



THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

COMMISSION MEETING

October 20, 2021

10:00 a.m. – 12:00 noon

via teleconference

and live-streamed by

**Department of Parks and Recreation,
Prince George's County**

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**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING AGENDA
Wednesday, October 20, 2021**

**Via videoconference live-streamed by
The Prince George’s County Planning Department**

10:00 a.m. – 12 noon

		<u>ACTION</u>	
		Motion	Second
1.	Approval of Commission Agenda (10:00 a.m.)	(+*)	Page 1
2.	Approval of Commission Minutes (10:05 a.m.)		
	a) Open Session – September 15, 2021	(+*)	Page 3
	b) Closed Session – September 15, 2021	(++*)	
3.	General Announcements (10:05 a.m.)		
	a) Open Enrollment (October 25 to November 11)		
	b) Breast Cancer Awareness Month		
	c) National Pregnancy and Infancy Loss Awareness Month		
	d) National AIDS Awareness Month		
	e) Hiring People with Disabilities Month		
	f) National Domestic Violence Awareness Month		
	g) National Stop Bullying Month		
	h) Italian American, German American and Polish American Heritage Month		
4.	Committee Minutes/Board Reports (For Information Only) (10:10 a.m.)		
	a) Executive Committee Meeting – Open Session – October 6, 2021	(+)	Page 11
	b) Executive Committee Meeting – Closed Session – October 6, 2021	(++)	
	c) Employees’ Retirement System Board of Trustees Regular Meeting – July 13, 2021	(+)	Page 15
5.	Action and Presentation Items (10:10 a.m.)		
	a) Resolution 21-24 Land Transfer to DPW&T over Piscataway Creek in Clinton, MD (Sun)	(+*)	Page 19
	b) I-495/I-95 Managed Lanes Study, Staff Recommendation: Draft Environmental Impact Statement (Borden)	(+)	Page 35
	c) Life Insurance Benefit Update for all Employees (Chiang-Smith/Spencer)	(+)	Page 37
6.	Officers’ Reports (10:30 a.m.)		
	<u>Executive Director’s Report</u>		
	a) Late Evaluation Report, September 2021 (For Information Only)	(+)	Page 41
	<u>Secretary Treasurer</u>		
	<i>No Report</i>		
	<u>General Counsel</u>		
	b) Litigation Report (For Information Only)	(+)	Page 43
<i>Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (7) & (9), a closed session is proposed to consult with counsel for legal advice and consider matters that relate to negotiation</i>			
7.	Closed Session (10:30 a.m.)		
	a) Vaccination Mandate for Return-to-Office Update (Chiang-Smith/Spencer/Gardner)	(++)	

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



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
Open Session Minutes
September 15, 2021

The Maryland-National Capital Park and Planning Commission met via videoconference with the Chair initiating the meeting at the County Administration Building in Upper Marlboro, Maryland. The meeting was broadcast by the Montgomery Planning Department.

PRESENT

Prince George's County Commissioners

Elizabeth M. Hewlett, Chair
William Doerner
Manuel Geraldo

Montgomery County Commissioners

Casey Anderson, Vice-Chair (joined 9:30)
Gerald Cichy
Tina Patterson
Partap Verma

NOT PRESENT

Dorothy Bailey
A. Shuanise Washington

Chair Hewlett called meeting to order at 9:08 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

Chair Hewlett modified Item 5d and removed item 5g from the agenda.

ACTION: Motion of Commissioner Geraldo to approve the amended agenda
Seconded by Doerner
6 approved the motion

ITEM 2 APPROVAL OF COMMISSION MINUTES

Open Session – July 21, 2021

Closed Session – July 21, 2021

ACTION: Motion of Commissioner Geraldo to approve the minutes
Seconded by Commissioner Doerner
6 approved the motion

ITEM 3 GENERAL ANNOUNCEMENTS

- a) Hispanic Heritage Month (September 15-October 15)
- b) HIV/AIDS and Aging Awareness Day (September 18)
- c) 9/11 20th Anniversary
- d) National Prostate Cancer Awareness Month

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

- a) Executive Committee Meeting – Open Session, September 1, 2021
- b) Executive Committee Meeting – Closed Session, September 1, 2021
- c) Employees' Retirement System Board of Trustees Regular Meeting, June 1, 2021

ITEM 5

ACTION AND PRESENTATION ITEMS (taken out of order)

- j) Regional COVID Outlook Presentation, speaker Prince George’s County Health Officer Dr. Ernest L. Carter, MD, PhD

Dr. Carter provided a snapshot of the regional COVID outlook for awareness and planning. He also shared his medical opinion on stopping the spread of the virus and some of the obstacles the region must navigate in order to do so.

Highlights included:

- Ongoing COVID cases among unvaccinated adults and children are not allowing the virus to die out.
- Vaccination is the best way to keep the spread down and to keep mutations to a minimum.
- Delta is two times as contagious as the original variant.
- 70% of the region’s population who are 12 years and older are vaccinated. Need 88-90% vaccinated.
- It is clear the vaccine is safe and effective. It saves lives, it saves lives of family members.

Chair Hewlett noted the differences in COVID statistics between Montgomery and Prince George’s County. Dr. Carter discussed the increase in positivity cases and hospital capacity. Commissioner Doerner noted from the M-NCPPC employee survey on COVID, that those employees who were not vaccinated but intended eventually to get it said they preferred to wait to see their primary physician to get the shots. He asked if there was a reason they shouldn’t go wherever they need? Dr. Carter replied it will be the same shot wherever they can get it, and they should get it from wherever they can. He added there is hesitance to distribute the shot to smaller private practices, because of the limited shelf life of the vaccine. Larger practices will more likely have a supply.

Commissioner Cichy asked about the vaccination status for hospital workers, and Dr. Carter confirmed, it is required in Prince George’s County. Commissioner Geraldo asked who should be getting a booster and Dr. Carter replied they are approved for immune-compromised people adding studies are continuing to determine need/efficacy of boosters for others. Chair Hewlett asked if a person has had COVID, they sometimes say they are now immune. She asked if they should get the vaccine regardless. Dr. Carter replied they should, adding the immune system will have a better response than someone who has never had it, but a shot will help protect more effectively.

Chair Hewlett thanked Dr. Carter on behalf of the Commission for sharing his knowledge and information.

- a) Resolution 21-21 Prince George’s County Bond Resolution (Zimmerman)

No discussion.

ACTION: Motion of Commissioner Geraldo to adopt Resolution 21-21

Seconded by Commissioner Doerner

7 approved the motion

b) Resolution 21-22 Designation of Juneteenth as an Authorized Commission Holiday (Chiang-Smith)

Chair Hewlett state the M-NCPPC has celebrated and honored Juneteenth for decades and is thankful that the agency is adopting this Resolution today.

ACTION: Motion of Commissioner Geraldo to adopt Resolution 21-22

Seconded by Commissioner Patterson

7 approved the motion

c) Resolution 21-23 Amendment to the Fund Balance Policy (Zimmerman)

No discussion.

ACTION: Motion of Commissioner Geraldo to adopt Resolution 21-23

Seconded by Commissioner Doerner

7 approved the motion

d) CAS Cost Allocation (Kroll)

Corporate Budget Manager Kroll mentioned this year's allocation to fund the Central Administrative Services will shift \$135,000 from Montgomery to Prince George's County.

ACTION: Motion of Commissioner Geraldo to approve the item

Seconded by Commissioner Doerner

7 approved the motion

e) Addition to Benefit Plan (Hearing Aids) (modified item) (Spencer/McDonald)

Chair Hewlett stated this topic has been forwarded to the Commission after discussion during Executive Committee. Executive Director Chiang-Smith requested approval to add a health benefit for hearing aids. She said the cost to the agency would be \$60,000 for a 50% cost split between the M-NCPPC and the employee; while covering at 80% would cost \$62,000. Due to the minimal increase, she noted the Executive Committee recommended adding the benefit with the M-NCPPC taking 80% of the benefit premium. The benefit itself would make a major difference for employees and their families and improve their quality of life.

Chair Hewlett asked if the benefit was extended to retirees. Corporate Human Resources Director Spencer confirmed. Commissioner Geraldo said recently there has been the introduction of less expensive hearing aids and asked if there would be any requirement to go to those if they would work. Spencer replied that would be a decision between the employee and their doctor.

ACTION: Motion of Commissioner Geraldo to approve the benefit addition.

Seconded by Commissioner Doerner

7 approved the motion

f) Sick Leave Bank Program Amendments (Chiang-Smith/Spencer/Beckham)

Executive Director Chiang-Smith said this proposal came from Montgomery Planning staff, who worked with the agency's Corporate Policy and Human Resources staff to provide an extended family medical leave benefit. She clarified the amendment is currently just for non-represented employees, noting the program amendments are still being negotiated with the unions. Acting Corporate Budget and Management Operations Manager Coburn described the changes to the policy, stating the surplus balance of the existing sick leave bank program

will fund the changes in the short-term, before moving to having a dedicated fund for the long-term. He noted both Department Heads and Executive Committee supported the amendments.

Commissioner Doerner thanked staff who worked on the amendments, adding how important a benefit this is for families.

ACTION: Motion of Commissioner Geraldo to approve the program amendment.
Seconded by Commissioner Doerner
7 approved the motion

g) Life Insurance Program Amendment (Chiang-Smith/Spencer/McDonald)

Item removed

h) 115 Trust Annual Report (Zimmerman)

No discussion.

i) Audit Committee Report (Verma)

Commissioner Verma provided an overview of the Audit Committee Annual Report, distributed as a late delivery item.

Chair Hewlett congratulated Inspector General Kenny, on her re-appointment to the position. She thanked the Audit Committee members and shared her appreciation for the work they do.

k) Vaccination Policy/Return to Work Policy/M-NCPPC COVID Trends (Chiang-Smith/Spencer/Beckham)

Executive Director Chiang-Smith prefaced the item by re-iterating some of the statistics that Dr. Carter had referenced earlier in the meeting on positivity rates in the counties, adding in the winter, the rates are expected to get higher. She said Risk Management staff continue to track cases and analyze trends. She discussed findings from the employee vaccination survey and shared the main reasons cited by employees for not getting vaccinated related to questions regarding the efficacy and safety of the vaccine.

An agency-wide work group has been meeting regularly to discuss policy and guidance on how the M-NCPPC should address the question of requiring vaccines for all employees who are returning to the worksite while evaluating the incoming data of local state and national trends. The group consists of senior leadership from all departments across the agency, plus Policy, HR, Safety, and Legal staff. The team has developed a policy mandating the vaccine for all non-represented employees, with exemptions for bona fide religious or medical reasons. The Fraternal Order of Police Collective bargaining unit has agreed to the proposed policy. The policy is still under negotiation with the Municipal and County Government Employees' Organization (MCGEO) bargaining unit.

Mr. Beckham provided background on the proposed policy and noted it was supported by Department Heads and Executive Committee. He also reviewed a flowchart that laid out the process with results for different variables regarding an employee's vaccination status. The flowchart also laid out the process for accommodation decisions. Non-represented

employees and park police will be required to be vaccinated by October 31. The draft policy provides the relevant information, including a timeline to assist employees to know by when to start and follow through with the vaccination process. He also noted all information submitted will be kept in a secure file, accessible by limited staff.

Commissioner Doerner thanked the team, saying the set-up and process for submitting vaccination confirmation was easy. He suggested providing a word version of the form, as opposed to PDF, for employees who may not have a scanner or the appropriate software. He also suggested an amendment to the flowchart, noting he did not want Department Heads solely to make an accommodation decision and suggested amending the language to reflect “Department Heads will work with HR to make a decision”. Commissioner Geraldo agreed.

Executive Director Chiang-Smith said the IT group was developing an app to allow employees to submit the information online. The information would go to a secure server, and allow employees to sidestep filling out the form. She agreed to examine the text to reflect Commissioner Doerner’s suggestion and reiterated the desire to work with people while keeping our workplace safe. General Counsel Gardner noted any disciplinary measure has to be coordinated with HR. He added any disciplinary decisions will be made on a case-by-case basis and will be transparent, per the Merit Rules.

Commissioner Geraldo asked if the mandate would apply to contractors. General Counsel Gardner replied that the Legal department is prioritizing and examining that. Vice-Chair Anderson noted the policy also needed to sort out directives for members of the public who may want to attend a public meeting. They should be required to show evidence they’ve been vaccinated. Commissioner Doerner agreed. Vice-Chair Anderson also said the two sides of the Commission will need some flexibility separately, although he supported taking a hard line.

Chair Hewlett called this a bold, but necessary step, for the greater good. The intent is to make sure everyone is safe.

ACTION: Motion of Commissioner Geraldo to approve the Policy with amended language as discussed
Seconded by Commissioner Doerner
7 approved the motion

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

Chair Hewlett asked for a motion to move to closed session. Commissioner Geraldo moved, Commissioner Patterson seconded. All 7 Commissioners in attendance voted for the measure and the meeting moved to closed session at 10:19 a.m.

Open Session resumed at 11:04 a.m.

ITEM 7 Action and Presentation Items – Wage Resolutions

- a) Resolution 21-12-A, Amended Fiscal Year 2022 Wage Adjustments for Park Police Officers at the Command Ranks of Lieutenant, Captain and Commander (Chiang-Smith)
- b) Resolution 21-14-A, Amended Fiscal Year 2022 Merit Increase/Anniversary Pay Increments and Other Adjustments for Certain non-Represented Merit System and Term Contract Employees (Excluding Park Police Officers and Park Police Candidates (Chiang-Smith)
- c) Resolution 21-16, Ratification of MCGEO Collective Bargaining Agreement 4-Year contract (2021-2024) and Fiscal Year 2022 Wage Adjustments (Chiang-Smith)

ACTION: Combined Motion of Commissioner Geraldo to adopt Resolutions 21-12-A, 12-14-A and 21-16, subject to the budget vote.
Seconded by Commissioner Doerner
7 approved the motion

- d) Ratification of actions in closed session:
 - i. Administrative and Park Fund Transfers for Salary Markers. In accordance with the Montgomery County and Prince George’s County budget adoption resolutions for FY22, the Commission hereby approves a budget transfer to transfer the necessary salary marker amounts from the Non-Departmental accounts of the Montgomery Administration Fund, the Montgomery Park Fund, the Prince George’s Administration Fund, the Prince George’s Park Fund, and the Prince George’s Recreation Fund to the appropriate departmental budgets.

ACTION: Motion of Commissioner Geraldo to ratify the action
Seconded by Commissioner Doerner
7 approved the motion

- ii. Early Minimum Wage Increase.

ACTION: Motion of Commissioner Geraldo to advance the timeline to raise the minimum wage for all M-NCPPC staff to \$15, effective January 1, 2022. Motion also authorizes the Executive Director to implement the minimum wage.
Seconded by Commission Doerner
7 approved the motion

ITEM 8 OFFICERS’ REPORTS

Executive Director’s Report


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

Secretary-Treasurer Report


- b) 4th Quarter MFD Report (For information only)
- c) 4th Quarter Investment Report (For information only)

General Counsel Report
d) Litigation Report (For information only)

There being no further business to discuss, Chair Hewlett adjourned the meeting at 11:15 a.m.



James F. Adams, Senior Technical Writer



Asuntha Chiang-Smith, Executive Director

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EXECUTIVE COMMITTEE MEETING MINUTES
October 6, 2021

On October 6, 2021, the Maryland-National Capital Park and Planning Commission’s Executive Committee met via teleconference. Present were Chair Elizabeth M. Hewlett, Vice Chair Casey Anderson and Executive Director Asuntha Chiang-Smith. Also present were:

Department Heads

- Andree Checkley, Director, Prince George’s County Planning (PGPL)
- Adrian Gardner, General Counsel (joined 10:10a)
- Mike Riley, Director, Montgomery County Parks (MCPK)
- Bill Tyler, Director, Prince George’s County Parks and Recreation (PGPR)
- Director Gwen Wright, Director, Montgomery County Planning (MCPL)
- Joe Zimmerman, Secretary-Treasurer

Presenters/Staff

- Areaya Abebe, Policy Analyst, CPMO
- James Adams, Senior Technical Writer
- Michael Beckham, Acting Corporate Policy and Management Operations (CPMO) Director
- Debra Borden, Deputy General Counsel
- Mazen Chilet, Chief Information Officer
- Brian Coburn, Acting Corporate Budget and Management Services Manager, (CPMO)
- Michael Doaks, Policy Analyst, CPMO
- John Kroll, Corporate Budget Director
- Alvin McNeal, Deputy Director, Prince George’s Department of Parks and Recreation
- William Spencer, Corporate Human Resources (CHR) Director

For item 3a only

- Amanda Aparicio
- Lauren Belle
- John Nenghabi
- Anthony Nolan
- Darryl Oden
- James Poore
- Adrienne Thomas

Chair Hewlett convened the meeting at 10:06 a.m.

ITEM 1a – APPROVAL OF EXECUTIVE COMMITTEE AGENDA

Discussion	No changes
ACTION	Vice-Chair Anderson moved to approve items 1a-1c; Chair Hewlett seconded. Agenda approved unanimously

ITEM 1b – APPROVAL OF COMMISSION MEETING AGENDA for October 20, 2021

Discussion	No changes
ACTION/Follow-up	See item 1a

ITEM 1c – ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS	
Discussion	No modification to Rolling Agenda
ACTION/Follow-up	See item 1a

ITEM 2 – May 5, 2020 EXECUTIVE COMMITTEE MEETING MINUTES	
Discussion	September 1, 2021 Open Session September 1, 2021 Closed Session
ACTION	Chair Hewlett moved to approve the minutes; Vice-Chair Anderson seconded. Approved unanimously.

ITEM 3 – DISCUSSION/PRESENTATION ITEMS	
Discussion	<p><u>3a. Sustainability Plan Deadline Extension (Aparicio/Nolan)</u></p> <p>Ms. Aparicio introduced the Sustainability Committee members. She said the Sustainability Committee requested approval of the Executive Committee for an extension of the current Sustainability Plan through FY 2022 to allow time to fold in details from both counties' Climate Action Plans, of which Prince George's County only recently released its draft. Additionally, the Sustainability Committee will work to propose changes to Practice 6-40, M-NCPPC Sustainability Standards, to be in sync with both counties' Climate Action Plans. She also noted Department Heads, during their presentation at their meeting last week, suggested developing a sustainability goal of a zero-carbon footprint for M-NCPPC facilities for the agency's centennial in 2027.</p> <p>Executive Director Chiang-Smith said the Department Heads received a more comprehensive briefing last week, which is where the idea of marking sustainability goals for the 2027 M-NCPPC centennial came from. The goals can address environmental concerns, particularly in supporting equity in impacted neighborhoods. She said the committee would need to examine how long potential goals would take, the cost, what the agency needs to do to accomplish it. Meeting the goals the agency sets would be a great statement and showcase how the M-NCPPC is a leader on the topic.</p> <p>The proposed changes the Sustainability Standards Practice (6-40) and FY 2023 – FY 2024 Sustainability Plan would be presented in early 2022, to accommodate input from the Prince George's County Climate Change Plan. Vice-Chair Anderson requested a side-by-side comparison of the two counties' plans. Mr. Nolan agreed, saying if one county has a higher standard than the other, then the M-NCPPC should model its plan off of the more stringent of the two counties.</p> <p>The Executive Committee supported the extension, and also supported the goal statement for the Centennial. Vice-Chair Anderson added the need for further conversations on what the goals should be to ensure they are attainable and realistic. There are ways to refine the approach, how to measure it to meet environmental goals and reflect what the agency already does. He suggested the scope might be broadened to track the environmental contribution of the agency's stormwater management plans.</p>

	<p>Executive Director Chiang-Smith said the department heads asked the Sustainability Committee to return with those metrics in a few months with the report.</p> <p>Vice-Chair Anderson also supported the revisions to the practice and suggested specifically including some of the goals to be developed. Executive Director Chiang-Smith said Acting CPMO Director Beckham can assist in amending/updating the policy.</p>
ACTION/follow-up	Vice-Chair Anderson moved to accommodate the extension. Chair Hewlett seconded. Motion passed unanimously.
Discussion	<p><u>3b. Stand-by Compensation Policy (Beckham)</u></p> <p>Mr. Beckham requested Executive Committee support to make permanent this program, which has been in place in a provisional format for two years. Policy staff would work with the Executive Director to update the procedures, including addressing in the policy the differences between the two counties.</p> <p>Chair Anderson voiced concern over the disparity between the hours required by each county for employees on standby. The Chairs requested more input from the Parks Department Directors before a final decision.</p>
ACTION/Follow-up	Acting CPMO Director Beckham will brief the Parks Directors, who will then provide input to the Chairs for a decision. Item tabled.
Discussion	<p><u>3c. August 2021 Investment Report (Zimmerman) (information item only)</u></p> <p>No discussion.</p>

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

Vice Chair Anderson motioned for the meeting to move into Closed Session at 10:40 a.m. Chair Hewlett seconded. Motion approved unanimously.

With no further business to discuss, the meeting adjourned from Closed Session at 11:33 a.m.



 James F. Adams, Senior Technical Writer



 Asuntha Chiang-Smith, Executive Director

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**BOARD OF TRUSTEES MEETING
MINUTES**

Tuesday, July 13, 2021; 10:00 a.m.
County Administration Building, Upper Marlboro, MD
(Due to COVID -19 Attend via Microsoft Teams)

Due to COVID-19, the Maryland-National Capital Park and Planning Commission ("Commission") Employees' Retirement System ("ERS") Board of Trustees ("Board") met virtually through Microsoft Teams with CHAIRMAN HEWLETT leading the call from the County Administration Building in Upper Marlboro, Maryland on Tuesday, July 13, 2021. The meeting was called to order at 10:00 a.m. by CHAIRMAN HEWLETT.

Board Members Present

Elizabeth M. Hewlett, Board of Trustees Chairman, Prince George's County Commissioner

Gerald R. Cichy, Board of Trustees Vice Chairman, Montgomery County Commissioner

Howard Brown, FOP Represented Trustee

Asuntha Chiang-Smith, M-NCPPC Executive Director, Ex-Officio

Melissa D. Ford, Prince George's County Open Trustee

Pamela F. Gogol, Montgomery County Public Member

Caroline McCarthy, Montgomery County Open Trustee

Amy Millar, MCGEO Represented Trustee

Sheila Morgan-Johnson, Prince George's County Public Member

Elaine A. Stookey, Bi-County Open Trustee

Joseph C. Zimmerman, CPA, M-NCPPC Secretary-Treasurer, Ex-Officio

Joined at 10:03 a.m.

Left at 11:00 a.m.

Joined at 10:04 a.m.

ERS Staff Present

Andrea L. Rose, Administrator

Sheila S. Joynes, ERS Accounting Manager

Heather D. Van Wagner, Senior Administrative Specialist

Presentations

Wilshire Associates - Bradley A. Baker, Managing Director and Martel McDuffy, Senior Analyst

Legal Counsel Present

M-NCPPC Legal Department - William C. Dickerson, Principal Counsel

ITEM 1 APPROVAL OF THE JULY 13, 2021 CONSENT AGENDA

ACTION: MS. GOGOL made a motion, seconded by MS. FORD to approve the Consent Agenda. The motion PASSED unanimously (9-0). (Motion #21-36)

VICE CHAIRMAN CICHY joined the meeting at 10:03 a.m.

MS. CHIANG-SMITH joined the meeting at 10:04 a.m.

ITEM 2 CHAIRMAN'S ITEMS

ITEM 3 MISCELLANEOUS

No items reported.

ITEM 4 TRUSTEE TRAINING**Wilshire Associates**

Presentations by Bradley A. Baker, Managing Director and Martel McDuffy, Senior Analyst

Mr. Baker and Mr. McDuffy presented an education session on Private Real Assets: Infrastructure and Renewable Energy that included the market characteristics, investment landscape and return and risk considerations.

MR. BROWN left the meeting at 11:00 a.m.

ITEM 5 REPORT OF THE ADMINISTRATOR

Andrea L. Rose presented the Administrator's Report dated July 1, 2021

The Board agreed to move the September 7, 2021 Board meeting to September 14, 2021 due to the holiday weekend.

Andrea Rose provided an update on the progress of the new pension administration software project, PensionGold. The final phase, document imaging, is underway. The imaging sub-contractor is expected to be onsite imaging all member files at the beginning of August 2021. The project is expected to take 3-4 months.

The Member Direct portal is ready for delivery; however, the Commission's IT Department had concerns regarding use of a single server for both Member Direct and PensionGold and recommended a separate dedicated webserver to provide separation and security from the main database. ERS staff agreed with the Commission's IT Department. This will result in additional hosting fees plus a one-time set-up fee of \$3,320. There are no concerns or adjustments required for the FY2022 Operating Budget. The ERS plans to rollout Member Direct to its members in 2022.

Staff recommend the Board approve a separate server for Member Direct and additional hosting fees as follows:

- Year 3 1/1/22 to 12/31/22 - \$6,679 + one-time set up fee of \$3,320
- Year 4 1/1/23 to 12/31/23 - \$7,013
- Year 5 1/1/24 to 12/31/24 - \$7,013
- Year 6 1/1/25 to 12/31/25 - \$7,364
- Year 7 1/1/26 to 12/31/26 - \$7,732

The ERS will be working with the Groom Law Group regarding the rules and regulations surrounding eDelivery via Member Direct with analysis of the ERS' cyber insurance policy to ensure adequate coverage given the new feature.

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. MILLAR to approve a separate server for Member Direct and the additional hosting fee schedule as recommended by staff. The motion PASSED unanimously (10-0). (Motion #21-37)

ITEM 6 COMMITTEE REPORTS/PRESENTATIONS

Investment Monitoring Group – Report of June 15, 2021

Audit Committee – Report of June 15, 2021

Administration & Personnel Oversight Committee – Report of June 15, 2021

Committee Chairman, Joseph C. Zimmerman, presented a Plan Document Restatement dated August 1, 2021 and a memorandum dated June 8, 2021 from the Groom Law Group that reviews the changes made in the Restatement. The Personnel Committee recommends the Board approve the Restatement.

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. CHIANG-SMITH to approve the Plan Document Restatement dated August 1, 2021. The motion PASSED unanimously (10-0). (Motion #21-38)

The Personnel Committee reviewed a revision to the ERS' Recognition Program Policy (the "Policy") that includes an exception to the maximum cash award.

The Policy currently has a maximum cash award of \$500 which does not adequately compensate employees for their efforts during these unusual times. It is because of the incredible efforts of the project team that the ERS did not receive monetary penalties during implementation of the new pension software administration system. The revision to the Policy permits the Administrator to approve up to \$500 per employee each fiscal year; the Personnel Committee to approve up to \$1,000 per employee each fiscal year; and the Board to approve amounts in excess of \$1,000, if appropriate.

ACTION: MR. ZIMMERMAN made a motion, seconded by VICE CHAIRMAN CICHY to approve the revised Recognition Program Policy. The motion PASSED unanimously (10-0). (Motion #21-39)

ITEM 7

CLOSED SESSION

At 11:37 a.m. CHAIRMAN HEWLETT requested a motion to go into Closed Session under authority of the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(1) to discuss the performance evaluation and compensation of appointees, employees, or officials over whom this public body has jurisdiction.

ACTION: MS. GOGOL made a motion, seconded by MS. FORD to go into Closed Session. The motion PASSED unanimously (10-0). (Motion #21-40)

During Closed Session, the following action was taken:

1. The Board discussed the Administrator's 2020 Performance Evaluation and Compensation

The Board moved back into Open Session at 11:59 a.m.

ACTION: MS. GOGOL made a motion, seconded by MS. FORD to ratify the actions taken in Closed Session. The motion PASSED unanimously (10-0). (Motion #21-43)

The Board meeting of July 13, 2021 adjourned at 12:03 p.m.

Respectfully,

Heather D. Van Wagner
Heather D. Van Wagner
Senior Administrative Specialist

Andrea L. Rose
Andrea L. Rose
Administrator

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MEMORANDUM

DATE: September 24, 2021

TO: The Maryland-National Capital Park and Planning, Full Commission

FROM: Paul J. Sun, Land Acquisition Specialist *PJS*
Park Planning and Development Division
Department of Parks and Recreation

SUBJECT: **PGCPB Resolution No. 2021-25 (M-NCPPC No. 21-___), for Full Commission**

Attached, please find the above referenced Resolution regarding the disposal of Commission property to Prince George's County Department of Public Works and Transportation ("DPW&T") for roadway improvements to Brandywine Road. The requested land is comprised of our Piscataway Creek Stream Valley Park.

The Commission agrees to convey the required property to DPW&T as per a "Land Bank" agreement between Prince George's County and the Commission.

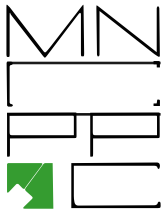
We request that the Prince George's County Planning Board Resolution be scheduled for adoption by the Full Commission on October 20, 2021.

Thank you for your attention to this matter.

Attachment:

- M-NCPPC Resolution No. 2021-25
- Planning Board PowerPoint, February 18, 2021

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation
6600 Kenilworth Avenue Riverdale, Maryland 20737

PGCPB No. 2021-25
MNCPPC No. 21-24

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission (“Commission”) is authorized under the Annotated Code of Maryland, Land Use §17-205 to transfer any land held by it and deemed by the Commission not to be needed for park purposes or other authorized purposes; and

WHEREAS, Prince George's County Department of Public Works and Transportation (“DPW&T”) and the Commission have created a land bank. In July 2001, DPW&T deeded to the Commission a 28.3682 acre parcel as the “deposit” into the land bank, with the understanding that in the future DPW&T would ask the Commission to convey to DPW&T a number of small pieces of Commission property for DPW&T road improvement projects, and that the acreage of such small pieces would be “debited” against the initial “deposit.” The land bank has a current “balance” of 24.14 acres; and

WHEREAS, the Commission owns certain property known as Piscataway Creek Stream Valley Park consisting of Parcel 63: Election District 11, Tax Act. #1137983, Liber 0000 folio 000 (23.58 ± acres); Parcel 113: Election District 09, Tax Act. #0941518, Liber 04746 folio 475 (0.08 ± acres); Parcel 142: Election District 11, Tax Act. #1160449, Liber 03786 folio 527 (22.26 ± acres); for a total of 45.92 ± acres located in Clinton, and further identified as Tax Map 134, Grid C-1, C-2; and D-2, hereinafter collectively referred to as “Piscataway Creek Stream Valley Park”; and

WHEREAS, to replace Brandywine Road bridge P-0495 over Piscataway Creek, DPW &T has requested that the Commission convey to it in fee simple 59,906 ± square feet (1.29 ± acres) of Piscataway Creek Stream Valley Park as more particularly shown on DPW&T Plat Nos. 1805 and 1806.

NOW, THEREFORE BE IT RESOLVED, that the Prince George's County Planning Board approves the conveyance of such 59,906 ± square feet (1.29 ± acres) to DPW&T, subject to final approval by the Full Commission, and agrees that the land bank will be debited by such amount, leaving a new land bank balance of 22.85 acres.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Geraldo, Hewlett, Bailey and Doerner voting in favor of the motion, during open session at its regular meeting on Thursday, March 4, 2021.

Adopted by the Prince George's County Planning Board this 25th day of March 2021.

APPROVED AS TO LEGAL SUFFICIENCY
Kimber A. Maxwell
M-NCPPC Legal Department
Date 3/15/21

Elizabeth M. Hewlett
Jessica Jones
By: Jessica Jones
Planning Board Administrator

Prince George's County Planning Board: February 18, 2021

AGENDA

Land Disposal – Piscataway Creek Stream Valley Park

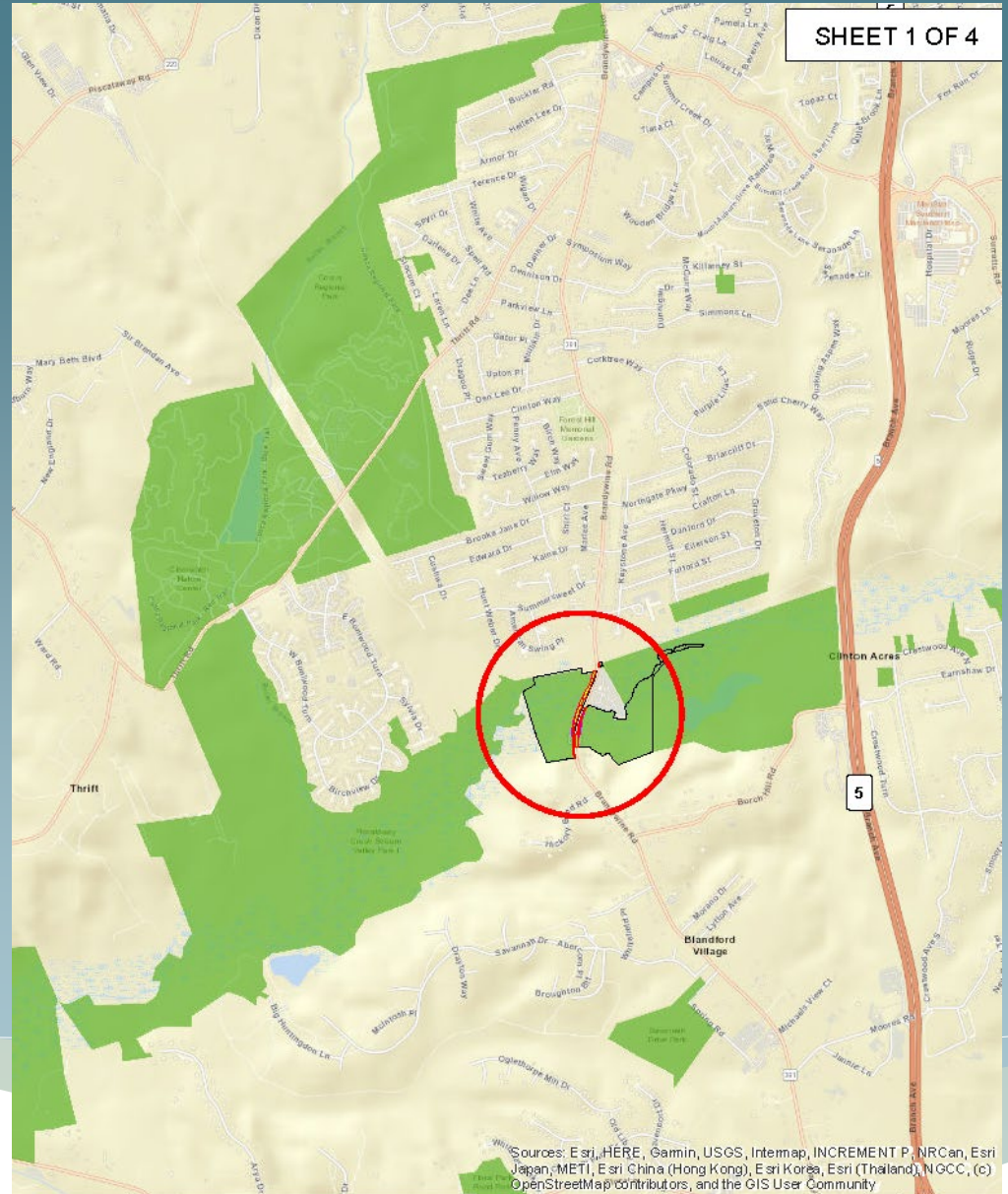


Land Disposal: Piscataway Creek Stream Valley Park

Property of the Maryland-National
Capital Park and Planning
Commission

Tax Map 134 Grids: C1 and
C2
Parcels 63, 113 and 142

Property Map



SHEET 1 OF 4

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

GIS 24
Brandywine Road
Bridge Project at
Parcels 63, 113 & 142
Q81 - Piscataway Creek SVP

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DATE: 02/04/2021
SCALE: 2,000 Feet



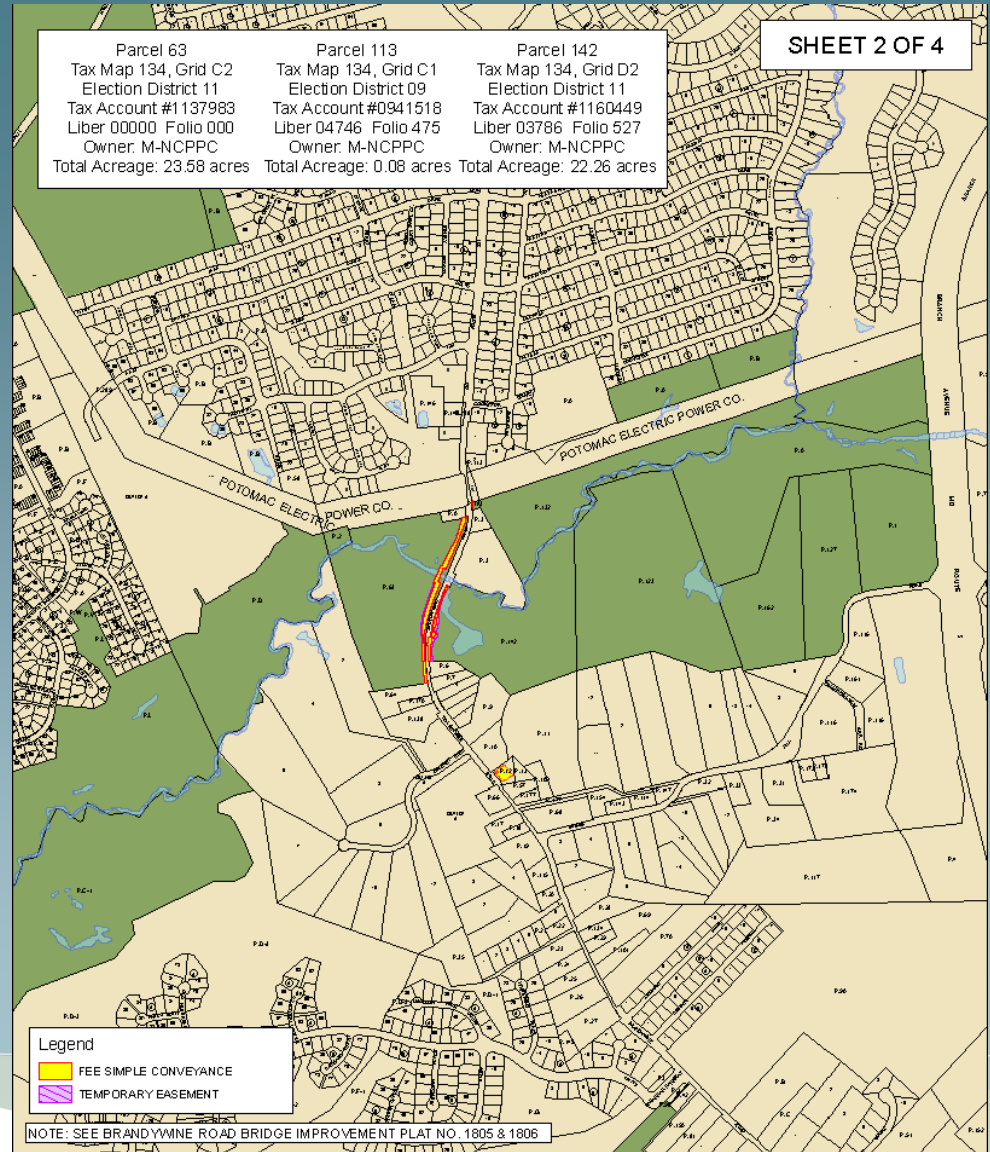
Land Disposal: Piscataway Creek Stream Valley Park

- The Prince George's County DPW&T is proposing to replace Bridge No. P-0495 that carries Brandywine Road over Piscataway Creek in Clinton, Maryland.
- Brandywine Road is a two-lane Rural Collector roadway that carries traffic between Piscataway Road (MD Route 223) and Branch Ave (MD Route 5).
- This Bridge Replacement project is to repair structural deficiencies and to improve flood control.

Land Disposal: Piscataway Creek Stream Valley Park

Property of the Maryland-National
Capital Park and Planning
Commission

Tax Map 134 Grids: C1 and
C2
Parcels 63, 113 and 142



Property Map



Brandywine Road
Bridge Project at
Parcels 63, 113 & 142
081 - Piscataway Creek SVP

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DATE: 02/04/2021

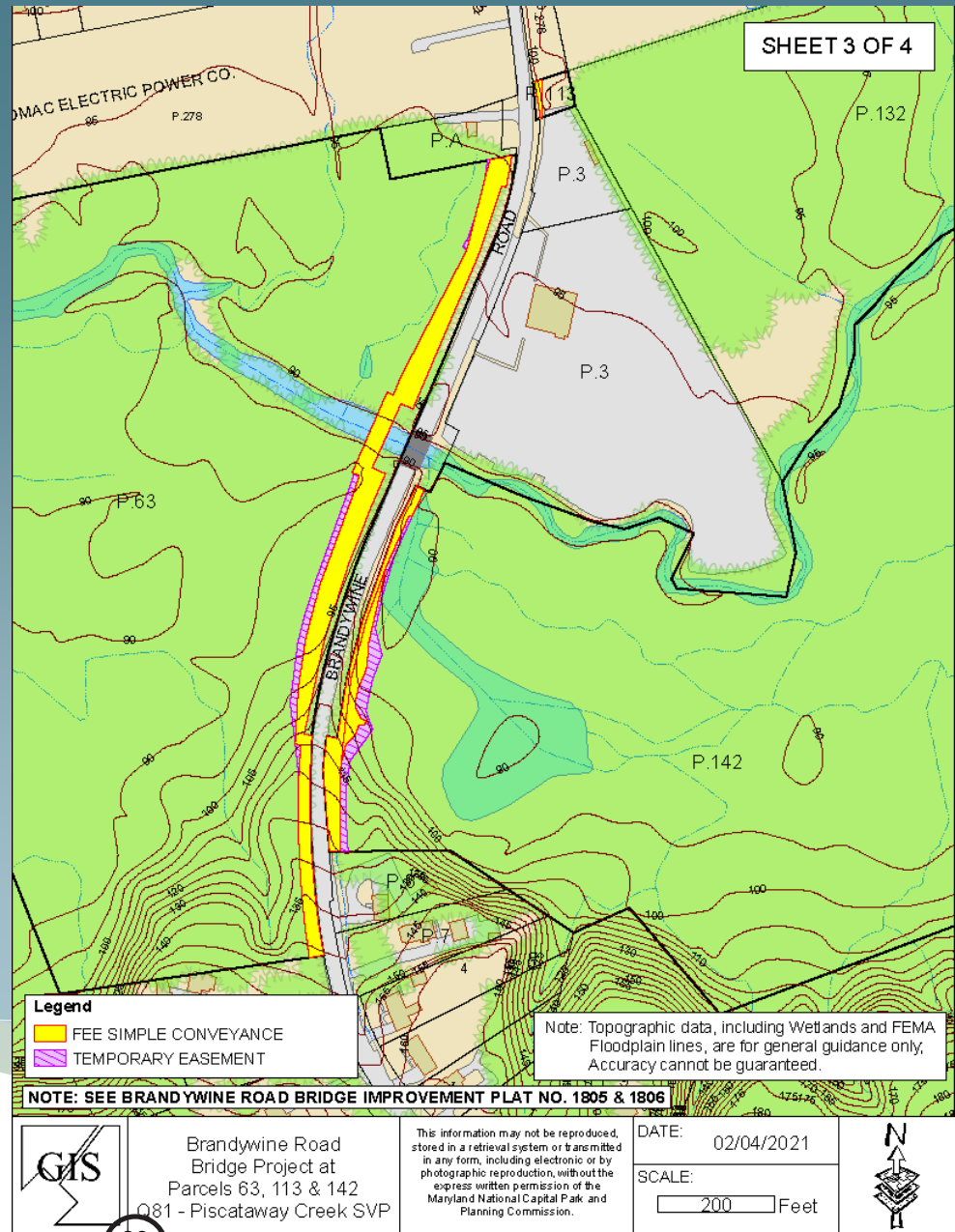
SCALE:
1,000 Feet



Land Disposal: Piscataway Creek Stream Valley Park

Property of the Maryland-National
Capital Park and Planning
Commission

Tax Map 134 Grids: C1 and
C2
Parcels 63, 113 and 142

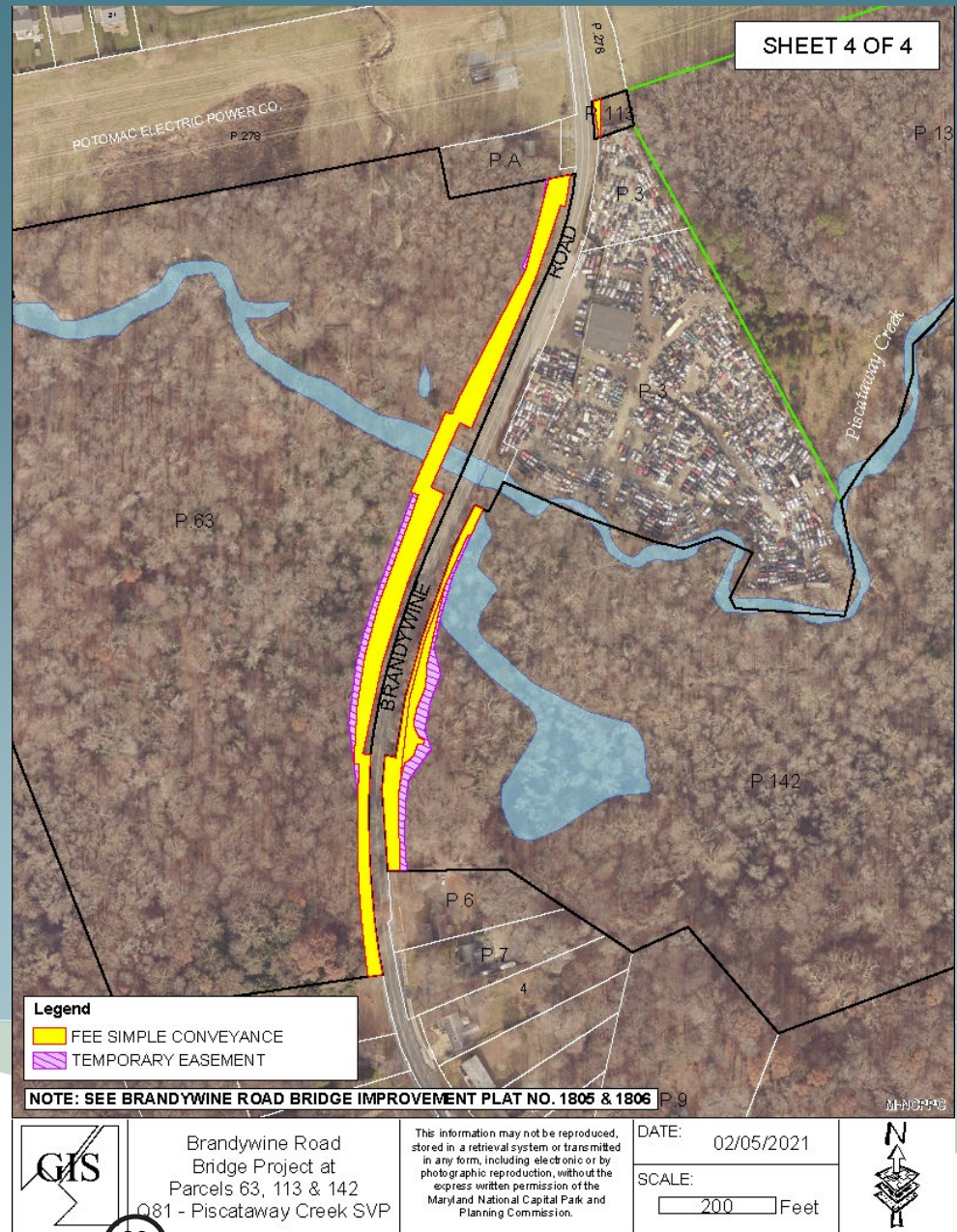


Property Map

Land Disposal: Piscataway Creek Stream Valley Park

Property of the Maryland-National
Capital Park and Planning
Commission

Tax Map 134 Grids: C1 and
C2
Parcels 63, 113 and 142



Property Map

Land Disposal: Piscataway Creek Stream Valley Park

- This Bridge Replacement project is to repair structural deficiencies and to improve flood control by allowing 25-year flood control under the bridge.
- With this project, a five-foot sidewalk and 15-foot wide bike lane/shoulder will also be provided on both sides of Brandywine Road.
- DPR staff recommends approval of DPW&T's request for the conveyance of 1.9 acres to Prince George's County as a credit to the Prince George's County Land Bank.

Land Bank

(Henson Creek S.V.P.)

Total Acreage: 28.3682

Recorded 7/23/2001

Liber 14841 Folio 193

Grantor: Prince George's County

Tax Map 88, Grid D-2

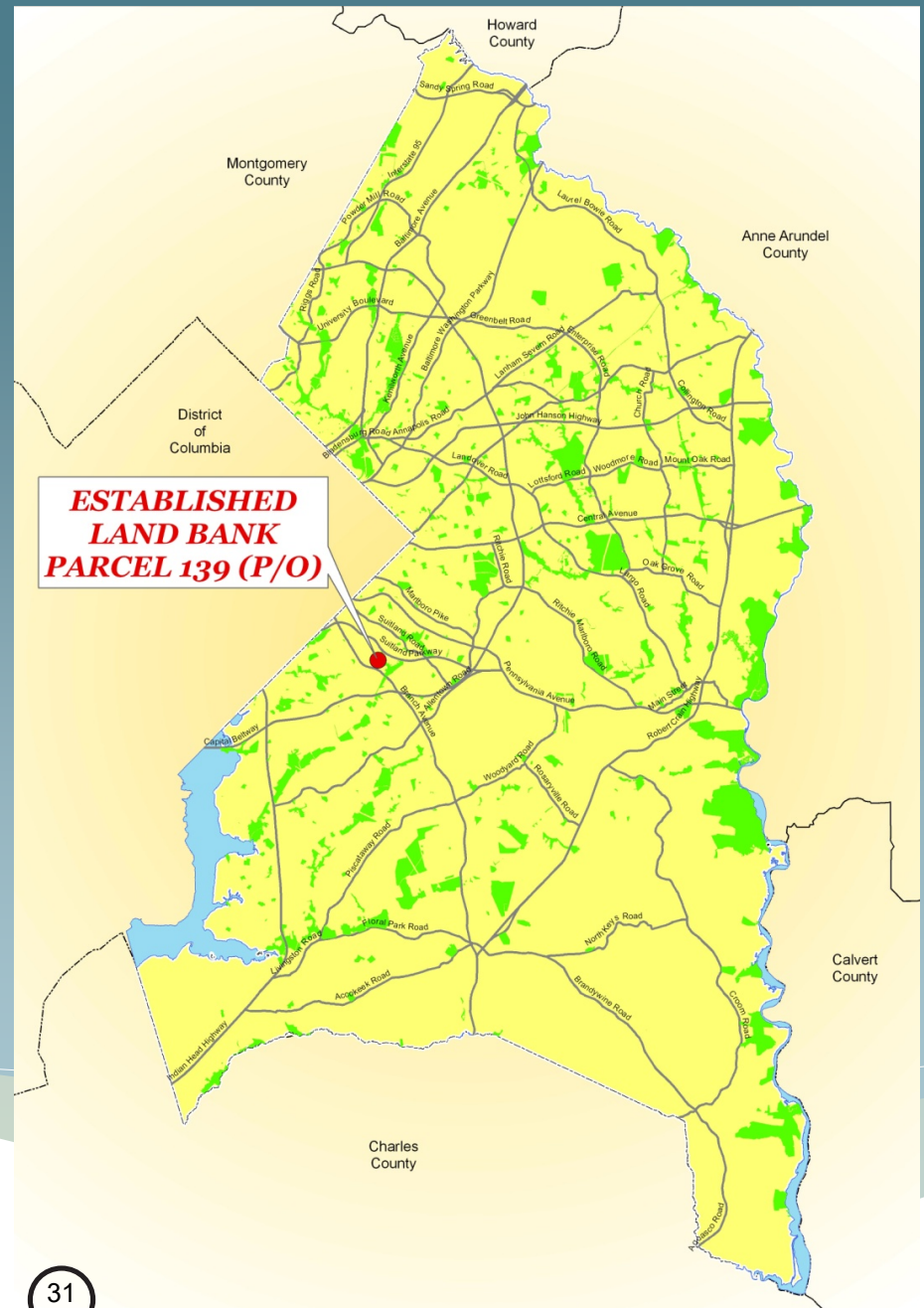
Parcel 139 (P/O)

- Current Balance Available In Land Bank:

24.1368 Acres

- New Balance After Disposal:

22.24 Acres



STAFF
RECOMMENDATION

Approval
(Tyler/Ewing/Sun)
(Subject to approval by The Full Commission)

End


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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

To: The Maryland-National Capital Park and Planning Commission

From: Debra Borden, Deputy General Counsel 

Re: I-495/I-270 Managed Lanes Study Phase I South Supplemental Draft Environmental Impact Statement Update

Date: October 20, 2021

As you are aware from previous briefings of the full Commission on this project, the Federal Highway Administration (FHWA), as the Lead Federal Agency, and the Maryland Department of Transportation State Highway Administration (MDOT SHA), as the Local Project Sponsor, have conducted a Managed Lanes Study (MLS) for the I-495 & I-270 highway systems. Since March 16, 2018, the MLS has evaluated a range of alternatives within the specific study scope of I-495 from south of the American Legion Bridge in Fairfax County, Virginia to east of the Woodrow Wilson Bridge and on I-270 from I-495 to I-370, a nearly 50-mile long study area.

On May 12, 2021, MDOT SHA announced their decision to mirror the path established by the Maryland Board of Public Works in the procurement process and proceed with the National Environmental Policy Act (NEPA) study for Phase 1 South only, leaving the other two Beltway segments (topside through Silver Spring and I-95 to Woodrow Wilson Bridge) to an undetermined future phase. MDOT SHA further announced that they would prepare a Supplemental Draft Environmental Impact Statement (SDEIS) to formalize this decision and conduct an updated and revised analysis. The SDEIS was released to the public on October 1, 2021.

The immediate effect of a reduction of the study area is that the segments of the Beltway located in Prince George's County are no longer part of this MLS NEPA process. As a result, we recommend that the Commission follows the standard approval procedure for master plans applicable to a single county. For purposes of reviewing and approving staff comments and MDOT SHA requests for concurrence on the MLS moving forward, the Montgomery County Planning Board would perform this function, with final comments and decisions on concurrence requests placed on the next available full Commission meeting's consent agenda. This process is consistent with Commission Practice 1-10 and ensures that the full Commission's records regarding the agency's responses and decision-making on the MLS will be complete and transparent.

Additionally, Carol Rubin, the former Montgomery Planning MLS Special Projects Manager, retired on October 1, 2021. I have been asked to coordinate MLS review and responses from Montgomery Planning and Montgomery Parks with the help of technical staff in both departments, so I will be the point of contact as we move forward in the NEPA process.

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

For Informational Only

October 13, 2021

To: The Maryland-National Capital Park and Planning Commission

VIA: Asuntha Chiang-Smith, Executive Director
Bill Spencer, CHR Director

From: Jennifer McDonald, Benefits Manager, DHRM

Subject: Changes to the Commission Life Insurance Plan

For Informational Only

The Commission is being informed of changes to the Agency’s life insurance benefits to increase employee enrollment. No action is requested. This is for informational purposes.

Background

Some employees do not think about the financial consequences their families would face in the event of their death. For most people, savings alone would not be enough to pay the bills if an income was suddenly lost. The Commission’s life insurance programs can help. However, over the past few years we have had a number of employees pass away suddenly, without even basic life insurance coverage.

The current life insurance plan includes the following:

- All plans are voluntary.
- Enrollment is not automatic; employees must complete an enrollment form for each plan.
- Merit employees can enroll in the Basic, Spouse/Dependent and Supplemental Life Insurance Plans.
- Employees must enroll in the Basic Life Insurance Plan as a prerequisite to enrolling in either the Spouse/Dependent Plan or the Supplement Life Insurance Plan.
- Employees are automatically enrolled in Accidental Death and Dismemberment (AD&D) when Basic Life is elected. It cannot be elected as a stand-alone benefit.
- Both Basic and AD&D are paid out in the event of a work related or nonwork-related accident.
- Each plan provides death benefit coverage during a fixed period or “term”, which is the length of your employment at the Commission. Term life insurance has no cash or surrender value.
- Upon separation, life insurance may be converted to an individual policy.

Coverage and Cost

<i>Life Plan</i>	<i>Benefit Levels</i>	<i>Employee Cost Share</i>
Basic	2 x base salary rounded up to a maximum of \$200,000	20%
AD&D	2 x base salary rounded up to a maximum of \$200,000	20%
Supplemental	Up to 5 x base salary, maximum of \$750,000	100%
AD&D for Park Police	\$50,000	0%
Dependent	\$5k/\$10/\$15k for children, \$10k/\$20k/\$30k for spouse	100%

Premiums for the plans are based on the amount of coverage per \$1,000.

<i>Life Plan</i>	<i>Monthly Premium</i>	<i>Maximum Employee Bi-weekly Cost</i>	<i>Maximum Employer Bi-weekly Cost</i>
Basic	\$0.116/\$1,000	\$2.14	\$8.57
AD&D	\$0.025/\$1,000	\$0.46	\$1.85
Supplemental	Based on age \$0.038 to \$1.694/\$1,000	Based on age and coverage amount	None
Dependent	\$2.45 to \$7.35	Based on option selected	None

Enrollment

A recent review of the enrollment in basic life insurance showed that approximately 30% of eligible employees are not enrolled, despite the low cost. Eligible Merit System employees may enroll in the life insurance plans within forty-five (45) calendar days of hire or attaining Merit status. If the employee does not enroll within the 45 days or is requesting an amount above guaranteed issue for supplemental life, an Evidence of Insurability (EOI) form must be completed by the employee. The EOI form asks health related questions, which is then underwritten by the insurance carrier for approval or denial. After the initial eligibility period, eligible employees may enroll at any time during the year and is not restricted to only during the annual open enrollment period which occurs during the fall of each year. All enrollments after the initial eligibility period require completion of EOI regardless of the amount or type of coverage elected.

As mentioned above, enrollment in life insurance is not part of the annual open enrollment period. Employees may enroll, make changes, or cancel coverage anytime during the year. To address the low enrollment, in 2018 the agency negotiated with the insurance carrier a one-time guaranteed issue period for employees who were not enrolled including those who may have been declined previously. The special enrollment period also allowed increases to existing coverage up to the normal guaranteed issue amounts. This effort, during the open enrollment season in the fall of 2018, did not result in a significant increase in enrollment.

Automatic Enrollment

To increase enrollment and provide a valuable benefit to all eligible employees, DHRM will implement automatic enrollment of employees in basic life insurance, effective January 1, 2022. The agency has a precedent for mandatory/automatic enrollment. Effective 8/1/1982, enrollment in the Long-Term Disability Plan became mandatory with automatic enrollment and a cost share of 20% paid by the employee.

Local governments and agencies around the region that compete for our talent/ employees offer full basic life insurance coverage, most notably, WSSC, Prince George’s County, Howard County, Anne Arundel County, the State of Virginia, Fairfax County, Arlington County and Alexandria County. Montgomery County pays 75%. The chart below shows the rates paid by several local jurisdictions and the federal government:

Agency Comparison- Basic Life Insurance Offering Survey

Agency	Basic Life Insurance Offering	Employee Cost Share
Alexandria, Virginia	One (1) times base salary rounded to next higher thousand up to \$500,000	0%
Anne Arundel County	\$10,000 to \$100,000 based on employment classification	0%
Arlington County	One (1) times base salary up to \$500,000	0%
DC Government	Annual salary rounded to next thousand, plus \$2,000	33.33%
Fairfax County	One (1) times base salary up to 350,000	0%
Federal Government	Whichever is greater: 1) Annual rate of basic pay, rounded up to the next even \$1,000, plus \$2,000; or 2) \$10,000	33.33%
Howard County	Two (2) times base salary up to \$500,000	0%
Montgomery County	One (1) times base salary up to \$200,000	25%
Prince George's County	Two (2) times salary up to \$225,000 based on salary schedule	0%
State of Maryland	Employee may elect coverage in \$10,000 increments up to \$300,000	100%
State of Virginia	Equals creditable compensation , rounded to the next highest thousand and then doubled	0%
WSSC	Two (2) times base salary up to \$400,000	0%

The current budget for the cost of providing Basic Life Insurance and AD&D with the agency paying 80% and the employee paying 20% of the premium, is \$402,266. ***If the Commission were to pay 100% for Basic and AD&D coverage for all eligible employees, the total cost would be \$659,939, an additional cost of \$257,675, annually.*** The estimated total annual additional cost per department to fully fund basic life insurance for Merit system employees is*:

ADDITIONAL COST TO PAY 100% OF BASIC AND AD&D INSURANCE BY DEPARTMENT

Fund	PGC Commissioner	PGC Planning	PGC Parks & Rec	MC Commissioner	MC Planning	MC Parks	DHRM	Finance	Legal	Merit System	Inspector General	CIO	Total
	1,364	23,336	114,157	960	19,199	79,761	6,930	3,521	5,076	84	735	2,552	257,675

*The additional cost by Department/Fund is detailed in Exhibit A.

The Executive Committee and Department Heads support the automatic enrollment of employees in the Basic Life Insurance and AD&D with the option to opt out. The agency will continue to pay 80% and the employee will pay 20% of the premium. This will be effective January 1, 2022.

The Fraternal Order of Police, Lodge 30 (FOP) and The Municipal and County Government Employees Organization (MCGEO) unions have signed Memorandums of Understanding agreeing to automatic enrollment with the option to opt out.

The insurance carrier has confirmed that the current uninsured employees will be covered without evidence of insurability and without an increase in the current rates but only for this current open season. Should an employee opt out and then wish to re-apply, they would have to provide evidence of insurability.

EXHIBIT A

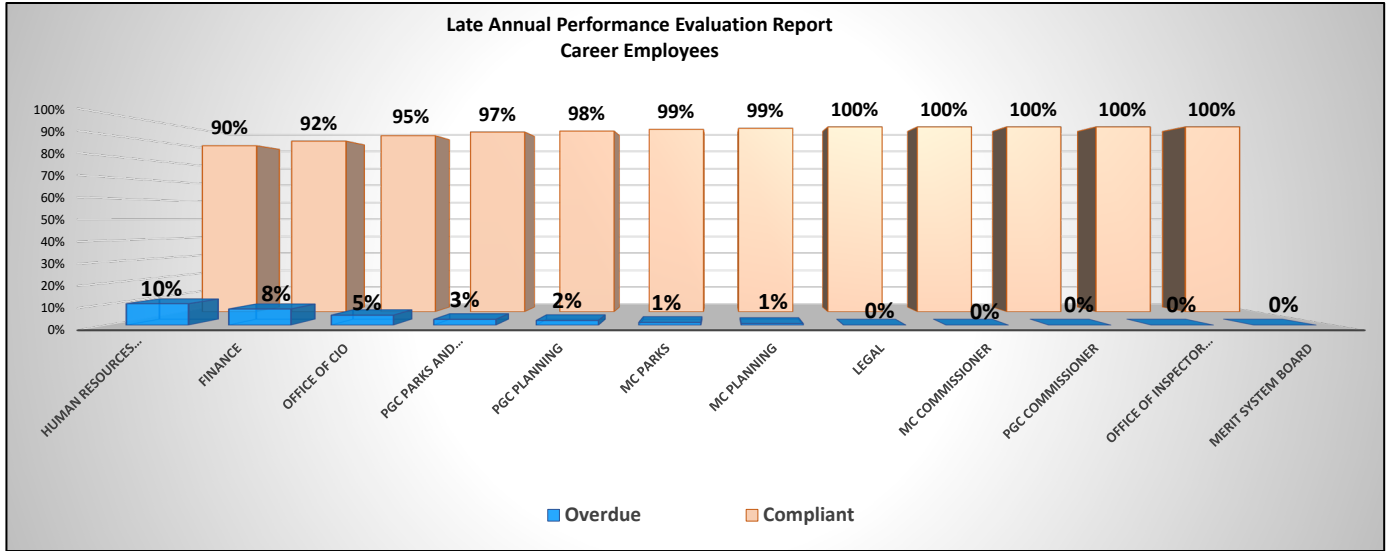
ANALYSIS OF ADDITIONAL COST TO PAY 100% OF BASIC AND AD&D INSURANCE

Fund	PGC Commissioner	PGC Planning	PGC Parks & Rec	MC Commissioner	MC Planning	MC Parks	DHRM	Finance	Legal	Merit System	Inspector General	CIO	Total
PGC Admin	1,364	23,336					3,286	2,014	2,513	42	428	983	33,966
PGC Park			77,165										77,165
PGC Rec			30,813										30,813
PGC Enterprise			6,179										6,179
MC Admin				960	19,199		2,274	1,507	2,563	42	307	968	27,820
MC Park						74,667							74,667
MC Prop Mgmt						432							432
MC Enterprise						4,662							4,662
EOB							356						356
Risk Mgmt							668						668
CIO												601	601
Group Insurance							346						346
Total	1,364	23,336	114,157	960	19,199	79,761	6,930	3,521	5,076	84	735	2,552	257,675

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

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	Aug-21	Sep-21	Aug-21	Sep-21	Aug-21	Sep-21	Aug-21	Sep-21
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0
CHARIMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	0	0	0	1	1	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	3	0	0	2	2	3	5
LEGAL DEPARTMENT	0	0	1	0	0	0	1	0
FINANCE DEPARTMENT	3	1	1	1	0	1	4	3
PRINCE GEORGE'S PLANNING	4	4	0	0	0	0	4	4
PRINCE GEORGE'S PARKS & RECREATION	2	25	24	3	0	1	26	29
MONTGOMERY COUNTY PARKS	9	9	0	0	0	1	9	9
MONTGOMERY COUNTY PLANNING	3	1	0	0	0	0	3	1
DEPARTMENT TOTAL BY DAYS LATE	22	43	26	4	3	6		
COMMISSION-WIDE TOTAL							51	52

**DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.



*Data As Of September 30, 2021

Employee Count Department	Evaluation Status		Total Employees
	Overdue	Compliant	
Finance	3	36	39
Human Resources and Mgt	5	44	49
Legal		21	21
MC Commissioner		5	5
MC Parks	9	677	686
MC Planning	1	127	128
Merit System Board		1	1
Office of CIO	1	20	21
Office of Inspector General		4	4
PGC Commissioner		9	9
PGC Parks and Recreation	29	1,010	1,039
PGC Planning	4	173	177
Total Employees	52	2,127	2,179



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

Reply To

October 5, 2021

Adrian R. Gardner
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: Adrian R. Gardner
General Counsel
RE: Litigation Report for September 2021 – FY 2022

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, October 20, 2021. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

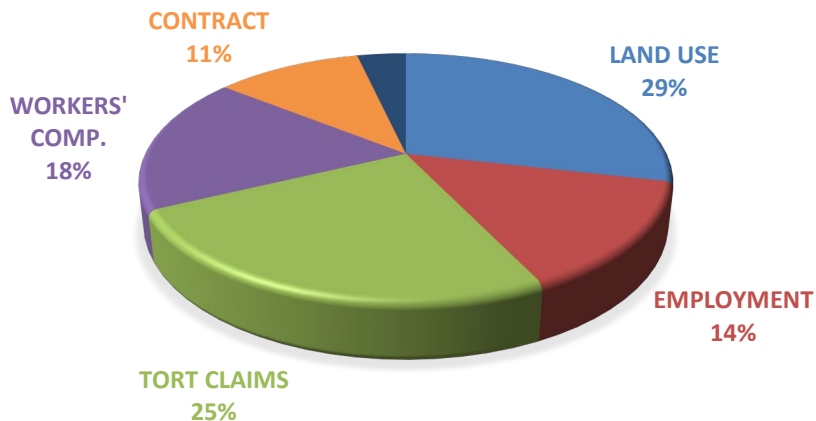
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September 2021
Composition of Pending Litigation
(Sorted by Subject Matter and Forum)

	STATE TRIAL COURT	MARYLAND COSA	MARYLAND COURT OF APPEALS	FEDERAL TRIAL COURT	FEDERAL APPEALS COURT	U.S. SUPREME COURT	SUBJECT MATTER TOTALS
ADMIN APPEAL: LAND USE	4	3	1				8
ADMIN APPEAL: OTHER							
BANKRUPTCY							
CIVIL ENFORCEMENT							
CONTRACT DISPUTE	3						3
DEBT COLLECTION							
EMPLOYMENT DISPUTE	2			2			4
LAND USE DISPUTE							
MISCELLANEOUS	1						1
PROPERTY DISPUTE							
TORT CLAIM	7						7
WORKERS' COMPENSATION	5						5
PER FORUM TOTALS	22	3	1	2			28

OVERVIEW OF PENDING LITIGATION



September 2021 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2022			
	Pending August 2021	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	8			10	1	3	8
Admin Appeal: Other (AAO)							
Bankruptcy (B)							
Civil Enforcement (CE)							
Contract Disputes (CD)	3			3			3
Debt Collection (D)							
Employment Disputes (ED)	5		1	4	1	1	4
Land Use Disputes (LD)							
Miscellaneous (M)	2		1	2		1	1
Property Disputes (PD)							
Tort Claims (T)	9		2	8	1	2	7
Workers' Compensation (WC)	5			7	1	3	5
Totals	32		4	34	4	10	28

**INDEX OF YTD NEW CASES
(7/1/2021 TO 6/30/22)**

A. <u>New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Izadjoo v. M-NCPPC	MC	ED	July 21
McGill v. Commission	PG	WC	Aug 21
Troublefield v. Commission	PG	Tort	July 21

B. <u>New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board	MC	AALU	July 21

**INDEX OF YTD RESOLVED CASES
(7/1/2021 TO 6/30/2022)**

A. <u>Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board	MC	AALU	June 21
Commission v. Batson	PG	WC	June 21
Gibson v. Commission	PG	WC	June 21
Hoenig v. Commission	PG	WC	June 21
Simmons, et al. v. Prince George's Planning Bd.	PG	AALU	June 21
Frederick-Bey v. Dick, et al.	PG	Tort	July 21
Deutsche Bank National Trust Company v. Commission	PG	Misc.	July 21
Amica Mutual Insurance Company v. Montgomery County, Maryland, et al.	MC	Tort	Aug. 21
Izadjoo v. Maryland-National Capital Park & Planning Commission	MC	ED	Aug. 21

B. <u>Appellate Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Benton v. Woodmore Overlook Commercial, LLC.	PG	AALU	Apr. 21

Disposition of FY21-FY22 Closed Cases Sorted by Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources & Management		
Commission v. Batson	The Commission filed for Judicial Review on the record of WCC order regarding surgical authorization for leg causally related to accidental injury.	06/03/2021 - Order of the Court. Case Dismissed and Remanded to the Workers' Compensation Commission for consideration and approval of the Agreement of Final Compromise and Settlement.
Gibson v. Commission	Claimant seeks judicial review of an order from the Workers' Compensation Commission denying causal connection of back injury to the accidental injury of October 20, 2017.	06/10/2021 - Order of Court. Case remanded to Workers' Compensation Commission.
Hoenig v. Commission	Claimant seeks judicial review of February 7, 2020 order from the Workers' Compensation Commission regarding extent of disability.	06/02/2021 - Order of Court. Case Dismissed and Remanded to Workers' Compensation Commission.
Izadjoor v. Maryland-National Capital Park and Planning Commission	Izadjoor filed an appeal of the Merit Board decision of February 25, 2021 denying his appeal of the Montgomery County Department of Parks' denial of grievance 20-14 regarding his 2020 Annual Performance Evaluation.	08/23/2021 – Order of Court – Decision of Merit Board affirmed.
Montgomery County Department of Planning		
Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board	Judicial Review of Montgomery County Planning Board's approval of RCCG Jesus House Preliminary Plan 120160040.	06/04/21 - Planning Board's decision affirmed.
Montgomery County Department of Parks		
Amica Mutual Insurance Company v. Montgomery County, Maryland, et al.	Subrogation suit for damages caused by a tulip poplar striking a home.	08/12/21 – Joint Stipulation of Dismissal with Prejudice.

Montgomery County Park Police		
Montgomery County Planning Board		
Prince George's County Department of Parks and Recreation		
Frederick-Bey v. Dick, et al.	Plaintiff claims injury in the course of using weight room at Allentown Splash and Fitness Center allegedly due a defect in the equipment as a result of negligence on the part of Commission staff and has sued a Commission employee who has not been properly served.	07/28/2021 – Order of the Court. Case Dismissed with Prejudice on grounds barred by statute of limitations.
Deutsche Bank National Trust Company v. Commission	Action seeking to quiet title as to alleged encroachment on Commission land.	07/08/2021 – Amended Complaint filed that no longer included the Commission as no encroachment on Commission land.
Prince George's County Planning Department		
Prince George's County Planning Board		
Simmons v. Prince George's County Planning Board	Judicial Review of Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-20006 (Freeway Airport)	06/17/2021 - Prince George's County Planning Board's Motion to Dismiss Granted.
Benton v. Woodmore Overlook Commercial, LLC	Judicial Review of decision of the Prince George's County Planning Board No. 19-32, File No. 4-180007. Benton failed to appear at judicial review hearing in Circuit Court and his petition was dismissed without an opinion. Benton filed for reconsideration which was also denied. Benton appealed the denial of the motion for reconsideration.	04/20/2021 - Mandate. Circuit Court decision affirmed. Costs to be paid by appellant.
Prince George's Park Police		
Office of Internal Audit		

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DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

No Pending Cases

DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

No Pending Cases

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

HMF Paving Contractors Inc. v. Maryland-National Park and Planning Commission
Case No. 483255-V (CD)

Lead Counsel: Adams
Other Counsel:

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

Status: Awaiting trial.

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.
03/07/2022	Trial.

Hitchcock v. Maryland-National Park and Planning Commission
Case No. 485337-V (WC)

Lead Counsel: Foster
Other Counsel:

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

Status: In discovery.

Docket:

04/06/2021	Petition for Judicial Review filed
04/06/2021	Response to Petition
09/10/2021	Pretrial hearing
02/08/2022	Trial.

Izadjo v. Maryland-National Capital Park and Planning Commission

Case No. 486280-V (ED)

Lead Counsel: Dickerson
Other Counsel: Johnson

Abstract: Izadjo filed an appeal of the Merit Board decision of June 7, 2021 denying his appeal of the Montgomery County Department of Parks' denial of grievance 20-06 regarding his Request for Reclassification.

Status: Petition filed.

Docket:

07/01/2021	Petition for Judicial Review filed
07/30/2021	Response to Petition
12/01/2021	Oral Argument

Kosary v. Montgomery County Planning Board

Case No. 476283-V (AALU)

Lead Counsel: Mills
Other Counsel:

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

Status: Motion pending.

Docket:

12/06/2019	Petition for Judicial Review filed
12/11/2019	Planning Board's Motion to Dismiss filed
12/12/2019	Response to Petition for Judicial Review filed
12/19/2019	Petitioner's Supplemental Petition for Judicial Review filed
12/23/2019	Petitioner's Response to Motion to Dismiss filed.
01/21/2020	Motion to Dismiss denied as moot.
01/22/2020	Petitioner's Motion for Stay and Request for Hearing.
02/06/2020	Primrose School Opposition to Motion to Stay.
02/28/2020	Motion for Stay Granted
03/03/2020	Case stayed pending resolution from County Hearing Examiner
03/26/2020	Petitioner's interim report on status of administrative proceedings
03/24/2021	Petitioner's second interim report on status of administrative proceedings.
03/24/2021	Petitioner's Motion to Defer entry of dismissal
03/26/2021	Order of Court. Motion to Defer dismissal granted.
08/09/2021	Plaintiff's Final Report on Status of Administrative Proceeding
08/13/2021	Plaintiff's Motion for Summary Judgment and Request for Hearing

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

Lead Counsel: Foster
Other Counsel:

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

Status: Case settled.

Docket:

03/19/2021	Petition for Judicial Review filed.
03/23/2021	Response to Petition and Cross- Petition
08/13/2021	Joint Motion for Remand to Workers' Compensation Commission for approval of settlement.
09/01/2021	Case remanded to Workers' Compensation Commission.

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

Lead Counsel: Dickerson
Other Counsel: Adams; Johnson

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

Status: Case stayed pending filing of Settlement Agreement.

Docket:

08/21/2020	Complaint filed.
08/31/2020	Commission served.
09/29/2020	Motion to Dismiss or in the Alternative for Summary Judgment filed.
10/09/2020	Opposition to Motion to Dismiss filed.
12/09/2020	Motions hearing held.
12/09/2020	Motion to Dismiss or in the alternative for Summary Judgment denied.
12/28/2020	Answer to Complaint filed.
09/13/2021	Joint Pretrial Statement filed.
09/30/2021	Pretrial held. Case to be stayed for 60 days for parties to file settlement agreement.

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

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

Case No. CAE 20-11589 (AALU)

Lead Counsel: Dickerson
Other Counsel: Harvin

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

Status: Awaiting Motions hearing.

Docket:

04/14/2020	Complaint filed
06/05/2020	Commission served
07/06/2020	Answer filed by Commission
07/21/2020	Motion to Dismiss filed by Defendant Dewey, L.C.
07/23/2020	Motion to Dismiss filed by BE UTC Dewey Parcel, LLC
08/20/2020	Opposition to Motion to Dismiss
09/14/2020	Defendant, Dewey, L.C.'s Reply Response in Support of its Motion to Dismiss or Stay and Request for hearing
09/16/2020	Defendant, BE UTC Dewey Parcel, LLC's Reply in Support of Motion to Dismiss and Request for hearing
10/22/2020	Motions Hearing continued
10/26/2020	Defendants Dewey L.C. and Bald Eagle Partners, Inc. Line Requesting Judicial Notice of Arbitrator's Decision
12/23/2020	Motions hearing held. Court takes under advisement.
01/11/2021	Order of Court - case is stayed pending resolution of the current arbitration proceedings; further ordered that a status hearing in this matter be scheduled.
02/17/2021	Arbitrator's decision filed.
04/02/2021	Status hearing.
05/20/2021	Suggestion of Bankruptcy filed.
05/24/2021	Case stayed.
06/28/2021	Defendants Dewey L.C. and Bald Eagle Partners, Inc.'s Request to Lift Stay.
07/26/2021	Order of Court – Stay Lifted
09/27/2021	Status Hearing held. Motions hearing set.
11/12/2021	Motions Hearing

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

Lead Counsel: Adams
Other Counsel:

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

Status: In discovery.

Docket:

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

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

Lead Counsel: Harvin
Other Counsel:

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

Status: In discovery.

Docket:

11/15/2019	Complaint filed
01/27/2020	Defendant City of Bowie's Motion to Dismiss or in the Alternative for Summary Judgment
02/05/2020	Summons reissued for Commission
02/13/2020	Opposition to City of Bowie's Motion to Dismiss
02/26/2020	Defendant Daughtery's answer filed
03/13/2020	Commission served
04/08/2020	Commission's Answer filed
05/15/2020	Motions Hearing on City's Motion to Dismiss – continued due to pandemic
9/18/2020	Amended Complaint and Jury Trial
9/21/2020	Second Amended Complaint
9/24/2020	Hearing on Defendant City of Bowie's Motion to Dismiss and/or Summary Judgment. Motion to Dismiss is denied. Motion for Summary Judgment is granted based upon governmental immunity.
10/28/2020	Third Amended Complaint filed
12/08/2020	Answer to complaint by Defendant Knode
02/16/2022	Trial

Coakley & Williams Construction v. Commission
Case No. CAL 20-13593 (CD)

Lead Counsel: Adams
Other Counsel: Dickerson

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

Status: In discovery.

Docket:

07/15/2020	Complaint filed
09/15/2020	Commission served
10/08/2020	Motion to Dismiss filed
10/27/2020	Opposition to Motion to Dismiss
01/11/2021	Motion to Quash and for Protective Order

04/02/2021	Order of Court. Motion to Quash denied.
04/02/2021	Order of Court. Motion to Dismiss Granted in part. Plaintiff to amend complaint within 15 days to correct the legal name of Defendant. The remaining issues in the Motion to Dismiss are denied.
04/14/2021	First Amended Complaint filed
05/04/2021	Commission Answer to First Amended Complaint and Jury Demand
07/25/2021	Pretrial Conference held
07/29/2021	Withdrawal of Request for Jury Trial.
09/13/2021	Motion to Strike Second Amended Complaint
09/14/2021	Pretrial Statement filed
09/27/2021	Second Amended Complaint
01/23/2023	Trial

Getnet v. Maryland-National Capital Park and Planning Commission

Case No. CAL 20-13268(Tort)

Lead Counsel: Harvin
Other Counsel: Johnson

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

Status: In discovery.

Docket:

07/06/2020	Complaint filed
07/29/2020	Commission served
08/20/2020	Motion to Dismiss filed
09/10/2020	Amended Complaint
09/11/2020	Opposition to Motion to Dismiss
09/22/2020	Amended Complaint
10/09/2020	Answer filed.
11/02/2020	2 nd Amended Complaint filed
11/06/2020	Defendant Montgomery County's Motion to Dismiss 2 nd Amended Complaint
12/03/2020	Case dismissed as to Montgomery County only
03/04/2021	3 rd Amended Complaint filed
04/19/2021	Defendant/Cross-Plaintiff, Kadcon Corporation's 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
02/22/2022	Trial

Heard v. Maryland-National Capital Park and Planning Commission

Case No. CAL 20-14095(AALU)

Lead Counsel: Warner
Other Counsel: Goldsmith

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

Status: Awaiting decision.

Docket:

07/30/2020	Petition filed
08/16/2020	Commission notified by Court.
08/31/2020	Response to Petition for Judicial Review filed.
03/02/2021	Notice of Partial Voluntary Dismissal (MPIA claim) against Commission
09/24/2021	Oral Argument held.

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: In discovery.

Docket:

07/15/2019	Complaint filed
01/22/2020	Commission accepted service
01/27/2020	Complaint to be amended to reflect Commission as party.
02/04/2020	Amended Complaint filed
03/18/2020	Commission served
04/08/2020	Commission's answer filed.
09/02/2022	Trial

King v. Commission

Case No. CAL 19-30096 (WC)

Lead Counsel: Foster
Other Counsel:

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

Status: Awaiting trial.

Docket:

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

McGill v. Commission

Case No. CAL 21-08946 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant seeks judicial review of Workers' Compensation Commission dated July 19, 2021 which determined he had not sustained an increase in permanent partial disability and denied further treatment.

Status: Awaiting trial.

Docket:

08/03/2021	Petition for Judicial Review filed
08/16/2021	Commission filed Response to Petition
10/26/2022	Trial

Melito v Commission

Case No. CAL 21-03760 (ED)

Lead Counsel: Dickerson
Other Counsel:

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

Status: Motions pending.

Docket:

04/01/2021	Complaint filed
04/22/2021	Commission served
05/20/2021	Motion to Dismiss filed
06/04/2021	Plaintiff's Opposition to Motion to Dismiss filed.

Montague v. Newton White Mansion

Case No. CAL 20-05753 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Claim related to slip and fall on ice at Newton White Mansion.

Status: In discovery.

Docket:

02/13/2020	Complaint filed.
06/19/2020	Amended Complaint filed.
07/21/2020	Answer filed.
08/24/2021	Status conference held
06/21/2022	Alternative Dispute Resolution
08/29/2022	Trial

Murray v. Commission

Case No. CAL 20-16372 (WC)

Lead Counsel: Foster
Other Counsel:

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

Status: Awaiting Dismissal and Order of Remand to Workers' Compensation Commission.

Docket:

09/18/2020	Petition for Judicial Review filed
10/05/2020	Response to Petition for Judicial Review and Expert Designation
10/13/2020	Subsequent Injury Fund's Response to Petition for Judicial Review
10/13/2020	Subsequent Injury Fund's Cross-Petition for Judicial Review
10/21/2020	Claimant's Response to Cross-Petition
10/27/2020	Commission's Response to Cross-Petition
10/27/2020	Notice of Cross-Appeal
08/10/2021	Joint Motion to Dismiss Appeal and Remand to Workers' Compensation Commission
09/01/2021	Case remanded to Workers' Compensation Commission.

Nuzback, Kathryn A., Revocable Trust v. Commission

Case No. CAL 20-13248 (Misc.)

Lead Counsel: Harvin
Other Counsel: Dickerson

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

Status: Awaiting Trial.

Docket:

07/01/2020	Complaint filed.
10/09/2020	Commission Answer filed
01/14/2021	Line Requesting Order of Default against Prince George's County Department of Permitting Inspection Enforcement
05/25/2021	Order of Default against Defendant Prince George's County Department of Permitting Inspection Enforcement
05/27/2021	Certified Judgment Notice as to Prince George's County Department of Permitting Inspection and Enforcement
06/28/2021	Hearing held on Motion to Vacate Order of Default
06/30/2021	Order – Motion to Vacate Granted.
09/20/2021	Trial continued. Date to be set.

Troublefield v. Commission, et al.

Case No. CAL 21-02943 (Tort)

Lead Counsel: Harvin
Other Counsel:

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

Status: Motions pending.

Docket:

03/12/2021	Complaint filed
07/21/2021	Commission served
08/20/2021	Motion to Dismiss filed by Commission
09/17/2021	Plaintiff's Motion to Extend Time to Oppose Motion to Dismiss.

Snyder v. State of Maryland, et al.
Case No. CAL 20-13024 (Tort)

Lead Counsel: Adams
Other Counsel:

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

Status: In discovery.

Docket:

06/19/2020	Complaint filed.
07/27/2020	Commission's Motion to Dismiss
07/27/2020	Motion to Transfer Venue
08/11/2020	Opposition to Motion to Dismiss
08/25/2020	State of Maryland's Motion to Dismiss
09/10/2020	Amended Complaint.
10/30/2020	2 nd Amended Complaint filed
10/14/2020	Order of Court – Motion to Dismiss and Motion to Transfer Venue Moot.
04/21/2021	Order of Court. Consent Motion Granted; and the Defendants, M-NCPPC and L. Gertzog, shall have until 5/5/2021 to file a response to the second Amended Complaint.
05/04/2021	Commission and L. Gertzog's Answer to 2 nd Amended Complaint
06/24/2022	Alternate Dispute Resolution
08/22/2022	Trial

Wolf, et al. v. Planning Board of Prince George's County
Case No. CAL20-14895 (AALU)

Lead Counsel: Warner
Other Counsel: Goldsmith

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

Status: Awaiting decision on Motions.
Docket:

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

MARYLAND COURT OF SPECIAL APPEALS

Benton v. Woodmore Overlook Commercial, LLC

CSA-REG-0707-2020 (AALU)

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

Lead Counsel: Warner
Other Counsel: Goldsmith

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

Status: Affirmed-Motion for Reconsideration denied.

Docket:

09/09/2020	Appeal filed
10/27/2020	Motion to Dismiss
11/18/2020	Motion to Dismiss denied
07/08/2021	Unreported Opinion of Court – Judgment of Circuit Court Affirmed
07/19/2021	Motion for Reconsideration filed
08/03/2021	Motion for Reconsideration filed
09/01/2021	Mandate Issued – Motion for Reconsideration denied.

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

CSA-REG-0620-2021 (AALU)

(Originally file under 483411-V in Montgomery County)

Lead Counsel: Mills
Other Counsel:

Abstract: Appeal from Circuit Court decision affirming Montgomery County Planning Board's approval of RCCG Jesus House Preliminary Plan 120160040

Status: Appeal filed.

Docket:

07/02/2021	Appeal filed
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Stewart, et al. v. Prince George's Planning Board, et al.

Case No. CSA-REG-0038-2021 (AALU)
(Originally filed as CAL20-11215 in Prince George's County)

Lead Counsel: Goldsmith
Other Counsel:

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

Status: Appeal filed.

Docket:

03/08/2021	Appeal filed
06/07/2021	Mediation held
11/09/2021	Oral Argument

MARYLAND COURT OF APPEALS

Benton v. Woodmore Overlook Commercial, LLC

COA-PET-0113-2021(AALU)
(Petition from CSA-REG-2118-2019, originally filed under CAL19-14488 in Prince George's County)

Lead Counsel: Borden
Other Counsel: Goldsmith

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

Status: Petition for Cert. Dismissed.

Docket:

05/21/2021	Petition for Writ of Cert.
06/08/2021	Joint Motion to Dismiss filed
08/11/2021	Opposition to Motion to Dismiss
09/28/2021	Petition Dismissed.

U.S. DISTRICT COURT OF MARYLAND

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

8:20-cv-03305 PX (ED)

Lead Counsel: Dickerson
Other Counsel: Foster

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

Status: In discovery.

Docket:

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

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

Lead Counsel: Dickerson
Other Counsel: Foster

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

Status: In discovery.
Docket:

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

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