsel:

Abstract: Injuries resulting from a motor vehicle incident. Vehicle operated by Commission employee.

Status: Discovery closed; trial pending.

Docket:

09/08/2020	Complaint filed
06/06/2022	Commission served
06/27/2022	Notice of Intent to Defend filed
07/19/2022	Motion to continue granted.
01/19/2023	Trial

Commission v. Conwell
Case No. 050200086402022 (D)

Lead Counsel: Rupert
Other Counsel:

Abstract: Subrogation action to recover losses for damage(s) to Commission property.

Status: Defendant has not been served but has preliminarily agreed to payment plan. Agreement being finalized.

Docket:

04/25/2022	Complaint filed
10/18/2022	Request for summons renewal filed.

Commission v. Faulk
Case No. 050200086392022 (D)

Lead Counsel: Rupert
Other Counsel:

Abstract: Subrogation action to recover losses for damage(s) to Commission property.

Status: Summons renewal filed.

Docket:

04/25/2022	Complaint filed
10/18/2022	Request for summons renewal filed.

Commission v. Lindsey
Case No. 05020018374-2022 (D)

Lead Counsel: Johnson
Other Counsel:

Abstract: Action to recover losses for damage(s) to Commission property.

Status: Summons renewal filed.

Docket:

09/12/2022	Complaint filed
12/05/2022	Request for summons renewal filed.

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

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

Case No. 483255-V (CD)

Lead Counsel: Rupert
Other Counsel: Mills (CCRC)

Abstract: Judicial review of CCRC decision denying HMF's demand that an allowance be made, and additional monies paid by the Commission to HMF regarding the measurement (and relative cost) of the retaining wall at Greenbriar Local Park.

Status: HMF submitted memo to the Court; Commission's memo due on January 6, 2023.

Docket:

08/25/2020	Complaint filed
11/01/2020	Commission served
11/25/2020	Motion to Dismiss
12/28/2020	Opposition to Motion to Dismiss
03/12/2021	Consent motion to postpone hearing and stay case.
03/15/2021	Order of Court. Matter stayed for 90 days.
10/20/2021	Order of Court. Matter stayed until January 10, 2022.
01/24/2022	Pre-Trial hearing statement filed
02/01/2022	Motion to Continue
02/18/2022	Order of Court. Motion Moot. Case has been placed on the Stay Docket.
08/05/2022	Amend Complaint/Petition for Judicial Review
09/06/2022	Notices of Intention to Participate filed by Commission and the CCRC
10/04/2022	Administrative Record received by Court
11/01/2022	Joint Stipulation for Extension of Time
12/07/2022	Memorandum of HMF Paving Contractors

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Antawan Williams, et al. v. Prince George's County Planning Board

Case No. CAL 22-19650 (AALU)

Lead Counsel: Warner
Other Counsel: Coleman

Abstract: Petition for Judicial Review of Planning Board's approval of Preliminary Plan of Subdivision 4-21056.

Status: Respondents Memorandum Due Upon Decision of Motion to Add to Record

Docket:

07/06/2022	Petition filed
07/27/2022	Notice mailed. Response to Petition and Certificate of Compliance filed
08/05/2022	Respondent/Applicant Notice to Participate filed
09/19/2022	Record and Transcript filed
09/29/2022	Notice of Record Issued
10/31/2022	Petitioners' Memorandum in Support of Petition for Judicial Review
11/10/2022	Petitioners' Motion to Stay
11/10/2022	Petitioner's Motion to Add to Record
11/28/2022	Respondent Opposition to Motion to Stay
12/13/2022	Citizen-Petitioner's Reply to Respondents' Opposition to Motion to Stay

Brown v. City of Bowie, et al.

Case No. CAL19-35931 (Tort)

Lead Counsel: Rupert
Other Counsel:

Abstract: Injuries resulting from an event at Trap and Skeet location owned by the Commission. Defendants include the individual who discharged a weapon, a Commission volunteer assigned to the group that day, and the Commission.

Status: Awaiting trial; parties are discussing settlement.

Docket:

11/15/2019	Complaint filed
01/27/2020	Defendant City of Bowie's Motion to Dismiss or in the Alternative for Summary Judgment
02/05/2020	Summons reissued for Commission
02/13/2020	Opposition to City of Bowie's Motion to Dismiss
02/26/2020	Defendant Daughtery's answer filed
03/13/2020	Commission served
04/08/2020	Commission's Answer filed
05/15/2020	Motions Hearing on City's Motion to Dismiss – continued due to pandemic

9/18/2020	Amended Complaint and Jury Trial
9/21/2020	Second Amended Complaint
9/24/2020	Hearing on Defendant City of Bowie's Motion to Dismiss and/or Summary Judgment. Motion to Dismiss is denied. Motion for Summary Judgment is granted based upon governmental immunity.
10/28/2020	Third Amended Complaint filed
12/08/2020	Answer to Complaint by Defendant Knode
02/16/2022	Status Conference Held
06/21/2023	Trial

English-Figaro v. Planning Board of Prince George's County

Case No. CAL 22-25639 (AALU)

Lead Counsel: Warner
Other Counsel: Coleman

Abstract: Petition for Judicial Review of Planning Board's approval of Preliminary Plan of Subdivision 4-2104.

Status: Awaiting Petitioners' Memorandum. Parties in settlement discussions.

Docket:

08/26/2022	Petition filed
08/31/2022	Amended Petition filed
09/19/2022	Notice mailed. Response to Petition and Certificate of Compliance filed.
09/29/2022	Motion to Consolidate with Fairwood Community Association, Inc. v. Prince George's County Planning Board – CAL 22-26146
10/03/2022	Voluntary Partial Dismissal
11/10/2022	Record and Transcript filed
11/15/2022	Notice of Record Issued.
12/07/2022	Order Consolidating case with CAL22-26146 – Fairwood Community Association, Inc. v. Prince George's County Planning Board.

Fairwood Community Association, Inc. v. Prince George's County Planning Board

Case No. CAL 22-26146 (AALU)

Lead Counsel: Warner
Other Counsel: Coleman

Abstract: Petition for Judicial Review of Planning Board's approval of Preliminary Plan of Subdivision 4-2104.

Status: Awaiting Petitioners' Memorandum. Parties in settlement discussions.
Docket:

08/29/2022	Petition filed
09/21/2022	Notice mailed. Response to Petition and Certificate of Compliance filed.
10/18/2022	Response to Petition for Judicial Review.
11/10/2022	Record and Transcript filed.
11/15/2022	Notice of Record Issued.
12/07/2022	Order Consolidating case with CAL22-25639 – English-Figaro v. Prince George's County Planning Board.

Fricklas v. The Planning Board of Prince George's County

Case No. CAL 22-23156(AALU)

Lead Counsel: Warner
Other Counsel: Coleman

Abstract: Challenge to the Planning Board's approval of Preliminary Plan of Subdivision 4-21052 (Suffrage Point).

Status: Petitioners' Granted Extension to file Memorandum until Decision on Motion

Docket:

08/06/2022	Petition for Judicial Review filed.
09/02/2022	Notice Mailed. Certificate of Compliance filed
09/14/2022	Response to Petition, Amended Certificate of Compliance, and Motion to Dismiss filed
9/27/2022	#466 Werrlein WSSC Motion to Dismiss filed
10/26/2022	Record and Transcript filed
11/15/2022	Notice of Record Issued.

Getnet v. Maryland-National Capital Park and Planning Commission

Case No. CAL 20-13268(Tort)

Lead Counsel: Rupert
Other Counsel: Johnson

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

Status: Case settled. Awaiting Notice of Dismissal.

Docket:

07/06/2020	Complaint filed
07/29/2020	Commission served
08/20/2020	Motion to Dismiss filed
09/10/2020	Amended Complaint
09/11/2020	Opposition to Motion to Dismiss
09/22/2020	Amended Complaint
10/09/2020	Answer filed.
11/02/2020	2 nd Amended Complaint filed
11/06/2020	Defendant Montgomery County's Motion to Dismiss 2 nd Amended Complaint
12/03/2020	Case dismissed as to Montgomery County only
03/04/2021	3 rd Amended Complaint filed
04/19/2021	Defendant/Cross-Plaintiff, Kadcon Corporation's Crossclaim against Defendants/Cross-Defendants filed
05/19/2021	Robert Stillman Associates Answer to 3 rd Amended Complaint and Crossclaim
05/19/2021	Bell Architects Answer to 3 rd Amended Complaint and Crossclaim
10/15/2021	Defendant Bell Architects, PC and Robert Silman Associates Motion to Dismiss Plaintiff's Third Amended Complaint
11/01/2021	Plaintiff's Opposition to Motion to Dismiss 3 rd Amended Complaint.
11/04/2021	Defendant/Cross-Plaintiff, Kadcon Corporation's Opposition to Defendants/Cross-Defendants, Bell Architects, PC, and Robert Silman Associates, PLLC's, Motion to Dismiss Plaintiff's Third Amended Complaint and Kadcon Corporation's Crossclaim, Request for Hearing and Supporting Memorandum
12/10/2021	Defendant Bell Architects, PC and Robert Silman Associates PLLC's Motion for Leave to file Reply Memorandum in Support of Motion to Dismiss Plaintiff's Third Amended Complaint
12/10/2021	Defendants Bell Architects, PC and Robert Silman Associates PLLC's Motion for Leave to file Reply Memorandum in Support of Motion to Dismiss Kadcon Corporation's Crossclaim
12/10/2021	Defendants Bell Architects, PC and Robert Silman Associates PLLC's Reply to Kadcon Corporation's Opposition to the Pending Motion to Dismiss

12/10/2021	Defendants Bell Architects, PC and Robert Silman Associates PLLC's Reply to Plaintiff's Opposition to the Pending Motion to Dismiss
02/24/2022	Order of Court modifying scheduling order and setting trial for April 5, 2023.
04/08/2022	Motions Hearing
04/13/2022	Motion to Dismiss denied. Motion for Leave to File Reply Memorandum moot. Motion to Dismiss Third Amended Complaint denied.

Jackson v. Prince George's County Sports & Learning Complex

Case No. CAL19-21516 (Tort)

Lead Counsel: Harvin
Other Counsel:

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

Status: Case settled. Awaiting Notice of Dismissal.

Docket:

07/15/2019	Complaint filed
01/22/2020	Commission accepted service
01/27/2020	Complaint to be amended to reflect Commission as party.
02/04/2020	Amended Complaint filed
03/18/2020	Commission served
04/08/2020	Commission's answer filed.
08/09/2022	Case settled.
08/16/2022	Order of Court. Parties reached a tentative settlement, subject to administrative approval by defendant, M-NCPPC.

In the Matter of Danielle Jones-Dawson

Case No. C-16-CV-22-000675 (AAO)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant seeks judicial review of Merit Board decision dated October 20, 2022, terminating employment due to non-compliance of Notice 21-07, COVID-19 Vaccination Requirements.

Status: Petition filed.

Docket:

11/20/2022	Petition for Judicial Review filed
11/29/2022	Response to Petition for Judicial Review

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

Lead Counsel: Foster
Other Counsel:

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

Status: Awaiting trial.

Docket:

09/23/2019	Petition for Judicial Review filed
10/03/2019	Commission filed Response to Petition.
02/07/2022	Joint Motion for Continuance
03/18/2022	Order of Court. Trial continued
03/02/2023	Trial

In the Matter of James Montville
Case No. C-16-CV-22-000489 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant seeks judicial review of Workers' Compensation Commission decision dated October 3, 2022, which determined that he has a 12% permanent partial disability. Claimant was seeking an award that was much higher.

Status: Case settled in principle. Awaiting WCC approval.

Docket:

11/03/2022	Petition for Judicial Review filed
11/17/2022	Response to Petition for Judicial Review
12/05/2022	Response to Petition for Judicial Review
12/05/2022	Designation of Expert Witnesses
12/05/2022	Cross-Petition for Judicial Review

Robinson, et al. v. Prince George's County Planning Board, et al.
Case No. CAL 21-13945(AALU)

Lead Counsel: Warner
Other Counsel:

Abstract: In relation to the development of a public K–8 middle school, Petitioners are challenging the Planning Board's decision to affirm the Planning Director's approval of a tree conservation plan, a revision of that tree conservation plan, and variances to the Woodland Conservation Ordinance that allowed removal of specimen trees. There is no statutory right to judicial review, and the petitioners cited no legal authority to petition the circuit court for judicial review. As a result, this may ultimately become a petition for a writ of mandamus under the administrative mandamus provisions of the Maryland Rules (7-401 to 7-403).

Status: Court to issue written ruling or set in for hearing.

Docket:

11/12/2021	Petition filed
01/05/2022	Commission's Motion to Dismiss filed
01/05/2022	Response to Petition filed by Planning Board
01/05/2022	Motion to Dismiss filed by Planning Board
01/06/2022	Response to Petition filed by Board of Education
01/21/2022	Opposition to Motion to Dismiss
01/27/2022	Memorandum in Support of Petition for Judicial Review
01/31/2022	Motion to Strike Petitioner's Memorandum in Support of Petition for Judicial Review
01/31/2022	Planning Board's Reply to Petitioners' Opposition to Respondent's Motion to Dismiss
02/14/2022	Opposition to Motion to Strike
02/14/2022	Petitioner's Motion to Supplement the Record
02/14/2022	Amended Memorandum in Support of Petition for Judicial Review
02/25/2022	Planning Board's Memorandum
03/16/2022	Reply Memorandum filed.
06/30/2022	Motions hearing held and taken under advisement
07/18/2022	Order of Court. Planning Board's Motion to Dismiss denied. Motion to Supplement the Record granted.
12/07/2022	Court to issue written ruling or set in for hearing

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

Case No. CAL 22-12298 (Tort)

Lead Counsel: Rupert
Other Counsel:

Abstract: Tort suit for injuries allegedly sustained while attending a graduation ceremony at Show Pace Arena.

Status: In discovery.

Docket:

04/11/2022	Complaint filed
04/27/2022	Commission served
05/09/2022	Stipulation/Line of Dismissal as to Prince George's County only
05/20/2022	Commission's Answer filed
11/14/2023	ADR
01/24/2024	Trial

Walters v. Commission

Case No. CAL22-01761 (Tort)

Lead Counsel: Johnson
Other Counsel: Rupert

Abstract: Tort suit for injuries allegedly sustained when minor was playing on playground equipment at Melwood Hills Community Park.

Status: In discovery.

Docket:

01/19/2022	Complaint filed
03/25/2022	Commission served
04/06/2022	Commission's answer filed
10/20/2022	Motion to Dismiss filed
11/03/2022	Opposition to Motion to Dismiss
11/16/2022	Order Denying Motion to Dismiss
11/17/2022	Defendant's Reply to Plaintiff's Opposition to Motion to Dismiss
11/18/2022	Order Motion to Dismiss is hereby Moot
05/09/2023	ADR
07/06/2023	Trial

Wilmington Savings Fund Society v. Tomel Burke, Jr., et al.

Case No. CAE20-11813 (Misc.)

Lead Counsel: Rupert
Other Counsel:

Abstract: Lawsuit to quiet title to deed of trust and extinguish the lien and debt associated with that deed, establishing that Plaintiff's deed is in full force and effect and has first priority over the Commission's lien on property owned by Tomel Burke, judgment Debtor.

Status: Commission served. Discussing consent judgment with Plaintiff's counsel.

Docket:

04/24/2020	Complaint filed
04/05/2022	Motion for Default as to Commission filed
04/19/2022	Commission's Opposition to Plaintiff's Motion for Default
05/09/2022	Order of Court. Motion for Default as to Commission denied.
11/18/2022	Complaint received
12/07/2022	Amended Motion for Entry of Default
12/30/2022	Commission's Consent to Judgment without Answer

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

Case No. CAL20-14895 (AALU)

Lead Counsel: Warner
Other Counsel:

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

Status: Awaiting ruling.

Docket:

08/19/2020	Petition for Judicial Review filed.
09/29/2020	Notice of Intent to Participate
09/29/2020	Motion to Dismiss filed by Werrlein WSSC, LLC
10/13/2020	City of Hyattsville's Notice of Intent to Participate
10/19/2020	Response to Petition for Judicial Review
10/19/2020	Planning Board's Motion to Dismiss filed
10/27/2020	City of Hyattsville's Opposition to Motion to Dismiss filed
11/30/2020	Motion to Consolidate with cases CAL19-21492, City of Hyattsville v. Prince George's County District Council and CAL19-22819 Eisen v. Prince George's County District Council
12/28/2020	Opposition to Motion to Dismiss
03/03/2021	Motions hearing held. Taken under advisement.
06/15/2022	Order of Court. Motion to Dismiss denied.
06/20/2022	Memorandum in support of the Petition for Judicial Review filed
08/12/2022	Oral Arguments held.

APPELLATE COURT OF MARYLAND

Friends of Ten Mile Creek, et al. v. Montgomery County Planning Board

Case No. CSA-REG-1094-2022 (AALU)
(Originally filed under 487649-V in Montgomery County)

Lead Counsel: Mills
Other Counsel:

Abstract: Appeal of decision affirming the Montgomery County Planning Board's approval of Site Plan 820200160 – Creekside at Cabin Branch.

Status: Appeal filed.

Docket:

08/30/2022	Appeal filed
08/31/2022	Notice of Appeal issued by COSA
10/06/2022	Order to Proceed
12/05/2022	Briefing Notice

Izadjo v. Maryland-National Capital Park and Planning Commission

Case No. CSA-REG 1795-2021 (ED)
(Originally filed under 486280-V in Montgomery County)

Lead Counsel: Johnson
Other Counsel:

Abstract: Izadjo appeals the decision of the Circuit Court affirming the decision of the Merit System Board denying appeal of his request for reclassification.

Status: Awaiting ruling.

Docket:

01/14/2022	Notice of Appeal to Court of Special Appeals
03/29/2022	Briefing Notice issued
05/19/2022	Appellant's Brief and Record Extract filed
06/17/2022	Commission's Brief filed
07/11/2022	Case to be decided without a hearing

SUPREME COURT OF MARYLAND

No Pending Matters

U.S. DISTRICT COURT OF MARYLAND

Evans v. Commission, et al.

8:19-cv-02651 MJM (ED)

Lead Counsel: Levan
Other Counsel: Foster

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

Status: In discovery.
Docket:

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

07/16/2020	Order granting in part and denying in part Motion for Leave to file Excess Pages and directing the Plaintiff to file a brief by 7/23/2020
07/23/2020	Response in Opposition to Joint Motion to Dismiss for Failure to State a Claim
08/06/2020	Response to Motion for Leave to file Excess Pages.
08/06/2020	Reply to Opposition to Joint Motion to Dismiss.
11/13/2020	Defendants' Motion to Dismiss granted in part. Counts 4, 5, part of 6 and 7 -10, part of 11, and 12 dismissed. Counts, 1 -3, part of 6 and 11, 13 -15 will proceed at this stage. Defendants to file an answer to remaining claims.
11/27/2020	Answer filed.
01/11/2021	Order – Case referred to Magistrate Judge Timothy J. Sullivan generally and to Magistrate Judge Jillyn K. Schulze for mediation
01/15/2021	Joint Consent to Proceed before Magistrate
01/28/2021	Order of Court re mediation week of May 17, 2021.
07/26/2021	Commission's Motion for Protective Order.
08/09/2021	Plaintiff's Opposition to Motion for Protective Order.
08/23/2021	Commission's Reply to Opposition for Protective Order.
10/05/2021	Informal Discovery Dispute Resolution Conference was held with the Judge to resolve issues raised in the Motion for Protective Order and Opposition. An Order was issued resolving several matters and requiring additional disclosure of information and/or documents
01/14/2022	Notice of Intent to file a Motion for Summary Judgment filed by Defendants Murphy, Uhrig, McSwain, and Commission.
02/17/2022	Order of Court re scheduling order. Motion for Summary Judgment due April 8, 2022.
04/08/2022	Defendants' Joint Motion to Seal Exhibits Related to Defendants' Motion for Summary Judgment
04/08/2022	Defendants' Joint Motion for Summary Judgment and Supporting Memorandum of Law
04/20/2022	Response in Opposition to Motion to Seal Exhibits
05/03/2022	Reply to Response to Motion to Seal
06/09/2022	Consent Motion for Extension of Time to file Response to Defendants' Joint Motion for Summary Judgment
06/10/2022	Order of Court granting Consent Motion
06/14/2022	Second Motion for Extension of Time to file Response to Defendants' Joint Motion for Summary Judgment
06/14/2022	Order granting Second Motion for Extension of Time to File Response to Defendants' Joint Motion for Summary Judgment
07/15/2022	Plaintiff's Motion for Leave to File Excess Pages
0715/2022	Opposition to Motion for Summary Judgment
0718/2022	Defendants' Response in Opposition to Motion for Leave to File Excess Pages
07/18/2022	Plaintiff's Reply to Response in Opposition to Motion for Leave to File Excess Pages
07/19/2022	Order granting in part and denying in part Plaintiff's Motion for Leave to File in Excess of 35 pages.

07/21/2022	Defendant' Motion for Leave to File Excess Pages
07/21/2022	Order granting Defendants' Motion for Leave to File in Excess of 20 pages
07/25/2022	Defendants' Response to Motion to Seal Opposition to Motion for Summary Judgment
07/26/2022	Defendants Response in Opposition to Motion for Summary Judgment
09/30/2022	Reply to Plaintiff's Opposition to Summary Judgment
10/14/2022	Plaintiff's Moton seeking permission to file a Sur-Reply to Motion for Summary Judgment.
10/20/2022	Defendant's Notice of Intent to Strike
10/26/2022	Motion for Extension of Time to file Response
11/01/2022	Order of Court Plaintiff permitted to file a sur-reply on or before November 8, 2022 and Defendants may file a joint response to the sur-reply on or before November 15, 2022
11/08/2022	Reply to Response to Moton for Summary Judgment
11/15/2022	Response to Reply to Response to Motion for Summary Judgment

Miles v. Commission, et al.
8:22-cv-00624-PJM (ED)

Lead Counsel: Rupert
Other Counsel: Foster

Abstract: Plaintiff, police officer, filed a complaint against the Commission and individual defendant, alleging hostile work environment, discrimination, retaliation, and violations of 42 USC §1981, 42 USC §1983, Maryland Statutory violations, and County Code violations.

Status: Case settled. Case has been dismissed.

Docket:

03/14/2022	Complaint filed
03/16/2022	Commission accepted service
03/23/2022	Waiver of the Service of Summons filed by Commission
04/29/2022	Case reassigned to Magistrate Judge Ajmel Ashen Quereshi
05/06/2022	Answer to Complaint filed by Commission
06/15/2022	Answer to Complaint Stephanie Harvey
06/28/2022	ORDER directing Stephanie Harvey to show cause for failure to comply with <u>Standing Order 2019-07</u> . Show Cause Hearing set for 7/29/2022
06/29/2022	Show Cause cancelled
07/13/2022	Scheduling Order issued
07/27/2022	Consent Motion for Extension of Time
09/13/2022	Order of Court – Stipulated Order of Confidentiality

09/23/2022	Consent Motion to Stay Scheduling Order
09/23/2022	Order granting in part the Consent Motion to Stay Scheduling Order and directing parties to file status reports
09/23/2022	Case stayed.
10/24/2022	Mediation held. Settled in principle.
12/01/2022	Stipulation of Dismissal
12/01/2022	Marginal Order Approving Stipulation of Dismissal