



THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

COMMISSION MEETING

October 21, 2020

10:00 a.m. – 12:00 p.m.

via teleconference

and live-streamed by

**Prince George's
Parks and Recreation Administration**
6600 Kenilworth Avenue
Riverdale, Maryland 20737

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**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING AGENDA
Wednesday, October 21, 2020**

**Via videoconference, and live-streamed by
The Prince George’s County Department of Parks and Recreation**

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 16, 2020	(+*)	Page 3
	b) Closed Session – September 16, 2020	(++*)	
	c) Open and Closed Session – July 17, 2020*		
	<i>*Correcting – minutes erroneously approved as July 16, 2020 in the last meeting</i>		
3.	General Announcements (10:05 a.m.)		
	a) Breast Cancer Awareness Month		
	b) National Pregnancy and Infancy Loss Awareness Month		
	c) National AIDS Awareness Month		
	d) Hiring People with Disabilities Month		
	e) National Domestic Violence Awareness Month		
	f) National Stop Bullying Month		
	g) Italian American, German American and Polish American Heritage Month		
4.	Committee Minutes/Board Reports (For Information Only) (10:20 a.m.)		
	a) Executive Committee Meeting – Open Session – October 7, 2020	(+)	Page 7
	b) Executive Committee Meeting – Closed Session – October 7, 2020	(++)	
<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, conduct collective bargaining discussions and consider matters that relate to negotiation.</i>			
5.	Closed Session (10:10 a.m.)		
	a) I-495/I-270 Managed Lanes Briefing and Update (Rubin)	(LD)	
	b) Memorandum of Understanding (MOU) between the United States Attorney’s Office for the District of Columbia, the Metropolitan Police Department of Washington, DC and the Maryland-National Capital Park Police (Dickerson/Adams)	(++)	
	c) Union Negotiation Update (Chiang-Smith/Bennett)	(++H)	

6. **Action and Presentation Items (11:40 a.m.)**

- a) 1. Resolution 20-23. Ratification of the Tentative Agreement for 3-year collective bargaining contract with The Fraternal Order of Police (FOP) (Chiang-Smith/Bennett) (+*) Page 11
- 2. Resolution 20-24. Approval of Fiscal Year 2021 Cost of Living Adjustments and Pass-Through of Other Terms for Command Officers and Candidates (Chiang-Smith/Bennett) (+*) Page 13
- b) Consideration of item 5b. Memorandum of Understanding (MOU) between the United States Attorney's Office for the District of Columbia, the Metropolitan Police Department of Washington, DC and the Maryland-National Capital Park Police (Gardner/Dickerson) (+*) Page 15
- c) Resolution 20-25. In Support of Question A, and in Opposition to Question B for the 2020 General Election in Montgomery County (Gardner) (+*) Page 23
- d) Resolution 20-22. Appointment of Gerald Cichy to the Board of Trustees of the Employees' Retirement System (Rose) (+*) Page 33
- e) Health Insurance Rate Changes for the Municipal and County Government Employees Organization (MCGEO) Collective Bargaining Unit (Spencer/McDonald) (+*) Page 35
- f) I-495/I-270 Managed Lanes Briefing and Update (Rubin) (LD*)

7. **Officers' Reports (11:00 a.m.)**

Executive Director's Report

- a) Late Evaluation Report, September 2020 (For Information Only) (+) Page 41

Secretary Treasurer

- b) 4th Quarter Investment Report (For Information Only) (+) Page 43

General Counsel

- c) Litigation Report (For Information Only) (+) Page 49

(+) 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 16, 2020

The Maryland-National Capital Park and Planning Commission met via videoconference with the Chair initiating the meeting at the Wheaton Headquarters Auditorium in Wheaton, Maryland.

PRESENT

Montgomery County Commissioners

Casey Anderson, Chair (joined 10:09 a.m.)
Gerald Cichy
Natali Fani-Gonzalez
Tina Patterson

Prince George’s County Commissioners

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

NOT PRESENT

Partap Verma

Manuel Geraldo

Vice-Chair Chair Hewlett called meeting to order at 10:03 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

No amendments

ACTION: Motion of Commissioner Washington to approve the agenda
Seconded by Bailey
7 approved the motion (Chair Anderson absent)

ITEM 2 APPROVAL OF COMMISSION MINUTES*

Open Session – July 15, 2020

Closed Session – July 15, 2020

ACTION: Motion of Commissioner Washington to approve the minutes
Seconded by Commissioner Bailey
7 approved the motion (Chair Anderson absent)

**Minutes erroneously approved as July 16, 2020.*

ITEM 3 GENERAL ANNOUNCEMENTS

- a) Hispanic Heritage Month (September 15-October 15)
- b) HIV/AIDS Awareness day (September 18)
- c) Aging Awareness Day (September 18)
- d) National Prostate Cancer Awareness Month
- e) Suicide Prevention Month
- f) M-NCPPC has earned a Bronze level recognition for the 2020 American Heart Association (AHA) Workplace Health Achievement
- g) Individuals are reminded to complete the Census with 14 Days left.

ITEM 4

COMMITTEE MINUTES/BOARD REPORTS (For Information Only)

- a) Executive Committee – Open Session September 2, 2020
- b) Executive Committee – Closed Session September 2, 2020
- c) Employees’ Retirement System Board of Trustees Regular Meeting – July 7, 2020

ITEM 5

ACTION AND PRESENTATION ITEMS

- a) Resolution 20-19 Germantown Plan for the Town Sector Zone (Estes)

ACTION: Motion of Commissioner Fani-Gonzalez to approve Resolution 20-19
Seconded by Commissioner Cichy
8 approved the motion

- b) Bond Resolutions

- 1. Resolution 20-20 Prince George’s County General Obligation Bonds (Zimmerman)
- 2. Resolution 20-21 Montgomery County General Obligation Bonds (Zimmerman)

Secretary-Treasurer Zimmerman asked Commissioners to consider Resolutions 20-20 and 20-21, authorization the issuing of refinancing bonds, bids for which would be approved by the Chairs for their respective counties. The bonds would have an aggregate amount not to exceed \$20M in Prince Georges County and \$17M in Montgomery County. He anticipates a value savings of \$1.8M and \$920,000 respectively. Expected to close on October 1.

ACTION: Motion of Commissioner Washington to approve Resolutions 20-20 and 20-21
Seconded by Vice Chair Hewlett
8 approved the motion

- c) Correction to FY21 Adopted Budget (Kroll)

Passed without discussion.

ACTION: Motion of Commissioner Doerner to approve the correction to the FY21 budget
Seconded by Commissioner Patterson
8 approved the motion

- d) Bi-County Cost Allocation for FY22 Budget (Kroll)

Corporate Budget Manager Kroll reviewed the Bi-County Cost allocation for Montgomery and Prince George’s Counties. He noted the last page of the memo, which shifts allocation approximately \$20,000 from Prince George’s County to Montgomery County.

ACTION: Motion of Vice Chair Hewlett to approve the item as revised
Seconded by Commissioner Washington
8 approved the motion

- e) Change to Benefits Rates in Calendar 2021 (Spencer/McDonald)
Passed without discussion.

ACTION: Motion of Commissioner Washington to approve the health premium rates for calendar year 2021
Seconded by Vice Chair Hewlett
8 approved the motion

- f) Audit Committee Annual Report (Commissioner Bailey)
Commissioner Bailey thanked Inspector General Kenney and her staff for doing an outstanding job, noting findings in the report. She said the Audit Committee concurs with the report and thanked the Inspector General's Office for their thorough and timely work, as well as its professionalism. She thanked the Commission Chairs for their support and input.

Vice Chair Hewlett commended the Inspector General and Audit Committee for doing such a spectacular job, saying this is an important and necessary function for the Commission. The audits are professionally conducted and provide much guidance. Chair Andersen agreed, praising both the Inspector General and her team.

ITEM 6

OFFICERS' REPORTS

Executive Director's Report

- a) Employee Evaluations Not Completed by Due Date (August 2020) (For information only)

Secretary Treasurer Report

- b) MFD FY19 4th Quarter report (For information only)
- c) 115 Trust Annual Report. Secretary-Treasurer Zimmerman reported that while the agency did not have a stellar year, he thinks the M-NCPPC continues to be in a decent position since the horizon of the fund is measured in decades. Good years and bad years tend to balance each other out.

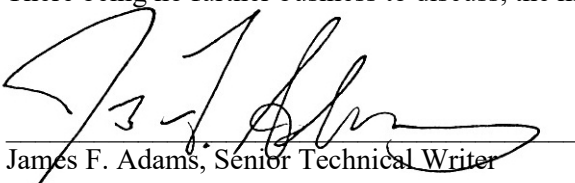
General Counsel Report

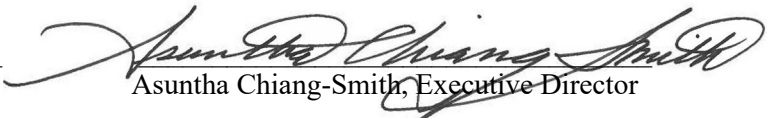
- d) Litigation Report (For information only)

Chair Anderson asked for a motion to enter closed session at 10:23 a.m. Vice Chair Hewlett moved; Commissioner Fani-Gonzalez seconded. The motion was approved by all 8 Commissioners present for the vote.

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 conduct collective bargaining discussions.

There being no further business to discuss, the meeting ended in closed session at 11:07 a.m.


James F. Adams, Senior Technical Writer


Asuntha Chiang-Smith, Executive Director

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

**EXECUTIVE COMMITTEE MEETING MINUTES
October 7, 2020**

On October 7, 2020, the Maryland-National Capital Park and Planning Commission’s Executive Committee met via teleconference. Present were Chair Casey Anderson, Vice Chair Elizabeth M. Hewlett, and Executive Director Asuntha Chiang-Smith. Also present were:

Department Heads

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

Presenters/Staff

- Anju Bennett, Corporate Policy and Management Operations Director
- Mazen Chilet, Chief Information Officer
- John Kroll, Corporate Budget Director
- William Spencer, Corporate Human Resource Director
- Wanda Wesley-Major, Risk and Safety Manager

Executive Director Chiang-Smith convened the meeting at 10:04 a.m.

ITEM 1a – APPROVAL OF EXECUTIVE COMMITTEE AGENDA

Discussion	Executive Director Chiang-Smith noted an amended agenda had been issued yesterday, adding a closed session item on a Montgomery County Ballot initiative to be presented by the General Counsel.
ACTION	Motion of Vice-Chair Hewlett, second by Executive Director Chiang-Smith. Agenda approved unanimously.

ITEM 1b – APPROVAL OF COMMISSION MEETING AGENDA for October 21, 2020

Discussion	The following items are to be added to the October Commission Meeting agenda: <ul style="list-style-type: none"> • I-495/I-270 Managed Lanes Briefing/Update (Open and Closed sessions) (Rubin)
ACTION/Follow-up	Add item to agenda.

ITEM 1c – ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS

Discussion	No modification
ACTION/Follow-up	

ITEM 2 – JANUARY 3, 2020 EXECUTIVE COMMITTEE MEETING MINUTES

Discussion	September 2, 2020 Open Session September 2, 2020 Closed Session
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ACTION	Motion of Vice-Chair Hewlett, second by Chair Anderson. Minutes approved unanimously.
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ITEM 3 – DISCUSSION/PRESENTATION ITEMS

Discussion	<p><u>Item 3a. Discussion of COOP Initiatives (Chiang-Smith/Wesley-Major)</u></p> <p>Executive Director Chiang-Smith introduced the Corporate Risk Management Team Manager Wanda Wesley-Major, who will lead the Continuation of Operations Plan (COOP) Initiative. Ms. Wesley-Major said the team is in the process of reviewing the Inspector General’s survey of departmental operations to understand where the gaps are in the agency’s COOP Initiatives.</p> <p>Executive Director Chiang-Smith made the following points:</p> <ol style="list-style-type: none"> 1. Inspector General Renee Kenny performed a comprehensive review of DHRM’s COOP, made recommendations and updated the templated. The team will be using that as a model for other departmental plans. 2. Ms. Wesley-Major will be contacting Department Heads to assign high-level staff to work with her team to update their department’s COOP. 3. The Prince George’s County Government has been working with a consultant on developing a comprehensive COOP, and the team is exploring working with their contract to coordinate items and have a comprehensive update for each and every division.
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ACTION	Department Heads will assign senior staff to work with COOP Team, headed by Ms. Wesley-Major.
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DISCUSSION	<p><u>Item 3b. Executive Director Initiatives Briefing (Chiang-Smith)</u></p> <p>Executive Director Chiang-Smith shared a presentation of three tandem projects under development with the goal to create a platform to help the agency evolve into a new level of management excellence</p> <ol style="list-style-type: none"> 1. Succession Planning – Developing an action plan to increase the availability of employees who are willing to assume higher-level positions as senior employees separate from the M-NCPPC. This will include both leadership positions, and positions that require subject matter expertise. The M-NCPPC is partnering with Montgomery College, who is putting together a succession planning analysis for the agency and will help design and implement a viable succession planning program, including recommendations for training and policy changes. Representatives of Montgomery College have been contacting department directors for interviews and will put together a briefing for management when complete. 2. Performance Measurements Management – Identifying and quantifying the value the M-NCPPC offers its internal and external communities. Executive Director Chiang-Smith has hired Towson University’s Strategic Partnerships and Research Department to identify value metrics, conduct a quantitative return/investment analysis, and assist on budget outcomes. The study will include a Strengths and Weaknesses Opportunities and Threats (SWOT) Analysis. The research will demonstrate how much return on value is gained for every dollar invested in the agency with respect to property values, economic development initiatives and other community programs/metrics.
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	<p>3. Corporate Communications – Developing a unified identity and consistent message for the agency. Executive Director Chiang-Smith said she wants the agency to have a platform to speak with one voice when possible and appropriate, while maintaining autonomy for individual departments. She has hired Communications consultant Anne Boyle, who has conducted impressive work with Montgomery Planning on public engagement platforms. Ms. Boyle will perform a SWOT analysis on the agency’s communications programs to get an objective perspective on the public perception of the agency. The Communications Team, consisting of the departments’ communications directors as well as a Corporate liaison, will examine our social media presence and proactively craft messages and information on how we want to portray to the public who we are as an agency.</p> <p>Deputy Director Carter asked for a plan on bringing these initiatives through to departmental staff so the message is clear and allow them to plan on assisting. Executive Director Chiang-Smith said the Comms Team will develop the next steps, including a roll-out plan. Deputy Director Carter suggested they might use an MSTeams Road Show, to ensure staff get a consistent message. Executive Director Chiang-Smith agreed that vehicle is a good idea.</p>
ACTION/Follow-up	Chair Anderson suggested Executive Director Chiang-Smith would consider a high-level briefing for Commissioners, similar to the one she just conducted.
DISCUSSION	<p><u>Item 3c. COVID Response Funding Requests to Local and Federal Government CARES Act/FEMA (Zimmerman)</u></p> <p>Secretary-Treasurer Zimmerman said he has received updates from staff in both counties who have done a terrific job communicating with the counties and FEMA to submit reimbursement requests that fall within the programs established to help the agency with funding unexpected budgetary needs to meet the COVID response.</p> <p>In Prince George’s County, about \$1M has been submitted to FEMA, mainly in non-personnel costs, some of which has been approved. Additional costs will be submitted through November. The county has allocated \$1M in CARES response, but there is a great sensitivity to be careful in justification for future audits. Half of the cost is unemployment. The county has preliminarily said they would reimburse the unemployment costs. They are also likely reimbursing technology updates for staff to telework. They have also indicated premium pay is not eligible for CARES reimbursement.</p> <p>In Montgomery County the agency has submitted about \$340k. FEMA appears to have approved the small amount of differential pay costs initially submitted but is balking at a larger base. \$157k in non-personnel costs to CARES for technology. The county has expressed some concern on unemployment costs which staff will be discussing with them in the coming weeks. Unemployment is not as significant in Montgomery County than in Prince George’s County because of a far more limited use of seasonal staff.</p> <p>It is an evolving situation, and agency staff are having good conversation with two counties and FEMA officials.</p>

	Executive Director Chiang-Smith praised the Secretary-Treasurer. Secretary-Treasurer Zimmerman stated the credit goes to departmental budget managers Melissa Ford and Nancy Steen. Vice Chair Hewlett added her thanks and agreed this has been a tremendous effort.
ACTION	
DISCUSSION	<u>Item 3d. Investment Report July 2020 (information item only)</u> Secretary-Treasurer Zimmerman reported rates of return are very low, and investments are not generating much income
ACTION	

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, conduct collective bargaining discussions and consider matters that relate to negotiation.

Vice Chair Hewlett made a motion that the meeting move into Closed Session at 10:34 a.m. Chair Anderson seconded, motion approved unanimously. Open Session resumed at 10:53 a.m.

Discussion	<u>Item 3e. COVID-Related Memorandums of Understanding for Fraternal Order of Police and Municipal and County Government Employees Organization (Chiang-Smith) (taken after closed session)</u>
ACTION	Vice-Chair Hewlett moved approval of the FOP MOU, MCGEO MOU, and extending the FOP MOU to command staff per the memo provided in item 3e. Chair Anderson second. Unanimous approval.

There being no further business to discuss, the meeting adjourned at 10:54 a.m.


James F. Adams, Senior Technical Writer


Asuntha Chiang-Smith, Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC Resolution No. 20-23

APPROVAL OF THE 3-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN
THE M-NCPPC AND THE FRATERNAL ORDER OF POLICE, LODGE NO. 30
EFFECTIVE FEBRUARY 1, 2020 THROUGH JANUARY 31, 2023

WHEREAS, §16-307 of the Land Use Article of the Annotated Code of Maryland requires the Maryland-National Capital Park and Planning Commission (the “Commission”) to engage in collective bargaining for certain employees and under specified circumstances; and

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

WHEREAS, the Commission’s collective bargaining agreement with FOP expired as of January 31, 2020 (the “Expired Agreement”); and

WHEREAS, in fall 2019 the Commission’s designated management team began negotiations with the FOP in good faith on the three-year contract effective February 1, 2020, through January 31, 2023 (“Agreement”), covering wages, health insurance, and other working conditions; and

WHEREAS, both parties collectively presented 50 initial proposals to amend, delete, or add various provisions to the Expired Agreement for Park Police Bargaining Unit; and

WHEREAS, both parties have reached agreement on twenty-eight (28) of the initial proposals, with all other provisions of the Expired Agreement remaining the same; and

WHEREAS, the negotiations have been constrained by the current and long-term fiscal challenges facing the Commission; and

WHEREAS, the respective bargaining teams have reached a proposed agreement on the three-year contract that is subject to ratification by the Commission and FOP, otherwise referred to as Maryland-National Capital Park and Planning Commission Proposals to Fraternal Order of Police Lodge No. 30, the terms of which are summarized and incorporated in this Resolution as Exhibit A; and

WHEREAS, the Agreement will be effective February 1, 2020, unless expressly specified otherwise therein;

NOW, THEREFORE BE IT RESOLVED, that the Maryland-National Capital Park and Planning Commission approves, and does hereby ratify, the terms of the tentative agreement contingent upon ratification of the Agreement by the Fraternal Order of Police; and

BE IT FURTHER RESOLVED, that the Maryland-National Capital Park and Planning Commission does hereby authorize the Executive Director and other officers to make, enter into, and execute such other agreements, instruments and further assurances, as well as, amend any pay schedules as may be necessary to effectuate its decision to approve and ratify the terms of the tentative agreement.

*Exhibit A to be presented at the Commission meeting, following closed discussion of the item.

APPROVED FOR LEGAL SUFFICIENCY:

William Dickerson,
M-NCPPC Legal Department,
October 15, 2020



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC Resolution 20-24

APPROVAL OF THE FISCAL YEAR 2021 COST OF LIVING ADJUSTMENTS
AND PASS-THROUGH OF OTHER TERMS APPROVED FOR FOP
TO PARK POLICE COMMAND OFFICERS AND CANDIDATES

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

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

WHEREAS, the FOP has a Collective Bargaining Agreement with the Commission, adopted by Resolution 20-23, *Adoption of the tentative Collective Bargaining Agreement with the Fraternal Order of Police Lodge No. 30*, which is effective February 1, 2020, through January 31, 2023 (“Agreement”), contingent upon ratification of the Agreement by the Fraternal Order of Police.

WHEREAS the Agreement includes certain adjustments to the FY21 compensation and other terms and conditions of employment.

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

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

NOW, THEREFORE BE IT RESOLVED that the Commission hereby adopts economic terms presented in Exhibit I*.

BE IT FURTHER RESOLVED, that the Maryland-National Capital Park and Planning Commission does hereby authorize the Executive Director and other officers to amend any pay schedules as may be necessary to effectuate its decision.

*Exhibit I to be presented at Commission meeting, following closed discussion of the item.

APPROVED FOR LEGAL SUFFICIENCY:

William Dickerson,
M-NCPPC Legal Department,
October 15, 2020

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MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is executed by the United States Attorney's Office for the District of Columbia, the Metropolitan Police Department of Washington, D.C. (MPD) and the Maryland-National Capitol Park Police.

I. PURPOSE

The purpose of the MOU is to outline the mission of the Presidential Inauguration Task Force (PITF) in the Washington, D.C. area from Sunday, January 17, 2021, to Thursday, January 21, 2021. Additionally, this MOU defines relationships between the U.S. Marshals Service, MPD and the Maryland-National Capitol Park Police, as well as other participating agencies with regard to policy, guidance, utilization of resources, planning, training, public relations and media in order to maximize interagency cooperation.

II. MISSION

The mission of the PITF is to achieve maximum coordination and cooperation in bringing to bear combined resources to effectively implement measures to promote the safety of the President of the United States, inaugural participants, the public, visitors and residents while allowing individuals and groups to exercise their legal rights.

Additionally, all units that are participating agencies will coordinate their activities and be considered a member of the PITF, sharing information and coordinating investigative and law enforcement efforts which may result from any apprehensions originating from the PITF.

III. ORGANIZATIONAL STRUCTURE

A. Direction

The Maryland-National Capitol Park Police acknowledges that the PITF is a joint operation in which all agencies, including the MPD, the United States Attorney's Office for the District of Columbia, United States Marshals Service, United States Secret Service, United States Federal Bureau of Investigation, National Park Service, the Maryland-National Capitol Park Police and other agencies, act as partners in the operation of the PITF. The Command Center for the operations will be located at the MPD Headquarters and will be staffed by officers from the United States Marshals Service, MPD, U.S. Park Police, and the Federal Bureau of Investigation. These officers will serve as the Executive Council for this operation.

B. Supervision

The day-to-day operation and administrative control of the PITF will be the responsibility of MPD's Inaugural Planning Committee Commanding Officer. The Inaugural Planning Committee Commanding Officer will coordinate with supervisory personnel of the United States Secret Service as the sponsoring agency for Special Deputation (federal) and with MPD as the lead agency for the operation. The daily management of the PITF will be closely monitored by the MPD.

Responsibility for the conduct of the PITF members, both personally and professionally, shall remain with the respective agency directors subject to the provisions in Section IX (Liability).

C. Unilateral Law Enforcement Action

There shall be no unilateral action taken on the part of any participating non-federal or non-MPD law enforcement agency relating to PITF activities. All law enforcement action by participating non-federal and non-MPD law enforcement agencies must be coordinated and conducted in a cooperative manner under the direction of the Executive Council and the MPD.

IV. PROCEDURES

A. Personnel

Continued assignment of personnel to the PITF will be based upon performance and will be at the discretion of the respective agency. Each participating agency will be provided with reports as necessary regarding the program, direction, and accomplishment of the PITF.

B. Deputation

All local and state law enforcement personnel designated to the PITF will be subject to background inquiry and will be federally deputized, with the United States Marshals Service securing the required deputation authorization. These deputations will remain in effect throughout the tenure of each officer's assignment to the PITF or until termination of the PITF, whichever occurs first. Each individual deputized as a Special Deputy U.S. Marshal will have all necessary law enforcement authority as provided by 28 U.S.C. § 566(c) and (d); 28 U.S.C. § 564; 18 U.S.C. § 3053; 28 C.F.R. § 0.112, and the deputation authority of the Deputy Attorney General. The Special Deputy U.S. Marshals will be responsible for: 1) performing necessary law enforcement steps to keep the peace of the United States; 2) enforcing federal law (e.g., 18 U.S.C. §§ 112, 1116, and 878, as well as other provisions of that title); 3) protecting visiting foreign officials, official guests, and internationally protected persons; 4) taking necessary law enforcement steps to prevent violations of federal law, and; 5) enforcing District of Columbia law as a result of the deputation (see D.C. Official Code § 23-581 and 28 U.S.C. § 564).

Individuals deputized as Special Deputy U.S. Marshals pursuant to this MOU who suffer a disability or die as a result of personal injury sustained while acting within the course and scope of their official duties and assignments pursuant to this MOU shall be treated as a federal employee as defined by Title 5 U.S.C. § 8101. Any such individuals who apply to the U.S. Department of Labor for federal workers' compensation under Section 3374 must submit a copy of this MOU with his or her application. All applicants will be processed by the U.S. Department of Labor on a case-by-case basis in accordance with applicable law and regulation.

C. Law Enforcement Activities

Since it is anticipated that almost all cases originating from any PITF arrests will be prosecuted at the state or local level, the law enforcement methods employed by all participating law enforcement agencies shall conform to the requirements of the relevant state or local statutory or common law pending a decision as to a change of venue for prosecution.

D. Prosecution

The criteria for determining whether to prosecute a particular violation in federal or state court will focus upon achieving the greatest overall benefit to law enforcement and the community. Any question which arises pertaining to prosecutorial jurisdiction will be resolved through the Executive Council. The U.S. Attorney's Office for the District of Columbia has agreed to formally participate in the PITF and will adopt policies and seek sentences that meet the needs of justice.

V. ADMINISTRATIVE

A. Records and Reports

All records and reports generated by PITF members shall be routed through MPD's Inaugural Planning Committee Commanding Officer who shall be responsible for maintaining custody and proper dissemination of said records and reports as he or she deems appropriate.

B. Staff Briefings

Periodic briefings on PITF law enforcement actions will be provided to the directors of the participating agencies or their designees. Statistics regarding accomplishments will also be provided to the participating agencies as available.

VI. MEDIA

All media releases pertaining to PITF law enforcement activity and/or arrests will be coordinated by the Executive Council. No unilateral press releases will be made by any

participating agency without the prior approval of the Executive Council. No information pertaining to the PITF itself will be released to the media without Executive Council approval.

VII. EQUIPMENT

A. PITF Vehicles

Each participating agency, subject to availability and individual agency policy, agrees and authorizes PITF members to use vehicles, when available, owned or leased by those participating agencies, in connection with PITF law enforcement operations. Each participating agency agrees to be responsible for any negligent act or omission on the part of its agency or its employees, and for any liability resulting from the misuse of said vehicles, as well as any damage incurred to those vehicles as a result of any such negligent act or omission on the part of the participating agency or its employees, subject to the provisions of Section IX (Liability).

Participating agency vehicles assigned to the PITF are subject to funding availability, are provided at the discretion of the supervisor of the providing agency, and will be used only by PITF members. Vehicles provided by participating agencies will be used only during working hours and will not be used for transportation to and from work by task force members or used for any other purpose. Participating agencies will provide maintenance and upkeep of their vehicles consistent with each agency's policy. Vehicles provided as pool vehicles for PITF use will be parked at the end of each shift at a location determined by MPD's Inaugural Planning Committee Commanding Officer or his/her designee.

B. Other Equipment

Other equipment furnished by any agency for use by other agencies' participating personnel shall be returned to the originating agency upon termination of the PITF or this MOU.

VIII. FUNDING

The Maryland-National Capitol Park Police agrees to provide the full-time services of its respective personnel for the duration of this operation, and to assume all personnel costs for their PITF representatives, including salaries, overtime payments, and fringe benefits consistent with their respective agency policies and procedures. Reimbursement for the cost of such personnel will be made by the District of Columbia, with funds provided by the United States and from general revenue.

IX. LIABILITY

Unless specifically addressed by the terms of this MOU, the parties agree to be responsible for the negligent or wrongful acts or omissions of their respective employees. Liability for PITF employees' acts or omissions undertaken outside the terms of this MOU are

the sole responsibility of the respective employee or agency involved.

For the limited purpose of defending tort claims arising out of PITF activity, state or local law enforcement officers who are specially deputized as Deputy U.S. Marshals may request that the Attorney General or his designee certify under 28 U.S.C. § 2679(d) that the officer was an employee of the U.S. government acting in the scope of office or employment at the time of the incident out of which the claim arose. Upon certification, the United States is substituted as the defendant under the Federal Tort Claims Act and the case proceeds against the United States. This procedure does not apply to claims for violations of federal constitutional or statutory rights. *See* 28 U.S.C. 2679(b)(2). Decisions regarding certification under § 2679 are made on a case-by-case basis and no guarantee is made that any PITF personnel will be certified under this provision.

PITF-deputized officers may request representation by the U.S. Department of Justice for individual-capacity civil claims arising from actions taken within the scope of deputation under this MOU. *See* 28 C.F.R. § 50.15. The Department of Justice determines whether to provide individual-capacity representation on a case-by-case basis applying the criteria in § 50.15. Legal representation by the Department of Justice is discretionary and not guaranteed.

To request certification of scope of employment under 28 U.S.C. § 2679(d) or legal representation under 28 C.F.R. § 50.15, a PITF-deputized officer should submit a written request to the Civil Division of the U.S. Attorney's Office for the District of Columbia. The United States Attorney's Office for the District of Columbia will forward the request to the Civil Division of the United States Department of Justice together with a recommendation concerning scope of employment as a deputized federal officer and Department representation. 28 C.F.R. § 50.15(a)(3).

A PITF-deputized officer may request indemnification for an adverse judgment under the circumstances set forth in 28 C.F.R. § 50.15(c). Indemnification decisions are discretionary and made on a case-by-case basis. Indemnification is not guaranteed.

PITF officers from participating agencies covered by the provisions of § 7302 of the National Intelligence Reform and Terrorism Prevention Act of 2004, PL 108-458, 118 Stat. 3538, as amended, and PL 110-250, 122 Stat. 2318 ("the Act"), also have the liability protection afforded by the Act

X. DURATION

This MOU shall remain in effect until the conclusion of the PITF as specified in Part I (Purpose) above, unless that date is modified as set forth in Section XI, and subject to the availability of necessary funding. The United States Attorney's Office for the District of Columbia or the Metropolitan Police Department may terminate this agreement at any time. The Maryland-National Capitol Park Police may withdraw from this MOU at any time by providing a

seven-day written notice of its intent to withdraw to the MPD. Upon the termination of the MOU, all equipment will be returned to the supplying agencies.

XI. MODIFICATIONS

The terms of this MOU may be modified at any time by written consent of all parties. Modifications to this MOU shall have no force and effect unless such modifications are reduced to writing and signed by an authorized representative of each participating agency.

XII. LIMITATION

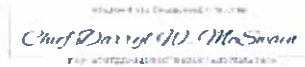
Nothing in this MOU is intended to, or shall be construed to create enforceable rights in third parties.



MURIEL BOWSER
MAYOR
DISTRICT OF COLUMBIA



MICHAEL R. SHERWIN
ACTING UNITED STATES ATTORNEY
DISTRICT OF COLUMBIA



DARRYL W. MCSWAIN
CHIEF
MARYLAND-NATIONAL CAPITOL PARK POLICE
SILVER SPRING, MARYLAND

MICHAEL RILEY
DIRECTOR
MONTGOMERY PARKS
SILVER SPRING, MARYLAND

ASUNTHA CHIANG-SMITH
EXECUTIVE DIRECTOR
MARYLAND-NATIONAL CAPITOL PARKS AND
PLANNING
SILVER SPRING, MARYLAND



STANLEY JOHNSON
CHIEF
PRINCE GEORGE'S PARKS
SILVER SPRING, MARYLAND

BILL TYLER
DIRECTOR
PRINCE GEORGE'S PARKS
SILVER SPRING, MARYLAND



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


Reply To

Adrian R. Gardner
 General Counsel
 6611 Kenilworth Avenue, Suite 200
 Riverdale, Maryland 20737
 (301) 454-1670 • (301) 454-1674 fax

October 14, 2020

Memorandum

TO: The Maryland-National Capital Park and Planning Commission

FROM: Adrian R. Gardner
 General Counsel 

RE: Montgomery County Ballot Questions: Resolution No. 20-25

I. RECOMMENDATION

Adopt Commission Resolution No. 20-25, captioned “Commission Resolution in Support of Ballot ‘Question A’ & Opposition to Ballot ‘Question B’ for the 2020 General Election in Montgomery County, Maryland,” attached for convenient reference.

II. BACKGROUND AND DISCUSSION

At Chair Anderson’s request, our office prepared a substantially identical companion to the Funding Resolution, which the Montgomery County Planning Board adopted last week as its Resolution 20-110 (the “Board Resolution”).

The Board Resolution established the Board’s policy position on two important ballot questions that are currently pending in Montgomery County. Generally, these questions propound competing tax policies for the Montgomery County Government.

Question B would all but repeal the existing Montgomery County charter requirement that calls for a unanimous vote of the County Council in order to increase the rate of certain real property taxes above the annual rate of growth in the property tax base (computed with certain adjustments for inflation and a handful of other items). In effect, Question B would jettison the current rate-setting authority, effectively creating a constant yield structure that is tantamount to a freeze on future County funding with marginal adjustments for consumer inflation.

By contrast, although Question A maintains the existing requirement for a unanimous vote, it would eliminate the annual revenue cap that is tied to the growth in aggregate property values. In short, it would relax the constraints that bedevil the County in

balancing competing needs for important services – including recreation programs, for example. As you can see, the ballot questions portend serious consequences for the Montgomery County Government, including the operating functions that are integral to the work of our Commission. I have included a recent editorial for additional background.

We must point out that, as a purely technical matter, even though the existing and proposed charter provisions legally should not apply to Commission taxes – because they conflict with enabling statutes and for other reasons – it is clear nevertheless that constraints on County budget resources consistently spill over to constrain the Commission’s resources and work program. According to our budget team, any additional disruption is particularly troubling in view of a difficult economic forecast overall.

III. CONCLUSION

In light of their potential impact on the future of Commission funding and functions, we invite and recommend that the full Commission adopt the proposed resolution No. 20-25 to express a formal agency-wide position that works in concert with the Board Resolution.

Attachments



M-NCPPC Resolution No. 20-25

RESOLUTION

**IN SUPPORT OF BALLOT “QUESTION A” & OPPOSITION TO BALLOT “QUESTION B”
FOR THE 2020 GENERAL ELECTION IN MONTGOMERY COUNTY, MARYLAND**

WHEREAS, the Maryland-National Capital Park and Planning Commission (the “**Commission**”) hereby takes administrative notice that the voters of Montgomery County, Maryland, will consider two ballot questions relating to County property tax limits, as described further below, in the upcoming general election that culminates on November 3, 2020; and

WHEREAS, under existing law, Section 305 of the Charter of Montgomery County, Maryland (“**Section 305**”), any imposition of County real property taxes requires a unanimous vote by the County Council if the imposition would yield more revenue than the amount generated in the preceding fiscal year (calculated with certain allowances in the tax base and after adjustment for annual consumer inflation); and


WHEREAS, one deleterious effect of Section 305, among others, is that it precludes the Montgomery County Government from capturing fully the natural growth in revenue that would otherwise inure to benefit local service delivery from the growth in property values attributable to the County’s successful planning initiatives and policy outcomes; and

WHEREAS, ballot “**Question A**” (attached hereto as Exhibit 1) would amend Section 305 to allow the Montgomery County Council to establish a tax rate for County real property taxes that exceeds the rate approved for the previous year – but only with a unanimous council vote in favor of any such rate increase; and

WHEREAS, upon passage, the effect of Question A will be to correct the impact of Section 305 by providing greater flexibility and allowing the Montgomery County Government to capture fully the revenue enhancement available from rising property values in the ordinary course; and

WHEREAS, by contrast to the ameliorative effect of Question A, ballot “**Question B**” (attached hereto as Exhibit 2) would amend Section 305 to fully prohibit the County Council – notwithstanding even a unanimous desire otherwise – from imposing a County real property tax that yields more revenue than the amount generated in the preceding fiscal year (calculated with the same allowances in the tax base and adjustment for inflation provided in existing law); and

WHEREAS, upon passage, Question B would grossly exacerbate the existing deficiency of Section 305 by establishing an all-but-absolute cap on future revenue growth capable of starving the

Approved as to Legal Sufficiency:		10/14/20
	M-NCPPC Legal Department	Date

M-NCPPC Resolution No. 20-25

Page 2

County Government of resources needed to provide services essential to the well-being of the communities and residents it serves; and

WHEREAS, although the application of Section 305 is not authorized by the Code of Maryland, Division II of the Land Use Article, with respect to property taxes imposed for the Commission, our agency has been for nearly a century, and currently remain as, a strategic partner with the Montgomery County Government in serving our bi-county communities and residents; and

WHEREAS, the Commission and Planning Board are vested stakeholders in the public debate about any charter amendment that portends a greater constraint on the Montgomery County Government’s ability to provide resources necessary to deliver vital recreation and other services that are related to, or implicated by, the mission of our agency; and

WHEREAS, the Planning Board has duly reviewed and considered the direct and collateral impacts of the ballot questions identified herein on the mission of this entire agency, and duly adopted its Resolution No. 20-110, entitled “Resolution in Support of Ballot ‘Question A’ & Opposition to Ballot ‘Question B’ for the 2020 General Election in Montgomery County, Maryland”; and

WHEREAS, the Commission has duly reviewed and considered the direct and collateral impacts of the ballot questions identified herein on the mission of this entire agency.

NOW THEREFORE, BE IT RESOLVED, that the Commission hereby shall, and hereby does, **support** the adoption of **Question A** by referendum to be held during the Montgomery County General Election of 2020; and

BE IT FURTHER RESOLVED, that the Commission hereby shall, and hereby does, **oppose** the adoption of **Question B** by referendum to be held during the Montgomery County General Election of 2020; and

BE IT FURTHER RESOLVED, that the Chair, Vice-Chair and Executive Director shall consider appropriate communications or notifications of the action taken by the Commission in adopting this Resolution and the reasonable policy justifications therefor.

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of Resolution No. 20-25 adopted by the Maryland-National Capital Park and Planning Commission on motion of Commissioner _____, seconded by Commissioner _____, with Chair Anderson, Vice-Chair Hewlett, Commissioners _____ and _____ voting in favor of the motion[, with Commissioners _____ and _____ being absent,] from the meeting held on Wednesday, October 21, 2020, via video-conference, and broadcast by the Department of Parks and Recreation in Prince George’s County.

Asuntha Chiang-Smith, Executive Director

Question A

Charter Amendment by Act of County Council

Property Tax Limit - Limit Tax Rate Increases

Amend Section 305 of the County Charter to prohibit the County Council from adopting a tax rate on real property that exceeds the tax rate on real property approved for the previous year, unless all current Councilmembers vote affirmatively for the increase. This amendment would replace the current property tax limit, which requires an affirmative vote of all current Councilmembers to levy a tax on real property that would produce total revenue that exceeds the total revenue produced by the tax on real property in the preceding fiscal year plus any increase in the Consumer Price Index. The current property tax limit exempts real property tax revenue derived from: (1) newly constructed property; (2) newly rezoned property; (3) certain property assessed differently under State law; (4) property that has undergone a change in use; and (5) property in a development tax district to provide funding for capital improvements.

- For / A Favor
- Against / En Contra

Question B

Charter Amendment by Petition

Property Tax Limit - Prohibit Override

Amend Section 305 of the County Charter to prohibit the County Council from levying an ad valorem tax on real property that would produce total revenue (not including property tax revenue from certain enumerated sources) that exceeds the total revenue produced by the tax on real property in the preceding fiscal year plus a percentage of the previous year's real property tax revenues that equals any increase in the Consumer Price Index. Section 305 currently permits the County Council to exceed the limit on real property tax revenue only upon the affirmative vote of all current Councilmembers

- For / A Favor
- Against / En Contra

Opinion | Why Montgomery County residents should reject these four ballot initiatives

Opinion by Editorial Board

MARYLAND'S STATE constitution sets a low bar for motivated citizens eager to impose their will on local governments. Even in the state's behemoth county — Montgomery, with 1.1 million residents — just 10,000 valid signatures are required to place a referendum on the ballot. That has been a standing invitation to citizens with grievances to appeal directly to the voters.

Two such proposals appear on this fall's ballot, and such is the County Council's distaste for them that it added rival measures to compete with each. In both cases — one involving property tax increases; the other, the composition of the council itself — the citizens' initiative is a bad idea. Yet neither of the council's competing proposals is preferable to the status quo. Montgomery voters should vote against [Questions A, B, C and D](#).

Questions A and B offer rival methods to limit increases to annual property taxes, which account for about a third of county tax-supported revenue. For 30 years, property tax revenue increases have been pegged to inflation, plus new construction, a strict ceiling exceeded rarely since 1990 that can be breached only if all nine council members agree.

On this year's ballot, an initiative by veteran gadfly [Robin Ficker](#) (Question B) proposes locking in the current cap, with no breaching rights even for a unanimous council. The Question B proposal would make no difference in most years but could hamstring the county during economic slumps when the council tries to safeguard parks, libraries and other amenities. The competing, council-backed proposal ([Question A](#)) would set a different cap — on the property tax rate, rather than overall receipts. That would have yielded slightly more revenue — about \$13 million annually since 2004, on average, a pittance against Montgomery's nearly \$6 billion budget. The council's argument that its tax-cap proposal would help attract new employers to the county is unconvincing; just as likely, some might see it as a back-door tax increase. In fact, the current regime has worked well enough; the council has generally stuck to the limit, and county services are amply funded.

The other two ballot questions propose changes to the makeup of the nine-member council, which consists of four members elected at-large and five who represent districts. A plan to switch to nine individual districts (Question D) is [backed](#) by labor unions and real estate interests; they reckon they'd gain influence on a council stripped of at-large members. Yet an all-district council might also be more parochial.

The competing, council-backed blueprint (Question C) would retain the four at-large seats and add two district seats, for a total of 11 members. While it's true the county's population has boomed in recent decades, and some upcounty residents feel under-represented, it would take a finely honed ear to detect any broad clamor to expand a council that has done fine with nine members. As it is, every citizen can vote for five of the nine council seats — their own district representative, plus four elected at-large. That seems like plenty.

Read more:

R E S O L U T I O N

**IN SUPPORT OF BALLOT “QUESTION A” &
OPPOSITION TO BALLOT “QUESTION B”
FOR THE 2020 GENERAL ELECTION IN MONTGOMERY COUNTY, MARYLAND**

WHEREAS, the Montgomery County Planning Board (“**Planning Board**”) hereby takes administrative notice that the voters of Montgomery County will consider two ballot questions relating to County property tax limits, as described further below, in the upcoming general election that culminates on November 3, 2020; and

WHEREAS, under existing law, Section 305 of the Charter of Montgomery County, Maryland (“**Section 305**”), any imposition of County real property taxes requires a unanimous vote by the County Council if the imposition would yield more revenue than the amount generated in the preceding fiscal year (calculated with certain allowances in the tax base and after adjustment for annual consumer inflation); and

WHEREAS, one deleterious effect of Section 305, among others, is that it precludes the Montgomery County Government from capturing fully the natural growth in revenue that would otherwise inure to benefit local service delivery from the growth in property values attributable to the County’s successful planning initiatives and policy outcomes; and

WHEREAS, ballot “**Question A**” (attached hereto as Exhibit 1) would amend Section 305 to allow the Montgomery County Council to establish a tax rate for County real property taxes that exceeds the rate approved for the previous year – but only with a unanimous council vote in favor of any such rate increase; and

WHEREAS, upon passage, the effect of Question A will be to correct the impact of Section 305 by providing greater flexibility and allowing the Montgomery County Government to capture fully the revenue enhancement available from rising property values in the ordinary course; and

WHEREAS, by contrast to the ameliorative effect of Question A, ballot “**Question B**” (attached hereto as Exhibit 2) would amend Section 305 to fully prohibit the County Council – notwithstanding even a unanimous desire otherwise – from imposing a County real property tax that yields more revenue than the amount generated in the preceding fiscal year (calculated with the same allowances in the tax base and adjustment for inflation provided in existing law); and

WHEREAS, upon passage, Question B would grossly exacerbate the existing deficiency of Section 305 by establishing an all-but-absolute cap on future revenue growth capable of starving the County Government of resources needed to provide services essential to the well-being of the communities and residents it serves; and

WHEREAS, although the application of Section 305 is not authorized by the Code of Maryland, Division II of the Land Use Article, with respect to property taxes imposed for the Maryland-National Capital Park and Planning Commission (“**Commission**”), the Planning Board and Commission nevertheless have been partners with the Montgomery County Government in serving Montgomery County communities and residents since 1954 and 1927, respectively; and

WHEREAS, the Planning Board and Commission is a vested stakeholder in the public debate about any charter amendment that portends to further constrain the Montgomery County Government County Government’s ability to provide resources necessary to deliver vital recreation and other services that are related to, or implicated by, the mission of our agency; and

WHEREAS, the Planning Board has duly reviewed and considered the direct and collateral impacts of the ballot questions identified herein on the mission of this entire agency.

NOW THEREFORE, BE IT RESOLVED, that the Planning Board hereby shall, and hereby does, **support** the adoption of **Question A** by referendum to be held during the Montgomery County General Election of 2020; and

BE IT FURTHER RESOLVED, that the Planning Board hereby shall, and hereby does, **oppose** the adoption of **Question B** by referendum to be held during the Montgomery County General Election of 2020; and

BE IT FURTHER RESOLVED, that the Executive Director shall present this resolution for consideration by the full Commission during its next regularly scheduled meeting.

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, October 8, 2020, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board



M-NCPPC
RESOLUTION NO. 20-22

APPOINTMENT OF TRUSTEE TO THE BOARD OF TRUSTEES
OF THE EMPLOYEES' RETIREMENT SYSTEM

WHEREAS, the Commission is Plan Sponsor of the Employees' Retirement System and Trust; and

WHEREAS, Section 2.1.1 of the Employees' Retirement System Plan mandates that the Board of Trustees include as members two Commissioners who "shall serve at the pleasure of the Commission," with one of those being a Montgomery County resident, and therefore a representative from the Montgomery County Planning Board; and

WHEREAS, the current term for appointment to the Board of Trustees for a Montgomery County Planning Board representative was effective July 1, 2017 through June 30, 2020; and

WHEREAS, the Montgomery County Planning Board has approved the nomination of Gerald Cichy to continue to serve as a member of the ERS Board of Trustees;

WHEREAS, the Commission approves of Gerald Cichy to continue serving as a member of the ERS Board of Trustees;

NOW THEREFORE, BE IT RESOLVED that the Maryland-National Capital Park and Planning Commission, as Plan Sponsor for the ERS Trust, does hereby appoint Commissioner Gerald Cichy to the Board of Trustees as the Appointed Trustee from the Montgomery County Planning Board, effective July 1, 2020, for the three-year term commencing on that date.

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date 10/10/2020

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

October 13, 2020

TO: The Maryland-National Capital Park and Planning Commission

VIA: Asuntha Chiang-Smith, Executive Director

FROM: William Spencer, Human Resources Director
Jennifer McDonald, Benefits Manager
Cynthia Henderson, Principal Benefits Specialist

SUBJECT: Benefit Plans Rates for 2021

Action Requested

Approved revised rates for the self-insured medical health plans for calendar year 2021.

Background

In September, the Commission adopted 2021 calendar year rate recommendations for the Commission’s self-insured and fully insured health plans. However, in subsequent discussions with the Municipal and County Government Employee Organization (MCGEO) union concerns were raised regarding increases in some health insurance rates that would raise premiums per paycheck for family plans by more than \$30. In a year where employees would not be receiving Cost of Living Adjustments or Merit increases, additional expenditures for health insurance payments with no increases to wages would introduce financial hardship to some of the Commission employees and their families.

Given reserves in the group insurance fund are in excess of the 10% reserve buffer, the Commission and MCGEO agreed to reduce rates on some of the health insurance plans. On October 13th, an agreement was reached with MCGEO to reduce the approved rate increases for all four health plans by 8.2%. By doing so, the recommended rate increase for United Healthcare (UHC) Exclusive Provider Organization (EPO) would be fully covered while the rate

increase for the UnitedHealthcare Point of Service (POS) plan, which is the costliest option, would be mitigated to 8.4%. This decision would maintain a 10% reserve level set by the agency, and would serve to incentivize employees to consider moving from the most expensive plan, the UnitedHealthcare Point of Service (POS), to one of the two less costly options, the UHC EPO, which will now have no rate increase, or the Kaiser Permanente plan, which already has a 5% reduction in current rates which was approved by the Commission in September.

Revised 2021 Self-Insured Health Plan Rate Adjustments

The revised rate increases are as follows:

- **UnitedHealthcare (UHC) Exclusive Provider Organization (EPO)**
 - Approved increase was 8.2 % as recommended by AON
 - The revised increase is 0%

- **UnitedHealthcare EPO Medicare Eligible**
 - Approved increase was 13.4% as recommended by AON
 - The revised increase is 5.2%

- **UnitedHealthcare POS**
 - Approved increase was 16.6% as recommended by AON
 - The revised increase is 8.4%

- **UnitedHealthcare Medicare Complement**
 - Approved increase was 13.7% as recommended by AON
 - The revised increase is 5.5%

The following remains as approved during the Commission's 16 September 2020 meeting:

- **Caremark Prescription** – 0.6% decrease

- **Kaiser Permanente HMO** - 5.0% decrease

- **Kaiser Permanente Medicare Complement Plan for Over 65 retirees** - 3.4% decrease

See attachment A for the revised rate changes and dollar impact for employee and retiree groups.

M-NCPPC HEALTHCARE PREMIUM RATES EFFECTIVE 1/1/2021

FRATERNAL ORDER OF POLICE (FOP) PREMIUM RATES EFFECTIVE 1/1/2021						
Plan	Cost Share %	Full 2021 Monthly Rate	Full Bi-Weekly	M-NCPPC Bi-Weekly	Employee Bi-Weekly	\$ Change from 2020
SINGLE COVERAGE						
Caremark Prescription	77%/23%	\$228.00	\$ 105.23	\$ 81.03	\$ 24.20	\$ (0.11)
Kaiser Permanente HMO with Prescription	77%/23%	\$524.73	\$ 242.18	\$ 186.48	\$ 55.70	\$ (2.92)
Kaiser Permanente Medicare Complement	77%/23%	\$305.64	\$ 141.06	\$ 108.62	\$ 32.44	\$ (1.14)
UnitedHealthcare Choice Plus POS	77%/23%	\$715.44	\$ 330.20	\$ 254.25	\$ 75.95	\$ 5.88
UHC Medicare Complement Plan	77%/23%	\$276.41	\$ 127.57	\$ 98.23	\$ 29.34	\$ 1.53
UnitedHealthcare Select EPO	77%/23%	\$588.00	\$ 271.38	\$ 208.96	\$ 62.42	\$ -
UHC Select EPO Medicare Eligible	77%/23%	\$410.28	\$ 189.36	\$ 145.81	\$ 43.55	\$ 2.15
TWO MEMBER COVERAGE						
Caremark Prescription	77%/23%	\$456.00	\$ 210.46	\$ 162.05	\$ 48.41	\$ (0.21)
Kaiser Permanente HMO with Prescription	77%/23%	\$1,049.46	\$ 484.37	\$ 372.96	\$ 111.41	\$ (5.84)
Kaiser Permanente Medicare Complement	77%/23%	\$611.28	\$ 282.13	\$ 217.24	\$ 64.89	\$ (2.29)
UnitedHealthcare Choice Plus POS	77%/23%	\$1,430.88	\$ 660.41	\$ 508.52	\$ 151.89	\$ 11.77
UHC Medicare Complement Plan	77%/23%	\$552.82	\$ 255.15	\$ 196.47	\$ 58.68	\$ 3.06
UnitedHealthcare Select EPO	77%/23%	\$1,176.00	\$ 542.77	\$ 417.93	\$ 124.84	\$ -
UHC Select EPO Medicare Eligible	77%/23%	\$820.56	\$ 378.72	\$ 291.61	\$ 87.11	\$ 4.31
FAMILY COVERAGE						
Caremark Prescription	77%/23%	\$684.00	\$ 315.69	\$ 243.08	\$ 72.61	\$ (0.32)
Kaiser Permanente HMO with Prescription	77%/23%	\$1,574.18	\$ 726.54	\$ 559.44	\$ 167.10	\$ (8.76)
Kaiser Permanente Medicare Complement	77%/23%	\$916.92	\$ 423.19	\$ 325.86	\$ 97.33	\$ (3.43)
UnitedHealthcare Choice Plus POS	77%/23%	\$2,146.32	\$ 990.61	\$ 762.77	\$ 227.84	\$ 17.66
UHC Medicare Complement Plan	77%/23%	\$829.23	\$ 382.72	\$ 294.69	\$ 88.03	\$ 4.59
UnitedHealthcare Select EPO	77%/23%	\$1,764.00	\$ 814.15	\$ 626.90	\$ 187.25	\$ -
UHC Select EPO Medicare Eligible	77%/23%	\$1,230.84	\$ 568.08	\$ 437.42	\$ 130.66	\$ 6.46

CONTRACT EMPLOYEES PREMIUM RATES EFFECTIVE 1/1/2021						
Plan	Cost Share%	Full 2021 Monthly Rate	Full Bi-Weekly Rate	M-NCPPC Bi-Weekly	Employee Bi-Weekly	\$ Change from 2020
SINGLE COVERAGE						
Caremark Prescription	65%/35%	\$228.00	\$105.23	\$68.40	\$ 36.83	\$ (0.16)
Kaiser Permanente HMO with Prescription	65%/35%	\$524.73	\$242.18	\$157.42	\$ 84.76	\$ (4.45)
UnitedHealthcare Select EPO	65%/35%	\$588.00	\$271.38	\$176.40	\$ 94.98	\$ -
TWO MEMBER COVERAGE						
Caremark Prescription	65%/35%	\$456.00	\$210.46	\$136.80	\$ 73.66	\$ (0.32)
Kaiser Permanente HMO with Prescription	65%/35%	\$1,049.46	\$484.37	\$314.84	\$ 169.53	\$ (8.89)
UnitedHealthcare Select EPO	65%/35%	\$1,176.00	\$542.77	\$352.80	\$ 189.97	\$ -
FAMILY COVERAGE						
Caremark Prescription	65%/35%	\$684.00	\$315.69	\$205.20	\$ 110.49	\$ (0.49)
Kaiser Permanente HMO with Prescription	65%/35%	\$1,574.18	\$726.54	\$472.25	\$ 254.29	\$ (13.34)
UnitedHealthcare Select EPO	65%/35%	\$1,764.00	\$814.15	\$529.20	\$ 284.95	\$ -

M-NCPPC HEALTHCARE PREMIUM RATES EFFECTIVE 1/1/2021 (Continued)

MCGEO, NON-UNION REPRESENTED PREMIUM RATES EFFECTIVE 1/1/2021						
Plan	Cost Share %	Full 2021 Monthly Rate	Full Bi- Weekly Rate	M-NCPPC Bi-Weekly	Employee Bi-Weekly	\$ Change from 2020
SINGLE COVERAGE						
Caremark Prescription	85%/15%	\$228.00	\$105.23	\$89.45	\$15.78	\$ (0.07)
Kaiser Permanente HMO with Prescription	85%/15%	\$524.73	\$242.18	\$205.85	\$36.33	\$ (1.91)
Kaiser Permanente Medicare Complement	85%/15%	\$305.64	\$141.06	\$119.90	\$21.16	\$ (0.75)
UnitedHealthcare Choice Plus POS	80%/20%	\$715.44	\$330.20	\$264.16	\$66.04	\$ 5.12
UHC Medicare Complement Plan	80%/20%	\$276.41	\$127.57	\$102.06	\$25.51	\$ 1.33
UnitedHealthcare Select EPO	80%/20%	\$588.00	\$271.38	\$217.10	\$54.28	\$ -
UHC Select EPO Medicare Eligible	80%/20%	\$410.28	\$189.36	\$151.49	\$37.87	\$ 1.87
TWO MEMBER COVERAGE						
Caremark Prescription	85%/15%	\$456.00	\$210.46	\$178.89	\$31.57	\$ (0.14)
Kaiser Permanente HMO with Prescription	85%/15%	\$1,049.46	\$484.37	\$411.71	\$72.66	\$ (3.81)
Kaiser Permanente Medicare Complement	85%/15%	\$611.28	\$282.13	\$239.81	\$42.32	\$ (1.49)
UnitedHealthcare Choice Plus POS	80%/20%	\$1,430.88	\$660.41	\$528.33	\$132.08	\$ 10.24
UHC Medicare Complement Plan	80%/20%	\$552.82	\$255.15	\$204.12	\$51.03	\$ 2.66
UnitedHealthcare Select EPO	80%/20%	\$1,176.00	\$542.77	\$434.22	\$108.55	\$ -
UHC Select EPO Medicare Eligible	80%/20%	\$820.56	\$378.72	\$302.98	\$75.74	\$ 3.74
FAMILY COVERAGE						
Caremark Prescription	85%/15%	\$684.00	\$315.69	\$268.34	\$47.35	\$ (0.21)
Kaiser Permanente HMO with Prescription	85%/15%	\$1,574.18	\$726.54	\$617.56	\$108.98	\$ (5.72)
Kaiser Permanente Medicare Complement	85%/15%	\$916.92	\$423.19	\$359.71	\$63.48	\$ (2.24)
UnitedHealthcare Choice Plus POS	80%/20%	\$2,146.32	\$990.61	\$792.49	\$198.12	\$ 15.35
UHC Medicare Complement Plan	80%/20%	\$829.23	\$382.72	\$306.18	\$76.54	\$ 3.99
UnitedHealthcare Select EPO	80%/20%	\$1,764.00	\$814.15	\$651.32	\$162.83	\$ -
UHC Select EPO Medicare Eligible	80%/20%	\$1,230.84	\$568.08	\$454.46	\$113.62	\$ 5.62

M-NCPPC HEALTHCARE PREMIUM RATES EFFECTIVE 1/1/2021 (Continued)

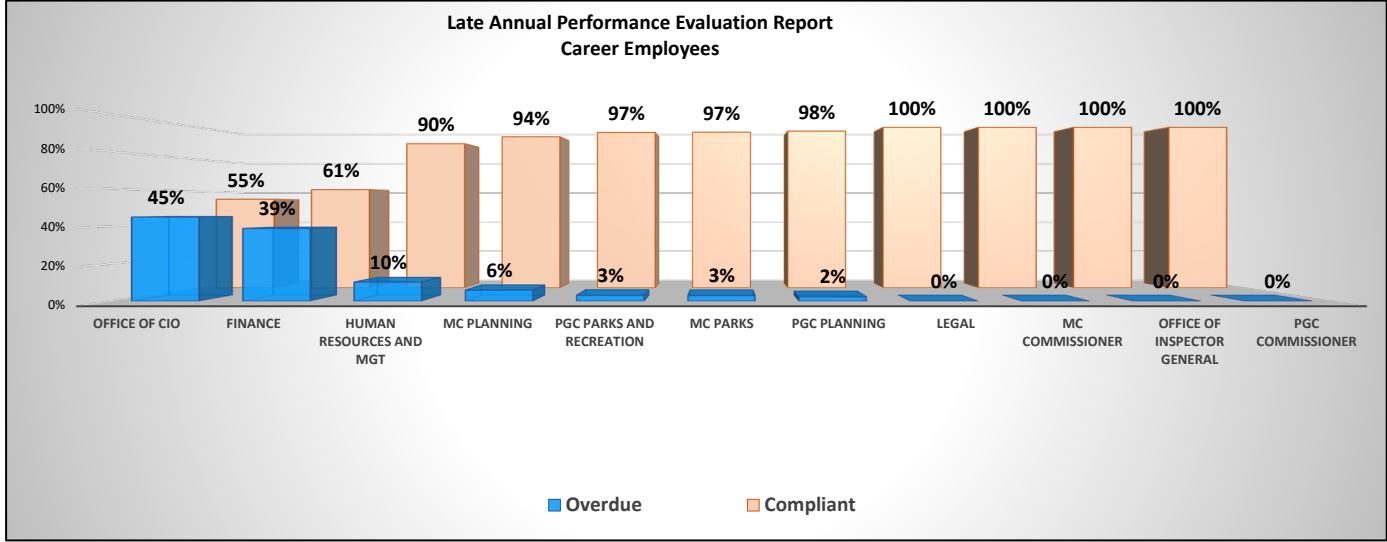
RETIREE/SURVIVORS PREMIUM RATES EFFECTIVE 1/1/2021					
Plan	Cost Share %	Full 2021 Monthly Rate	M-NCPPC Monthly	Retiree Monthly	\$ Change from 2020
SINGLE COVERAGE					
Caremark Prescription	80%/20%	\$228.00	\$182.40	\$45.60	\$ (0.20)
Kaiser Permanente HMO with Prescription	80%/20%	\$524.73	\$419.78	\$104.95	\$ (5.50)
UnitedHealthcare Choice Plus POS	80%/20%	\$715.44	\$572.35	\$143.09	\$ 11.09
UnitedHealthcare Select EPO	80%/20%	\$588.00	\$470.40	\$117.60	\$ -
TWO MEMBER COVERAGE					
Caremark Prescription	80%/20%	\$456.00	\$364.80	\$91.20	\$ (0.40)
Kaiser Permanente HMO with Prescription	80%/20%	\$1,049.46	\$839.57	\$209.89	\$ (11.01)
UnitedHealthcare Choice Plus POS	80%/20%	\$1,430.88	\$1,144.70	\$286.18	\$ 22.18
UnitedHealthcare Select EPO	80%/20%	\$1,176.00	\$940.80	\$235.20	\$ -
FAMILY COVERAGE					
Caremark Prescription	80%/20%	\$684.00	\$547.20	\$136.80	\$ (0.60)
Kaiser Permanente HMO with Prescription	80%/20%	\$1,574.18	\$1,259.34	\$314.84	\$ (16.51)
UnitedHealthcare Choice Plus POS	80%/20%	\$2,146.32	\$1,717.06	\$429.26	\$ 33.26
UnitedHealthcare Select EPO	80%/20%	\$1,764.00	\$1,411.20	\$352.80	\$ -
UNITEDHEALTHCARE MEDICARE COMPLEMENT PLAN					
1 Medicare Complement	80%/20%	\$276.41	\$221.13	\$55.28	\$ 2.88
2 Medicare Complement	80%/20%	\$552.82	\$442.26	\$110.56	\$ 5.76
Family - 3 or More All Medicare Complement	80%/20%	\$829.23	\$663.38	\$165.85	\$ 8.65
1 Medicare Complement + 1 POS	80%/20%	\$991.85	\$793.48	\$198.37	\$ 13.97
1 Medicare Complement + 2 or More POS	80%/20%	\$1,707.29	\$1,365.83	\$341.46	\$ 25.06
2 Medicare Complement + 1 or More POS	80%/20%	\$1,268.26	\$1,014.61	\$253.65	\$ 16.85
UNITED HEALTHCARE EPO MEDICARE PLAN					
1 Medicare Complement	80%/20%	\$410.28	\$328.22	\$82.06	\$ 4.06
2 Medicare Complement	80%/20%	\$820.56	\$656.45	\$164.11	\$ 8.11
Family - 3 or More All Medicare Complement	80%/20%	\$1,230.84	\$984.67	\$246.17	\$ 12.17
1 Medicare Complement + 1 EPO<65	80%/20%	\$998.28	\$798.62	\$199.66	\$ 4.06
1 Medicare Complement + 2 or More EPO<65	80%/20%	\$1,586.28	\$1,269.02	\$317.26	\$ 4.06
2 Medicare Complement + 1 or More EPO<65	80%/20%	\$1,408.56	\$1,126.85	\$281.71	\$ 8.11
KAISER PERMANENTE MEDICARE COMPLEMENT PLAN WITH PRESCRIPTION DRUG					
1 Medicare Complement	80%/20%	\$305.64	\$244.51	\$61.13	\$ (2.16)
2 Medicare Complement	80%/20%	\$611.28	\$489.02	\$122.26	\$ (4.31)
Family - 3 or More All Medicare Complement	80%/20%	\$916.92	\$733.54	\$183.38	\$ (6.47)
1 Medicare Complement + 1 HMO	80%/20%	\$830.37	\$664.30	\$166.07	\$ (7.66)
1 Medicare Complement + 2 or More HMO	80%/20%	\$1,355.10	\$1,084.08	\$271.02	\$ (13.16)
2 Medicare Complement + 1 or More HMO	80%/20%	\$1,136.01	\$908.81	\$227.20	\$ (9.82)

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**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
BY DEPARTMENT AS OF SEPTEMBER 2020**

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	Aug-20	Sep-20	Aug-20	Sep-20	Aug-20	Sep-20	Aug-20	Sep-20
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	3	1	3	5	2	3	8	9
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.	3	3	2	2	0	0	5	5
LEGAL DEPARTMENT	1	0	0	0	0	0	1	0
FINANCE DEPARTMENT	7	10	3	2	2	2	12	14
PRINCE GEORGE'S PLANNING	4	4	1	0	0	0	5	4
PRINCE GEORGE'S PARKS & RECREATION	30	29	1	3	0	1	31	33
MONTGOMERY COUNTY PARKS	12	18	2	2	2	1	16	21
MONTGOMERY COUNTY PLANNING	9	7	2	1	1	0	12	8
DEPARTMENT TOTAL BY DAYS LATE	69	72	14	15	7	7		
COMMISSION-WIDE TOTAL							90	94

**DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.



*Data As Of September 30, 2020

Employee Count	Evaluation Status		Total Employees
	Overdue	Compliant	
Department			
Finance	14	22	36
Human Resources and Mgt	5	44	49
Legal		20	20
MC Commissioner		5	5
MC Parks	21	680	701
MC Planning	8	128	136
Office of CIO	9	11	20
Office of Inspector General		4	4
PGC Commissioner		8	8
PGC Parks and Recreation	33	1,018	1,051
PGC Planning	4	168	172
Total Employees	94	2,108	2,202

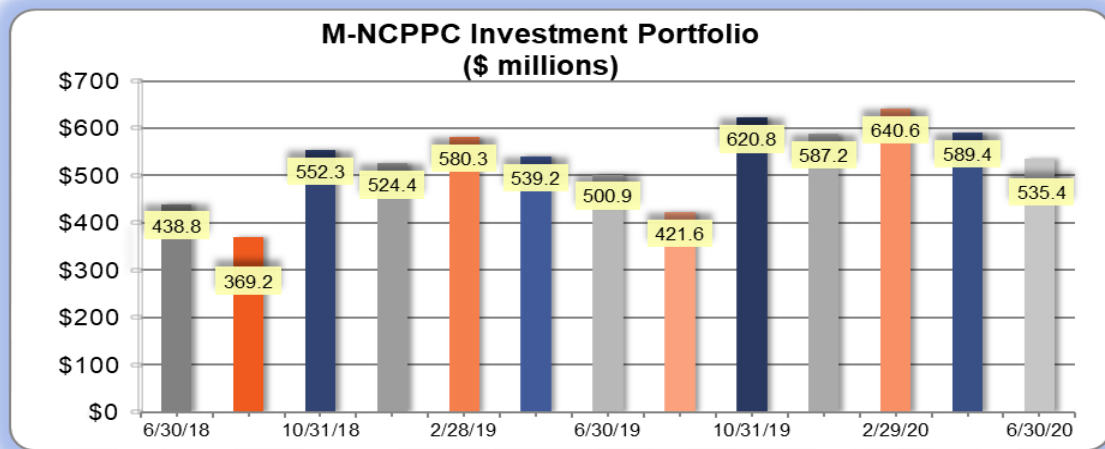


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 TREASURY OPERATIONS, FINANCE DEPARTMENT
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737
 Telephone (301) 454-1592 / Fax (301) 454-1637

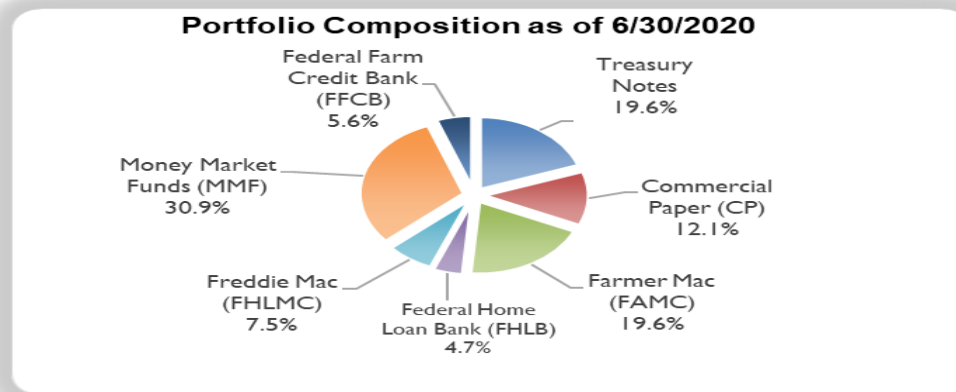
MEMO

TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Tanya Hankton, Investment & Treasury Operations Manager *T.H.*
DATE: 8/24/2020
SUBJECT: Investment Report – June 2020

The Commission’s pooled cash investment portfolio totaled \$535.4 million as of June 30, 2020, with a 2.4% decrease from May 31, 2020. Details are as follows:



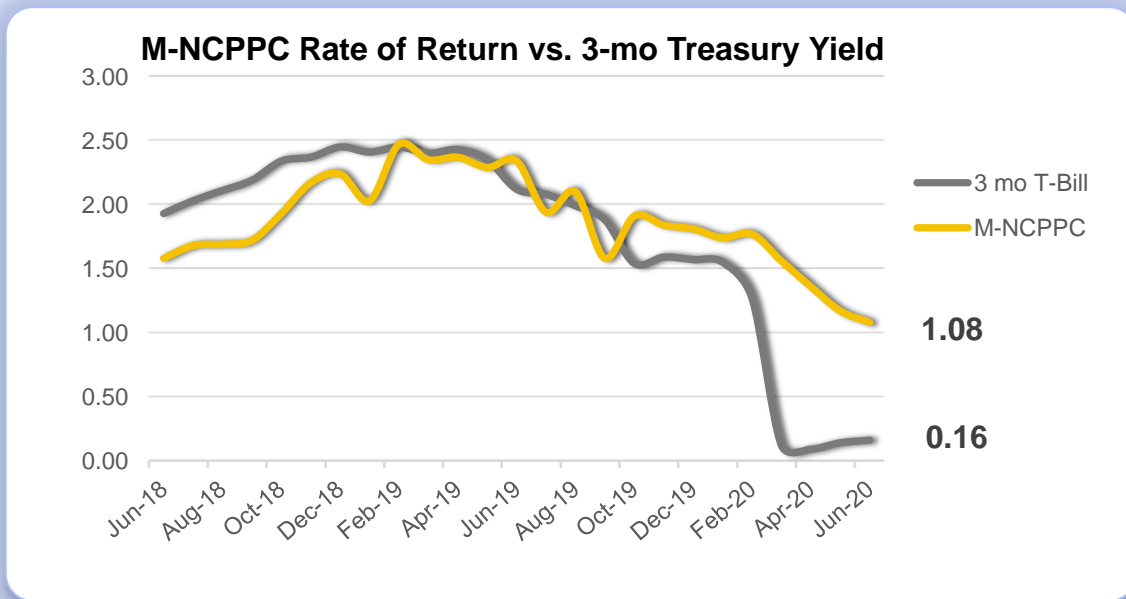
The composition of the pooled cash portfolio as of June 30, 2020 is summarized below:



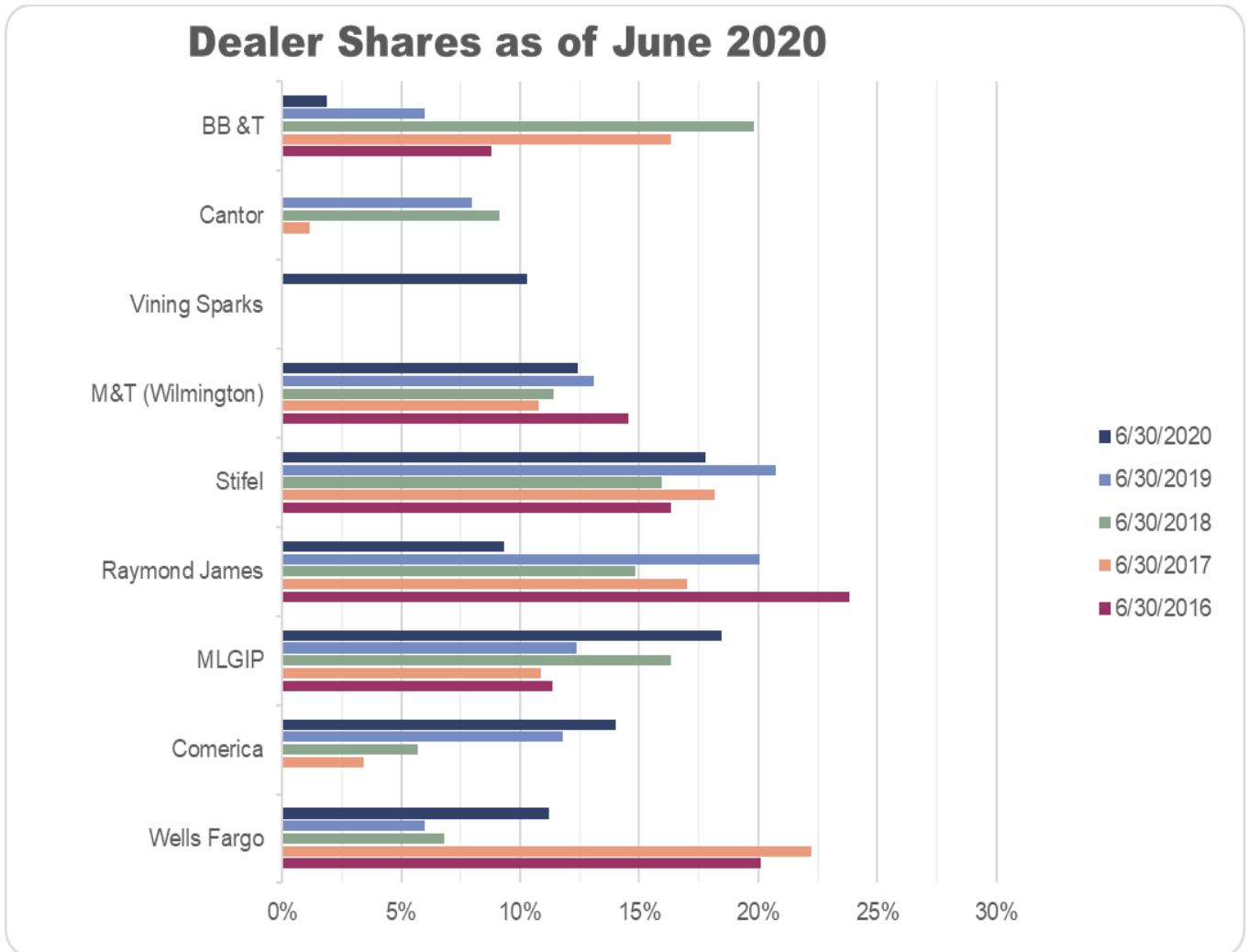
Current Investment Portfolio - June 2020					
Instrument	Limit	Actual	Par Value	Return (B/E)	
Money Funds	* 25%	30.9%	\$ 165,340,810	0.26%	
Treasury Notes	100%	19.6%	105,000,000	1.61%	
Farmer Mac	20%	19.6%	105,000,000	1.83%	
Federal Home Loan Banks	20%	4.7%	25,000,000	0.19%	
Federal Farm Credit Bank	20%	5.6%	30,000,000	0.90%	
Commercial Paper	10%	12.1%	65,000,000	1.86%	
Freddie Mac	20%	7.5%	40,100,000	0.81%	
Fannie Mae	20%	0.0%	-	0.00%	
Certificates of Deposit	50%	0.0%	-	0.00%	
Bankers Acceptances	50%	0.0%	-	0.00%	
Repurchase Agreements	60%	0.0%	-	0.00%	
		100%	\$ 535,440,810	1.36%	

*As of 6/30/2020

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



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





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

Market Value - June 2020		
Prince George's County (PGC-2018A)	\$	11,579,594
Montgomery County (MC-2020A)	NEW	10,000,632
Montgomery County (MC-2018A)		2,425,386
	\$	<u>24,005,612</u>

The Commission had debt service payments during the month totaling \$351,027 which was for interest only.

Details by issue of debt outstanding as of June 30, 2020 appear below:

Debt Balances - June 2020					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
NN-2 (Refunded Z-2)	14,080,000	1,335,000	9%	Mar-10	May-21
PGC-2012A (Refunded P-2, M-2, EE-2)	11,420,000	3,465,000	30%	Jun-12	Jan-24
PGC-2014A	26,565,000	20,340,000	77%	May-14	Jan-34
PGC-2015A (Refunded JJ-2)*	24,820,000	20,660,000	83%	Oct-15	Jan-36
PGC-2017A	33,000,000	28,050,000	85%	Jul-17	Jan-37
PGC-2018A	31,000,000	29,450,000	95%	Nov-19	Nov-38
Total Prince George's County	\$ 140,885,000	\$ 103,300,000	73%		
Montgomery County					
LL-2	8,405,000	400,000	5%	May-09	Nov-20
MC-2012A (Refunded CC-2, FF-2)	12,505,000	7,335,000	59%	Apr-12	Dec-32
MC-2012B	3,000,000	2,115,000	71%	Apr-12	Dec-32
MC-2014A	14,000,000	10,850,000	78%	Jun-14	Jun-34
MC-2016A	12,000,000	10,200,000	85%	Apr-16	Nov-35
MC-2016B (Refunded FF-2, II-2, MM-2)	6,120,000	5,355,000	88%	Apr-16	Nov-28
MC-2016C (Refunded FF-2 ALA of 2004)	1,075,000	620,000	58%	Apr-16	Nov-24
MC-2017A	8,000,000	6,800,000	85%	Apr-17	Nov-36
MC-2018A	12,000,000	11,400,000	95%	Oct-18	Nov-38
MC-2018B	3,000,000	2,400,000	80%	Oct-18	Nov-23
 MC-2020A 	10,000,000	10,000,000	100%	Jun-20	Nov-40
Total Montgomery County	\$ 90,105,000	\$ 67,475,000	75%		
Total	\$ 230,990,000	\$ 170,775,000	74%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012

FISCAL YEAR 2020 – June 30, 2020

OBJECTIVES	Met Objective	Within Limits	Comments
Protection of principal	Yes		
<p>Limiting types and amounts of securities</p>	Limit	Yes	
<p>US Government</p>	100%		
<p>US Federal Agencies - combined</p>	60%		
<p>US Federal Agencies - each</p>	20%		
<p>Repurchase Agreements</p>	60%		
<p>CD's and Time Deposits</p>	50%		
<p>Commercial Paper</p>	10%		
<p>Money Market Mutual Funds</p>	25%		
<p>MD Local Gov't Investment Pool</p>	25%		
<p>Investing Bond Proceeds:</p>			
<p>State and local agency securities</p>	100%		
<p>Money Market Mutual Funds</p>	10%		
<p>Bond Proceeds:</p>			
<p>Highly-rated state / local agency securities</p>		Yes	T. Rowe Price managed all funds within limits
<p>Highly-rated money market mutual funds (Max. 10% in lower-rated funds)</p>			
<p>Pre-qualify financial institutions, broker/dealers, intermediaries and advisers</p>		Yes	All firms must meet defined capital levels and be approved by the Secretary-Treasurer
<p>Ensure competition among participants</p>	30%	Yes	No dealer shares exceeded 30%
<p>Competitive Bidding</p>		Yes	All purchases awarded competitively.
<p>Diversification of Maturities</p>			
<p>Majority of investments shall be a maximum maturity of one (1) year. A portion may be as long as two years.</p>		Yes	All maturities within limits
<p>Require third-party collateral and safekeeping, and delivery-versus-payment settlement</p>		Yes	M&T Investments serves as custodian, monitoring compliance daily
<p>Maintain sufficient liquidity</p>		Yes	Sufficient funds available for all cash requirements during period
<p>Attain a market rate of return</p>		Yes	
<p>The pro-rated rates of return for T-bills and the portfolio were 0.16% and 1.08%, respectively.</p>			More than market by 92 basis points.

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

Reply To

October 12, 2020

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 2020 – FY 2021

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, October 21, 2020. 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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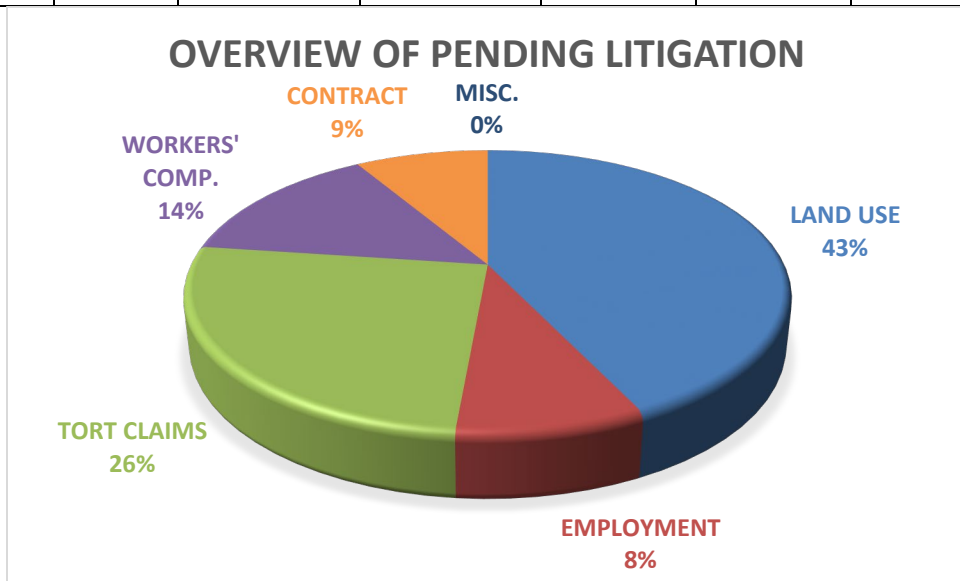
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September 2020 Composition of Pending Litigation

(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	10	4	1				15
ADMIN APPEAL: OTHER							
LAND USE DISPUTE							
TORT CLAIM	9						9
EMPLOYMENT DISPUTE	2			1			3
CONTRACT DISPUTE	3						3
PROPERTY DISPUTE							
CIVIL ENFORCEMENT							
WORKERS' COMPENSATION	5						5
DEBT COLLECTION							
BANKRUPTCY							
MISCELLANEOUS							
PER FORUM TOTALS	29	4	1	1			35



September 2020 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2021			
	Pending In Aug. 2020	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	10	5		8	8	1	15
Admin Appeal: Other (AAO)							
Land Use Disputes (LD)							
Tort Claims (T)	9			5	4		9
Employment Disputes (ED)	3			3			3
Contract Disputes (CD)	2	1			3		3
Property Disputes (PD)							
Civil Enforcement (CE)							
Workers' Compensation (WC)	3	2		3	2		5
Debt Collection (D)							
Bankruptcy (B)							
Miscellaneous (M)							
Totals	27	8		19	11	1	35

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

A. <u>New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Getnet v. M-NCPPC	PG	Tort	July 20
HMF Paving Contractors, Inc. v. M-NCPPC	MC	Contract	July 20
Snyder v. State of Maryland, et al.	PG	Tort	July 20
Amica Mutual Insurance Company v. Montgomery County, Maryland, et al.	MC	Tort	Aug. 20
Uzlyan v. Montgomery County, Maryland, et al.	MC	Tort	Aug. 20
Heard v. M-NCPPC	PG	AALU	Aug. 20
Wolf, et al. v. Planning Board of Prince George's County	PG	AALU	Aug. 20
Structural Engineering Group Inc. v. M-NCPPC	MC	Contract	Aug. 20
Concerned Citizens of Cloverly, et al v. Montgomery County Planning Board	MC	AALU	Sep. 20
Shipkovitz v. Montgomery County Planning Board	MC	AALU	Sep. 20
Coakley & Williams v. Commission	PG	Contract	Sep. 20
Gibson v. Commission	PG	WC	Sep. 20
Murray v. Commission	PG	WC	Sep. 20
Newton, et al. v. Prince George's County Planning Board	PG	AALU	Sep. 20

B. <u>New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Benton v. Woodmore Overlook Commercial, LLC	PG	AALU	Aug. 20
Benton v. Woodmore Overlook Commercial, LLC	PG	AALU	Sep. 20
Estreicher v. Montgomery County Planning Board	MC	AALU	Sep. 20
Benton v. Woodmore Overlook Commercial LLC	PG	AALU	Sep. 20

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

A. <u>Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
B. <u>Appellate Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Benton v. Woodmore Overlook Commercial, LLC	PG	AALU	July 20
(Appeared on the June report in error. The Commission was not a party to this suit)			

Disposition of FY21 Closed Cases Sorted by Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources & Management		
Montgomery County Department of Planning		
Montgomery County Department of Parks		
Montgomery County Park Police		
Montgomery County Planning Board		
Prince George's County Department of Parks and Recreation		
Prince George's County Planning Department		
Prince George's County Planning Board		
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 ANNE ARUNDEL COUNTY, MARYLAND

Maryland-National Capital Park and Planning Commission v. Mail My Meds, LLC

Case No. C-02-CV-20-001143 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Judicial Review of WCC decision regarding mail order prescription medication.

Status: Awaiting hearing.

Docket:

05/01/2020	Petition for Judicial Review filed
05/27/2020	Response to Petition filed
6/26/2020	Commission's Memorandum in Support of on the record Petition for Judicial Review
06/08/2020	Scheduling Order and Order for Mediation
06/29/2020	Order Vacating 6/8/2020 Order. Matter to proceed in normal course.
07/27/2020	Opposition and Response to Commission's Memorandum in Support of on the Record Judicial Review
08/11/2020	Commission's Reply to Opposition
11/02/2020	Hearing

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

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

Case No. 483068-V (Tort)
(see also Ekaterina Uzylan Case No. – 483039-V)

Lead Counsel: Adams
Other Counsel:

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

Status: Complaint filed.

Docket:

08/06/2020	Complaint filed.
08/19/2020	Commission served.
09/08/2020	Plaintiff's Motion to Consolidate with Case 483039-V
09/18/2020	Defendant Montgomery County Maryland's Answer to Complaint
09/22/2020	Commission's Motion to Dismiss
09/22/2020	Commission's Motion to Consolidate with Case 483039-V

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

Case No. 483411-V (AALU)

Lead Counsel: Mills
Other Counsel:

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

Status: Petition filed.

Docket:

09/10/2020	Petition for Judicial Review filed
------------	------------------------------------

Estreicher v. Montgomery County Planning Board

Case No. 472672-V (AALU)

Lead Counsel: Mills
Other Counsel:

Abstract: Judicial Review of Montgomery County Planning Board's approval of Sketch Plan 320190100 8015 Old Georgetown Road.

Status: Appeal filed.

Docket:

09/24/2019	Petition for Judicial Review filed
10/08/2019	Commission's Response filed
05/22/2020	Oral argument postponed due to pandemic
06/24/2020	Oral argument held. Court takes matter under advisement
8/28/2020	Memorandum Opinion and Order of Court. Petition for Judicial Review is Granted in Part and Denied in Part. That the findings of The Board are reversed and remanded for further proceedings pursuant to this Court's findings regarding the award of BOZ Bonus Density in Section IV.2 of the Memorandum Opinion.
09/28/2020	Appeal filed

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

Case No. 481768-V (CD)

Lead Counsel: Dickerson
Other Counsel: Johnson

Abstract: Construction suit alleging failure to pay two pay applications.

Status: In discovery.

Docket:

04/30/2020	Complaint filed
08/28/2020	Motion to Dismiss filed
09/24/2020	Opposition to Motion to Dismiss

Jan A.J. Bove, et al. v. Montgomery County Planning Board

Case No. 480775-V (AALU)

Lead Counsel: Sorrento
Other Counsel:

Abstract: Judicial Review of Montgomery County Planning Board's approval of 7025 Longwood Drive subdivision no. 620190100.

Status: Awaiting oral argument.

Docket:

03/09/2020	Petition for Judicial Review filed
03/18/2020	Commission's Response to Petition filed
10/02/2020	Oral argument

Kosary v. Montgomery County Planning Board

Case No. 476283-V (AALU)

Lead Counsel: Sorrento
Other Counsel:

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

Status: Case stayed.

Docket:

12/06/2019	Petition for Judicial Review filed
12/11/2019	Planning Board's Motion to Dismiss filed
12/12/2019	Response to Petition for Judicial Review filed
12/19/2019	Petitioner's Supplemental Petition for Judicial Review filed
12/23/2019	Petitioner's Response to Motion to Dismiss filed.
01/21/2020	Motion to Dismiss denied as moot.
01/22/2020	Plaintiff'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	Plaintiff's interim report on status of administrative proceedings

Shipkovitz v. Montgomery County Planning Board

Case No. 483442-V (AALU)

Lead Counsel: Coleman
Other Counsel:

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

Status: Petition for Judicial Review filed.

Docket:

09/15/2020	Petition for Judicial Review filed.
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Structural Engineering Group Inc. v. Maryland-National Capital Park and Planning Commission

Case No. 483234-V (CD)

Lead Counsel: Dickerson
Other Counsel: Johnson

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

Status: Complaint filed.

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.

Uzlyan v. Montgomery County, Maryland, et al.

Case No. 483039-V (Tort)

(see also Amica case, Case No. 483068-V)

Lead Counsel: Adams
Other Counsel:

Abstract: Personal injuries matter as a result of a tulip poplar tree striking a home.

Status: Complaint filed.

Docket:

08/03/2020	Complaint filed.
08/19/2020	Commission served.
09/08/2020	Plaintiff's Motion to Consolidate with Case No. 483068-V
09/22/2020	Commission's Motion to Dismiss
09/22/2020	Commission's Motion to Consolidate with Case No. 483068-V

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 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: Complaint filed.

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

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

Lead Counsel: Adams
Other Counsel:

Abstract: Alexander filed complaint against Park Police officer arising from arrest on Commission property.

Status: In discovery.

Docket:

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

Brown v. City of Bowie
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.

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
09/17/2020	Motions Hearing
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 as based upon governmental immunity.

Coakley & Williams Construction v. Commission
Case No. CAL20-13593 (CD)

Lead Counsel: Adams
Other Counsel: Dickerson

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

Status: Complaint filed.

Docket:

07/15/2020	Complaint filed
09/15/2020	Commission served

Coe v. Commission
Case No. CAL19-39808 (ED)

Lead Counsel: Adams
Other Counsel:

Abstract: Coe filed for Judicial Review of decision to terminate employment following LEOBR police disciplinary hearing.

Status: Awaiting decision.

Docket:

12/13/2019	Petition for Judicial Review filed
01/03/2020	Commission's Response to Petition for Judicial Review
06/12/2020	Oral argument continued at Judge's request
08/7/2020	Oral argument held

Commission v. Batson
Case No. CAL19-24204 (WC)

Lead Counsel: Foster
Other Counsel:

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

Status: Awaiting Trial.

Docket:

07/26/2019	Petition for Judicial Review filed
08/19/2019	Batson's Notice of Intent to Participate, Jury Demand
08/22/2019	Commission's Motion to Strike Request for De Novo Review and Request for Jury Demand
09/03/2019	Opposition to Motion to Strike filed
09/06/2019	Memo in Support of on the record Judicial Review filed
10/02/2019	Order of Court- Commission's Motion to Strike Request for De Novo Review and Request for Jury Trial denied. Case to proceed De Novo before a jury.
11/21/2019	Motion to Bifurcate filed by Commission in an attempt to litigate the dispositive legal issue preliminarily before any de novo trial.
12/16/2019	Motion to Bifurcate denied.
07/24/2020	Joint Motion for Continuance
08/21/2020	Order of Court; Joint Motion Granted. Trial set 4/6-7/2021
04/06/2021	Trial.

Getnet v. Maryland-National Capital Park and Planning Commission

Case No. CAL20-13268(Tort)

Lead Counsel: Harvin
Other Counsel: Johnson

Abstract: Tort suit for injuries allegedly sustained when visitor fell through decking at a historic property.

Status: Motions pending.

Docket:

07/06/2020	Complaint filed
07/29/2020	Commission served
08/20/2020	Motion to Dismiss filed
09/04/2020	Consent Motion for Extension of Time to File Opposition to Defendant's Motion to Dismiss
09/10/2020	Order of Court – Motion to Extend Time Granted
09/10/2020	Amended Complaint
09/11/2020	Opposition to Motion to Dismiss
09/22/2020	Amended Complaint
09/24/2020	Consent Motion for Extension of Time to File a Responsive Pleading to First Amended Complaint.

Gibson v. Commission

Case No. CAL 20-15318 (WC)

Lead Counsel: Foster
Other Counsel:

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

Status: Awaiting trial.

Docket:

09/03/2020	Petition for Judicial Review filed
09/18/2020	Response to Petition and Expert Designation

Heard v. Maryland-National Capital Park and Planning Commission

Case No. CAL20-14095(AALU)

Lead Counsel: Warner
Other Counsel: Goldsmith

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

Status: Petition for Judicial Review filed.

Docket:

07/30/2020	Petition filed
08/16/2020	Commission served
08/31/2020	Response to Petition for Judicial Review filed.

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

Case No. CAL19-21516 (Tort)

Lead Counsel: Harvin
Other Counsel:

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

Status: In discovery.

Docket:

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

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

Lead Counsel: Foster
Other Counsel:

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

Status: Awaiting trial.

Docket:

09/23/2019	Petition for Judicial Review filed
10/03/2019	Commission filed response to Petition.
06/30/2020	Trial continued due to COVID-19
03/25/2021	Trial

McCourt v. Commission
Case No. CAL 19-27903 (ED)

Lead Counsel: Dickerson
Other Counsel: Foster

Abstract: Appeal filed.

Status: Affirmed.

Docket:

08/23/2019	Petition for Judicial Review filed
09/04/2019	Commission notified of filing of Petition
09/24/2019	Response to Petition for Judicial Review
06/12/2020	Oral argument postponed due to COVID-19.
08/21/2020	Oral argument held. Court orally rules affirming the decision of the Merit System Board – proposed order to be submitted.
09/04/2020	Decision of Merit Board Affirmed

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

Lead Counsel: Harvin
Other Counsel:

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

Status: In discovery.

Docket:

02/13/2020	Complaint filed.
06/19/2020	Amended Complaint filed.
07/21/2020	Answer filed.

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 trial.

Docket:

09/18/2020	Petition for Judicial Review filed
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Newton, et al. v. Prince George's County Planning Board
Case No. CAL 120-15331(AALU)

Lead Counsel: Warner
Other Counsel: Goldsmith

Abstract: Petition for Judicial Review of Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-19048.

Status: Petition filed.

Docket:

09/04/2020	Petition for Judicial Review filed
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Pumphrey v. Wilson
Case No. CAL 19-30161 (Tort)

Lead Counsel: Dickerson
Other Counsel: Foster

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

Status: In discovery.

Docket:

09/16/2019	Complaint filed
07/24/2020	Motion to Dismiss
08/17/2020	Opposition to Motion to Dismiss and Request for Hearing.
09/02/2020	Order of Court – Motion to Dismiss Denied
09/18/2020	Answer filed

Snyder v. State of Maryland, et al.
Case No. CAL20-13024 (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: Motions pending.

Docket:

06/19/2020	Complaint filed.
07/27/2020	Commission's Motion to Dismiss
07/27/2020	Motion to Transfer Venue
08/07/2020	Consent Line to Extend Deadline to file Opposition to Motion to Dismiss
08/11/2020	Request for Hearing on Motion to Transfer Venue
08/11/2020	Opposition to Motion to Dismiss
08/25/2020	State of Maryland's Motion to Dismiss
08/26/2020	Consent to extend deadline for Plaintiff to file an Opposition to Motion to Dismiss
8/26/2020	Order of Court - Partial Line of Dismissal for Defendant, State of Maryland, only. Dismiss all claims with Prejudice.
9/10/2020	Amended Complaint.
10/14/2020	Motions Hearing.

Stewart v. P.G. Planning Board
Case No. CAL 20-11215 (AALU)

Lead Counsel: Goldsmith
Other Counsel:

Abstract: Judicial Review of Prince George's County Planning Board's approval of GB Mall Limited Partnership/Quantum Company Preliminary Plan Case No.4-19023

Status: Petition for Judicial Review filed.

Docket:

04/01/2020	Petition for Judicial Review filed
04/13/2020	Amended Petition for Judicial Review filed.
06/26/2020	Second Amended Petition filed.
07/20/2020	Response to Petition filed.

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: Petition filed.

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

MARYLAND COURT OF SPECIAL APPEALS

Benton v. Woodmore Overlook Commercial, LLC

CSA-REG-2118-2019 (AALU)

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

Lead Counsel: Borden
Other Counsel: Goldsmith

Abstract: Judicial Review of decision of the Prince George's County Planning Board No. 19-32, File No. 4-180007.

Status: Petition for Writ of Certiorari filed.

Docket:

12/19/2019	Appeal filed
02/11/2020	Show Cause issued by Court regarding non-lawyer representing corporate entities
02/25/2020	Response to Show Cause filed
03/04/2020	Order of Court. Show Cause satisfied, appeal to proceed.
05/07/2020	Motion for Emergency Ex Parte Temporary Restraining Order Pending Appeal and Order to Show Cause Why a Preliminary Injunction Should Not Be Issued
05/13/2020	Commission's Response to Motion filed.
05/18/2020	Appellant's Motion for Leave & Notice of Intent to Respond to Commission's Opposition to Temporary Restraining Order Pending Appeal
05/26/2020	Appellant's Motion for Leave of the Maryland Rules Regard the Page Limit, Word Count, Content or Form of Appellant's Motion for Temporary, Preliminary and Permanent Injunction.
06/03/2020	Woodmore Overlook's Motion to Join in Commission's Opposition and Response to Appellant's Motion for Temporary Restraining Order and Preliminary Injunction.
06/04/2020	Order of the Court. Appellant's Motion's denied.
06/05/2020	Entry of Appearance of Peter Z. Goldsmith
06/23/2020	Appellant Brief and Record Extract filed
06/30/2020	Order – Appellee to refile brief in compliance with Maryland Rules by 8/28/2020
08/03/2020	Petition for Writ of Certiorari
09/01/2020	Motion to Extend Time to File Brief
09/03/2020	Opposition to Motion
09/04/2020	Appellant Brief and Record Extract
09/08/2020	Motion Reply
09/21/2020	Order of Court. Appellant's Motion granted in part. Appellee's brief due October 21, 2020.

Benton v. Woodmore Overlook Commercial, LLC

CSA-REG-20707-2020 (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.

Status: Petition for Writ of Certiorari filed.

Docket:

09/09/2020	Appeal filed
09/30/2020	Entry of Appearance by Commission

Estreicher v. Montgomery County Planning Board.

CSA-REG-20707-2020 (AALU)

(Originally filed under 472672-V in Montgomery County)

Lead Counsel: Mills
Other Counsel:

Abstract: Appeal of August 28, 2020 Order reversing Planning Board Resolution MCPB No 19-108 approving Sketch Plan 320190100 and remanding the matter to the Planning Board for further proceedings pursuant to the Court's findings.

Status: Petition for Writ of Certiorari filed.

Docket:

09/28/2020	Appeal filed
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Gaspard v. Montgomery County Planning Board

CSA-REG-0579-2019 (AALU)

Lead Counsel: Mills
Other Counsel:

Abstract: Judicial review of decision affirming Planning Board's approval of Preliminary Plan 120160180 Glen Mill – Parcel 833

Status: Awaiting decision.

Docket:

05/23/2019	Appeal filed
06/03/2020	Oral Argument

MARYLAND COURT OF APPEALS

Benton v. Woodmore Overlook Commercial, LLC

COA-PET-0199-2020 (CSA-REG-2118-2019) (AALU)
(Originally filed under CAL19-14488 in Prince George's County)

Lead Counsel: Borden
Other Counsel: Goldsmith

Abstract: Judicial Review of decision of the Prince George's County Planning Board.

Status: Petition for Writ of Certiorari filed.

Docket:

08/03/2020	Petition for Writ of Cert. filed
08/13/2020	Order on Motion Denied
08/18/2020	Line filed
08/18/2020	Respondent Answer

U.S. DISTRICT COURT OF MARYLAND

Evans v. Commission, et al.
8:19-cv-02651 TDC (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: Complaint filed.

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
11/19/2019	Case Management Conference held
11/20/2019	Order directing Plaintiff's Counsel to file Status Report by November 26, 2019
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
12/30/2019	Case Management conference held
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
03/25/2020	Order of Court directing Defendants to file Opposition no later than April 3, 2020.
04/03/2020	Opposition to Leave to file 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.