



THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

COMMISSION MEETING

December 16, 2020
10:00 a.m. to 12 noon

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

Wheaton Headquarters

Auditorium

2425 Reddie Drive

Wheaton, Maryland 20902

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**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING AGENDA
Wednesday, December 16, 2020**

**Via videoconference, and live-streamed by
The Montgomery Planning Department**

10:00 a.m. – 12 noon

		<u>ACTION</u>	
		Motion	Second
1. Approval of Commission Agenda (10:00 a.m.)	(+*)	Page 1	
2. Approval of Commission Minutes (10:05 a.m.)			
a) Open Session – November 18, 2020	(+*)	Page 3	
b) Closed Session – November 18, 2020	(+*)		
3. General Announcements (10:05 a.m.)			
a) National Human Rights Month			
b) National Drunk and Drugged Driving Prevention Month			
c) Global AIDS Awareness Month			
d) Ongoing Prince George’s County Department of Parks and Recreation Annual Winter Festival of Lights at Watkins Park			
4. Committee Minutes/Board Reports (For Information Only) (10:10 a.m.)			
a) Executive Committee Meeting – Open Session – December 2, 2020	(+)	Page 7	
b) Executive Committee Meeting – Closed Session – December 2, 2020	(++)		
5. Action and Presentation Items (10:15 a.m.)			
a) Resolution #20-29 Adoption of the FY2022 Operating and Capital Budget (Kroll)	(+*)	Page 11	
b) Resolution #20-30 Increase in Minimum Wage for January 1, 2021 (Spencer/King)	(+*)	LD	
c) Continuation of Health Insurance Benefits for Seasonal Employees (Spencer/McDonald)	(+*)	Page 29	
d) Actuarial Valuation-Other Post-Employment Benefits (OPEB) (Zimmerman/Bolton)	(+)	Page 33	
e) Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officer’s Association (GFOA) for the Comprehensive Annual Financial Report (CAFR) for FY2019 (Zimmerman)	(+)	Page 41	
f) Legislative Update (Gardner)	(+*)	H	
6. Officers’ Reports (11:40 a.m.)			
<u>Executive Director’s Report</u>			
a) Late Evaluation Report, October 2020 (For Information Only)	(+)	Page 43	
<u>Secretary Treasurer</u>			
b) 1 st Quarter MFD Purchasing Statistics (For Information Only)	(+)	Page 45	
<u>General Counsel</u>			
c) Litigation Report (For Information Only)	(+)	Page 59	

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.

7. **Closed Session (11:15 a.m.)**

- a) COVID Update / Holiday Travel (Chiang-Smith/Bennett) (discussion item) (++) (D)

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



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
Open Session Minutes
November 18, 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. The meeting was broadcast by the Prince George's Department of Parks and Recreation.

PRESENT

Montgomery County Commissioners

Casey Anderson, Chair
Gerald Cichy
Tina Patterson

Prince George's County Commissioners

Elizabeth M. Hewlett, Vice-Chair
Dorothy Bailey (joined 10:15 am)
William Doerner
Manuel Geraldo

NOT PRESENT

Natali Fani-Gonzalez
Partap Verma

A. Shuanise Washington

Chair Anderson called meeting to order at 10:07 a.m.

ITEM 1

APPROVAL OF COMMISSION AGENDA

Noted Amended agenda transmitted 11/17/20

ACTION: Motion of Vice-Chair Hewlett to approve the agenda
Seconded by Commissioner Doerner
6 approved the motion (Bailey absent for vote)

ITEM 2

APPROVAL OF COMMISSION MINUTES

Open Session – October 21, 2020

Closed Session – October 21, 2020

Open Session – October 22, 2020

ACTION: Motion of Vice-Chair Hewlett to approve the minutes
Seconded by Commissioner Cichy
6 approved the motion (Bailey absent for vote)

ITEM 3

GENERAL ANNOUNCEMENTS

- a) Commission-Wide Service Awards program honoring employees with 25 or more years of service
- b) National American Indian Heritage Month (Maryland American Indian Heritage Day Nov 27)
- c) American Lung Cancer Awareness Month & Pancreatic Cancer Awareness Month
- d) "Great American Smoke Out" Nov 19
- e) Bereaved Siblings Month
- f) Caregivers Month
- g) National Adoption Month

- h) 100th Anniversary of Armistice Day
- i) Military Family Appreciation Month
- j) Thanksgiving & Employee Appreciation Day Holidays
- k) Upcoming Prince George's County Department of Parks and Recreation Annual Winter Festival of Lights at Watkins Park
- l) Upcoming Montgomery Parks Department Winder Garden Walk-Through Holiday Light Display at Brookside Gardens
- m) Diversity Council Openings for term 2021-2022
- n) ~~Vice Chair Hewlett congratulated~~ Commissioner Patterson was congratulated on the success of her Broken Brilliance podcast.

ITEM 4

COMMITTEE MINUTES/BOARD REPORTS (For Information Only)

- a) Executive Committee – Open Session November 4, 2020
- b) Executive Committee – Closed Session November 4, 2020
- c) Employees' Retirement System Board of Trustees Regular Meeting September 1, 2020

ITEM 5

ACTION AND PRESENTATION ITEMS

- a) Resolution 20-27 Recommendation to Approve an Employer Contribution in the Amount of \$26,174,744 for Fiscal Year 2022 (Rose/Cranna/Nelson)

M-NCPPC Employees' Retirement System (ERS) Administrator Andrea Rose presented to the Commission a recommended employer contribution to the Employees' Retirement System for Fiscal Year 2022. The actuarial valuation is an annual process for the Board of Trustees to determine the funding requirements for the M-NCPPC's retirement system. Ms. Rose introduced Patrick Nelson and Janet Cranna from Cheiron Actuaries. Ms. Cranna presented background of the actuarial valuation process describing ERS's assets and liabilities, and projections for the next few years.

She noted the actuarial assumptions consider data assumptions through July 1, 2020. The funding request is determined by comparing current and projected liabilities to assets. Mr. Nelson discussed the projections, based on assumptions in investment risk, adding any movement up or down greatly impacts contributions by the client sponsor. Other liability assumptions include employee longevity and demographic trends. Changes to these assumptions may impact future results. He reviewed the material submitted to the packet, noting trends over the past several years. He highlighted the plan is 91% funded with a very low discount rate, which is a reflection that the plan is being very well managed with low risk.

Vice Chair Hewlett praised the work of the Board of Trustees and the actuaries. Chair Anderson noted this is a preliminary request in the budget process, and that the Commission may want to revise it.

ACTION: Motion of Geraldo to adopt Resolution 20-27
 Seconded by Vice-Chair Hewlett
 7 approved the motion

Chair Anderson asked for a motion to enter closed session at 10:32 a.m. Vice Chair Hewlett moved; Commissioner Geraldo seconded. The motion was approved by all 7 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 in closed session, the meeting resumed in open session at 10:56 a.m.

ITEM 6 OFFICERS' REPORTS

Executive Director's Report

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

Secretary Treasurer Report

b) Investment Report FY19 4th Quarter report (For information only)

General Counsel Report

c) Litigation Report (For information only)

d) Legislative Update – General Counsel Gardner requested action on bill MCPG 101-21, a bill that is being reintroduced this year on fixing a loophole in the Mandatory Referral process. The Commission supported the bill when it was introduced last year. The bill passed the House but did not pass the full legislature before the end of the legislative session.


There are three other bills of interest in the session that the General Counsel would like to discuss with the sponsors before requesting a decision from the Commission. General Counsel Gardner invited a motion to support bill MCPG 101-21

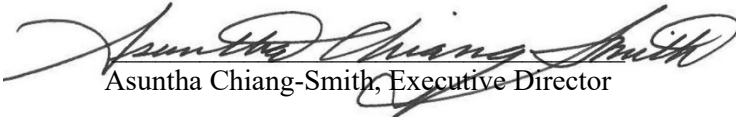
ACTION: Motion of Vice-Chair Hewlett to support MCPG 101-21

Seconded by Bailey

7 approved the motion

There being no further business to discuss, the meeting ended at 11:04 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
December 2, 2020**

On December 2, 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

- Andree Checkley, Director, Prince George’s County Planning (PGPL)
- Adrian Gardner, General Counsel
- Mike Riley, Director, Montgomery County Parks (MCPK)
- Bill Tyler, Director, for Prince George’s County Parks and Recreation (PGPR)
- 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
- Jennifer McDonald, Benefits Manager
- William Spencer, Corporate Human Resource Director

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

ITEM 1a – APPROVAL OF EXECUTIVE COMMITTEE AGENDA

Discussion	No discussion
ACTION	Motion of Vice Chair Hewlett, second by Chair Anderson. Agenda approved unanimously.

ITEM 1b – APPROVAL OF COMMISSION MEETING AGENDA for December 16, 2020

Discussion	No modification to the December Commission Meeting agenda:
ACTION/Follow-up	

ITEM 1c – ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS

Discussion	No modification
ACTION/Follow-up	

ITEM 2 – November 4, 2020 EXECUTIVE COMMITTEE MEETING MINUTES

Discussion	November 4, 2020 Open Session November 4, 2020 Closed Session
ACTION	Motion of Vice-Chair Hewlett, second by Chair Anderson. Minutes approved unanimously.

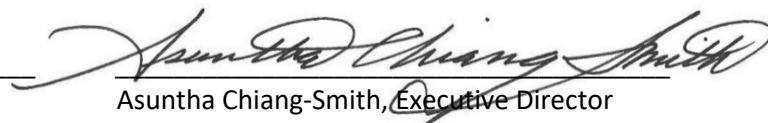
ITEM 3 – DISCUSSION/PRESENTATION ITEMS	
Discussion	<p><u>Item 3a. Adoption of COVID-Related Decisions for Park Police and MCGEO Employees (Bennett)</u></p> <p>CPMO Director Bennett briefed the Executive Committee on tentative memorandums of understanding negotiated with the MCGEO and FOP Unions. The Executive Committee was asked to adopt these agreements consistent with the authority granted by Commission Resolution 20-15. The Resolution provided approval authority to the Executive Committee on COVID-19 related workforce decisions including schedules and compensation. The Executive Committee was also asked to extend similar provisions of the FOP MOU to command officers, consistent with the authority of Resolution 20-15.</p> <p>MOU for FOP is effective November 29, 2020 through January 23, 2021. Similar terms and dates would apply to Command Officers.</p> <p>MOU with MCGEO is effective November 29, 2020 through January 30, 2021.</p>
ACTION	Chair Anderson motioned for approval of the MOUs and passthrough; Vice-Chair Hewlett seconded. Motion passed unanimously.
Discussion	<p><u>Item 3b. Continuation of Health Benefits for Certain Seasonal Employees (Spencer/McDonald)</u></p> <p>Benefits Manager McDonald presented background on the item, explaining that due to COVID-19, 12 seasonal employees who qualified for insurance in 2020, did not work sufficient hours in 2020 to qualify for continued coverage in 2021 per policy. The Benefits Team recommends a waiver of the restriction to permit continued insurance coverage to those employees who would have otherwise qualified. The coverage would be extended through calendar 2021. She said the cost of insuring these employees was already budgeted, based on the expectation that the employees were going to meet the minimum hours worked. She noted Department Heads are in support of the action.</p> <p>Ms. McDonald requested the Executive Committee’s support to bring this action to the Commission for approval.</p>
ACTION/Follow-up	Chair Anderson motioned for approval of bringing this item to the Commission; Vice-Chair Hewlett seconded. Motion passed unanimously.
Discussion	<p><u>Item 3c. Funding for Hiring Programs (Spencer/Kawakami)</u></p> <p><i>Item deferred to January.</i></p>
Discussion	<p><u>Item 3d. Investment Report October 2020 (information item only)</u></p> <p>No discussion.</p>

Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (7) & (9), a closed session is proposed to consult with counsel for legal advice, 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 10:09 a.m. Chair Anderson seconded; motion approved unanimously. The meeting was adjourned from closed session at 10:26 a.m.

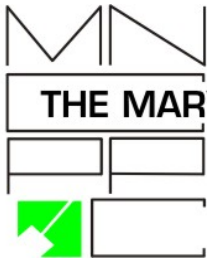


James F. Adams, Senior Technical Writer



Asuntha Chiang-Smith, Executive Director

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue Riverdale, Maryland 20730

M-NCPPC No. 20-029
December 16, 2020

To: The Maryland-National Capital Park and Planning Commission
From: John Kroll, Corporate Budget Director *JKK*
Via: Asuntha Chiang-Smith, Executive Director
Subject: **Approval of the Commission's FY22 Proposed Budget**

Recommendation:

Approve Resolution No. 20-29, "Approval of the 2022 Fiscal Year Proposed Operating and Capital Budget of the Maryland-National Capital Park and Planning Commission."

Summary:

The Proposed Budget Resolution for FY22 reflects the Proposed Budgets approved by each Planning Board, as modified by increases in pension and OPEB costs and other, mostly non-substantial, adjustments. The Proposed Budget totals \$551.2 million in funding excluding reserves, ALARF, Capital Projects and Internal Service Funds. Compared to the FY21 Adopted Budget, the FY22 Proposed Budget is 0.6% less, for a decrease of \$3.0 million. Exhibit 1 provides a comparative summary of the proposed budget for each county.

Exhibit 1:

Summary of FY22 Proposed Operating Budget Expenditures (net reserves, ALARF, Internal Service Funds, and Capital Projects Fund)

	FY21 Adopted	FY22 Proposed	\$ Change	% Change
Prince George's Funds				
Administration (1)	\$ 56,960,703	\$ 56,490,913	\$ (469,790)	-0.8%
Park (2)	182,721,465	173,794,779	(8,926,686)	-4.9%
Recreation (3)	95,370,701	98,018,975	2,648,274	2.8%
ALA Debt	-	-	-	-
Subtotal Tax Supported	335,052,869	328,304,667	(6,748,202)	-2.0%
Enterprise	19,148,292	19,481,057	332,765	1.7%
Special Revenue	8,158,062	6,819,205	(1,338,857)	-16.4%
Park Debt	15,064,619	13,288,277	(1,776,342)	-11.8%
Total Prince George's	\$ 377,423,842	\$ 367,893,206	\$ (9,530,636)	-2.5%
Montgomery Funds				
Administration	\$ 32,634,966	\$ 35,387,944	\$ 2,752,978	8.4%
Park (2)	112,613,946	119,036,122	6,422,176	5.7%
ALA Debt	2,068,181	2,117,000	48,819	2.4%
Subtotal Tax Supported	147,317,093	156,541,066	9,223,973	6.3%
Enterprise (4)	13,099,109	10,965,938	(2,133,171)	-16.3%
Property Management	1,576,671	1,657,600	80,929	5.1%
Special Revenue	7,352,429	7,052,119	(300,310)	-4.1%
Park Debt	7,440,410	7,051,058	(389,352)	-5.2%
Total Montgomery	\$ 176,785,712	\$ 183,267,781	\$ 6,482,069	3.7%
Combined Total	\$ 554,209,554	\$ 551,160,987	\$ (3,048,567)	-0.6%

(1) Includes transfer to Park (FY21 only) and Capital Projects

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

(3) Includes transfer to Enterprise Fund and Capital Projects

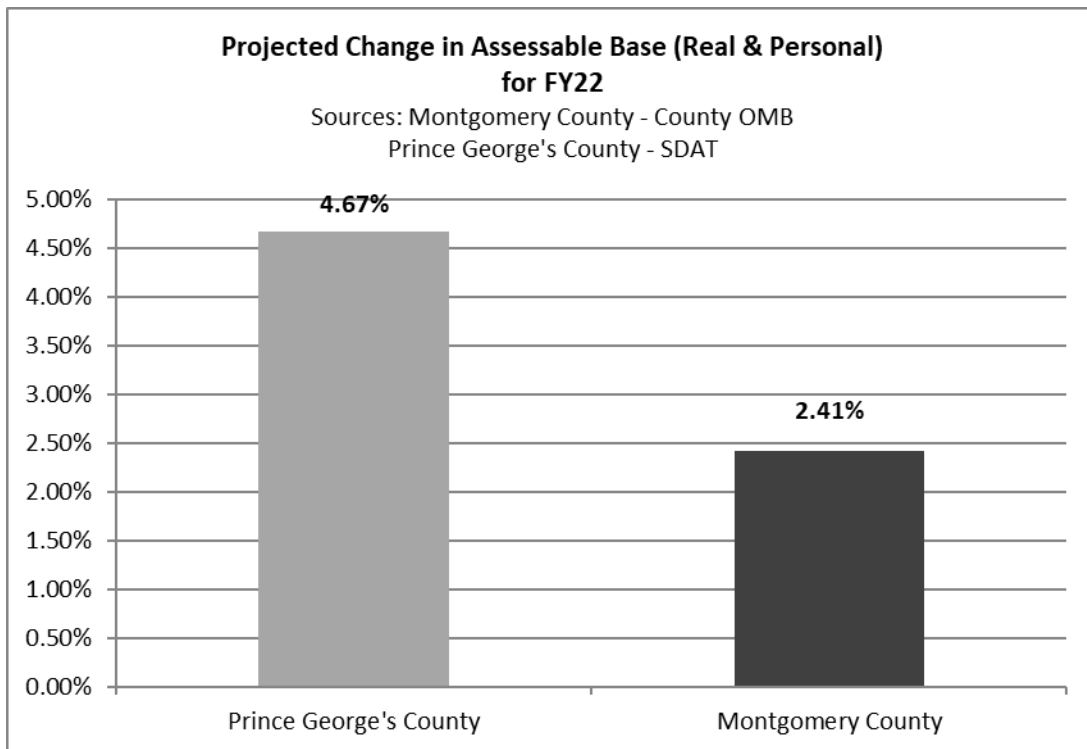
(4) Includes transfer to Capital Projects

Each of the sections below addresses the changes in the major components of the budget.

Assessable Base and Property Tax Revenues

Property tax revenue makes up approximately 89 percent of the Commission’s operating budget revenue. For FY22, growth in real assessable base is estimated at 2.45 percent for Montgomery County and 4.51 percent for Prince George’s County’s County. The chart below shows the growth of both real and personal assessable base. These estimates will continue to be monitored and updated as necessary for the Adopted Budget.

Exhibit 2:



Summary of Major Known Commitments for FY22 Personnel Costs

The Proposed Budget for the General Fund includes the following major known commitments for personnel costs in FY22:

- ✓ Medical insurance and benefit costs are increasing by \$1.8 million;
- ✓ OPEB (PayGo and Prefunding) is increasing by \$67 thousand;
- ✓ Pension funding is increasing by \$3.7 million; and
- ✓ The Commission’s FY22 Proposed Budget includes \$6.9 million for a compensation adjustment marker and a reclassification adjustment marker in the General Fund.

Exhibit 3 summarizes the changes for major personnel costs in the General Fund.

Exhibit 3:

Summary of Changes in Major Employee Benefit Costs FY22 Proposed Budget (General Fund)				
	FY21 Adopted	FY22 Proposed	\$ Change	% Change
OPEB				
OPEB Paygo & Prefunding	18,226,074	18,293,208	67,134	0.4%
Pension (ERS)				
Pension (ERS)	21,195,349	24,853,326	3,657,977	17.3%
Health and Benefits(1)				
Employee Health Benefits	37,481,858	39,317,002	1,835,144	4.9%
Employee Compensation				
Marker for Changes to Employee Comp.	-	5,443,411	5,443,411	-
Marker for Possible Reclasifications	836,654	1,453,309	616,655	73.7%
Total Change in Major Personnel Costs	\$ 77,739,935	\$ 89,360,256	\$11,620,321	14.9%

(1)Health and Benefits includes medical insurances (health, dental, vision, prescription), long-term disability, accidental death and dismemberment, and life insurance.

OPEB

OPEB costs for FY22 have been determined by the actuary. Presentation of the actuarial valuation is scheduled to occur at the December Commission meeting. The net change for total OPEB costs is an increase of \$67 thousand or 0.4 percent more than the FY21 Adopted Budget.

Pension (ERS)

As determined by the actuary, pension costs are projected to increase by 17.3 percent in FY22, representing an additional expense of \$3.7 million.

Health Insurance and Benefits

On average, health insurance and benefit costs are projected to increase by 4.9 percent in FY22, representing an additional expense of \$1.8 million.

Employee Compensation

The Commission's FY22 budget includes a \$5.4 million compensation adjustment marker in the General Fund (\$5.7 million all funds). We are scheduled for full contract negotiations with MCGEO, and for a wage and benefits re-opener with the FOP. Also included is \$1.4 million (\$1.5 million all funds) for possible reclassification adjustments based on the multi-year classification study that is under way.

Summary of the FY22 Proposed Budgets for General Fund Departments

Exhibit 4 provides a comparative summary of the FY22 Proposed Budget and the FY21 Adopted Budget for the General Fund.

Exhibit 4:

M-NCPPC				
Summary of FY22 Proposed Budget General Fund Accounts				
By Fund by Department (excludes reserves)				
	FY21 Adopted	FY22 Proposed	\$ Change	% Change
Prince George's				
Administration Fund				
Commissioners' Office	\$ 2,288,921	\$ 2,350,379	\$ 61,458	2.7%
Planning Department Operating	34,406,828	35,812,387	1,405,559	4.1%
Project Charges	5,045,799	5,045,799	-	0.0%
CAS Departments	9,912,854	10,192,760	279,906	2.8%
Transfer to Park	3,000,000	-	(3,000,000)	-100.0%
Transfer to Capital Projects	30,000	30,000	-	0.0%
Non-Departmental (1)	2,276,301	3,059,588	783,287	34.4%
Subtotal Admin Fund	56,960,703	56,490,913	(469,790)	-0.8%
Park Fund				
Park Fund Operating	121,772,880	123,245,627	1,472,747	1.2%
Project Charges	464,300	464,300	-	0.0%
Transfer to Capital Projects	39,050,000	28,550,000	(10,500,000)	-26.9%
Transfer to Debt Service	14,839,619	13,063,277	(1,776,342)	-12.0%
Non-Departmental (1)	6,594,666	8,471,575	1,876,909	28.5%
Subtotal Park Fund	182,721,465	173,794,779	(8,926,686)	-4.9%
Recreation Fund				
Recreation Fund Operating	72,102,988	71,086,913	(1,016,075)	-1.4%
Project Charges	2,601,350	2,601,350	-	0.0%
Transfer to Enterprise	8,150,092	10,682,497	2,532,405	31.1%
Transfer to Capital Projects	10,000,000	10,000,000	-	0.0%
Non-Departmental (1)	2,516,271	3,648,215	1,131,944	45.0%
Subtotal Recreation Fund	95,370,701	98,018,975	2,648,274	2.8%
Prince George's Total General Fund	\$ 335,052,869	\$ 328,304,667	\$ (6,748,202)	-2.0%
Montgomery				
Administration Fund				
Commissioners' Office	\$ 1,235,196	\$ 1,277,993	\$ 42,797	3.5%
Planning Department Operating	20,498,771	21,691,798	1,193,027	5.8%
CAS Departments	9,014,484	9,263,403	248,919	2.8%
Transfer to Development Review	-	500,000	500,000	-
Transfer to Park	-	-	-	-
Grants	150,000	150,000	-	0.0%
Non-Departmental (1)	1,736,515	2,504,750	768,235	44.2%
Subtotal Admin Fund	32,634,966	35,387,944	2,752,978	8.4%
Park Fund				
Park Department Operating	98,600,598	103,383,284	4,782,686	4.9%
Transfer to Debt Service	7,165,410	6,801,058	(364,352)	-5.1%
Transfer to Capital Projects	350,000	450,000	100,000	28.6%
Grants	400,000	400,000	-	0.0%
Non-Departmental (1)	6,097,938	8,001,780	1,903,842	31.2%
Subtotal Park Operating	112,613,946	119,036,122	6,422,176	5.7%
Montgomery Operating Subtotal	145,248,912	154,424,066	9,175,154	6.3%
Property Management	1,576,671	1,657,600	80,929	5.1%
Montgomery General Fund Total	\$ 146,825,583	\$ 156,081,666	\$ 9,256,083	6.3%

(1) Non-Departmental for both years include OPEB prefunding and OPEB paygo, and a budget marker for compensation adjustments.

PRINCE GEORGE'S COUNTY OPERATING BUDGET HIGHLIGHTS

The FY22 Proposed Budget for Prince George's County funded operations is consistent with the Prince George's County Planning Board direction.

With the property tax revenue outlook continuing to be positive, the twin goals of the FY22 Proposed Budget's goal are to continue to provide adequate resources for necessary planning studies, as well as to maintain prior year operational and staffing levels to continue to deliver the park and recreation

programs and services at the highest levels.

- ✓ The Parks and Recreation Department's budget includes:
 - No new positions – 3 positions will transfer to the Park Fund from the Recreation Fund; 1 position will transfer to the Recreation Fund from the Enterprise Fund
 - Decreased debt service for capital projects
 - Decreased pay-go transfer to the Capital Projects Fund from the Park Fund, continued pay-go transfer from the Recreation Fund
 - Increased the subsidy transfer to the Enterprise Funds
- ✓ The Planning Department's budget includes:
 - Funding for 3 new career positions to re-create the Research Section and conversion of a part-time career position to full-time in the Community Planning Division, offset by elimination of a term contract position
 - Funding for the following work programs:
 - Countywide Map Amendment
 - Morgan Boulevard/Brightseat Road Corridor Sector Plan and SMA
 - Clinton Shopping Centers Case Study
 - Land Acquisition Case Study
 - Missing Middle Housing Pattern Book
 - Prince George's County Multimodal Facility Design and Pedestrian Behavior Study
 - Anticipated space planning and design services needed for relocating the Planning Department headquarters
 - Annual 3 percent increase for lease of office space from the County
- ✓ The CAS budget, for both counties, includes:
 - For the Department of Human Resources and Management – one career position for the Labor and Relations team in the Human Resources Division
 - For the Legal Department – restoration of the previous year's operating reduction
 - For the Inspector General – analytical software

Lastly, FY22 budget projections were presented to the Spending Affordability Committee as part of the full Six Year Plan. We believe the FY22 Proposed Budget will fall within the spending guidelines to be established as well as meet the 5 percent reserve requirement.

Assessable Base and Tax Rates

- ✓ The real property assessable base is projected to increase by 4.51 percent in FY22, based upon this November's SDAT estimates.
- ✓ The total and individual tax rates in the Proposed Budget remain the same as FY21. The total rate is 29.40 cents for real property and 73.50 cents for personal property. The individual rates are as follows:
 - Administration Fund – 5.66 cents real and 14.15 cents personal;
 - Park Fund – 15.94 cents real and 39.85 cents personal; and
 - Recreation Fund – 7.80 cents real and 19.50 cents personal.

MONTGOMERY COUNTY OPERATING BUDGET HIGHLIGHTS

The FY22 Proposed Budget for Montgomery County funded operations is consistent with the Montgomery County Planning Board direction. Budget requests include funding to maintain current service levels, including changes for major known commitments. The request also includes funding for specific new program enhancements. Based on current assessable base estimates, the Proposed Budget will require an increase in the tax rate in the Administration Fund and allow for a decreased rate in the Park Fund for FY22 in order to both fund the requests and meet the 3 percent reserve requirement.

Assessable Base and Tax Rates

- ✓ The real property assessable base is projected to increase about 2.45 percent in FY22 based on the most recent Montgomery County Government staff estimates. These projections will be updated by the County as SDAT's estimates are released.
- ✓ The total proposed tax rate for property tax supported funds in the FY22 Proposed Budget is 7.58 cents real property and 18.95 cents personal property. The breakdown by fund is:
 - Administration Fund 1.78 cents real and 4.45 cents personal, an increase of 0.02 and 0.05, respectively;
 - Park Fund 5.70 cents real and 14.25 cents personal, a decrease of 0.30 and 0.75, respectively; and
 - Advanced Land Acquisition Fund 0.10 cents real and 0.25 cents personal, unchanged.

Other Revenue and Expenditure Highlights

- ✓ Major known commitments include:
 - Operating budget impact of opening new facilities, including 2 new career positions and additional seasonal staff;
 - Decreased debt service for capital projects
 - An increase of \$100,000 for capital projects paygo
 - Increased debt service for the Capital Equipment Internal Service Fund
 - Contractual increases, utilities, and inflationary increases for supplies and materials
- ✓ The Department of Parks budget also includes:
 - An additional \$79,518 in funding from the County's Water Quality Protection Fund for NPDES expenses, which include 2 new career positions, whose cost will be partially offset by a reduction in seasonal expenses.
- ✓ Funding for new initiatives in the following areas within the Department of Parks is included in the Proposed Budget:
 - Improving Customer Service (1 part-time career position)

- Improving Quality and Playability of Ballfields (3 full-time career positions, partially offset by CIP chargebacks, and additional seasonal)
- Legislative Mandates (2 full-time career and 1 term contract position)
- Maintaining and Improving What We Have (2 full-time career positions)
- Park Activation
- Social Equity (1 term contract position)
- ✓ The Planning Department's budget includes funding for the following new initiatives:
 - One-Time funding requests:
 - Takoma Park Minor Master Plan Amendment
 - Fairland-Briggs Chaney Minor Master Plan Amendment
 - Bikeway Branding Plan
 - Commercial Space Adaptability Study
 - E-Commerce and Logistics Industry Trends and Needs Assessment
 - Wheaton Downtown Study
 - Access Management Study
 - Innovative Housing Toolkit
 - Redlining/Segregation Mapping Tool
 - On-going funding requests:
 - Master Plan Support for Historic Preservation Designations
 - Conversion of a Part-Time Career position to Full-Time Career position for Historic Preservation
 - Restoration of funding for two career positions frozen since FY11 – Senior Planner for Forest Conservation; and Senior Planner for Research
 - Budgeting for an operating transfer to the Development Review Special Revenue Fund.
- ✓ The Commissioners' Office budget includes additional funding for staff and Planning Board training.
- ✓ The CAS budget, for both counties, includes:
 - For the Department of Human Resources and Management – one career position for the Labor and Relations team in the Human Resources Division
 - For the Legal Department – restoration of the previous year's operating reduction
 - For the Inspector General – analytical software

INTERNAL SERVICE AND COMMISSION-WIDE FUNDS

Risk Management

The Risk Management Fund is responsible for the Commission's liability insurance program, workers' compensation program, and Commission-wide safety programs. It is administered jointly by the Department of Human Resources and Management (DHRM) and the Finance Department. The total proposed budget for FY22 is \$8,584,825, a decrease of 1.1% from FY21.

Capital Equipment

The Capital Equipment Fund is responsible for capital equipment purchases that, for budgetary purposes, are funded over a six-year time period. It is administered by the Finance Department. The

total proposed budget for FY22 is \$3,213,090, a decrease of 12.1% from FY21. This budget varies each year due to the amount of capital equipment the using departments budget to purchase.

CIO/Commission-Wide IT Initiatives

This fund contains the budget for the Office of the Chief Information Officer (CIO) and the Commission-wide IT Initiatives (CWIT). Funding is proposed at \$1,525,471 for the Office of the CIO and at \$4,829,716 for CWIT, reflecting a 29.1 percent combined increase over FY21. A portion of this increase is due to the operational increase in Microsoft licenses, and a portion is due to the further transfer of license costs from the Corporate IT division within the Administration Funds to this Internal Service Fund. The single new IT project is the initial funding (\$1,000,000) for the eventual ERP upgrade/replacement.

The three aforementioned funds are split budgetarily between Montgomery and Prince George's operations, and are funded by departmental user fees.

Group Insurance

The Commission's Group Insurance Fund accounts for the costs associated with providing health insurance benefits to active and retired employees. The fund is treated as a Commission-wide fund because its costs are not specifically generated by either county. Rather, the costs represent the total health insurance pool cost. In addition, OPEB Pay-Go costs are paid through the Group Insurance Fund. It is administered by DHRM and Finance.

The Proposed FY22 expenditure budget is \$71.3 million, which is a 0.1 percent increase from the FY21 Adopted Budget.

Executive Office Building

The Executive Office Building Fund accounts for expenses related to the daily operations and maintenance of the Executive Office Building in Riverdale. It is also considered a Commission-wide fund as it is funded by occupancy cost charged to the departments occupying the building. It is administered by DHRM.

The FY22 Proposed Budget of \$1.50 million reflects an increase of 1.8 percent from the FY21 Adopted Budget.

Continuity of operations is all that is funded in FY22, while we continue to explore our options for replacement of this building.

Wheaton Headquarters Building

The Wheaton Headquarters Building accounts for the ownership and management of the new building in Wheaton that will house Montgomery Planning, Montgomery Parks, and several County departments.

The FY22 Proposed Budget is \$2,902,595, an increase of 3.9% over the FY21 Adopted Budget.

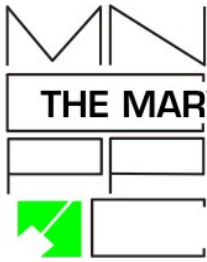
CAPITAL PROJECT FUNDS

Montgomery County's capital budget is proposed at \$34,953,000 for FY22. Prince George's County's capital budget is proposed at \$58,180,000. Funding for both is consistent with the six-year fiscal plan projections.

Attachments
M-NCPPC Resolution 20-29

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

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue Riverdale, Maryland 20730

M-NCPPC 20-29

RESOLUTION

**Approval of the Fiscal Year 2022
Proposed Operating and Capital Budgets of the
Maryland-National Capital Park and Planning Commission**

WHEREAS, Pursuant to the Land Use Article of the Annotated Code of Maryland, at Section 18-102, the Maryland-National Capital Park and Planning Commission (the “Commission”) is required to prepare an annual operating and an annual capital budget for the Fiscal Year beginning on July 1, 2021 and ending on June 30, 2022 (together, the “Proposed FY22 Budgets”), and to state its proposed expenditures and estimates of anticipated revenue separately for each county; and

WHEREAS, The Montgomery County Planning Board and Prince George’s County Planning Board, respectively, have reviewed and approved the estimated revenue and expenditures proposed by each department, office and program of the Commission in such amounts as are enumerated in Exhibit A hereto; and

WHEREAS, The Planning Boards have also considered and approved certain revisions to the Commission’s allocation of funds, including such funds allocable jointly to both counties, as incorporated and reflected in the proposed expenditures enumerated in Exhibit A; and

WHEREAS, The Planning Boards have also considered appropriate operating fund reserves for the Commission, and have thereupon determined to include, recommend, and request funding within the Proposed FY22 Budgets adequate to maintain such reserves within a range of 3 percent and 5 percent, in accordance with Commission policy; and

WHEREAS, The Commission undertakes and expressly intends by adopting this resolution to ratify, approve and adopt Exhibit A hereto as the Commission’s Proposed FY22 Budgets in full accordance with the determinations made separately by each Planning Board relating to the reallocation of certain funds, and the appropriate level of operating fund reserves, each as described above.

NOW, THEREFORE, BE IT RESOLVED, in accordance with the Land Use Article at Section 18-104, the Commission hereby approves Exhibit A for transmittal to the County Executives of Montgomery and Prince George’s Counties as the Commission’s

Proposed FY22 Budgets, and directs appropriate staff to prepare such supporting schedules and narratives for Commission departments, offices and programs as may be necessary or appropriate for explanatory purposes; and

BE IT FURTHER RESOLVED, that the Montgomery County Planning Board and Prince George's County Planning Board, each and respectively, are authorized to approve adjustments to the FY22 Proposed Budgets adopted as set forth in Exhibit A hereto; provided that either Planning Board seeking such an adjustment shall take formal action and enter notice of the action among the Commission records; and, provided further that any such adjustment made by either Planning Board shall not have any impact on a Commission fund maintained to support a work program within the exclusive administrative control and jurisdiction of the other Planning Board.

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of Resolution No. 20-29, adopted by The Maryland-National Capital Park and Planning Commission on the motion of Commissioner _____, seconded by Commissioner _____, with Commissioners _____, _____, _____, _____, _____, _____, at its regular meeting held on Wednesday, December, _____, 2020, in _____, Maryland.

Asuntha Chiang-Smith
Executive Director

Reviewed and Approved for Legal Sufficiency:



Debra S. Borden
Deputy General Counsel
Office of the General Counsel

MONTGOMERY COUNTY FY22 PROPOSED BUDGET SUMMARY
FUND SUMMARY BY DEPARTMENT AND BY DIVISION

	Administration Fund	Park Fund	Property Management Fund	Park Debt Service Fund	ALA Debt Service Fund	ALA Revolving Fund	Capital Projects Fund	Special Revenue Fund	Enterprise Fund	Risk Management Internal Service Fund	Capital Equipment Internal Service Fund	CIO & Comm-wide IT Initiatives Internal Service Fund	Wheaton Headquarters Building Internal Service Fund	Total
Sources:														
Property Taxes	\$ 32,656,000	\$ 104,612,500	\$ -	\$ -	\$ 2,117,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 139,385,500
Ine Environmental	565,600	4,165,414	-	200,000	-	-	27,678,000	1,942,373	885,700	-	-	-	1,654,477	36,205,864
Sales	1,200	6,754	-	-	-	-	-	42,460	-	-	-	-	-	936,114
Charges for Services	203,500	2,478,793	-	-	-	-	-	2,973,461	7,016,880	3,153,300	2,209,350	2,769,238	1,248,118	22,052,640
Rentals and Concessions	100,000	755,000	1,647,600	-	-	-	25,000	144,999	3,612,014	200,000	20,000	-	-	6,159,613
Interest	100,000	10,000	10,000	-	-	-	-	60,000	300,000	-	-	-	-	915,000
Miscellaneous	33,526,300	75,000	-	-	-	-	6,000,000	268,500	773,461	-	-	-	-	9,098,911
Total Revenues	112,193,451	112,193,451	1,657,600	200,000	2,117,000	2,081,950	33,703,000	5,431,793	12,588,055	3,353,300	2,229,350	2,769,238	2,902,595	214,753,642
Transfers In	-	25,000	-	6,801,058	-	-	850,000	500,000	-	-	-	-	-	8,176,058
Bond Proceeds	2,908,244	10,171,261	-	50,000	-	10,467,999	-	1,120,326	-	150,212	829,936	-	-	475,000
Use of Fund Balance/Net Assets	36,434,544	122,389,722	1,657,600	7,051,058	2,117,000	12,549,949	34,978,000	7,052,119	12,588,055	3,503,512	3,059,286	2,769,238	2,902,595	256,647,378
Total Available Funds	\$ 1,277,993	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,277,993
Uses:														
Commissioners' Office	1,450,261	-	-	-	-	-	-	-	-	-	-	-	-	1,450,261
Planning Department	1,569,622	-	-	-	-	-	-	-	-	-	-	-	-	1,569,622
Office of the Planning Director	1,569,622	-	-	-	-	-	-	-	-	-	-	-	-	1,569,622
Management Services	1,476,314	-	-	-	-	-	-	-	-	-	-	-	-	1,476,314
Communications Division	2,214,037	-	-	-	-	-	-	-	-	-	-	-	-	2,214,037
Downcounty Planning & Policy (formerly Function)	1,756,597	-	-	-	-	-	-	-	-	-	-	-	-	1,756,597
Mid-County Planning (formerly Area 1)	1,227,261	-	-	-	-	-	-	-	-	-	-	-	-	1,227,261
Upcounty Planning (formerly Area 2)	3,856,262	-	-	-	-	-	-	-	-	-	-	-	-	3,856,262
Make & Regulatory Coordination (formerly Devel	1,211,559	-	-	-	-	-	-	-	-	-	-	-	-	1,211,559
Information Technology and Innovation	2,621,985	-	-	-	-	-	-	-	-	-	-	-	-	2,621,985
Research and Strategic Projects (formerly Reser	150,000	-	-	-	-	-	-	-	-	-	-	-	-	150,000
Support Services	21,841,798	-	-	-	-	-	-	3,953,583	-	-	-	-	-	25,795,381
Special Revenue Operations	2,572,736	-	-	-	-	-	-	-	-	-	-	-	-	2,572,736
Planning Operations Total	2,387,159	-	-	-	-	-	-	-	-	-	-	-	-	2,387,159
Central Administrative Services (CAS):	1,586,615	-	-	-	-	-	-	-	-	-	-	-	-	1,586,615
Dept. of Human Resources and Mgmt.	83,426	-	-	-	-	-	-	-	-	-	-	-	-	83,426
Department of Finance	367,346	-	-	-	-	-	-	-	-	-	-	-	-	367,346
Legal Department	1,573,048	-	-	-	-	-	-	-	-	-	-	-	-	1,573,048
Merit System Board	693,073	-	-	-	-	-	-	-	-	-	-	-	-	693,073
Office of Inspector General	9,263,403	-	-	-	-	-	-	-	-	-	-	-	-	9,263,403
Corporate IT	1,520,603	-	-	-	-	-	-	-	-	-	-	-	-	1,520,603
Support Services	3,660,919	-	-	-	-	-	-	-	-	-	-	-	-	3,660,919
CAS Total	3,036,472	-	-	-	-	-	-	-	-	-	-	-	-	3,036,472
Park Department/Operating Divisions:	2,741,175	-	-	-	-	-	-	-	-	-	-	-	-	2,741,175
Office of the Director	6,682,271	-	-	-	-	-	-	-	-	-	-	-	-	6,682,271
Public Affairs & Community Partnerships	3,908,043	-	-	-	-	-	-	-	-	-	-	-	-	3,908,043
Management Services	16,061,722	-	-	-	-	-	-	-	-	-	-	-	-	16,061,722
Information Technology & Innovation	10,894,804	-	-	-	-	-	-	-	-	-	-	-	-	10,894,804
Park Planning & Stewardship	13,697,556	-	-	-	-	-	-	-	-	-	-	-	-	13,697,556
Park Development	11,229,092	-	-	-	-	-	-	-	-	-	-	-	-	11,229,092
Park Police	15,724,120	-	-	-	-	-	-	-	-	-	-	-	-	15,724,120
Horticulture, Forestry & Environmental Education	14,226,507	-	-	-	-	-	-	-	-	-	-	-	-	14,226,507
Facilities Management	400,000	-	-	-	-	-	-	-	-	-	-	-	-	400,000
Northern Parks	1,657,600	-	-	-	-	-	-	-	-	-	-	-	-	1,657,600
Southern Parks	103,783,284	-	-	-	-	-	-	-	-	-	-	-	-	103,783,284
Support Services	8,001,780	-	-	-	-	-	-	-	-	-	-	-	-	8,001,780
Special Revenue Operations	6,801,058	-	-	-	-	-	-	-	-	-	-	-	-	6,801,058
Property Management	7,051,058	-	-	-	-	-	-	-	-	-	-	-	-	7,051,058
Enterprise Operations	135,050	-	-	-	-	-	-	-	-	-	-	-	-	135,050
Non-Departmental	34,953,000	-	-	-	-	-	-	-	-	-	-	-	-	34,953,000
Total Park Department Operations	1,981,950	-	-	-	-	-	-	-	-	-	-	-	-	1,981,950
Debt Service	12,549,949	-	-	-	-	-	-	-	-	-	-	-	-	12,549,949
Capital Projects	3,503,512	-	-	-	-	-	-	-	-	-	-	-	-	3,503,512
Transfer to Debt Service	3,059,286	-	-	-	-	-	-	-	-	-	-	-	-	3,059,286
Advanced Land Acquisition	2,745,816	-	-	-	-	-	-	-	-	-	-	-	-	2,745,816
Risk Management Operating	400,000	-	-	-	-	-	-	-	-	-	-	-	-	400,000
Capital Equipment Operating	400,000	-	-	-	-	-	-	-	-	-	-	-	-	400,000
CIO & Commission-wide IT Operating	2,902,595	-	-	-	-	-	-	-	-	-	-	-	-	2,902,595
Wheaton Headquarters Building	2,902,595	-	-	-	-	-	-	-	-	-	-	-	-	2,902,595
Transfers Out	500,000	-	-	-	-	-	-	-	-	-	-	-	-	500,000
Total Uses	35,387,944	119,036,122	1,657,600	7,051,058	2,117,000	12,549,949	34,978,000	7,052,119	12,588,055	3,503,512	3,059,286	2,745,816	2,902,595	243,006,339
Designated Expenditure Reserve @ 3%	1,046,600	3,353,600	not applicable	not applicable	not applicable	not applicable	not applicable	not applicable	not applicable	not applicable	not applicable	not applicable	not applicable	4,400,200
Total Required Funds	\$ 36,434,544	\$ 122,389,722	\$ 1,657,600	\$ 7,051,058	\$ 2,117,000	\$ 12,549,949	\$ 34,978,000	\$ 7,052,119	\$ 12,588,055	\$ 3,503,512	\$ 3,059,286	\$ 2,745,816	\$ 2,902,595	\$ 247,406,539
Excess of Sources over Uses	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Funded Career/Term Positions	226,26	788,00	4,00	-	-	-	-	39,25	38,00	3,00	-	3,50	-	1,062,76
Total Funded Workyears	191,10	772,50	5,80	-	-	-	-	121,30	121,30	3,40	-	3,50	-	1,136,85

**MONTGOMERY COUNTY
 TAX RATES AND ASSESSABLE BASE**

		<u>FY 20 Actual</u>	<u>FY 21 Adopted</u>	<u>FY 22 Proposed</u>	<u>Rate Change</u>
<u>Tax Rates:</u>					
(Cents per \$100 of assessed value)					
Administration					
	Real	1.70	1.76	1.78	0.02
	Personal	4.25	4.40	4.45	0.05
Park					
	Real	5.60	6.00	5.70	(0.30)
	Personal	14.00	15.00	14.25	(0.75)
Adv. Land Acquisition					
	Real	0.10	0.10	0.10	-
	Personal	0.25	0.25	0.25	-
Total Tax Rates (Cents)					
	Real	<u>7.40</u>	<u>7.86</u>	<u>7.58</u>	<u>(0.28)</u>
	Personal	<u>18.50</u>	<u>19.65</u>	<u>18.95</u>	<u>(0.70)</u>

		<u>FY 20 Actual</u>	<u>FY 21 Adopted</u>	<u>FY 22 Proposed</u>	<u>% Change</u>
<u>Assessable Base):</u>					
(in billions \$)					
Administration Fund*					
	Real	171.429	171.363	175.432	2.37%
	Personal	3.652	3.494	3.529	1.00%
Park Fund*					
	Real	171.429	171.363	175.432	2.37%
	Personal	3.652	3.494	3.529	1.00%
Adv. Land Acquisition (Entire County)					
	Real	197.610	197.440	202.275	2.45%
	Personal	4.452	4.235	4.266	0.73%

* The assessable base for both the Administration Fund and the Park Fund covers all of Montgomery County except the municipalities of Rockville, Gaithersburg, Washington Grove, Barnesville, Brookeville, Poolesville, and Laytonsville.

PRINCE GEORGE'S COUNTY FY22 PROPOSED BUDGET SUMMARY
FUND SUMMARY BY DEPARTMENT AND BY DIVISION

Uses:	Administration Fund	Park Fund	Recreation Fund	Park Debt Service Fund	ALA Debt Service Fund	ALA Revolving Fund	Capital Projects Fund	Special Revenue Fund	Enterprise Fund	Risk Management Internal Service Fund	Capital Equipment Internal Service Fund	CIO & Comm-wide IT Initiatives Internal Service Fund	Total
Property Taxes	\$ 62,546,900	\$ 170,630,100	\$ 89,169,100	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 322,346,100
Intergovernmental	247,517	542,177	265,306	-	-	-	3,000,000	950,000	-	-	-	-	5,005,000
Sales	50,000	-	50,400	-	-	-	-	73,600	1,960,000	-	-	-	2,134,000
Charges for Services	575,000	76,100	7,391,986	-	-	-	-	4,731,769	4,387,600	4,354,100	166,250	3,715,956	25,398,761
Rentals and Concessions	-	2,052,335	997,448	-	-	-	-	786,618	2,250,960	-	-	-	6,087,361
Interest	1,000,000	2,000,000	1,000,000	-	-	-	1,000,000	105,500	200,000	400,000	-	-	5,705,500
Miscellaneous	623,500	623,500	78,520	-	-	-	2,000,000	157,218	-	-	-	-	2,859,038
Total Revenues	\$ 64,419,417	\$ 175,924,212	\$ 98,952,560	\$ -	\$ -	\$ -	\$ 6,000,000	\$ 6,804,705	\$ 8,798,560	\$ 4,754,100	\$ 166,250	\$ 3,715,956	\$ 389,535,760
Transfers In	-	1,000,000	-	-	-	-	38,580,000	-	10,682,497	-	-	-	63,325,774
Debt Proceeds	-	-	-	13,063,277	-	-	-	-	-	-	-	-	15,825,000
Use of Fund Balance/Net Assets	-	3,479,667	3,467,315	225,000	-	304,715	-	14,500	-	327,213	-	-	15,825,000
Total Available Funds	\$ 64,419,417	\$ 180,403,879	\$ 102,419,875	\$ 13,288,277	\$ -	\$ 304,715	\$ 60,180,000	\$ 6,819,205	\$ 19,481,057	\$ 5,081,313	\$ 166,250	\$ 3,715,956	\$ 456,279,944
Commissioners' Office	\$ 3,487,679	-	-	-	-	-	-	-	-	-	-	-	3,487,679
Planning Department	-	-	-	-	-	-	-	-	-	-	-	-	-
Director's Office	1,852,950	-	-	-	-	-	-	-	-	-	-	-	1,852,950
Management Services	3,061,457	-	-	-	-	-	-	-	-	-	-	-	3,061,457
Development Review	6,591,311	-	-	-	-	-	-	-	-	-	-	-	6,591,311
Community Planning	5,454,091	-	-	-	-	-	-	-	-	-	-	-	5,454,091
Information Management	6,830,133	-	-	-	-	-	-	-	-	-	-	-	6,830,133
Countywide Planning	9,128,820	-	-	-	-	-	-	-	-	-	-	-	9,128,820
Support Services	6,802,124	-	-	-	-	-	-	-	-	-	-	-	6,802,124
Grants	-	-	-	-	-	-	-	-	-	-	-	-	-
Special Revenue Operations	-	-	-	-	-	-	-	20,000	-	-	-	-	20,000
Planning Operations Total	\$ 39,720,886	-	-	-	-	-	-	\$ 20,000	-	-	-	-	\$ 39,740,886
Central Administrative Services (CAS):	-	-	-	-	-	-	-	-	-	-	-	-	-
Dept. of Human Resources and Mgmt	3,372,429	-	-	-	-	-	-	-	-	-	-	-	3,372,429
Department of Finance	2,945,326	-	-	-	-	-	-	-	-	-	-	-	2,945,326
Legal Department	1,361,563	-	-	-	-	-	-	-	-	-	-	-	1,361,563
Ment System Board	83,426	-	-	-	-	-	-	-	-	-	-	-	83,426
Office of Inspector General	364,718	-	-	-	-	-	-	-	-	-	-	-	364,718
Corporate IT	1,200,296	-	-	-	-	-	-	-	-	-	-	-	1,200,296
Support Services	865,002	-	-	-	-	-	-	-	-	-	-	-	865,002
CAS Total	10,192,760	-	-	-	-	-	-	-	-	-	-	-	10,192,760
Parks and Rec. Operating Divisions:	-	-	-	-	-	-	-	-	-	-	-	-	-
Office of the Director	24,672,788	-	-	-	-	-	-	-	-	-	-	-	24,672,788
Administration and Development	34,648,612	-	11,886,278	-	-	-	-	-	-	-	-	-	46,534,890
Facility Operations	42,461,823	-	22,817,234	-	-	-	-	-	-	-	-	-	65,279,057
Area Operations	21,462,404	-	36,383,401	-	-	-	-	-	-	-	-	-	57,845,805
Special Revenue Operations	-	-	-	-	-	-	-	6,799,205	-	-	-	-	6,799,205
Enterprise Operations	-	-	-	-	-	-	-	-	19,481,057	-	-	-	19,481,057
Total Park and Rec. Operations	\$ 123,245,627	\$ 71,086,913	\$ 71,086,913	\$ -	\$ -	\$ -	\$ -	\$ 6,799,205	\$ 19,481,057	\$ -	\$ -	\$ -	\$ 220,612,802
NonDepartmental	3,059,588	8,935,875	6,249,965	-	-	-	-	-	-	-	-	-	18,245,028
Advanced Land Acquisition	-	-	-	-	-	304,715	-	-	-	-	-	-	304,715
Debt Service	-	-	-	13,288,277	-	-	-	-	-	-	-	-	13,288,277
Capital Projects	-	-	-	-	-	-	58,180,000	-	-	-	-	-	58,180,000
Transfer to Debt Service	-	13,063,277	-	-	-	-	-	-	-	5,081,313	-	-	13,063,277
Risk Management Operating	-	-	-	-	-	-	-	-	-	-	153,804	-	153,804
Capital Equipment Operating	-	-	-	-	-	-	-	-	-	-	-	3,609,371	3,609,371
CIO & Commission-wide Operating	30,000	28,550,000	20,682,497	-	-	-	1,000,000	-	-	-	-	-	50,252,497
Transfers Out	\$ 56,490,913	\$ 173,794,779	\$ 98,018,975	\$ 13,288,277	\$ -	\$ 304,715	\$ 59,180,000	\$ 6,819,205	\$ 19,481,057	\$ 5,081,313	\$ 153,804	\$ 3,609,371	\$ 436,222,409
Total Uses	\$ 56,490,913	\$ 173,794,779	\$ 98,018,975	\$ 13,288,277	\$ -	\$ 304,715	\$ 59,180,000	\$ 6,819,205	\$ 19,481,057	\$ 5,081,313	\$ 153,804	\$ 3,609,371	\$ 436,222,409
Designated Expenditure Reserve @ 5%	2,670,000	6,609,100	4,400,900	-	-	-	-	-	-	-	-	-	13,680,000
Total Required Funds	\$ 59,160,913	\$ 180,403,879	\$ 102,419,875	\$ 13,288,277	\$ -	\$ 304,715	\$ 59,180,000	\$ 6,819,205	\$ 19,481,057	\$ 5,081,313	\$ 153,804	\$ 3,609,371	\$ 449,902,409
Excess of Sources over Uses	\$ 5,258,504	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,000,000	\$ -	\$ -	\$ -	\$ 12,446	\$ 106,585	\$ 6,377,535
Total Funded Career/Term Positions	281.74	818.00	313.00	-	-	-	-	-	68.00	3.00	-	-	1,487.24
Total Funded Workyears	277.38	1,040.09	1,164.78	-	-	140.20	-	-	261.60	3.40	-	-	2,880.95

**PRINCE GEORGE'S COUNTY
TAX RATES AND ASSESSABLE BASE**

		<u>FY 20</u>	<u>FY 21</u>	<u>FY 22</u>	<u>Rate</u>
		<u>Budget</u>	<u>Adopted</u>	<u>Proposed</u>	<u>Change</u>
<u>Tax Rates:</u>					
(Cents per \$100 of assessed value)					
Administration					
	Real	5.66	5.66	5.66	-
	Personal	14.15	14.15	14.15	-
Park					
	Real	15.94	15.94	15.94	-
	Personal	39.85	39.85	39.85	-
Recreation					
	Real	7.80	7.80	7.80	-
	Personal	19.50	19.50	19.50	-
Adv. Land Acquisition					
	Real	0.00	0.00	0.00	-
	Personal	0.00	0.00	0.00	-
Total Tax Rates (Cents)					
	Real	<u>29.40</u>	<u>29.40</u>	<u>29.40</u>	-
	Personal	<u>73.50</u>	<u>73.50</u>	<u>73.50</u>	-

		<u>FY 20</u>	<u>FY 21</u>	<u>FY 22</u>	<u>%</u>
		<u>Budget</u>	<u>Adopted</u>	<u>Proposed</u>	<u>Change</u>
<u>Assessable Base:</u>					
(in billions \$)					
Regional District (Administration Fund)					
	Real	92.949	98.411	102.847	4.51%
	Personal	3.124	2.887	3.177	10.05%
Metropolitan District (Park Fund)					
	Real	90.016	95.305	99.601	4.51%
	Personal	3.025	2.796	3.077	10.05%
Entire County (Recreation Fund and ALA Fund)					
	Real	96.171	101.822	106.412	4.51%
	Personal	3.232	2.987	3.287	10.04%

*The **Regional District** consists of Prince George's County less the area enclosed by the corporate limits of the City of Laurel.*

*The **Metropolitan District** consists of all of Prince George's County, less the area of: The City of Greenbelt, City of District Heights, City of Laurel, most of Election District #10 (West of Laurel), the Aquasco area (Election District #8), and the Nottingham area (Election District #4).*

**COMMISSION-WIDE FY22 PROPOSED BUDGET SUMMARY
 FUND SUMMARY BY DEPARTMENT**

	County Funds		Commission-wide Funds		Total
	Montgomery County Funds	Prince George's County Funds	Executive Office Building Internal Service Fund	Group Insurance Fund	
Sources:					
Property Taxes	\$ 139,385,500	\$ 322,346,100	\$ -	\$ -	\$ 461,731,600
Intergovernmental	36,205,864	5,005,000	-	2,000,000	43,210,864
Sales	936,114	2,134,000	-	-	3,070,114
Charges for Services	22,052,640	25,398,761	1,406,080	68,889,849	117,747,330
Rentals and Concessions	6,159,613	6,087,361	-	-	12,246,974
Interest	915,000	5,705,500	50,000	200,000	6,870,500
Miscellaneous	9,098,911	2,859,038	-	-	11,957,949
Total Revenues	214,753,642	369,535,760	1,456,080	71,089,849	656,835,331
Transfers In	8,176,058	63,325,774	-	-	71,501,832
Bond Proceeds	475,000	15,825,000	-	-	16,300,000
Use of Fund Balance/Net Assets	25,647,378	7,593,410	45,125	232,179	33,518,092
Total Available Funds	\$ 249,052,078	\$ 456,279,944	\$ 1,501,205	\$ 71,322,028	\$ 778,155,255
Uses:					
Commissioners' Office	1,277,993	3,487,679	-	-	4,765,672
Planning Department	25,795,381	39,740,886	-	-	65,536,267
Parks Department	119,105,358	-	-	-	119,105,358
Parks and Recreation Department	-	220,612,802	-	-	220,612,802
Central Administrative Services (CAS)					
Dept. of Human Resources and Mgmt.	2,572,736	3,372,429	-	-	5,945,165
Department of Finance	2,387,159	2,945,326	-	-	5,332,485
Legal Department	1,586,615	1,361,563	-	-	2,948,178
Merit System Board	83,426	83,426	-	-	166,852
Office of Inspector General	367,346	364,718	-	-	732,064
Corporate IT	1,573,048	1,200,296	-	-	2,773,344
Support Services	693,073	865,002	-	-	1,558,075
NonDepartmental	10,506,530	18,245,028	-	-	28,751,558
Debt Service	7,186,108	13,288,277	-	-	20,474,385
Capital Projects	34,953,000	58,180,000	-	-	93,133,000
Advanced Land Acquisition	14,531,299	304,715	-	-	14,836,014
Risk Management	3,503,512	5,081,313	-	-	8,584,825
Capital Equipment	3,059,286	153,804	-	-	3,213,090
CIO/Commission-wide IT	2,745,816	3,609,371	-	-	6,355,187
Wheaton Headquarters Building	2,902,595	-	-	-	2,902,595
Executive Office Building	-	-	1,501,205	-	1,501,205
Group Insurance	-	-	-	71,322,028	71,322,028
Transfers Out	8,176,058	63,325,774	-	-	71,501,832
Total Uses	\$ 243,006,339	\$ 436,222,409	\$ 1,501,205	\$ 71,322,028	\$ 752,051,981
Designated Expenditure Reserve	4,400,200	13,680,000	<i>not applicable</i>	<i>not applicable</i>	18,080,200
Total Required Funds	\$ 247,406,539	\$ 449,902,409	\$ 1,501,205	\$ 71,322,028	\$ 770,132,181
Excess of Sources over Uses	\$ 1,645,539	\$ 6,377,535	\$ -	\$ -	\$ 8,023,074
Total Funded Career/Term Positions	1,062.76	1,487.24	2.00	6.00	2,558.00
Total Funded Workyears	1,136.85	2,880.95	2.00	6.20	4,026.00

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

December 2, 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

SUBJECT: Health Benefits for Seasonal Employees

Action Requested

Approve the recommendation to continue health insurance coverage for seasonal employees who failed to meet eligibility requirements due to COVID-19.

The Department Heads and Executive Committee support the recommendation.

Background

In compliance with the Affordable Care Act, the agency offers medical and prescription coverage only to seasonal employees who work 1,560 hours within the 12 months period of October 3rd through October 2nd, for coverage the following calendar year. The agency contributes 65% of the premium for seasonal employees. There are a dozen employees who are currently enrolled in the health plans for 2020, but due to COVID-19, they have not been able to meet the 1,560 as they have done in the past to satisfy the requirement for continued coverage in 2021. Some of them have consistently met the 1,560 hours year after year and have enrolled in coverage over those years.

The chart below shows the cost to continue coverage for these twelve (12) individuals for 2021. No names were provided as this is considered PHI. These costs are already budgeted for based on the projected number of seasonal employees who were expected to satisfy the requirement. The annual cost to the Commission to grandfather the 12 individuals for 2021 is \$70,932. This is less than 1% of the \$40 million the agency contributed towards benefit plans in FY2020.

Cost to Cover Seasonal Ineligible CY 2021						
	Prince George's County Employees	Employee Annual Contribution	Employer Annual Contribution	Montgomery County Employees	Employee Annual Contribution	Employer Annual Contribution
Caremark	5	\$ 5,745.60	\$ 10,670.40			
KPHMO	5	\$ 13,223.21	\$ 24,557.35	2	\$ 4,407.74	\$ 8,185.78
UHCEPO	5	\$ 14,817.60	\$ 27,518.40			
Total Annual Contribution		\$ 33,786.41	\$ 62,746.15		\$ 4,407.74	\$ 8,185.78

Grand Total: Prince George's County Parks + Montgomery County Parks	
Employee Annual Contribution	\$ 38,194.15
Employer Annual Contribution	\$ 70,931.93

Employee Breakdown	Number of Employees
Prince George's County Park	2
Prince George's County Enterprise - Henson Creek Golf	1
Prince George's County Park/Recreation	1
Prince George's County Enterprise - Sports & Learning	1
Prince George's County Recreation	4
Prince George's County Recreation/Central CC SRF	1
Montgomery County Park	2
Total	12

Options to Consider

As the end of the year approaches, a decision needs to be made on what to do with these individuals, if anything. Here are the options to consider:

1. Continue to apply the rules and if they didn't reach the 1,560 hours then they are not eligible.
2. Grandfather those employees currently enrolled for 2020 and allow them to continue coverage into 2021.

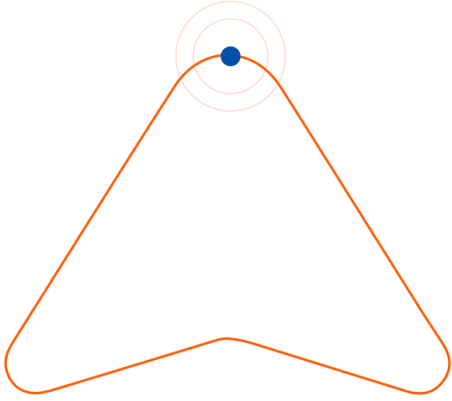
Here are examples of exceptions the IRS has made due to COVID-19:

- Allow withdrawals up to \$100k from their 401k/457b plans;
- Extend the grace period to use 2019 Flexible Spending Funds through 12/31/2020;
- Allow employees to make changes to health plans without a qualifying event.

Recommendation

Because of these unprecedented times, the Health & Benefits office recommends that the agency grandfather these employees and allow them to continue their current coverage into 2021.

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Maryland-National Capital Park and Planning Commission

Other Post Employment Benefits (OPEB)

Presented by:

Kevin Binder, FSA, MAAA, EA

Tim Barry, Actuarial Associate

Table of Contents

 **03** Background

 **04** Assumption Changes

 **05** Budget Forecast

 **06** Reconciliation

 **07** Required ASOP 41 Disclosure

Background

- Actuarial Valuation Performed Annually
- Accounting Rules (GASB) no longer address “funding” .
- The Report is to provide MNCPPC the FYE 2022 recommended contribution.
- Accounting results based on last year’s report. FYE 2021 GASB disclosure will reflect the data, methods, and assumptions reflected in this valuation report.

Changes

- Claims updated
 - Premium increases of 11% for UHC POS and 13% for UHC EPO Pre-Medicare Plans.
 - 4% increase in post-65 claims paid
- Discount Rate updated
 - Decreased from 6.85% to 6.80%
 - Budget Forecast assumes continued reduction in discount rate and investment rate of return by 0.05% annually to 6.60% in 2026
- COVID Impact on turnover, retirement, medical costs and mortality not yet known

Budget Forecast

	07/01/2020	07/01/2021	07/01/2022	07/01/2023	07/01/2024	07/01/2025	07/01/2026
	06/30/2021	06/30/2022	06/30/2023	06/30/2024	06/30/2025	06/30/2026	06/30/2026
Assumptions:							
Trust Investment Return	6.85%	6.80%	6.75%	6.70%	6.65%	6.60%	6.60%
Discount Rate	6.85%	6.80%	6.75%	6.70%	6.65%	6.60%	6.60%
Salary Scale	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%
Normal Cost Increase	6.50%	6.50%	6.50%	6.50%	6.50%	6.50%	6.50%
ERI Remaining Amortization	5	4	3	2	1	-	-
# Years to Amortize	26	25	24	23	22	21	21
Unfunded Accrued Liability:							
APBO BOY	409,199,000	419,642,000	439,247,000	459,527,000	480,499,000	502,272,000	502,272,000
Estimated Assets BOY	95,603,001	98,306,417	112,288,417	127,227,417	143,201,417	160,385,417	160,385,417
Unfunded APBO	313,595,999	321,335,583	326,958,583	332,299,583	337,297,583	341,886,583	341,886,583
Percent Funded	23%	23%	26%	28%	30%	32%	32%
BOY ADC (Actuarially Determined Contribution):							
Normal Cost	8,456,000	8,924,000	9,626,000	10,383,000	11,200,000	12,081,000	12,081,000
Amortization	19,692,000	20,541,000	21,317,000	22,140,000	23,014,000	23,432,000	23,432,000
Total (ADC)	28,148,000	29,465,000	30,943,000	32,523,000	34,214,000	35,513,000	35,513,000
Expected Employer Contributions:							
Implicit Subsidy	5,189,000	5,723,000	5,977,000	6,280,000	6,549,000	6,765,000	6,765,000
Federal Subsidies	1,670,000	2,370,000	2,524,000	2,688,000	2,863,000	3,049,000	3,049,000
Net Explicit Subsidy	13,662,000	14,540,000	15,547,000	16,573,000	17,619,000	18,620,000	18,620,000
Additional Contribution	7,627,000	6,832,000	6,895,000	6,982,000	7,183,000	7,079,000	7,079,000
Total Contribution	28,148,000	29,465,000	30,943,000	32,523,000	34,214,000	35,513,000	35,513,000
Trust Assets:							
Beginning of Year Amount *	84,377,417	98,306,417	112,288,417	127,227,417	143,201,417	160,385,417	160,385,417
Return on Investments	5,780,000	6,685,000	7,579,000	8,524,000	9,523,000	10,585,000	10,585,000
BOY Contributions**	7,627,000	6,832,000	6,895,000	6,982,000	7,183,000	7,079,000	7,079,000
Return on Contributions	522,000	465,000	465,000	468,000	478,000	467,000	467,000
End of Year Amount	98,306,417	112,288,417	127,227,417	143,201,417	160,385,417	178,516,417	178,516,417
Benefit Payments	18,851,000	20,263,000	21,524,000	22,853,000	24,168,000	25,385,000	25,385,000
Benefit Payment as percent of expense	67%	69%	70%	70%	71%	71%	71%

* FYE 2021 Beginning of Year amount updated to actual assets.

** The FYE 2021 contribution is based on the previous valuation (report issued November 15, 2019). The FYE 2022 contribution is based on the current valuation (please refer to page 6). All contributions are assumed to be made at the beginning of the fiscal year.

Reconciliation

Comparison of Current and Previous Valuations

Data as of	July 1, 2019	July 1, 2020
Data is used to calculate ADC for FYE	2021	2022
Demographic Data (with Medical Coverage)		
Employees	1,873	1,921
Retirees	1,180	1,215
Reconciliation	ADC	Contribution
FYE 2021 ADC (Previous Valuation)	28,148,000	7,627,000
Increase/(Decrease) due to Passage of Time	1,186,000	(233,000)
Increase/(Decrease) due to a Larger than Expected FYE 2020 Federal Reimbursement	-	(591,000)
Increase/(Decrease) due to a Smaller than Expected FYE 2020 Net Contributions less Benefit Payments	134,000	134,000
Increase/(Decrease) due to FYE 2020 Investment Experience	621,000	621,000
Increase/(Decrease) due to Demographic Experience	148,000	191,000
Increase/(Decrease) due to Claims Experience	(954,000)	(1,099,000)
Increase/(Decrease) due to Updated Discount Rate 6.80%	<u>182,000</u>	<u>182,000</u>
FYE 2022 ADC (Current Valuation)	29,465,000	6,832,000

Required ASOP 41 Disclosure

- This presentation has been prepared for the Maryland-National Capital Park and Planning Commission for the purposes of presenting the results of the actuarial valuation. It is neither intended nor necessarily suitable for other purposes. Bolton Partners is not responsible for the consequences of any other use. The Actuarial Valuation Report dated October 1, 2020, discloses the data we relied upon, the actuarial methods and assumptions, and include other required disclosures under Actuarial Standard of Practice (ASOP) #41.
- Future medical care cost increase rates are unpredictable and could be volatile. They will depend upon the economy, future health care delivery systems and emerging technologies. The trend rate selected is based on an economic model developed by a health care economist for the Society of Actuaries. Future medical trend increases could vary significantly from the model. Model inputs will be updated periodically based on the best estimate of the economy at that time. Small changes in the model inputs can result in actuarial losses or gains of 5 to 15 percent of liabilities.

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

TO: Commissioners

VIA: Joseph Zimmerman, Secretary-Treasurer Jcz

FROM: Abbey Rodman, Corporate Accounting Director *Abbey Rodman*

DATE: December 16, 2020

SUBJECT: GFOA Certificate of Achievement: Comprehensive Annual Financial Report (CAFR)-FY2019

The Certificate of Achievement for Excellence in Financial Reporting has been awarded to The Maryland-National Capital Park and Planning Commission by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR) for the fiscal year ended June 30, 2019. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

GFOA considers the Maryland-National Capital Park and Planning Commission a Special District when compiling their results. In this Category the Commission is tied with the Chicago Metropolitan Water Reclamation District for the greatest number of times receiving this award, now totaling 46.



Government Finance Officers Association

Certificate of
Achievement
for Excellence
in Financial
Reporting

Presented to

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

For its Comprehensive Annual
Financial Report
For the Fiscal Year Ended

June 30, 2019

Christopher P. Morill

Executive Director/CEO

Signature: 
Joe Zimmerman (Nov 30, 2020 13:30 EST)

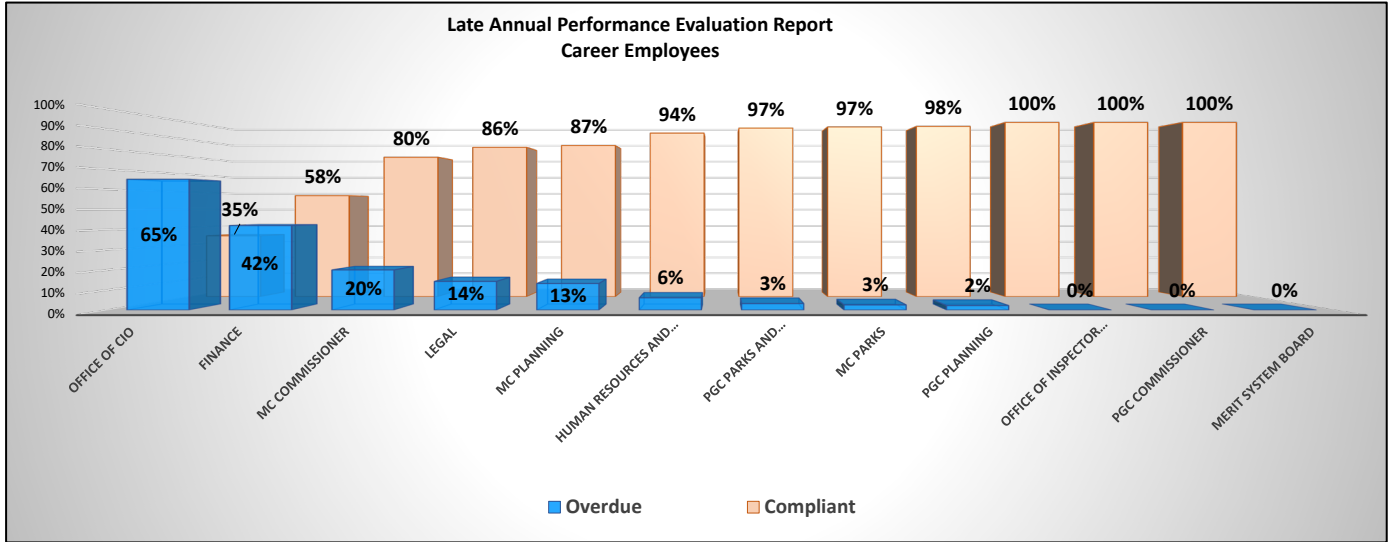
Email: joe.zimmerman@mncppc.org

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

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	Oct-20	Nov-20	Oct-20	Nov-20	Oct-20	Nov-20	Oct-20	Nov-20
CHAIRMAN, MONTGOMERY COUNTY	0	1	0	0	0	0	0	1
CHARIMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	2	5	3	1	4	7	9	13
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.	0	1	2	0	0	2	2	3
LEGAL DEPARTMENT	2	3	0	0	0	0	2	3
FINANCE DEPARTMENT	1	5	5	6	5	5	12	16
PRINCE GEORGE'S PLANNING	2	3	0	1	0	0	2	4
PRINCE GEORGE'S PARKS & RECREATION	29	31	4	1	0	1	33	33
MONTGOMERY COUNTY PARKS	26	15	4	2	0	1	30	18
MONTGOMERY COUNTY PLANNING	0	16	0	3	0	0	11	19
DEPARTMENT TOTAL BY DAYS LATE	62	80	18	14	9	16		
COMMISSION-WIDE TOTAL							101	110

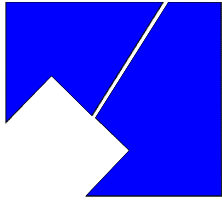
**DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.

Item 6a.



*Data As Of November 30, 2020

Employee Count	Evaluation Status		
Department	Overdue	Compliant	Total Employees
Finance	16	22	38
Human Resources and Mgt	3	46	49
Legal	3	18	21
MC Commissioner	1	4	5
MC Parks	18	679	697
MC Planning	18	118	136
Merit System Board		1	1
Office of CIO	13	7	20
Office of Inspector General		4	4
PGC Commissioner		8	8
PGC Parks and Recreation	34	1,013	1,047
PGC Planning	4	172	176
Total Employees	110	2,092	2,202



The Maryland-National Capital Park & Planning Commission
Department of Finance - Purchasing Division

6611 Kenilworth Avenue, Suite 300 • Riverdale, Maryland 20737 • 301-454-1600 Fax: 301-454-1606

December 3, 2020

TO: Commissioners

VIA: Asuntha Chiang-Smith, Executive Director

FROM: Joseph C. Zimmerman, Secretary/Treasurer

SUBJECT: MFD Purchasing Statistics— First Quarter FY21

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

Some of the observations of this FY21 report include:

- Attachment A indicates that through the first quarter of FY21, the Commission procured approximately \$16.2 million in goods, professional services, construction and miscellaneous services. Approximately 20.7% or \$3.4 million was spent with minority, female and disabled (MFD) owned firms.
- Attachment B indicates that in the first quarter MFD utilization was 20.7%.
- Attachment C represents the MFD participation by type of procurement. The MFD participation for construction through the first quarter of FY21 was 40.6%. Attachment C also indicates that the largest consumers of goods and services in the Commission are the Prince George's County Department of Parks and Recreation and the Montgomery County Department of Parks. These programs significantly impact the Commission's utilization of MFD firms. The MFD cumulative utilization numbers for these departments through the first quarter are 17.6% and 24%, respectively.
- Attachment D presents the FY21 activity for the Purchase Card program totaling approximately \$2.6 million of which 3.1% was spent with minority, female and disabled (MFD) firms. The amount of procurement card activity represents approximately 15.8% of the Commission's total procurement dollars. One reason for lower MFD participation on the purchase card is that the cards are used with national retail corporations when a

quick purchase for a maintenance job is needed. The purchase cards are also used for training registration in order to guarantee attendance.

- Attachment E portrays the historic MFD participation rates, and the total procurement from FY 1991 to First Quarter FY21.
- Attachments F & G shows the MFD participation in procurements at various bid levels to determine if MFD vendors are successful in obtaining opportunities in procurements that require informal bidding and formal bidding. Based on the department analysis, MFD vendors do appear to be participating, at an overall rate of 11.1% in informal (under \$30,000) and 27.3% in the formal (over \$30,000) procurements. For transactions under \$10k, MFD participation is 8.4%. MFD vendors are participating at an overall rate of 44.8% in transactions over \$250,000.
- Attachment H presents the total amount of procurements and the number of vendors by location. Of the \$16.2 million in total procurement, \$10 million or 62% was procured from Maryland vendors. Of the \$3.4 million in procurement from MFD vendors, \$2.6 million or 77.3% was procured from MFD vendors located in Maryland.
- Attachment I compares the utilization of MFD vendors by the Commission with the availability of MFD vendors. The results show under-utilization in the following categories: African American, Asian, Native American, Hispanic, Females and Disabled Owned. The amount and percentage of procurement from MFD vendors is broken out by categories as defined by the Commission's Anti-Discrimination Policy. The availability percentages are taken from the most recent State of Maryland disparity study dated June 25, 2018.
- Attachments J and K are prepared by the Department of Human Resources and Management and show the amount and number of waivers of the procurement policy by department and by reason for waiver. Total waivers were approximately 3.0% of total procurement.

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

Attachments

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
FY 2021
FOR THREE MONTHS ENDED SEPTEMBER 30, 2020

Attachment A

	<u>Procurement</u>		<u>Waivers</u>		<u>Procurement</u>	
	<u>Total \$</u>		<u>Total \$</u>	<u>Total #</u>	<u>MFD \$</u>	<u>%</u>
<u>Prince George's County</u>						
Commissioners' Office	\$ 7,606	\$	-	-	\$ 519	6.8%
Planning Department	375,872		-	-	173,417	46.1%
Parks and Recreation Department	9,113,953		307,165	7	1,604,157	17.6%
Total	9,497,431		307,165	7	1,778,093	18.7%
<u>Montgomery County</u>						
Commissioners' Office	129		-	-	-	0.0%
Planning Department	283,518		37,681	2	20,044	7.1%
Parks Department	6,083,947		75,080	1	1,462,587	24.0%
Total	6,367,594		112,761	3	1,482,631	23.3%
<u>Central Administrative Services</u>						
Dept. of Human Resources and Mgt.	120,617		47,768	2	49,534	41.1%
Finance Department	9,640		-	-	-	0.0%
Legal Department	2,716		31,680	1	-	0.0%
Merit Board	-		-	-	-	0.0%
Office of Chief Information Officer	246,563		-	-	51,030	20.7%
Office of Inspector General	-		-	-	-	0.0%
Total	379,536		79,448	3	100,564	26.5%
Grand Total	\$ 16,244,561	\$	499,374	13	\$ 3,361,288	20.7%

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

Prepared by Finance Department
November 13, 2020

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT STATISTICS

FY 2021

MFD STATISTICS - CUMULATIVE AND ACTIVITY BY QUARTER

Attachment B

CUMULATIVE BY QUARTER

	SEPTEMBER	DECEMBER	MARCH	JUNE
<u>Prince George's County</u>				
Commissioners' Office	6.8%			
Planning Department	46.1%			
Parks and Recreation Department	17.6%			
Total	18.7%			
<u>Montgomery County</u>				
Commissioners' Office	0.0%			
Planning Department	7.1%			
Parks Department	24.0%			
Total	23.3%			
<u>Central Administrative Services</u>				
Dept. of Human Resources and Mgt.	41.1%			
Finance Department	0.0%			
Legal Department	0.0%			
Merit Board	0.0%			
Office of Chief Information Officer	20.7%			
Office of Inspector General	0.0%			
Total	26.5%			
Grand Total	20.7%			

ACTIVITY BY QUARTER

	FIRST QUARTER	SECOND QUARTER	THIRD QUARTER	FOURTH QUARTER	TOTAL
<u>Prince George's County</u>					
Commissioners' Office	6.8%				6.8%
Planning Department	46.1%				46.1%
Parks and Recreation Department	17.6%				17.6%
Total	18.7%				18.7%
<u>Montgomery County</u>					
Commissioners' Office	0.0%				0.0%
Planning Department	7.1%				7.1%
Parks Department	24.0%				24.0%
Total	23.3%				23.3%
<u>Central Administrative Services</u>					
Dept. of Human Resources and Mgt.	41.1%				41.1%
Finance Department	0.0%				0.0%
Legal Department	0.0%				0.0%
Merit Board	0.0%				0.0%
Office of Chief Information Officer	20.7%				20.7%
Office of Inspector General	0.0%				0.0%
Total	26.5%				26.5%
Grand Total	20.7%				20.7%

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT STATISTICS
BY MAJOR PROCUREMENT CATEGORY

FY 2021

FOR THREE MONTHS ENDED SEPTEMBER 30, 2020

ATTACHMENT C

	Grand Total	Montgomery Planning	Montgomery Parks	Pr. Geo. Parks & Recreation	Pr. Geo. Planning	Dept. of Human Resources	Finance Dept.	Legal Dept.	Office of Chief Information
Goods:									
Total \$	\$ 6,890,534	\$ 102,273	\$ 2,603,555	\$ 3,843,020	\$ 264,531	\$ 25,678	\$ 5,560	\$ 0	\$ 45,917
MFD \$	\$ 374,623	\$ 4,736	\$ 30,819	\$ 172,758	\$ 164,684	\$ 0	\$ 0	\$ 0	\$ 1,626
Percentage	5.4%	4.6%	1.2%	4.5%	62.3%	0.0%	0.0%	0.0%	3.5%
Miscellaneous Services:									
Total \$	\$ 2,308,295	\$ 145,545	\$ 1,141,880	\$ 818,474	\$ 48,021	\$ 2,175	\$ 0	\$ 2,716	\$ 149,484
MFD \$	\$ 179,354	\$ 15,308	\$ 51,286	\$ 104,027	\$ 8,733	\$ 0	\$ 0	\$ 0	\$ 0
Percentage	7.8%	10.5%	4.5%	12.7%	18.2%	0.0%	0.0%	0.0%	0.0%
Professional Services:									
Total \$	\$ 858,503	\$ 35,700	\$ 270,908	\$ 392,500	\$ 63,320	\$ 40,833	\$ 4,080	\$ 0	\$ 51,162
MFD \$	\$ 297,884	\$ 0	\$ 45,500	\$ 179,280	\$ 0	\$ 23,700	\$ 0	\$ 0	\$ 49,404
Percentage	34.7%	0.0%	16.8%	45.7%	0.0%	58.0%	0.0%	0.0%	96.6%
Construction:									
Total \$	\$ 6,179,494	\$ 0	\$ 2,067,604	\$ 4,059,959	\$ 0	\$ 51,931	\$ 0	\$ 0	\$ 0
MFD \$	\$ 2,508,908	\$ 0	\$ 1,334,982	\$ 1,148,092	\$ 0	\$ 25,834	\$ 0	\$ 0	\$ 0
Percentage	40.6%	0.0%	64.6%	28.3%	0.0%	49.7%	0.0%	0.0%	0.0%
SUBTOTAL									
Total \$	\$ 16,236,826	\$ 283,518	\$ 6,083,947	\$ 9,113,953	\$ 375,872	\$ 120,617	\$ 9,640	\$ 2,716	\$ 246,563
MFD \$	\$ 3,360,769	\$ 20,044	\$ 1,462,587	\$ 1,604,157	\$ 173,417	\$ 49,534	\$ 0	\$ 0	\$ 51,030
Percentage	20.7%	7.1%	24.0%	17.6%	46.1%	41.1%	0.0%	0.0%	20.7%
Pr. Geo. Commissioners' Office									
Total \$	\$ 7,606								
MFD \$	\$ 519								
Percentage	6.8%								
Mont. Commissioners' Office									
Total \$	\$ 129								
MFD \$	\$ 0								
Percentage	0.0%								
Merit Board									
Total \$	\$ 0								
MFD \$	\$ 0								
Percentage	0.0%								
Office of Inspector General									
Total \$	\$ 0								
MFD \$	\$ 0								
Percentage	0.0%								
GRAND TOTAL \$	\$ 16,244,561								
MFD\$	\$ 3,361,288								
Percentage	20.7%								

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
Comparison of MFD % for Total Procurement and Purchase Card Procurement
FY 2021
FOR THREE MONTHS ENDED SEPTEMBER, 30, 2020

Attachment D

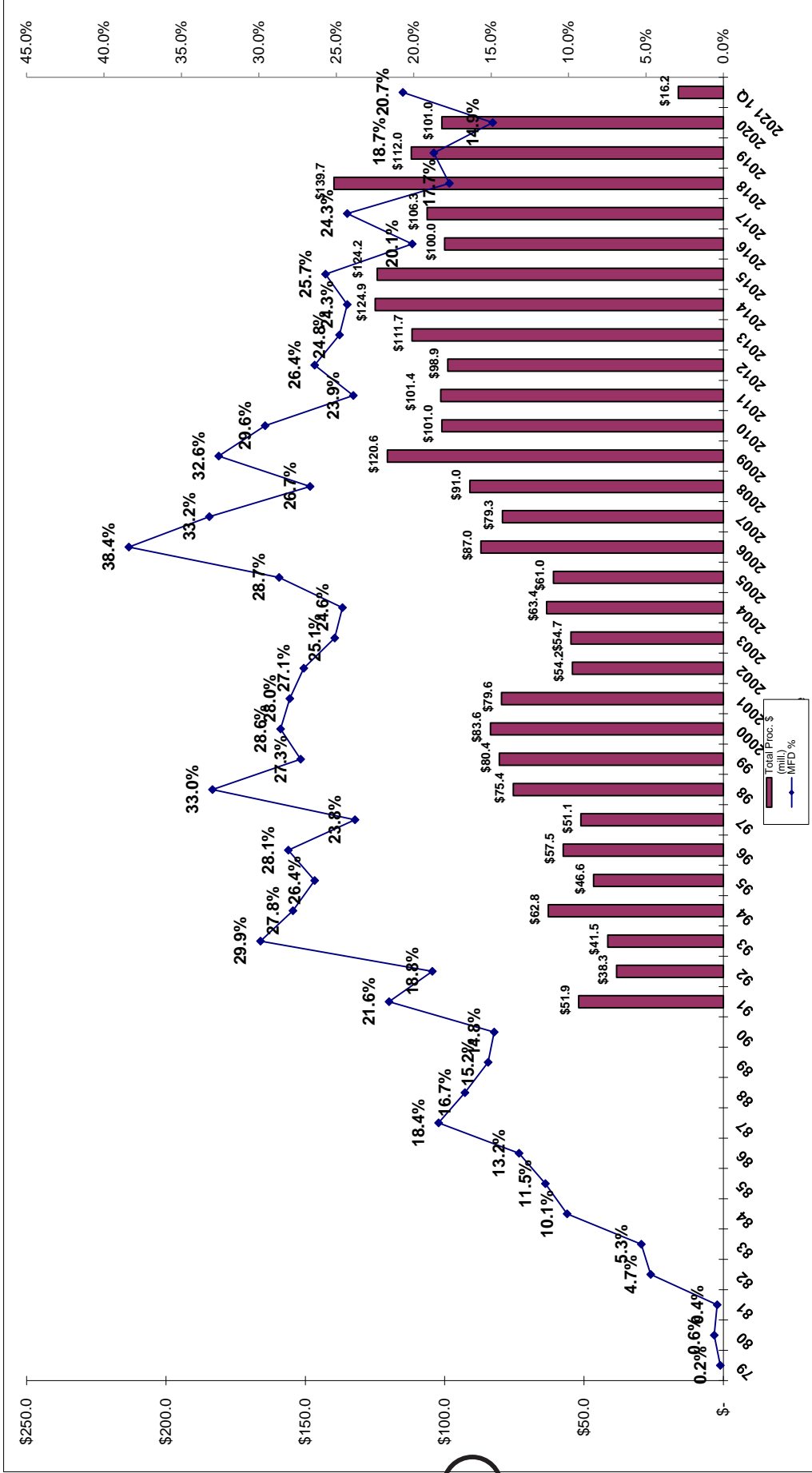
	Total Procurement		Purchase Card Procurement	
	Total \$	MFD %	Total \$	MFD %
<u>Prince George's County</u>				
Commissioners' Office	\$ 7,606	6.8%	\$ 7,156	7.3%
Planning Department	375,872	46.1%	46,422	0.0%
Parks and Recreation Department	9,113,953	17.6%	1,325,799	4.4%
Total	<u>9,497,431</u>	<u>18.7%</u>	<u>1,379,377</u>	<u>4.3%</u>
<u>Montgomery County</u>				
Commissioners' Office	129	0.0%	129	0.0%
Planning Department	283,518	7.1%	36,047	0.0%
Parks Department	6,083,947	24.0%	1,127,880	1.8%
Total	<u>6,367,594</u>	<u>23.3%</u>	<u>1,164,056</u>	<u>1.8%</u>
<u>Central Administrative Services</u>				
Dept. of Human Resources and Mgt.	120,617	41.1%	12,089	0.0%
Finance Department	9,640	0.0%	3,389	0.0%
Legal Department	2,716	0.0%	1,816	0.0%
Merit Board	-	0.0%	-	0.0%
Office of Chief Information Officer	246,563	20.7%	384	0.0%
Office of Inspector General	-	0.0%	-	0.0%
Total	<u>379,536</u>	<u>26.5%</u>	<u>17,678</u>	<u>0.0%</u>
Grand Total	<u>\$ 16,244,561</u>	<u>20.7%</u>	<u>\$ 2,561,111</u>	<u>3.1%</u>

Percentage of Purchase Card Procurement to Total Procurement 15.8%

Prepared by Finance Department
November 13, 2020

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

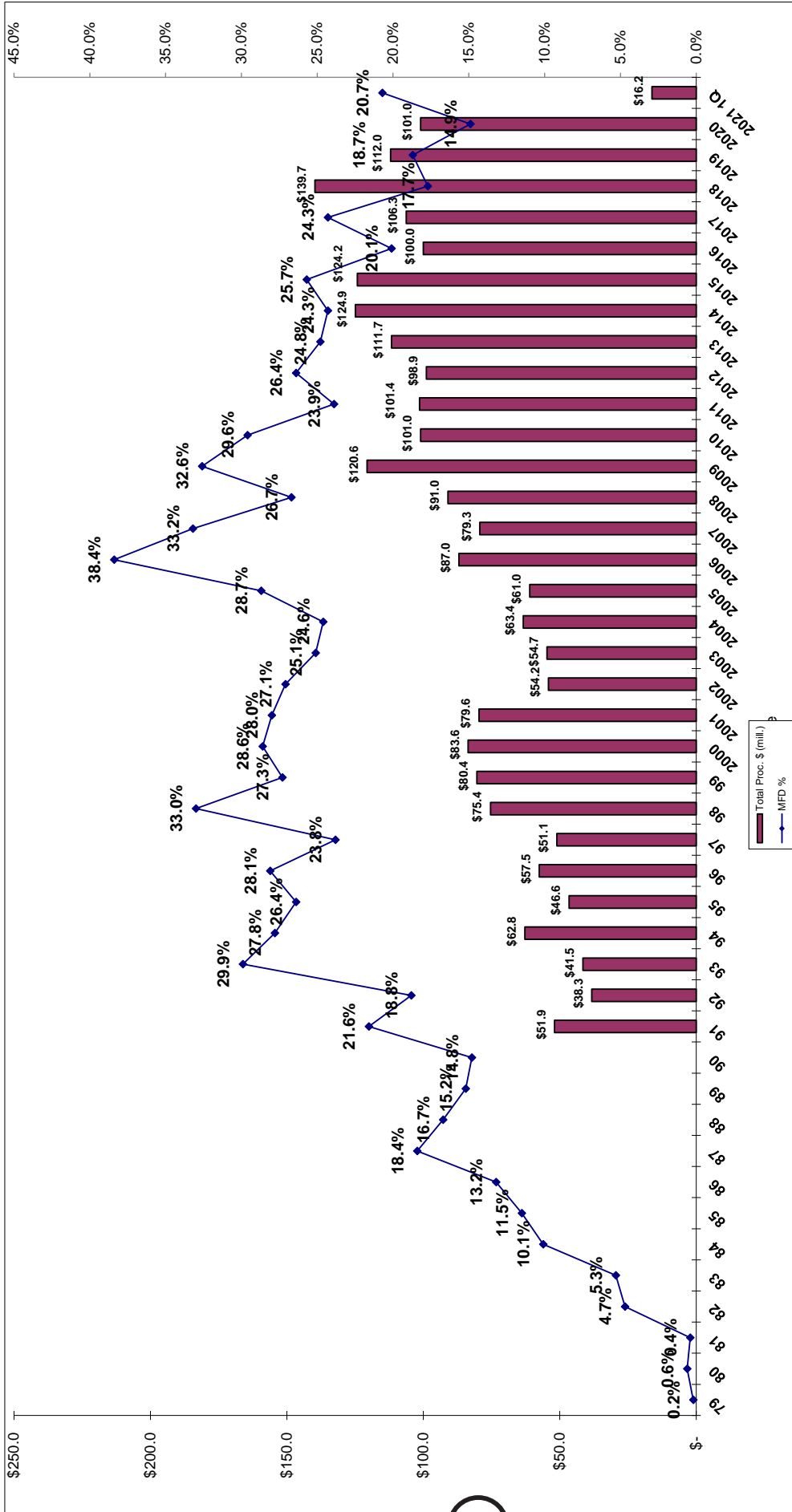
Attachment E



FISCAL YEAR	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021 1Q
TOTAL PROCUREMENT \$ (MIL)	\$101.4	\$98.9	\$111.7	\$124.9	\$124.2	\$100.0	\$106.3	\$139.7	\$112.0	\$101.0	\$16.2
MFD %	23.9%	26.4%	24.8%	24.3%	25.7%	20.1%	24.3%	17.7%	18.7%	14.9%	20.7%

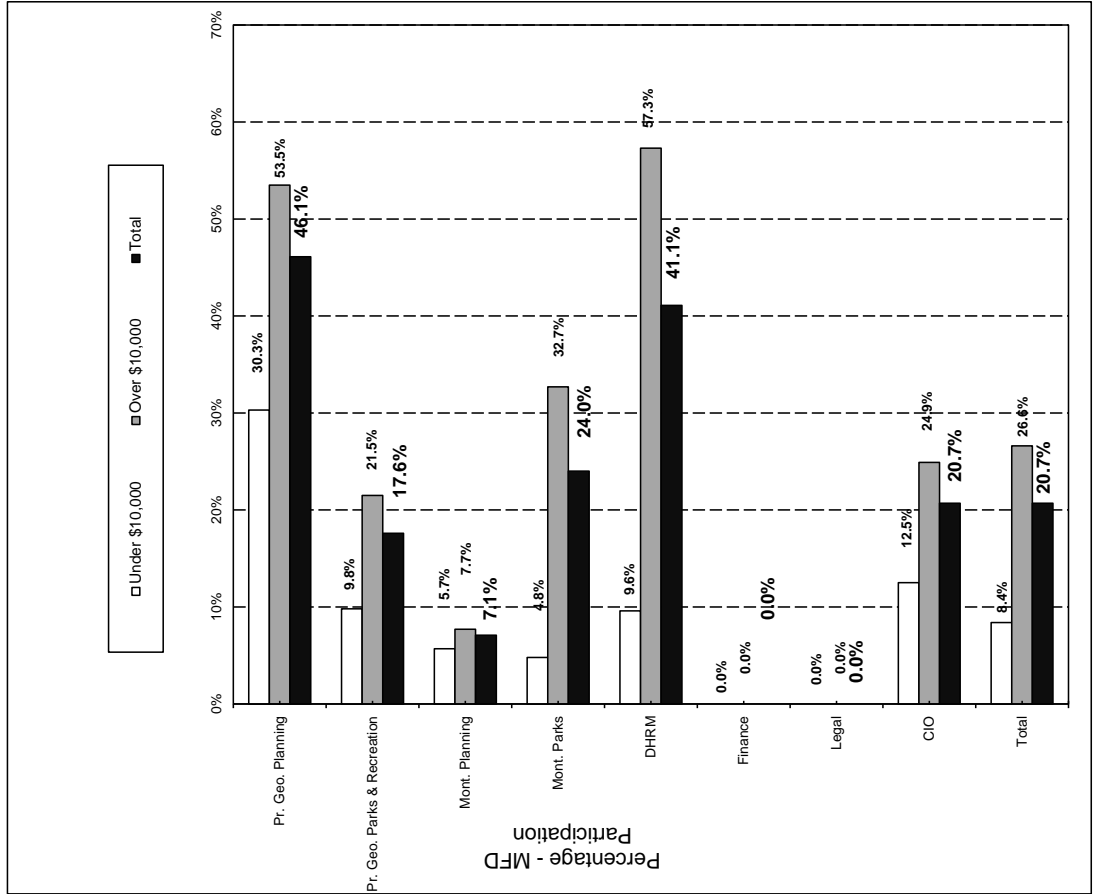
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT RESULTS and TOTAL PROCUREMENT (millions)

Attachment E

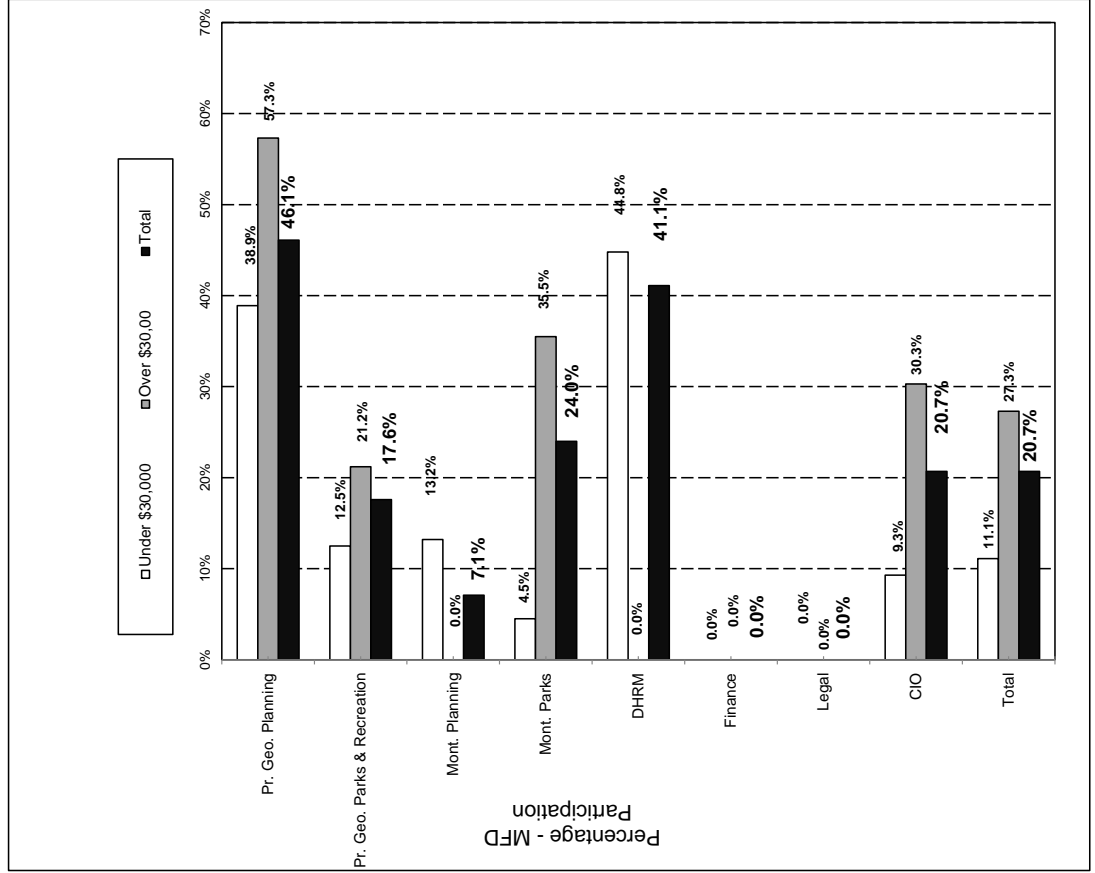


The Maryland-National Capital Park and Planning Commission
 MFD Procurement Statistics - Transactions Under/Over \$10,000 & \$30,000 plus Total %
 FY 2021 1Q

Under/Over \$10,000



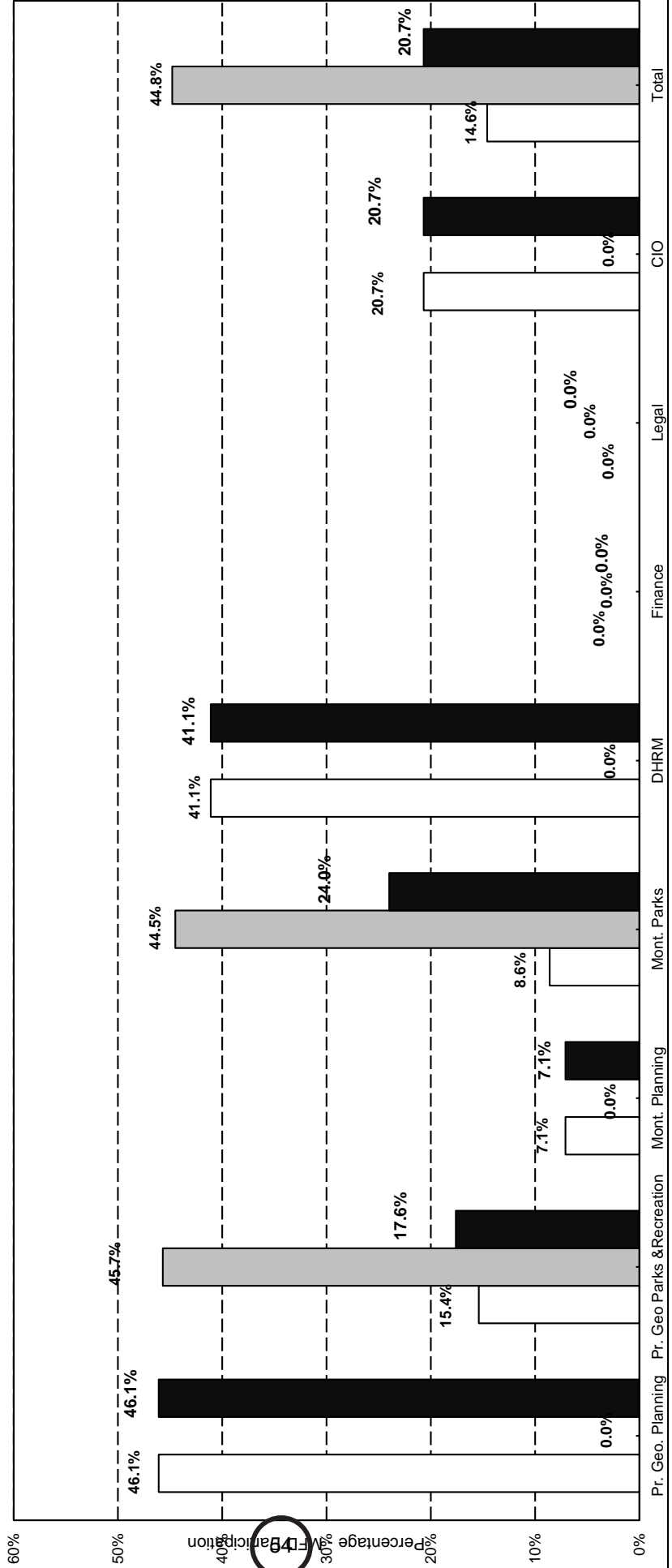
Under/Over \$30,000



Attachment G

The Maryland-National Capital Park and Planning Commission
 MFD Procurement Statistics - Transactions Under /Over \$250,000 and Total %
FY 2021 1Q

□ Under \$250K □ Over \$250K ■ Total



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Amount of Procurement and Number of Vendors by Location

FY 2021

FOR THREE MONTHS ENDED SEPTEMBER 30, 2020

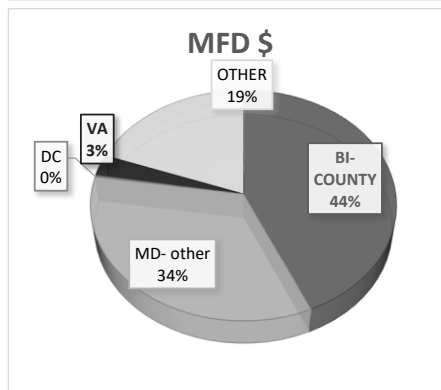
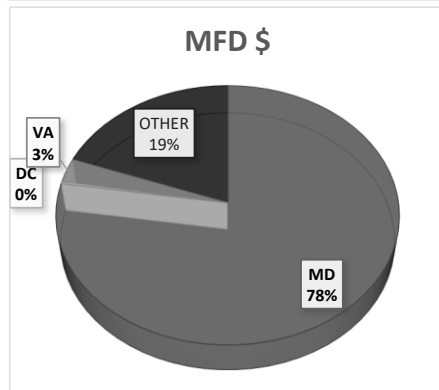
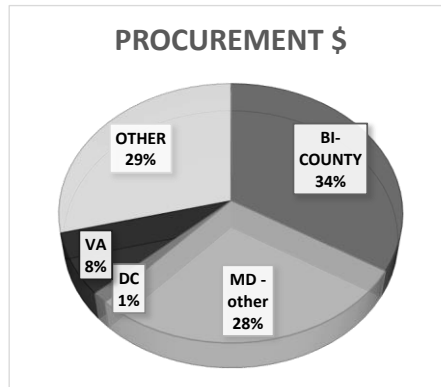
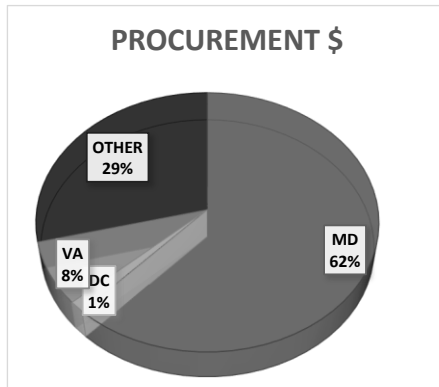
Attachment H

ALL VENDORS

Location	Procurement		Number of Vendors	
	Amount	%	Number	%
Montgomery County	\$ 2,566,230	15.8%	73	16.6%
Prince George's County	2,902,873	17.9%	97	22.0%
Subtotal	5,469,103	33.7%	170	38.6%
Maryland - other locations	4,589,378	28.3%	91	20.6%
Total Maryland	10,058,481	62.0%	261	59.2%
District of Columbia	218,553	1.3%	20	4.5%
Virginia	1,267,349	7.8%	41	9.3%
Other Locations	4,700,178	28.9%	119	27.0%
Total	\$ 16,244,561	100.0%	441	100.0%

MFD Vendors

Location	Procurement		Number of Vendors	
	Amount	%	Number	%
Montgomery County	\$ 406,452	12.1%	16	21.9%
Prince George's County	1,051,820	31.3%	20	27.4%
Subtotal	1,458,272	43.4%	36	49.3%
Maryland - other locations	1,144,147	33.9%	14	19.3%
Total Maryland	2,602,419	77.3%	50	68.6%
District of Columbia	9,033	0.3%	5	6.8%
Virginia	99,352	3.0%	6	8.2%
Other Locations	650,484	19.4%	12	16.4%
Total	\$ 3,361,288	100.0%	73	100.0%



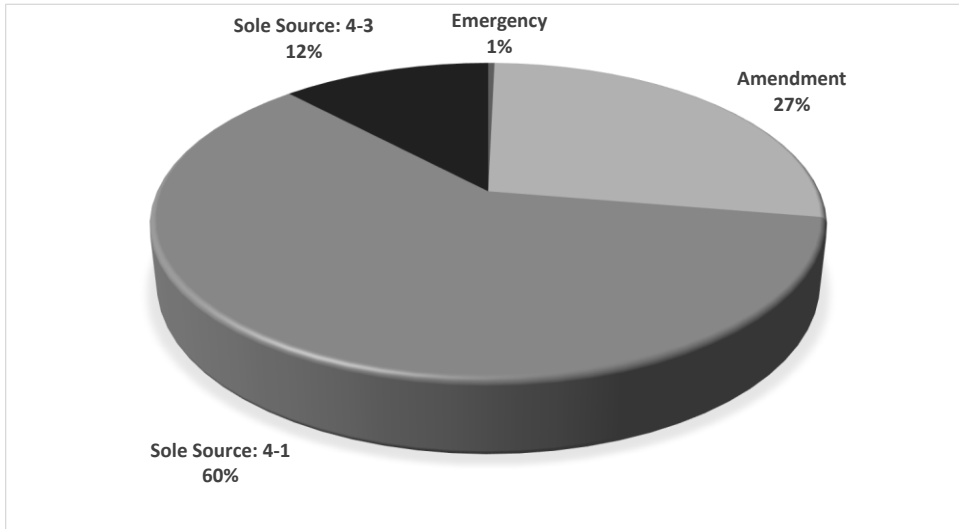
Prepared by Finance Department
November 13, 2020

Note: The number of vendors excludes purchase card vendors.

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
REASONS FOR WAIVERS
CUMULATIVE DOLLAR AMOUNT & NUMBER OF WAIVERS
FY 2021
FOR THREE MONTHS ENDED SEPTEMBER 30, 2020**

Attachment J

REASON	NUMBER	AMOUNT	%
Emergency	1	\$ 1,800	0.4%
Public Policy	0	\$ 0	0.0%
Amendment	3	\$ 136,234	27.3%
Sole Source: 4-1	7	\$ 301,385	60.3%
Sole Source: 4-2	0	\$ -	0.0%
Sole Source: 4-3	2	\$ 59,955	12.0%
Total	13	\$ 499,374	100.0%



Waiver Reason Definitions:

Emergency:

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

Required by Law or Grant:

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

Amendment:

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

Sole Source 4:

It has been determined that:

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

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
TOTAL WAIVERS, MFD WAIVERS, AND SOLE SOURCE WAIVERS BY DEPARTMENT
PROCESSED FY 2021
FOR THE THREE MONTHS ENDED SEPTEMBER 30, 2020**

Attachment K

	Total Waivers		MFD/Waivers		% of MFD		Sole Source 4-1 Waivers		Sole Source 4-2 Waivers		Sole Source 4-3 Waivers		% Sole Source	
	\$	Number	\$	Number	%	Number	\$	Number	\$	Number	\$	Number	%	
Prince George's County														
Commissioners' Office	\$ -	0	\$ -	0	0.0%	0	\$ -	0	\$ -	0	\$ -	0	0.0%	
Planning Department	-	0	-	0	0.0%	0	-	0	-	0	-	0	0.0%	
Parks and Recreation Department	307,165	7	-	0	0.0%	0	142,656	3	-	0	28,275	1	55.6%	
Total	307,165	7	-	0	0.0%	0	142,656	3	-	0	28,275	1	55.6%	
Montgomery County														
Commissioners' Office	-	0	-	0	0.0%	0	-	0	-	0	-	0	0.0%	
Planning Department	37,681	2	-	0	0.0%	0	35,881	1	-	0	-	0	0.0%	
Parks Department	75,080	1	-	0	0.0%	0	75,080	1	-	0	-	0	100.0%	
Total	112,761	3	-	0	0.0%	0	110,961	2	-	0	-	0	98.4%	
Central Administrative Services														
Dept. of Human Resources and Mgt.	47,768	2	-	0	0.0%	0	47,768	2	-	0	-	0	0.0%	
Finance Department	-	0	-	0	0.0%	0	-	0	-	0	-	0	0.0%	
Legal Department	31,680	1	-	0	0.0%	0	-	0	-	0	31,680	1	100.0%	
LEAD COORDINATOR	-	0	-	0	0.0%	0	-	0	-	0	-	0	0.0%	
Merit Board	-	0	-	0	0.0%	0	-	0	-	0	-	0	0.0%	
Total	79,448	3	-	0	0.0%	0	47,768	2	-	0	31,680	1	100.0%	
Grand Total	\$ 499,374	13	\$ -	0	0.0%	0	\$ 301,385	7	\$ -	0	\$ 59,955	2	72.4%	

Purpose of Summary of Waiver Report:

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

Sole Source: 4

It has been determined that:

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



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

Reply To

December 2, 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 November 2020 – FY 2021

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, December 16, 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.

Table of Contents – October – FY 2021 Report

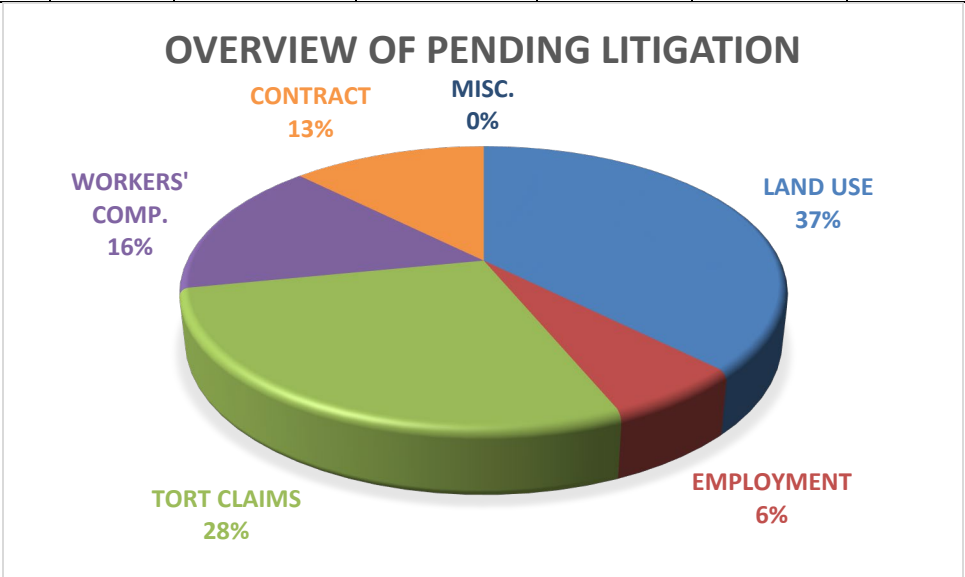
Composition of Pending Litigation.....Page 01
Overview of Pending Litigation (Chart).....Page 01
Litigation Activity SummaryPage 02
Index of New YTD Cases (FY21)Page 03
Index of Resolved YTD Cases (FY21)Page 04
Disposition of FY21 Closed Cases Sorted by DepartmentPage 05
Index of Reported Cases Sorted by Jurisdiction.....Page 07
Litigation Report Ordered by Court Jurisdiction.....Page 09

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November 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	9	3					12
ADMIN APPEAL: OTHER							
LAND USE DISPUTE							
TORT CLAIM	9						9
EMPLOYMENT DISPUTE	1			1			2
CONTRACT DISPUTE	4						4
PROPERTY DISPUTE							
CIVIL ENFORCEMENT							
WORKERS' COMPENSATION	5						5
DEBT COLLECTION							
BANKRUPTCY							
MISCELLANEOUS							
PER FORUM TOTALS	28	3					



November 2020 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2021			
	Pending In Oct. 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)	14		2	8	8	4	12
Admin Appeal: Other (AAO)							
Land Use Disputes (LD)							
Tort Claims (T)	10		1	5	5	1	9
Employment Disputes (ED)	2			3		1	2
Contract Disputes (CD)	4				4		4
Property Disputes (PD)							
Civil Enforcement (CE)							
Workers' Compensation (WC)	5			3	2		5
Debt Collection (D)							
Bankruptcy (B)							
Miscellaneous (M)							
Totals	35		3	19	19	3	32

**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
Dana v. Lenk, et al.	MC	Tort	Oct 20
HMF Paving Contractors, Inc. v. M-NCPPC	MC	Contract	Oct 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>
McCourt v. Commission	PG	ED	Sep. 20
Estreicher v. Montgomery County Planning Board	MC	AALU	Sep. 20
Uzlyan v. Montgomery County, et al.	MC	Tort	Oct. 20
 B. <u>Appellate Court Cases Resolved.</u>			
Benton v. Woodmore Overlook Commercial, LLC	PG	AALU	July 20
(Appeared on the June report in error. The Commission was not a party to this suit)			
Gaspard v. Montgomery County Planning Planning Board	MC	AALU	Oct. 20
Benton v. Woodmore Overlook Commercial, LLC	PG	AALU	Oct. 20

Disposition of FY21 Closed Cases Sorted by Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources & Management		
McCourt v. Commission	Judicial Review of Merit Board Decision related to reclassification under the Administrative Series	09/04/20 – Decision of Merit Board Affirmed.
Montgomery County Department of Planning		
Montgomery County Department of Parks		
Uzylan v. Montgomery Count, Maryland, et al.	Personal injuries matter as a result of a tulip poplar tree striking a home.	10/15/20 - Case Consolidated with Case No. 483068-V.
Montgomery County Park Police		
Montgomery County Planning Board		
Gaspard v. Montgomery County Planning Board	Judicial review of decision affirming Planning Board's approval of Preliminary Plan 120160180 Glen Mill – Parcel 833	10/29/2020 – Judgment of Circuit Court Affirmed.
Prince George's County Department of Parks and Recreation		
Prince George's County Planning Department		
Benton v. Woodmore Overlook Commercial, LLC	Judicial Review of decision of Prince George's County Planning Board	10/23/2020 – Petition for Writ of Cert. denied. Matter still pending in Court of Special Appeals.

Prince George's County Planning Board			
Prince George's Park Police			
Office of Internal Audit			

INDEX OF CASES

DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND	9
DISTRICT COURT FOR PRINCE GEORGE’S COUNTY, MARYLAND	9
CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND	9
Maryland-National Capital Park and Planning Commission v. Mail My Meds, LLC	9
CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND	10
Amica Mutual Insurance Company v. Montgomery County, Maryland, et al.	10
Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board.....	10
Dana v. Lenk, et al.	11
HMF Paving Contractors Inc. v. Maryland-National Park and Planning Commission	11
HMF Paving Contractors Inc. v. Maryland-National Park and Planning Commission	12
Jan A.J. Bove, et al. v. Montgomery County Planning Board	12
Kosary v. Montgomery County Planning Board	12
Shipkovitz v. Montgomery County Planning Board.....	13
Structural Engineering Group Inc. v. Maryland-National Capital Park and Planning Commission.....	13
CIRCUIT COURT FOR PRINCE GEORGE’S COUNTY, MARYLAND	14
6525 Belcrest Road, LLC v. Dewey, L.C., et al.....	14
Alexander v. Proctor.....	15
Brown v. City of Bowie	16
Coakley & Williams Construction v. Commission	16
Coe v. Commission	17
Commission v. Batson	17
Getnet v. Maryland-National Capital Park and Planning Commission	18
Gibson v. Commission	18
Heard v. Maryland-National Capital Park and Planning Commission.....	19
Jackson v. Prince George’s County Sports & Learning Complex.....	19
King v. Commission	20
Montague v. Newton White Mansion	20
Murray v. Commission	21
Newton, et al. v. Prince George’s County Planning Board	21
Pumphrey v. Wilson	22
Snyder v. State of Maryland, et al.	22
Stewart v. P.G. Planning Board	23
Wolf, et al. v. Planning Board of Prince George’s County	23
MARYLAND COURT OF SPECIAL APPEALS	24
Benton v. Woodmore Overlook Commercial, LLC	24

Benton v. Woodmore Overlook Commercial, LLC 25
Estreicher v. Montgomery County Planning Board..... 25
MARYLAND COURT OF APPEALS..... 26
U.S. DISTRICT COURT OF MARYLAND 26
Evans v. Commission, et al..... 26

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: Decision of WCC affirmed.

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
11/23/20	Order of Court affirming Worker's Compensation Commission.

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Amica Mutual Insurance Company v. Montgomery County, Maryland, et al.
Case No. 483068-V (Tort)

Lead Counsel: Adams
Other Counsel:

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

Status: Motion pending.

Docket:

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

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
10/01/2020	Planning Board's Response to Petition for Judicial Review filed
10/09/2020	RCCG Jesus House DC's Response to Petition filed

Dana v. Lenk, et al.
Case No. 482474-V (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Plaintiff disputes the existence of, and access to, a right-of-way utilized by an adjacent property owner.

Status: Amended Complaint filed.
Docket:

06/17/2020	Complaint filed
07/28/2020	Defendant Lenk's Motion to Dismiss
07/30/2020	Opposition to Motion to Dismiss
08/06/2020	Defendant Lenk's Reply to Plaintiff's Opposition to Motion to Dismiss
10/13/2020	Motion to Dismiss granted in part and denied in part
10/21/2020	Defendant Lenk's Answer to Complaint
10/22/2020	Amended Complaint filed
10/29/2020	Commission served
11/16/2020	Montgomery County's Answer to Amended Complaint

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: Motions pending.

Docket:

04/30/2020	Complaint filed
08/28/2020	Motion to Dismiss filed
09/24/2020	Opposition to Motion to Dismiss
11/13/2020	Commission's Reply to Motion to Dismiss
11/19/2020	Motions hearing postponed
11/25/2020	Commission's Supplemental Memorandum
12/01/2020	Motions hearing

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

Case No. 483255-V (CD)

Lead Counsel: Adams
Other Counsel:

Abstract: Construction suit alleging failure to pay final payment.

Status: Complaint filed.

Docket:

08/25/2020	Complaint filed
11/01/2020	Commission served

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 decision.

Docket:

03/09/2020	Petition for Judicial Review filed
03/18/2020	Commission's Response to Petition filed
11/06/2020	Oral argument held
11/06/2020	Court takes matter under advisement

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.
09/28/2020	Planning Board's Response to Petition filed.
10/26/2020	Ardennes Partners, LLC's Response to Petition filed.
10/26/2020	Ardennes Partners, LLC's and Planning Board's Joint Motion to Dismiss Petition for Judicial Review
11/10/2020	Plaintiff's Motion for Extension of Time filed
11/23/2020	Ardennes Partners LLC's Opposition to Motion for Extension of Time

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: Motions pending.

Docket:

08/21/2020	Complaint filed.
08/31/2020	Commission served.
09/29/2020	Motion to Dismiss or in the Alternative for Summary Judgment filed.
10/09/2020	Opposition to Motion to Dismiss filed.
12/09/2020	Motions hearing

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

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

Case No. CAE 20-11589 (AALU)

Lead Counsel: Dickerson
Other Counsel: Harvin

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

Status: Motions pending.

Docket:

04/14/2020	Complaint filed
06/05/2020	Commission served
07/06/2020	Answer filed by Commission
07/21/2020	Motion to Dismiss filed by Defendant Dewey, L.C.
07/23/2020	Motion to Dismiss filed by BE UTC Dewey Parcel, LLC
08/20/2020	Opposition to Motion to Dismiss
09/14/2020	Defendant, Dewey, L.C.'s Reply Response in Support of its Motion to Dismiss or Stay and Request for hearing
09/16/2020	Defendant, BE UTC Dewey Parcel, LLC's Reply in Support of Motion to Dismiss and Request for hearing
10/22/2020	Motions Hearing continued
10/26/2020	Defendants Dewey, L.C. and Bald Eagle Partners, Inc. Line Requesting Judicial Notice of Arbitrator's Decision
12/11/2020	Motions 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.
9/30/2020	Answer to Amended Complaint filed.

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: 3rd Amended Complaint filed.

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 Daugherty'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.
10/28/2020	Third Amended Complaint filed
11/23/2020	Motion to Compel Discovery from Defendant Daugherty

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

Lead Counsel: Adams
Other Counsel: Dickerson

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

Status: Motions pending.

Docket:

07/15/2020	Complaint filed
09/15/2020	Commission served
10/08/2020	Motion to Dismiss filed
10/27/2020	Opposition to Motion to Dismiss

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. CAL 20-13268(Tort)

Lead Counsel: Harvin
Other Counsel: Johnson

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

Status: 2nd Amended Complaint filed.

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.
10/09/2020	Answer filed.
11/02/2020	2 nd Amended Complaint filed
11/06/2020	Defendant Montgomery County's Motion to Dismiss 2 nd Amended Complaint

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: In discovery.

Docket:

09/03/2020	Petition for Judicial Review filed
09/18/2020	Response to Petition and Expert Designation
08/11/2020	Trial

Heard v. Maryland-National Capital Park and Planning Commission

Case No. CAL 20-14095(AALU)

Lead Counsel: Warner
Other Counsel: Goldsmith

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

Status: 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

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

Lead Counsel: Harvin
Other Counsel:

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

Status: In discovery.

Docket:

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

Murray v. Commission
Case No. CAL 20-16372 (WC)

Lead Counsel: Foster
Other Counsel:

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

Status: In discovery.

Docket:

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

Newton, et al. v. Prince George's County Planning Board
Case No. CAL 20-15331(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 dismissed.

Docket:

09/04/2020	Petition for Judicial Review filed
11/09/2020	Petition dismissed by Petitioner

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
06/08/2021	Trial

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

Lead Counsel: Adams
Other Counsel:

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

Status: 2nd Amended Complaint filed.

Docket:

06/19/2020	Complaint filed.
07/27/2020	Commission's Motion to Dismiss
07/27/2020	Motion to Transfer Venue
08/11/2020	Opposition to Motion to Dismiss
08/25/2020	State of Maryland's Motion to Dismiss
08/26/2020	Consent to extend deadline for Plaintiff to file an Opposition to Motion to Dismiss
09/10/2020	Amended Complaint.
10/14/2020	Motions hearing moot
10/30/2020	2 nd Amended Complaint filed

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: Motions pending.

Docket:

08/19/2020	Petition for Judicial Review filed.
09/29/2020	Notice of Intent to Participate
09/29/2020	Motion to Dismiss filed by Werrlein WSSC, LLC
10/13/2020	City of Hyattsville's Notice of Intent to Participate
10/19/2020	Response to Petition for Judicial Review
10/19/2020	Planning Board's Motion to Dismiss filed
10/27/2020	City of Hyattsville's Opposition to Motion to Dismiss filed

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: Awaiting decision.

Docket:

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

Benton v. Woodmore Overlook Commercial, LLC

CSA-REG-0707-2020 (AALU)

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

Lead Counsel: Warner
Other Counsel: Goldsmith

Abstract: Judicial Review of decision of the Prince George's County Planning Board on Preliminary Plan of Subdivision 4-18007, Woodmore Overlook Commercial.

Status: Appeal filed.

Docket:

09/09/2020	Appeal filed
09/30/2020	Entry of Appearance by Commission
10/27/2020	Motion to Dismiss
11/18/2020	Motion to Dismiss denied

Estreicher v. Montgomery County Planning Board.

CSA-REG-0781-2020 (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: Appeal filed.

Docket:

09/28/2020	Appeal filed
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MARYLAND COURT OF APPEALS

No Pending Cases

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
04/17/2020	Plaintiff's Reply to Defendants' joint Opposition to Plaintiff's Motion for Leave to file Third Amended Complaint.
05/07/2020	Order granting Motion for Leave to File Third Amended Complaint; denying as moot Defendants' Joint Motion to

	Dismiss; granting defendants leave to renew their Joint Motion to Dismiss by May 22, 2020.
06/05/2020	Joint Motion to Dismiss for Failure to State a Claim filed by Commission, McSwain, Murphy, Riley and Uhrig.
07/10/2020	Motion for Leave to File Excess Pages
07/16/2020	Order granting in part and denying in part Motion for Leave to file Excess Pages and directing the Plaintiff to file a brief by 7/23/2020
07/23/2020	Response in Opposition to Joint Motion to Dismiss for Failure to State a Claim
08/06/2020	Response to Motion for Leave to file Excess Pages.
08/06/2020	Reply to Opposition to Joint Motion to Dismiss.
11/13/2020	Defendants' Motion to Dismiss granted in part and denied in part. Defendants to file an answer to remaining claims.
11/27/2020	Answer filed.