



THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

COMMISSION MEETING

February 15, 2023
10:00 a.m. to 12 noon

**The Commission will be meeting in a hybrid
in-person / videoconference meeting
which will be 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, February 15, 2023**

		<u>ACTION</u>	
		Motion	Second
1.	Approval of Commission Agenda (10:00 a.m.)	(*)	Page 1
2.	Approval of Commission Minutes (10:05 a.m.)		
	a) Open Session – January 18, 2023	(*)	Page 3
	b) Closed Session – November 16, 2022, December 21, 2022, and January 18, 2023	(*)	
	c) Open Session – February 2, 2023 Special Session of the Commission	(*)	Page 9
3.	General Announcements (10:05 a.m.)		
	a) National Blood Donor Month		
	b) American / National Heart Month		
	c) M-NCPPC Black History Month		
	d) Upcoming Women’s History Month		
	e) Financial Disclosure Filing Requirement Reminder		
4.	Committee Minutes/Board Reports (For Information Only) (10:10 a.m.)		
	a) Employees Retirement Association Board of Trustees Regular Meeting – December 6, 2022		Page 11
5.	Action and Presentation Items (10:15 a.m.)		
	a) Resolution 23-02 Chevy Chase-SD Easement (Sun)	(*)	Page 15
	b) Resolution 23-03 RAISE Grant Application from US-DOT with matching M-NCPPC Funds (Maneval)	(*)	Page 27
	c) Sustainability Committee Report (Sustainability Committee)		Page 31
	d) Potential Implications of Montgomery County Spending Affordability Guidelines (Kroll)		(D)
	e) Other Post Employment Benefits Actuarial Evaluation Presentation (Cohen/Rodman/Bolton)		Page 83
6.	Officers’ Reports (11:15 a.m.)		
	<u>Executive Director’s Report</u>		
	a) Late Evaluation Report, January 2022 (For Information Only)		Page 95
	<u>Secretary Treasurer</u>		
	b) Quarterly Investment Report (December) (For Information Only)		Page 97
	<u>General Counsel</u>		
	c) Litigation Report (For Information Only)		Page 103
	d) Legislative Update		(D)
7.	Closed Session (11:30 a.m.)		
	<i>Pursuant to the General Provisions Article of the Annotated Code of Maryland, Section 3-305(b)(9), a closed session is proposed to consider matters relating to collective bargaining negotiations in order to protect and promote the public interest by preserving privileged and confidential deliberations required to manage ongoing collective bargaining negotiations.</i>		
	a) Collective Bargaining Negotiations with the Fraternal Order of Police Collective Bargaining Unit (Chiang-Smith)		(H)

(*) Vote (LD) Late Delivery (H) Handout (D) Discussion Only

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
Open Session Minutes
January 18, 2023

The Maryland-National Capital Park and Planning Commission met in hybrid, in-person/videoconference, with the Chair initiating the meeting at the Parks and Recreation Administration Building in Riverdale, Maryland. The meeting was broadcast by the Prince George's County Parks and Recreation Department.

PRESENT

Prince George's County Commissioners

Peter A. Shapiro, Chair
Dorothy Bailey (videoconference) (departed 11:15)
William Doerner (videoconference)
Manuel Geraldo (videoconference)

Montgomery County Commissioners

Jeffrey Zyontz, Vice Chair
Cherri Branson (videoconference) (departed 11:40)
David Hill
Roberto Piñero (videoconference)
Amy Presley (videoconference)

NOT PRESENT

A. Shuanise Washington

Chair Shapiro called the meeting to order at 10:04 a.m.

ITEM 1

APPROVAL OF COMMISSION AGENDA

ACTION: Motion of Vice Chair Zyontz to approve the agenda
Seconded by Commissioner Geraldo
9 approved the motion

ITEM 2

APPROVAL OF COMMISSION MINUTES

Open Session – December 21, 2022

Closed Session – December 21, 2022 (vote not taken) Commissioner Hill asked the following change to be made to the minutes regarding Item 6b Legislative Update to replace the last sentence with: "Commissioner Hill noted a high proportion of tort claims and asked if the Commission has a vulnerability we should be addressing. General Counsel Borden said the agency experienced an increase in facility utilization coming out of COVID times and this seems a related increase. Otherwise these tort claims have been without a pattern."

ACTION: Motion of Commissioner Hill to approve Open minutes as amended.
Seconded by Commissioner Presley
9 approved the motion

ITEM 3

GENERAL ANNOUNCEMENTS

- a) National Blood Donor Month
- b) National Slavery and Human Trafficking Prevention Month
- c) Upcoming M-NCPPC Black History Month Observances
- d) Financial Disclosure Filing Requirement April 30 (State and M-NCPPC Deadlines)
- e) Commissioner Hill added that Montgomery County recently released information on an outbreak of canine influenza, particularly affecting exposure in the parks. For more information go to marylandparks.org.

ITEM 4 CLOSED SESSION

Chair Shapiro called for a motion to move the meeting into closed session. Commissioner Hill asked to add an item to closed session -- 4c(1) Discussion of the Continuing Presentation of the CIO Quarterly Report and to consult with legal counsel for it. Commissioner Hill moved; Commissioner Geraldo seconded. All Commissioners in attendance voted in favor of moving to closed session. Open Session adjourned and moved into closed session at 10:10 a.m.

Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b)(7) (9) and (15) the closed session considered matters relating to collective bargaining negotiations in order to preserve privileged and confidential deliberations required to manage ongoing collective bargaining negotiations; discussed cybersecurity matters that constitute a risk to network security information; and included consultation with counsel on legal requirements concerning closed sessions.

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

Also present:

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

James Adams, Senior Technical Writer, DHRM
Michael Beckham, Policy Manager, DHRM
Gary Burnett, Deputy Director Montgomery Parks
Robin Cannon, Compensation Manager, DHRM (for item 4a)
Steve Carter, Deputy Director, Prince George's Parks and Recreation
Mazen Chilet, Chief Information Officer
John Kroll, Corporate Budget Director
Suzann King, Deputy Director, Prince George's Planning
Alvin McNeal, Deputy Director, Prince George's Parks and Recreation
Wanda Ramos, Deputy Director, Prince George's Parks and Recreation
William Spencer, Acting Deputy Executive Director

The following topics were discussed:

The Executive Director updated Commissioners on collective bargaining negotiations and related matters with the Fraternal Order of Police and MCGEO. Commissioners provided direction and support on how to proceed; Commissioners were briefed on matters related to cybersecurity by the Chief Information Officer; and Commissioners consulted with counsel to determine how to proceed with future Quarterly CIO reports.

There being no further business to discuss in closed session, Chair Shapiro called for a motion to adjourn the meeting from closed session and return to open session. Vice Chair Zyontz moved; Commissioner Geraldo seconded. All Commissioners in attendance voted in favor of adjournment, and returned to open session at 11:16 a.m.

ACTION AND PRESENTATION ITEMSa) Resolution 23-01, Amendments to the MCGEO Trades and Office/Clerical Pay Schedules (Spencer)

Vice-Chair Zyontz asked to amend the effective date to April 2, 2023

ACTION: Motion of Commissioner Geraldo to adopt Resolution 23-01 as amended

Seconded by Vice Chair Zyontz

8 approved the motion

Commissioners Bailey and Washington were absent from the vote

b) Diversity Council Year-in-Review / Introduction of New Members (Diversity Council)

Diversity Council Outgoing Chairs Ryan Harrison and Genevieve Gennai spoke with Commissioners about the Diversity Council's accomplishments of the Council during 2022 as reflected in the packet.

Chair Shapiro noted this was an impressive amount of work, both in breadth and scope. Other commissioners thanked the Diversity Council Chairs as well. Ms. Gennai shared a power point introducing the incoming 2023 Diversity Council members. Executive Director Chiang-Smith appreciated the council's hard work, adding that council members perform their council duties along with their regular M-NCPPC work program, and often perform services for the council on their own time, making sure these events and research are successful and productive. She thanked the Council, adding they fill in a critical gap across the agency. Chair Shapiro thanked the council for their leadership and for going above and beyond.

c) Presentation on Annual Comprehensive Financial Report (ACFR) for Fiscal Year Ending June 30, 2022 (Cohen/Lehman)

Secretary-Treasurer Cohen introduced actuary Chris Lehman, who presented to Commissioners the independent audit results of the ACFR, and Corporate Accounting Manager Abbey Rodman who presented the report itself. Secretary-Trasurer Cohen said the ACFR extends well beyond any traditional reporting requirement to enable enhanced transparency. He added the agency's financial reporting conforms to the highest national standards, something that the agency should be very proud of. He thanked and congratulated his accounting team for putting together this award-winning report.

Mr. Lehman, of SB & Company, independent financial auditors, provided an Executive Summary of the audit. Auditors opine on the agency's regular financial statements and the ACFR itself and issue an unmodified opinion on the Commission's financial statements. Mr. Lehman reported there were no instances of fraud, no material weaknesses in internal controls identified during the audit, said the auditors received the full cooperation of management during the audit, and said no proposed journal entries needed to be proposed.

Director of Corporate Accounting Rodman presented the financial highlights of the M-NCPPC's ACFR. The agency ended the fiscal year in a strong financial position.

Contributing factors included strong ongoing property tax base, and increases in revenue, primarily due to the re-opening of facilities and programs due to the loosening of COVID

restrictions. She reviewed fund balances listed in the ACFR listed by Department and Fund type. The Commission reports healthy fund balances which are in full compliance with the agency's fund balance policy.

There were no questions.

ITEM 6 OFFICERS' REPORTS


Executive Director's Report

- a) Late Evaluation Report (December 2022) (For information only)
- b) 1st Quarter Purchasing Statistics (from December) (For information only)

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

General Counsel's Report

- c) Litigation Report (For information only). Vice Chair Zyontz flagged a discrepancy on the report and asked to follow up. The report cited 7 tort claims and 0 property disputes, which is reflected inaccurately in the table on page one of the report. He asked if the report could be corrected.
- d) Legislative Update. General Counsel Borden said the General Assembly has just started, so the legislators' current focus has been organizing. In the meantime, she said legal staff are ready to brief legislators and discuss bills affecting the agency. As soon as there is an additional update, legal staff will provide one. Chair Shapiro said regular contact with the legislators is critical and appreciated that the team is on top of it. Commissioner Geraldo asked what kind of information are legislators requesting. General Counsel Borden replied that the Montgomery County delegation has been interested in the M-NCPPC's work with the Montgomery County permit department. They have also answered some questions on the collective bargaining bill, what the change is proposed to be, what impact it will have, and how or if it will work differently for each county and the M-NCPC.


James F. Adams, Senior Technical Writer


Asuntha Chiang-Smith, Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

**WRITTEN STATEMENT FOR CLOSING A MEETING
UNDER THE OPEN MEETINGS ACT**

Date: 1/18/2022

Time: 10:10 am

Location: Prince George's Parks & Rec Admin Building, Riverdale & Via Videoconference

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

Members voting in favor: Bailey, Branson, Doerner, Geraldo, Hill, Piñero, Presley, Shapiro, and Zyontz.

Opposed: N/A Abstaining: N/A Absent: Washington

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

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

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

Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (7) (9) and (15) a closed session is proposed. The purposes for closing this meeting generally are to protect and promote the public interest by: (i) preserving privileged and confidential deliberations needed to manage ongoing collective bargaining negotiations, to discuss matters of cybersecurity and consult with counsel.

The topics to be discussed include (a) Collective Bargaining Update with the Fraternal Order of Police Collective Bargaining Unit (Chiang-Smith); (b) Discussion of Resolution 23-01, Amendments to the MCGEO Trades and Office/Clerical Pay Schedules (Spencer/Chiang-Smith) (c) The Chief Information Officer's Quarterly Report; and (c)1, Discussion with counsel about the disposition of future confidential briefs from the Chief Information Officer.

This statement is made by:

Peter Shapiro, Chair, Presiding Officer.

PRINT NAME



SIGNATURE & DATE

2/7/2023



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
Open Session Minutes
February 2, 2023

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

PRESENT

Prince George's County Commissioners

Peter A. Shapiro, Chair
Dorothy Bailey
William Doerner
A. Shuanise Washington

Montgomery County Commissioners

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

NOT PRESENT


Manuel Geraldo

Chair Shapiro called the meeting to order at 10:02 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA
ACTION: Agenda approved by acclamation.
9 approved the motion

ITEM 2 ACTION AND PRESENTATION ITEMS
a) Resolution 23-01-A, REVISED Amendments to the MCGEO Trades and Office/Clerical Pay Schedules (Chiang-Smith/Harvin)
Executive Director Chiang-Smith provided background to the resolution, changing the effective date to reflect the changes in the pay scales passed in Resolution 23-01 that make certain job classifications more competitive. The Fraternal Order of Police collective bargaining unit requested the change in date from April 2 to January 18, in order to enact the pay increase right away. Management agreed that would be prudent.
ACTION: Motion of Commissioner Presley to adopt Resolution 23-01-A
Seconded by Commissioner Branson
9 approved the motion

With no further business to discuss, Chair Shapiro adjourned the meeting at 10:06 a.m.


James F. Adams, Senior Technical Writer


Asuntha Chiang-Smith, Executive Director

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

BOARD OF TRUSTEES MEETING MINUTES
Tuesday, December 6, 2022; 10:00 a.m.
Kenilworth Office Building, Riverdale, MD
(Due to COVID-19 Attend via Microsoft Teams)

Due to COVID-19, the Maryland-National Capital Park and Planning Commission (“Commission”) Employees’ Retirement System (“ERS”) Board of Trustees (“Board”) met virtually through Microsoft Teams with CHAIRMAN SHAPIRO leading the call on Tuesday, December 6, 2022. The meeting was called to order at 10:02 a.m. by CHAIRMAN SHAPIRO.

Board Members Present

Peter A. Shapiro, Board of Trustees Chairman, Prince George’s County Commissioner
Amy L. Presley, Board of Trustees Vice Chairman, Montgomery County Commissioner
Asuntha Chiang-Smith, M-NCPPC Executive Director, Ex-Officio *Arrived at 10:06am*
Gavin Cohen, CPA, M-NCPPC Secretary-Treasurer, Ex-Officio
Pamela F. Gogol, Montgomery County Public Member
Caroline McCarthy, Montgomery County Open Trustee
Sheila Morgan-Johnson, Prince George’s County Public Member
Theodore J. Russell III, Prince George’s County Open Trustee
Elaine A. Stookey, Bi-County Open Trustee
Howard Brown, FOP Represented Trustee *Arrived at 11:15am*

Board Members Absent

Lisa Blackwell-Brown, MCGEO Represented Trustee

ERS Staff Present

Andrea L. Rose, Administrator
Sheila Joynes, Accounting Manager
Alicia C. Stanford, Administrative Specialist

Presentations

- *Wilshire Advisors, LLC* – Bradley A. Baker, Managing Director and LouAnn Eisenhut, Assistant Vice President
- *Groom Law Group* – Kevin Walsh, Principal Legal Counsel

Other Attendee(s)

- Ben Rupert – M-NCPPC, Principal Legal Counsel

ITEM 1 RESOLUTION TO APPOINT CHAIRMAN AND VICE CHAIRMAN

ACTION: MS. GOGOL made a motion, seconded by MR. COHEN to appoint Peter A. Shapiro as Chairman and Amy L. Presley as Vice Chairman for the remaining term ending June 30, 2023. The motion PASSED (8-0). (Motion # 22-55)

ITEM 2 APPROVAL OF THE DECEMBER 6, 2022, CONSENT AGENDA

ACTION: VICE CHAIRMAN PRESLEY made a motion, seconded by MR. RUSSELL to approve the Consent Agenda of December 6, 2022 with minor changes to the Open Session Minutes of November 1, 2022 suggested by Mr. Cohen. The motion PASSED (8-0) (Motion # 22-56).

ITEM 3 CHAIRMAN'S ITEMS

CHAIRMAN SHAPIRO welcomed and introduced Montgomery County Commissioner, Amy L. Presley to the Board of Trustees.

ITEM 4 MISCELLANEOUS

Asuntha Chiang-Smith joined the meeting at 10:06 a.m.

ITEM 5 MANAGER REPORT/PRESENTATIONS**ITEM 5.A. Wilshire Advisors LLC - Presentation by Bradley Baker, Managing Director and LouAnn Eisenhut, Assistant Vice President**

Mr. Baker provided a Quarterly Executive Summary for the quarter ending September 30, 2022 and reported on the fund's performance. The ERS total fund return was -2.45% (net of fees) for the quarter, outperforming the target policy index return of -4.07%. For the one, three, five, and ten-years ended September 30, 2022, the ERS fund return was -6.05%, 5.31%, 5.70%, and 6.75%, respectively compared to the target policy return of -12.70%, 2.14%, 3.55% and 5.31%, respectively. The total market value through September 30, 2022 was \$1.04 billion. While the total fund return was negative for the one-year ending September 30, 2022, the portfolio held up better than the target policy index and the median public fund return of -14.82%. The ERS had top quartile returns for the one-year ending September 30, 2022 with less risk than other public funds. The ERS continues to be less risky than 95% of public plans.

Mr. Baker discussed rebalancing activity which included submitting a request to liquidate \$25 million from Principal Global Investors. There is currently a queue and the liquidation request may be accepted in 1Q2023.

Mr. Baker discussed the Quarterly Manager Watchlist, including specifically Neuberger Berman's underperformance compared to the benchmark. According to the watchlist, Neuberger Berman is also underperforming against its peer universe. Ms. Eisenhut added that Neuberger Berman has a Grade B, however it is struggling with portfolio manager turnover. In accordance with the Investment Manager Monitoring Policy, Section B.1., the Board decides if a manager is placed on Watch. Mr. Baker recommended the Board place Neuberger Berman on the Watch status due to underperformance. Ms. Rose informed the Board that Neuberger Berman is scheduled for a performance review with the IMG in June of 2023. Mr. Baker agreed to notify Neuberger Berman about being placed on watch status.

ACTION: MR. COHEN made a motion, seconded by MS. CHIANG-SMITH to approve Wilshire Advisor's recommendation to place Neuberger Berman on Watch status effective December 6, 2022 due to underperformance. The motion PASSED (9-0) (Motion # 22-57).

ACTION: MS. MCCARTHY made a motion, seconded by VICE CHAIRMAN PRESLEY to approve the Side Letter and proceed with the investment in the Nuveen Senior Loan Fund, LP. The motion PASSED (10-0) (Motion # 22-60).

ITEM 6 CLOSED SESSION

ACTION: MS. GOGOL made a motion, seconded by VICE CHAIRMAN PRESLEY to go into Closed Session under authority of the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(5) to discuss investment decisions for the purpose of ensuring the protection of public funds and Section 3-305(b)(7) to receive guidance from legal counsel on matters related to such investments. The motion PASSED (9-0). (Motion #22-58).

Howard Brown joined the meeting.

ITEM 7 COMMITTEE REPORTS/RECOMMENDATIONS

ITEM 7.A Investment Monitoring Group

Ms. Morgan-Johnson provided an overview of the Investment Monitoring Group (“IMG”) meeting of November 15, 2022. The IMG held a second working session to consider changes to the Statement of Investment Policy and expects to have a recommendation for the Board’s approval following its December 20th, 2022 meeting.

ACTION: MS. CHIANG-SMITH made a motion, seconded by MR. RUSSELL to approve the 2023 Work Program & Meeting Dates for the Investment Monitoring Group. The motion PASSED (10-0) (Motion # 22-61).

ITEM 7.B Administration & Personnel Oversight Committee

Mr. Cohen provided an overview of the Administration & Personnel Oversight Committee (“Personnel Committee”) meeting of November 15, 2022. The Personnel Committee held a second working session to review the Governance Manual and expects to have a recommendation for the Board’s next meeting.

CHAIRMAN SHAPIRO appointed Ms. Blackwell-Brown to the Personnel Committee to replace Ms. Morgan-Johnson.

ACTION: VICE CHAIRMAN PRESLEY made a motion, seconded by MS. GOGOL to approve the 2023 Work Program & Meeting Dates for the Administration & Personnel Oversight Committee. The motion PASSED (10-0) (Motion # 22-62).

ITEM 8 ADMINISTRATOR’S REPORT

Ms. Rose presented the Administrator’s Report dated November 21, 2022. Ms. Rose informed the Board on the Commission’s decision to support Resolution 22-38 which extended the annual leave carryover above the maximum through the end of calendar year 2023. The ERS typically follows the Commission with respect to usage, accumulation, and carryover of leave. Ms. Rose explained the extension would recognize the diligent efforts of staff in response to the COVID-19 pandemic and increased work program requirements and recommends the ERS follow suit with the Commission’s decision extend carryover of annual leave through December 31, 2023.

ACTION: MS. CHIANG-SMITH made a motion, seconded by VICE CHAIRMAN PRESLEY to authorize a temporary modification to the ERS Employee Handbook, Section VII. Employee Benefits, by allowing employees, including the Administrator, an extension to carryover annual leave above the maximum from December 31, 2022 until December 31, 2023. The motion PASSED (10-0) (Motion # 22-63).

The Board meeting of December 6, 2022, adjourned at 11:27 a.m.

Respectfully,

Alicia C. Stanford

Alicia C. Stanford
Administrative Specialist

Andrea L. Rose

Andrea L. Rose
Administrator



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

MEMORANDUM

DATE: January 30, 2023

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

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

SUBJECT: **PGCPB Resolution No. 2022-136 (M-NCPPC No. 23-02), for Full Commission**

Attached, please find the above referenced Resolution regarding the granting of easements on Commission property to Prince George's County Department and Potomac Electric Company (PEPCO) for improvements to Cedar Chase Park.

The Prince George's County Planning Board has agreed to convey the required property in order to facilitate the development of the park.

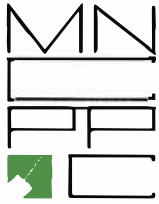
We respectfully request, that the Prince George's County Planning Board Resolution be scheduled for adoption by the Full Commission on February 15, 2023.

Thank you for your attention to this matter.

Attachment:

- PGCPB Resolution No. 2023-136 / M-NCPPC Resolution No. 23-02
- Planning Board PowerPoint, December 15, 2022

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PGCPB No. 2022-136
MNCPPC No. 2023-02

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission (“Commission”) is authorized under the Annotated Code of Maryland, Land Use §27-205 to sell, convey, transfer, lease, or exchange any land held by it and deemed by the Commission not to be needed for park purposes or other authorized purposes; and

WHEREAS, the Commission owns Cedar Chase Park consisting of Parcel A, plat book REP 215 Plat #19 for a total of 3.52 ± acres located in Clinton, and further identified on Tax Map 117, Grid B-2; and

WHEREAS, Prince George’s County, Maryland has requested that the Commission convey to the County a perpetual easement of: (a) 6,108 ± square foot, or 0.14 ± acres for the installation of a public storm drain facility; and (b) 370 ± square foot, or 0.0085 ± acres for construction of Cedar Chase Drive; and

WHEREAS, Potomac Electric Power Company (“PEPCO”) has requested that the Commission convey to it a perpetual public utility easement of 531 ± square feet, or 0.012 ± acres along Cedar Chase Drive; and

WHEREAS, to facilitate construction of the proposed park facilities at Cedar Chase Park, the Commission wishes to grant such easements to Prince George’s County and to PEPCO, respectively.

NOW, THEREFORE BE IT RESOLVED, that the Planning Board hereby approves the conveyance of: (1) a perpetual easement to Prince George’s County of: (a) 6,108 ± square foot, or 0.14 ± acres for the installation of a public storm drain facility; and (b) 370 ± square foot, or 0.0085 ± acres for construction of Cedar Chase Drive; and (2) a perpetual public utility easement to PEPCO of 531 ± square feet, or 0.012 ± acres along Cedar Chase Drive.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning

Commission on the motion of Commissioner Washington, seconded by Commissioner Doerner, with Commissioners Washington, Geraldo, Shapiro, and Doerner voting in favor of the motion, and Commissioner Bailey absent, during open session at its regular meeting on Thursday, December 15, 2022.

Adopted by the Prince George's County Planning Board this 19th day of January 2023.

Peter A. Shapiro

APPROVED AS TO LEGAL SUFFICIENCY

Marta O. Mancini
M-NCPPC Legal Department

Date 1/23/23

By: *Jessica Jones*
Jessica Jones
Planning Board Administrator

Proposed Storm Drain, Road Improvement and Utility Easements

Property of The Maryland-National Capital Park and Planning Commission (M-NCPPC)

**Grant of Easements to Prince George's County and Potomac Electric Company
(PEPCO)**

Prince George's County Planning Board

December 15, 2022

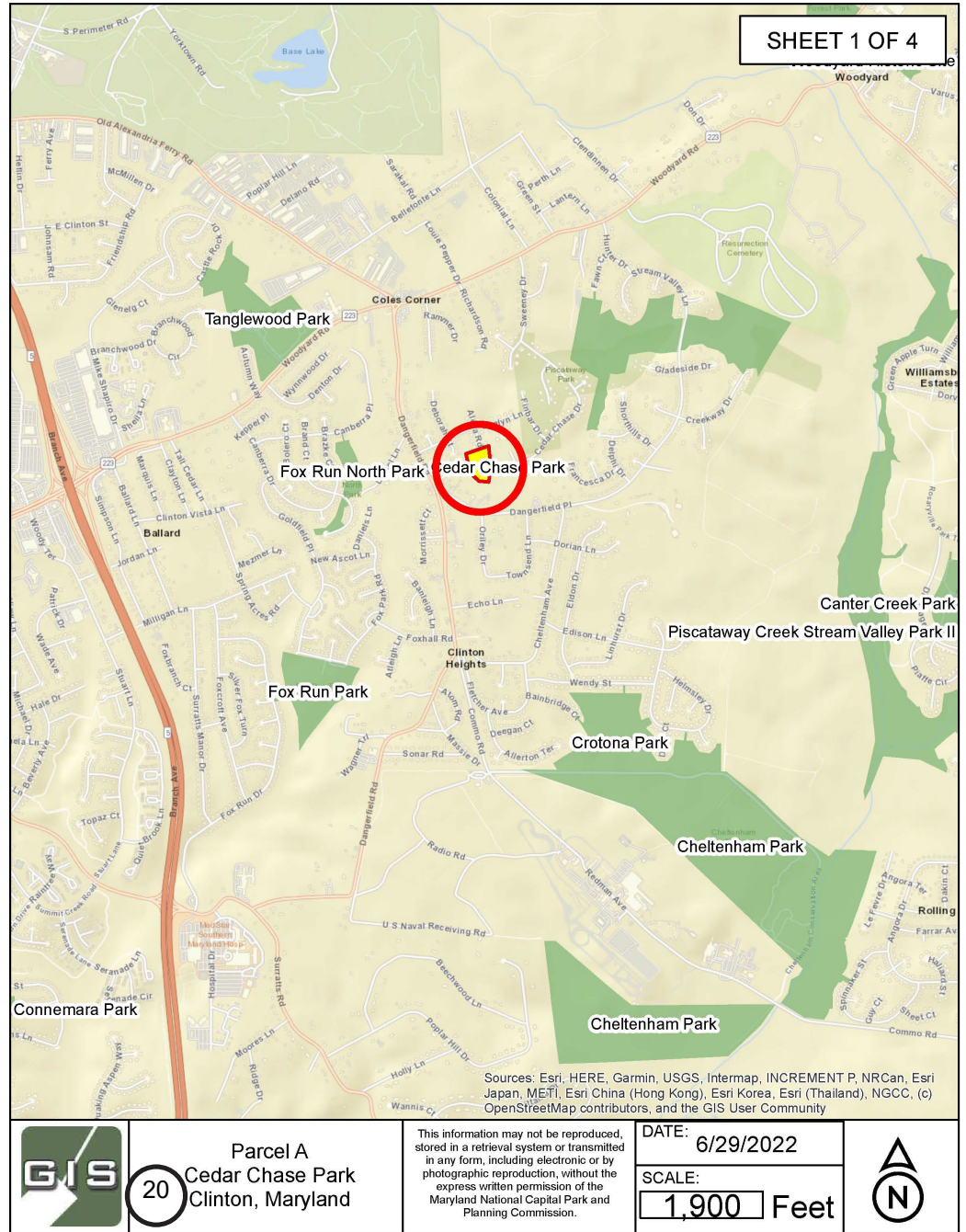
Item # 3C

Property of M-NCPPC

Cedar Chase Park

Map: 117 Grid: B 2
Parcel A
3.52 Acres

Location Map

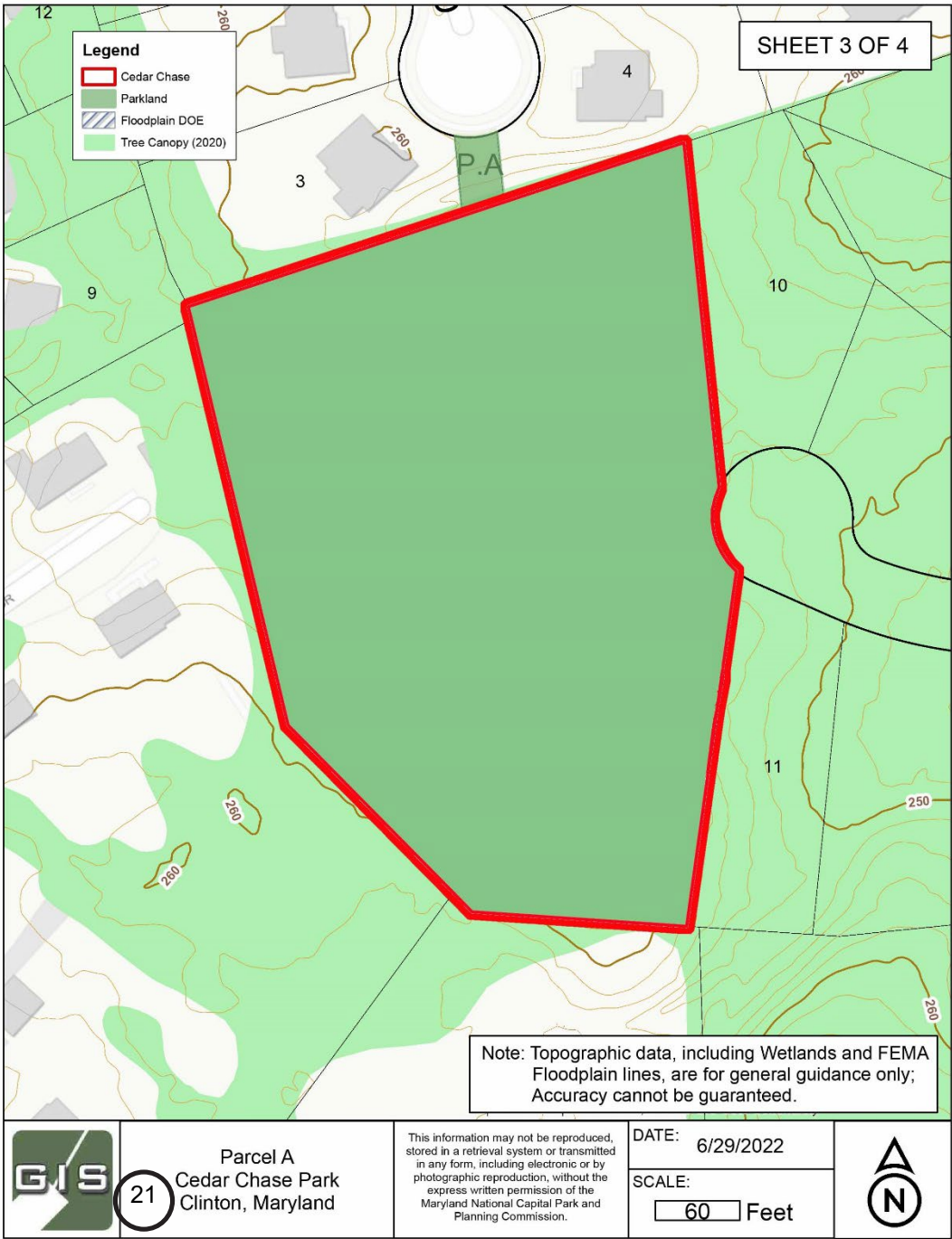


Property of M-NCPPC

Cedar Chase Park

As part of the approved PPS 4-0451 for Cedar Chase Subdivision, the developer dedicated 3.5 acres of land to M-NCPPC.

Aerial Map



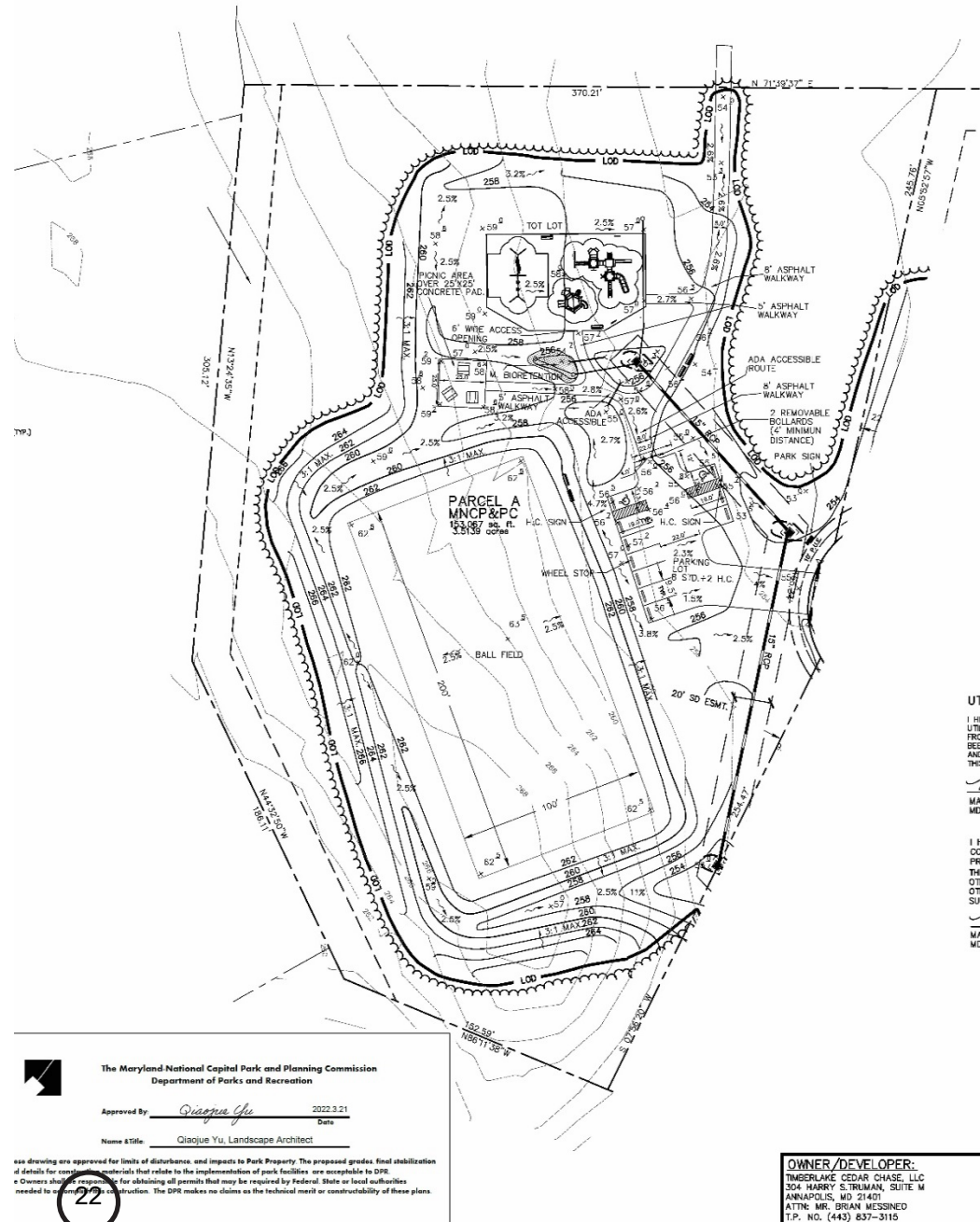
Property of M-NCPPC

Cedar Chase Park

Along with the land dedication, there is a recorded RFA for the Developer to construct Public Park facilities:

- Open play area
- Multi-age tot lot
- Sitting area with 3 picnic tables
- 6 parking spaces
- 8' wide asphalt trail
- 6 benches

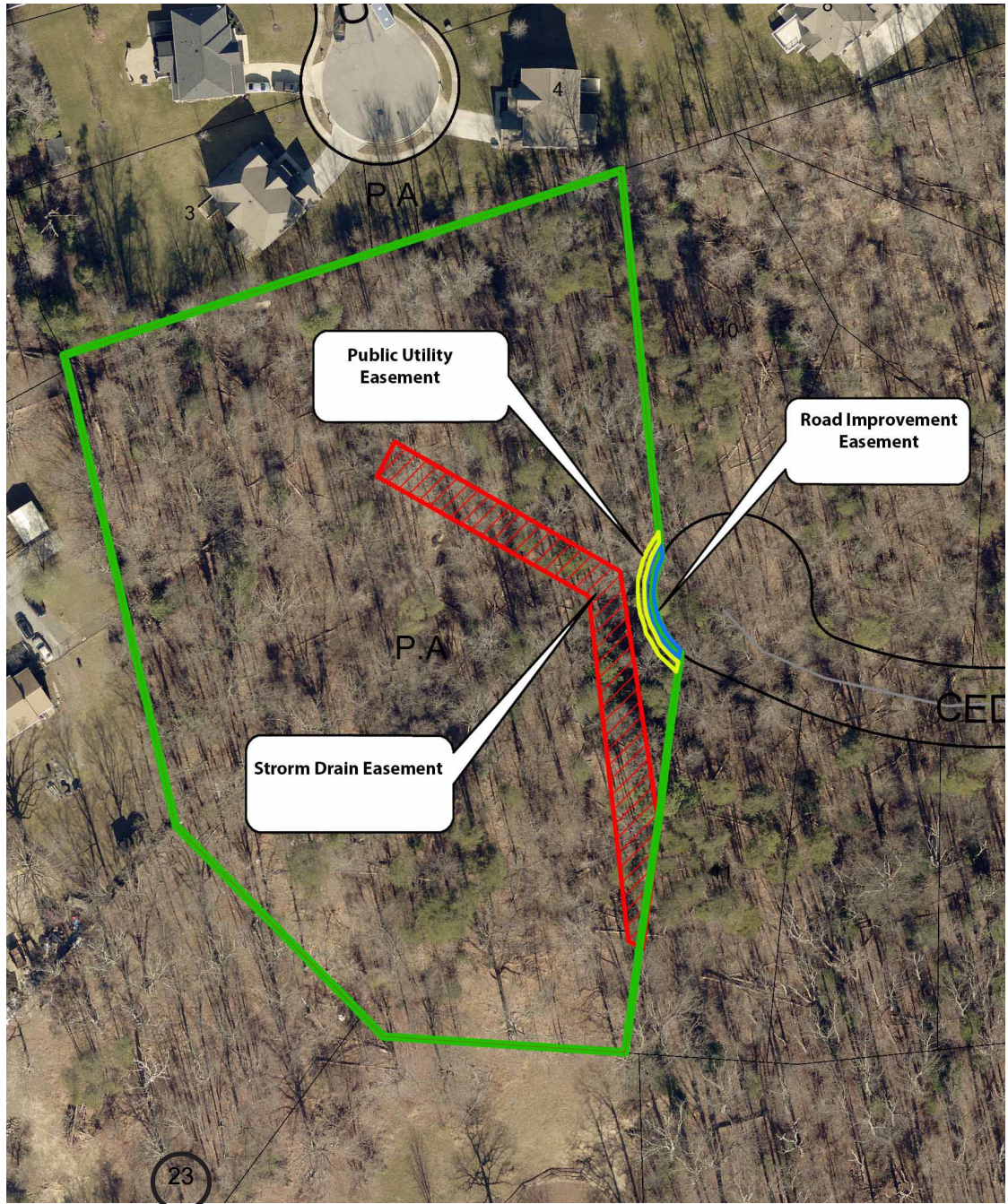
Approved Park Site Plan



Property of M-NCPPC Cedar Chase Park

In order to obtain approval of the permits for the park construction, several easements are now required.

Location Map



Required Easements at Cedar Chase Park

1. To Prince George's County:

- A 6,108 square foot or (.14 acres) storm drain easement
- A 370 square foot or (0.0085 acres) road improvement easement
- The grant of easements to Prince George's County will ensure that the County will be responsible for any required maintenance of the storm drain facilities.

2. To Potomac Electric Power Company (PEPCO)

- A 531 square foot or (0.012 acres) public utility easement

These will be a grant of permanent easements with no cost considerations.

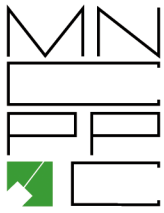
STAFF
RECOMMENDATION

Approval

(Tyler/Ewing/Stesney/Sun)

(Subject to the Final Approval of the Full Commission)

END



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

February 6, 2023

To: The Maryland-National Capital Park and Planning Commission

Via: Asuntha Chiang-Smith, Executive Director

From: Bridget Stesney, Park Planning and Development, Division Chief
Eugenia Mercer, Resource Development, Grants Manager

Subject: Resolution **23–03** for application to United States Department of Transportation’s *Rebuilding American Infrastructure with Sustainability and Equity* grant program for **Creating Equitable Connections on the Capital Trails Network**

Recommendation: Approve Resolution No. 23-03

The Maryland-National Capital Park and Planning Commission (“Commission”) seeks to upgrade existing portions and to design and construct new portions of the Capital Trails Network being developed and managed by the Commission for active transportation and recreation (bicycling and walking). The Commission and its partners plan to submit a grant application to the United States Department of Transportation (“USDOT”) *Rebuilding American Infrastructure with Sustainability and Equity* (“RAISE”) grants pursuant to the Consolidated Appropriations Act, 2023.

The application requests an amount up to \$25 million to address an urgent and critical need to rehabilitate existing and construct new multi-use paths to fill key gaps in the bicycle and pedestrian trail network in the Washington, DC metropolitan region. This project will directly improve outcomes for traditionally underserved populations and promote multimodal transportation.

The federal share of project costs may not exceed 80 percent, so the partners collectively must contribute at least 20% of the project cost from non-federal sources. The Commission and its partners intend to contribute more than the required 20% (\$7,400,000), to make the application more competitive. Staff requests that the Commission approve matching funds up to \$16,225,000.

The proposed projects include six (6) capital projects: Arboretum Bridge and Kenilworth South Trail (in Washington, DC); Central Avenue Connector (in Prince George’s County); Prince George’s Connector / Anacostia Gateway (in Prince George’s County); Suitland Parkway Trail (in Prince George’s County); Sligo Creek Trail Rehabilitation (in Prince George’s and Montgomery Counties); and Northwest Branch Trail Rehabilitation (in Montgomery County).

This is the third year in which the Commission and its partners have collaborated on a RAISE grant application. This year, Prince George’s County Office of the County Executive will submit the application to leverage the County’s support and advocacy for the partners’ submission.

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Commission No. 23-03

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission (“Commission”) seeks to upgrade existing portions and to design and construct new portions of the Capital Trails Network being developed and managed by the Commission for active transportation and recreation (bicycling and walking); and

WHEREAS, the upgrade of existing pathways and construction of new paved pathways will improve access and mobility for individuals with disabilities, provide opportunities for being outdoors and sustaining one’s health and fitness, and enhance travel safety and connectivity throughout neighborhoods in Prince George’s and Montgomery Counties; and

WHEREAS, the Commission and its partners wish to complete critical gaps and fill in missing connections in the Capital Trails Network with six (6) capital projects: Arboretum Bridge and Kenilworth South Trail (in Washington, DC); Central Avenue Connector (in Prince George’s County); Prince George’s Connector / Anacostia Gateway (in Prince George’s County); Suitland Parkway Trail (in Prince George’s County); Sligo Creek Trail Rehabilitation (in Prince George’s and Montgomery Counties); and Northwest Branch Trail Rehabilitation (in Montgomery County) (collectively, “Projects”); and

WHEREAS, the United States Department of Transportation (“USDOT”) is now soliciting applications for Rebuilding American Infrastructure with Sustainability and Equity (“RAISE”) grants pursuant to the Consolidated Appropriations Act, 2023; and

WHEREAS, USDOT will award RAISE grants on a competitive basis for capital surface transportation infrastructure projects that will have a significant local or regional impact; and

WHEREAS, the Commission wishes to empower staff of Prince George’s County Department of Parks and Recreation and Montgomery Parks to work together on an application for a RAISE grant to be submitted by Prince George’s County / Office of the County Executive in an amount up to \$25 million in order to assist the Commission in funding the Projects that would otherwise be funded by Commission capital improvement funds or other funds over which the Commission has oversight; and

WHEREAS, according to the RAISE grant Notice of Funding Opportunity, the federal share of project costs may not exceed 80 percent, so the partners collectively must contribute at least 20% of the project cost from non-federal sources including State funds originating from programs funded by State revenue, local funds originating from State or local revenue-funded programs, or private funds. The Commission and its partners intend to contribute in excess of the required 20%, to make the application more competitive.

NOW, THEREFORE BE IT RESOLVED that Commission staff may work together on an application to be submitted by Prince George’s County / Office of the County Executive for a RAISE grant (including all understandings and assurances contained in such application) from United States Department of Transportation in order to assist the Commission in funding the Projects; and

FURTHER RESOLVED, that the Commission approves matching funds in the amount of at least \$7,400,000 but up to \$16,225,000; and

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

This is to certify that the foregoing is a true and correct copy of the action taken by The Maryland-National Capital Park and Planning Commission on the motion of Commissioner _____, seconded by Commissioner _____, with Commissioners _____ voting in favor of the motion during open session, at its regular meeting on Wednesday, February 15, 2023.

Asuntha Chiang-Smith, Executive Director

Reviewed for Legal Sufficiency

Kristen Maneval, Senior Counsel
January 31, 2023



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

TO: Full Commission

FROM: M-NCPPC Bi-County Sustainability Committee:

Lauren Belle, Sustainability Specialist II (Prince George's Department of Parks and Recreation) *LB*

Kayla Hickman, Sustainability Coordinator (Montgomery County Parks Department) *KH*

Adrienne Thomas, Sustainability Specialist (Montgomery County Parks Department) *AT*

Carl Morgan, Special Projects and Policy Manager (Montgomery County Planning Department) *CM*

RE: Review and Discussion of the FY23-FY27 Sustainability Plans for Montgomery County and Prince George's County

Requested Action

The review and discussion of the FY23-FY27 Sustainability Plans for Montgomery County and Prince George's County prior to requesting the Executive Director's approval.

Background

Practice 6-40: M-NCPPC Sustainability Standards was amended July 20, 2022. The Practice requires the development of Sustainability Plans for each county, which occurs on a 5-year schedule. One plan is developed by Montgomery Parks and Montgomery Planning, and another is developed by the Prince George's County Department of Parks and Recreation and the Prince George's County Planning Department. The Plans are then presented to the Executive Director for Approval.

Discussion Items

The Sustainability Committee has worked with the Commission's Departments in both counties to create the Sustainability Plans that are attached. The Committee will be presenting an overview of the Plans to the Full Commission for the Executive Director to approve. Once the Executive Director has approved the Plans, the Executive Director, Sustainability Committee, and the Communications Directors will be working together to create a press release of the Plans. The Sustainability Committee will continue to identify opportunities, such as federal/state grants or joint projects, that achieve the goals set forth by the Plans and help M-NCPPC become more sustainable.

Attachments:

- FY23-FY27 Sustainability Plans (PowerPoint)
- M-NCPPC Montgomery County FY23-FY27 Sustainability Plan
- M-NCPPC Prince George's County FY23-FY27 Sustainability Action Plan

Kayla Hickman

Carl McG

Lauren Belle

Adrienne Thomas

FY23 - 27

Sustainability Action Plans

Montgomery County-Kayla Hickman, Adrienne
Thomas, & Carl Morgan
Prince George's County-Lauren Belle

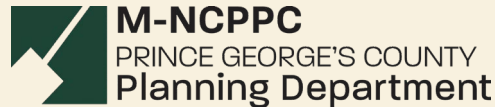


Function of Sustainability Committee



Mirror best practices

Align Action Plans to
Commission values



Pursue shared goals



Current Joint Projects

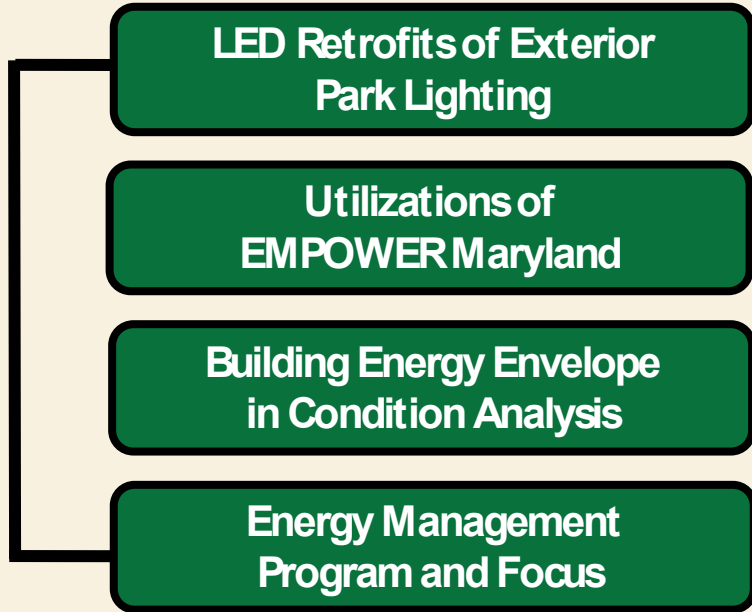
**Pepco & BGE Public EV
Charging**

Practice 6 -40 Updates

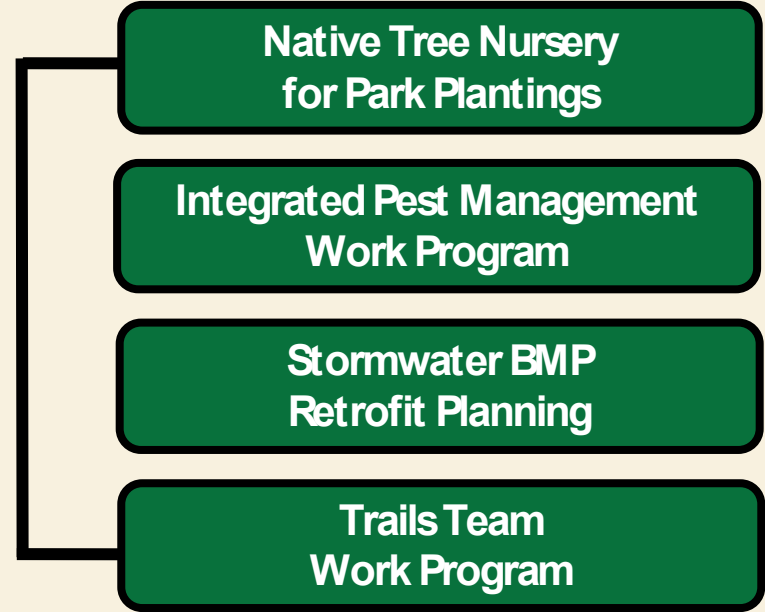
And more to come!
Sustainable purchasing
Grants
Staff training

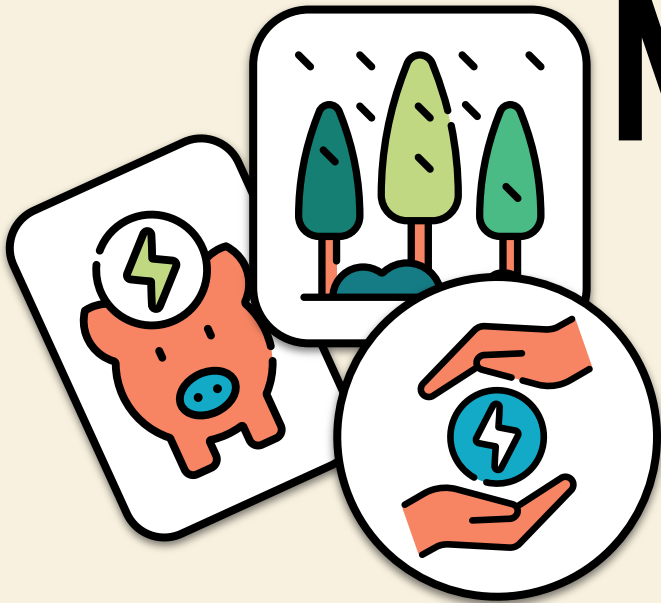
How do we mirror best practices?

Montgomery County's Plan Calls For



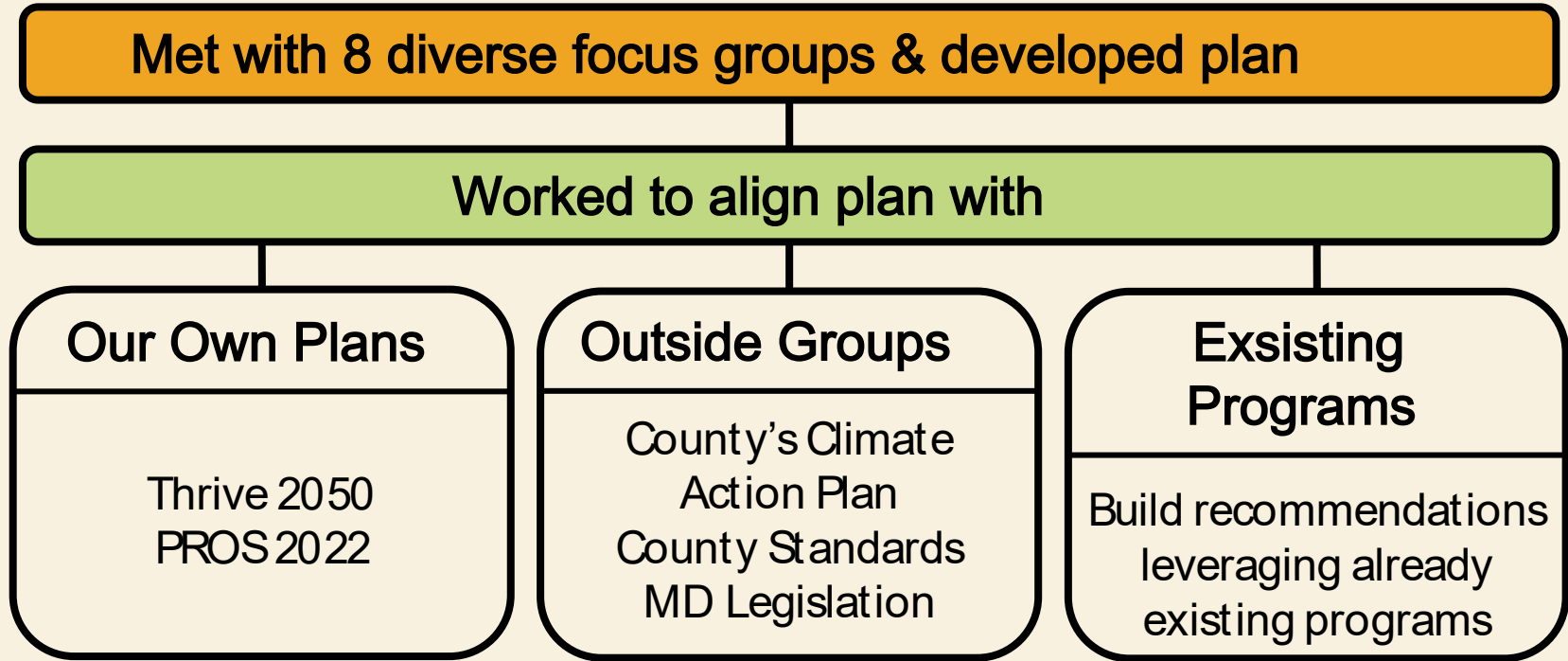
Prince George's County's Plan Calls For





Montgomery County

How did we make the plan?





Be Climate Friendly & Climate Ready



Energize Parks: Clean, Lean, & Carbon Free



Green Our Buildings & Facilities



Riding to Zero Emissions



Waste Less, Recycle More



Preserve Our Parks, Green Our Grounds



Plan to Thrive



Foster Community Action



Invest in Our Future

Focus Areas of the Plan

Each section has:

- Introduction
- Current Progress and Assessment
- Goals and Recommended Actions

Be Climate Friendly & Climate Ready



Implement targeted actions to reduce GHG emissions from operations by 2035.

Increase adaptive capacity and resiliency of organization, natural resources, and communities to climate change.

Ensure the implementation of whole system, nature-based climate solutions (NCS) throughout both Departments

How will we get there?

Reduce GHG emissions associated with operations

Where are we now?

Total GHG Emissions for FY19:

12,800 MTCO₂e

Emission Source	Percent
Electricity	36%
Fleet	26%
Building Heat	19%
Staff Commute	19%

Specific Steps

Bi-annual GHG emission inventory

Incorporate emission reduction projects into CIP

GHG reduction actions located in energy and transportation sections

What will we track?

Annual GHG emissions

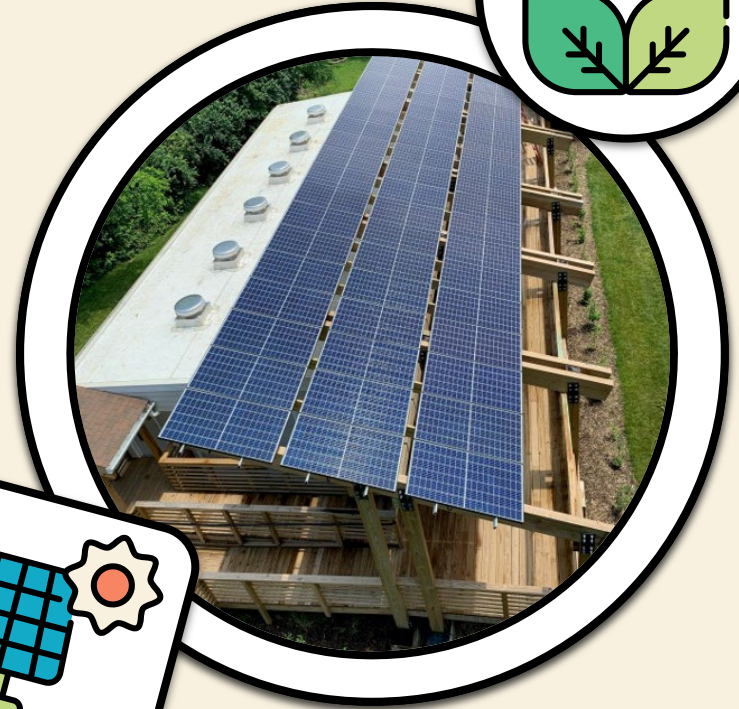
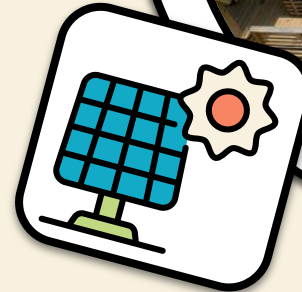
Funding spent on GHG reduction projects

GHG emissions before and after renovation of building

Energize Parks

Reduce energy-use intensity of facilities to increase overall efficiency and reduce waste.

Increase the amount of renewable energy generated on parkland and facilities.



How will we get there?

Reduce energy-use intensity of facilities

Where are we now?



Average Site EUI:
53.6 kBtu/ sq ft

Average Annual
Energy Use:
89,600,000 kBtu



38% of exterior lights
are LED

Specific Steps

Create energy management
program

Renovation projects will
conduct energy audit

Replace all exterior lights
with LEDs

What will we track?

Energy-Use Intensity of
facilities

Reduction in kBtu

% of LED verse non-LED
park lighting

Green Our Buildings

Improve building and facility environmental performance

Reduce overall utility consumption of parks and buildings.

Transition building heating away from fossil fuels to reduce Scope 1 GHG emissions.



How will we get there?

Transition building heating away from fossil fuels

Where are we now?



In past 5-years
24 facilities have
transitioned to electric
heat

Building HVAC GHG
Emissions:
2,435 MTCO₂e



Specific Steps

All new buildings will have
carbon free heating

HVAC replacements will be
paired with envelop
improvements

Transition all propane
systems to electric

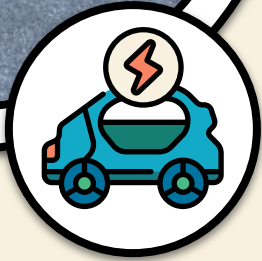
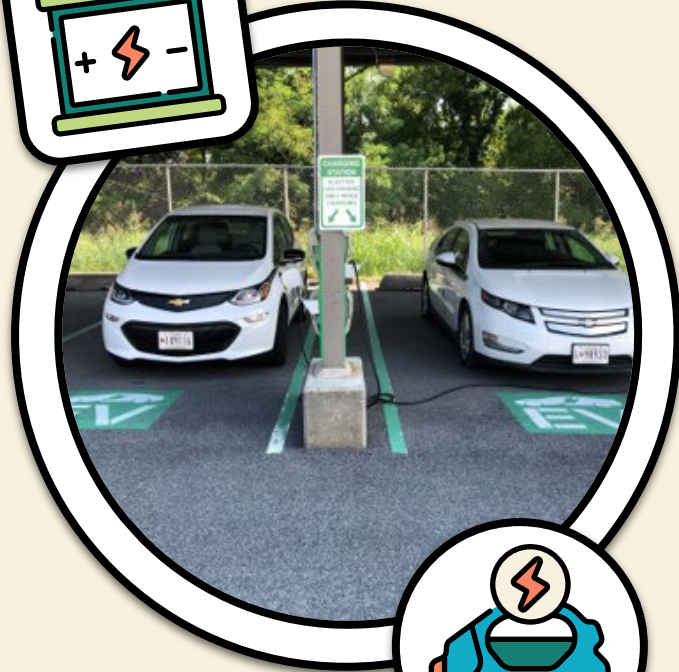
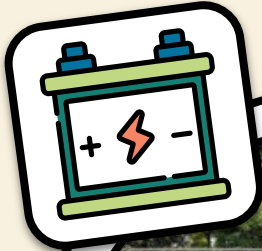
What will we track?

of buildings with fossil fuel
free heating

GHG Emissions Associated
with HVAC

Energy-use intensity of
building

Riding to Zero Emissions



Reduce operational GHG emissions associated with fleet and equipment use.

Reduce scope 3 GHG emissions associated with staff commuting.

Support expansion of a publicly accessible EV charging network within Montgomery County.

How will we get there?

Reduce operational GHG emissions associated with fleet and equipment use.

Where are we now?



31 hybrid vehicles and 8 fully electric vehicles

Vehicle and staff commuting emissions: 45% of annual GHG emissions



Specific Steps

- Redeploy vehicles that are underutilized
- Create an internal EV transition plan
- Update vehicle procurement to include all electric preference

What will we track?

- % of new vehicle purchases that are EV
- Vehicle miles traveled of fleet vehicles
- GHG emissions associated with fleet & equipment

Waste Less, Recycle More



Reduce the total amount of waste generated through operations and within the parks.

Explore opportunities to increase diversion rate of materials and reduce contamination

Implement sustainability-focused policies into the procurement process.

How will we get there?

Increase diversion rate and reduce contamination of waste streams

Where are we now?



Average waste diversion rate of **70%**

Volunteer clean-ups: **80,000 hours** and **30,000 lbs of waste collected**



Specific Steps

Implement outreach campaign to reduce recycling contamination

Provide annual staff training around recycling

Expand current recycling program to include additional materials

What will we track?

% of waste diverted from landfill

of staff engaged in recycling training

% of recycling contamination

Preserve Our Parks, Green Our Grounds

Integrate sustainable best
management practices

Retain natural resources and enhance
ecological services and biodiversity within
parks

Create sustainable park design standards



How will we get there?

Retain natural resources and enhance ecological services on parkland

Where are we now?



29,600

Landscape Trees

124 Meadows



55 pesticide free parks

Specific Steps

Work with park managers to identify areas ideal for transition to natural spaces

Expand NNI management outside of BNAs

Expand tree planting and maintenance program

What will we track?

% of parkland that is turf grass

of landscape trees that received PM

Acreage of NNI management

Plan to Thrive



Facilitate inclusive community engagement in planning and project development

Incorporate environmental justice principles and climate vulnerabilities into land-use decision making

Ensure equitable distribution of services, programs, natural environment, and parks

How will we get there?

Ensure equitable distribution of services, programs, natural environment, & parks

Where are we now?

Equity Data Analysis Tool:
Equity Focus Area (EFA)
Analysis

Planning Department's
Equity Agenda

Donated **3,000 lbs** of food
in 2022

Specific Steps

Expansion of community
garden program: food
donations & gardens in EFAs

Outreach campaign targeting
EFA for free tree program

Provide additional resources
for protection and
maintenance of natural
resources within EFAs

What will we track?

Funding for projects in EFAs

of Community Gardens in
EFAs

PMs of trees and acres of
NNI management in parks
within EFA

Foster Community Action



Increase public outreach offerings that inform & engage local community members in sustainability

Increase opportunities for staff to engage in sustainability training, sustainable habits in the workplace, and implementation of Sustainability Plan.

Remove barriers to accessing Parks' programs, services, and facilities

How will we get there?

Increase public outreach offerings related to sustainability

Where are we now?

Specific Steps

What will we track?



Number of nature centers: 5

Reinstate Parks Rx

Build educational programming around climate change

Incorporate green building features into all nature centers

of participants at public climate events

of volunteers for clean-ups

Staff engagement in sustainability trainings

GreenFest: Free climate awareness event



Invest in Our Future

Create and maintain reliable indicators

Reduce upfront costs of sustainability projects by utilizing innovative funding sources

Increase economic opportunities for service area communities



How will we get there?

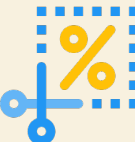
Reduce cost of sustainability projects by utilizing innovative funding sources

Where are we now?



Annual Solar Energy Savings: **\$144,100**

EmPOWERMD Rebate savings for South Germantown Rec Park LED retrofit: **\$6,200**

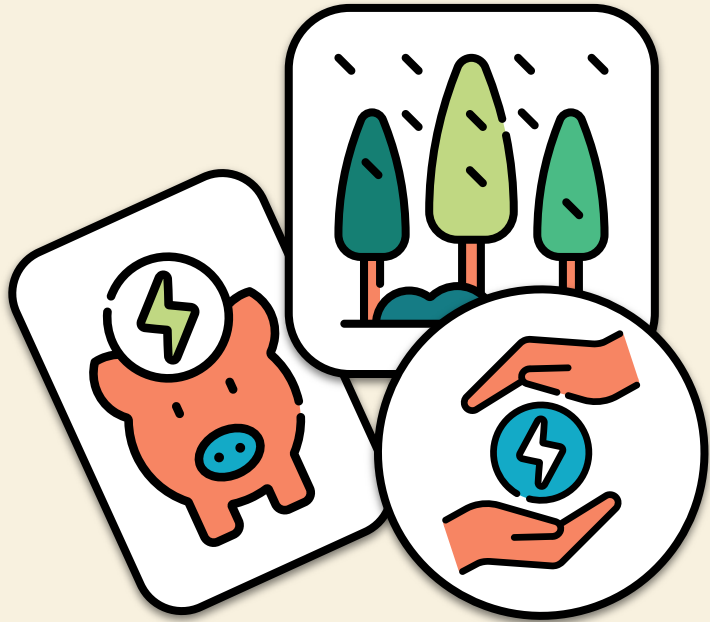


Specific Steps

- Explore use of Energy Savings Performance Contracts
- Apply for energy conservation & renewable energy rebates
- Identify potential partnerships to fund environmental restoration projects

What will we track?

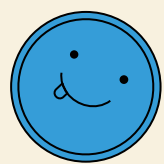
- Total utility savings
- Return on investment
- Total grant & incentives received



Prince George's County

- Health and happiness
- Equity and local economy
- Culture and community
- Land and nature
- Sustainable water
- Local and sustainable food
- Travel and transport
- Materials and products
- Zero waste
- Zero carbon energy

Why One Planet Living?



Puts people first



Holistic



Truly Sustainable



Reaches Both Hearts & Minds

How did we make the plan?

Met with 3 diverse focus groups & developed plan

Worked to align plan with

Our Own Plans

2040 Master Plan
Health & Wellness Plan
Synergy

Outside Groups

County's Climate
Action Plan
County Standards
MD Legislation

Partnerships

NSF Grant with UMD
BGE/ PEPCO charging
PGCPS MOUs

Health & Happiness



Provide Mental Health & Wellbeing programming & access to connect our residents to their natural world

Increase our DEI efforts to include not just programmatic but hiring considerations

Promote connections to nature as an essential part of ones life for both mental and physical health outcomes

How will we get there?

Promote connections to nature as an essential part of one's life

Specific Steps

Launch public awareness campaign on nature benefits

Develop & offer specific and targeted programming

Develop community gardening maintenance initiative for vulnerable group

Existing Partnerships

ParkRx/ NatureSacred

Veterans Groups, Refugee Groups, Religious Orgs

PEPCO/ BGE

What will we track?

of hours spent in natural world programming

Number of community partnerships engaged with work program

App usage and ParkRx data on park prescriptions

Equity & Local Economy

Foster job growth for existing staff and the community through local purchasing, apprenticeship, etc

Provide flexible work arrangements for all staff including flex scheduling, job share, work outdoors, etc

Increase access to reliable internet in our park systems throughout the county



How will we get there?

Increase access to reliable internet in our park systems throughout the county

Specific Steps

NSF funded grant supports donation of broadband Wi-Fi

Develop protocol for park Wi-Fi usage and donation pathway

Pilot an outdoor work location at the Sustainability Learning Center

Existing Partnerships

University of Maryland

PGCC

Other Wi-Fi donor groups

What will we track?

Number of unique IDs accessing park based Wi-Fi

Number of unique IDs utilizing pilot outdoor work location

Number and breadth of Wi-Fi donors in pilot locations

Culture & Community



Celebrate all of the unique cultural identities throughout the county

Empower our communities in shared decision making about how we site amenities and parks, develop programming, and connect to service opportunities

Create a culture of sustainable stewardship at the Department

How will we get there?

Create a culture of sustainable stewardship at the Department

Specific Steps

Implement a fall Week of Service to facilitate sustainable volunteering

Develop and implement training curriculum specific to each Division

Include sustainability training in onboarding of new staff

Existing Partnerships

External Trainers

Internal groups at M-NCPPC

Six Flags, Comcast, and other corporate volunteer groups

What will we track?

Number of participants and completed projects during Week of Service

Percentage of staff trained in at least one Sustainable Curriculum

Divisions served during the check in training process

Land & Nature

Increase biodiversity

Ensure access to adequate nature for all county residents

Break even on the number of native trees removed and the number of native tree species we plant each year on Commission properties, designed parks, and land



How will we get there?

Increase biodiversity to include native plants, insects, birds, & etc

Specific Steps

Adopt a biodiversity governance charter

Expand sustainable design landscape principles to all new landscape installs

Create IPM work program

Existing Partnerships

Prince George's County Government

PGCPS

iNaturalist and MD Master Gardeners

What will we track?

Total number of iNaturalist observations systemwide

Number of trees planted per year and species counts

Net change in greenspace on Commission Land

Sustainable Water

Invest in cistern technology and fully realize opportunities through work with facility staff

Have a positive impact on area stormwater management through responsibly managing our own

Develop a framework of responsible use of potable water systemwide



How will we get there?

Have a positive impact on Stormwater Management

Specific Steps

Manage stream valleys in water responsive ways

BMP retrofit infrastructure plan with priorities for implementation

Increase infiltration in urban areas

Existing Partnerships

Prince George's County Government

Clean Water Partnership

University of Maryland

What will we track?

Number of people living in high flood risk areas

Percentage of land area that is water permeable

Number of functional BMPs

Local & Sustainable Food

Park properties begin to produce local sustainable produce

Increase our plant-based offerings through our own internal catering process and concessions to the public

Use our resources to help our residents to become food secure/ food just/ food sovereign



How will we get there?

Use our resources to help our residents become food secure/ food just

Specific Steps

Open a pilot urban farm on a closed access site, donate produce

Develop food justice programming for elementary students

Host more farmers markets on more diverse Commission properties

Existing Partnerships

Capital Area Foodbank

PGCPS

ECO City Farms

What will we track?

Amount of food donated by weight from pilot farm

Number of students completing food justice programming

Amount of farmers markets hosted and number of locations offered

Travel & Transport

Prioritize investment in connectivity of trail system, so that it is attractive to walk or cycle for the majority of local travel

Continue to decrease Departmental transport carbon footprint

Care for, maintain, and update our existing trail system in an equitable way



How will we get there?

Prioritize investment in connectivity of trail system

Specific Steps

Work with regional trail systems to ID opportunities to connect

Create a trails team and associated work program to handle maintenance concerns

Ensure there are clear and simple wayfinding signs established along trail systems

Existing Partnerships

Prince George's County Government

Community Cycling Groups

WB&A/ Central Ave Connector Trail User Groups

What will we track?

Trail crime stats

Miles of trails resurfaced, upgraded, or added

Percentage increase in trail users

Materials & Products

Develop framework for responsible salvage of demos, renos, and new construction for the Department

Continue to decrease our overall Departmental carbon footprint

Review RFP and procurement process jointly with Montgomery County



How will we get there?

Develop a framework for the responsible salvage of demolitions, renos, etc

Specific Steps

Prioritize construction with reclaimed or recycled materials

Explore carbon capture building technologies

Include responsible materials strategy in RFP process

Existing Partnerships

Prince George's County Government

USDOT

Community Forklift (not existing but would be beneficial overall)

What will we track?

Percentage of materials salvaged in construction process

Percentage of recycled construction materials

Amounts and types of carbon capture building technologies

Zero Waste

Maximize upcycling, reuse, and recycling
across the Department

Divert a larger percentage of waste from both
the landfill and the recycling streams

Re-energize our recycling program
responsibly within new international
guidelines and considerations



How will we get there?

Maximize upcycling, reuse, and recycling across the Department

Specific Steps

Offer programming in adaptive reuse and upcycling crafts

Develop upcycling and sustainable crafts to include in programming

Develop a training for recycling that will work Department wide

Existing Partnerships

County Arts Groups

Internal M-NCPPC

University of Maryland

What will we track?

Number of Programs offered centered around upcycling

Number of staff receiving general recycling training

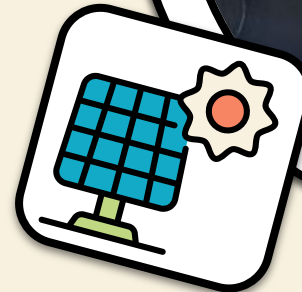
Percentage of programs including reuse or upcycling as part of curriculum

Zero Carbon Energy

Ensure energy consumed is supplied by renewable energy generated on site or on park property

Convert all yard equipment to electric

Solar charging infrastructure in place to support EV fleet and some equipment conversion



How will we get there?

Solar charging infrastructure in place to support EV fleet conversion

Specific Steps

Prioritize infrastructure development at maintenance yards & HQ

Require solar arrays for all new construction for fleet EVs

Experiment with existing solar technologies to find small scale implementations

Existing Partnerships

PEPCO/ BGE/ SMECO

Existing contractors and design firms

University of Maryland

What will we track?

Number of EV charging stations available for business use at pilot locations

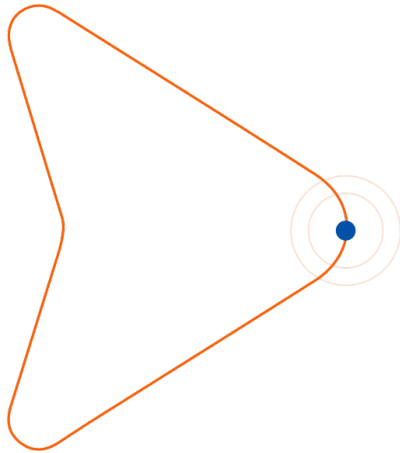
Types of solar arrays used to support EV charging

Percent of Existing EVs with dedicated charging infrastructure



QUESTIONS?

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Maryland-National Capital Park and Planning Commission

Other Post Employment Benefits (OPEB)









Presented by:

Tom Vicente , FSA, MAAA, EA

Kevin Binder, FSA, MAAA, EA

Tim Barry, ASA

Table of Contents

-  **03** Overview
-  **05** Assumption Changes
(Annual Updates)
-  **08** Budget Forecast
-  **10** Uncertainty Around COVID-19
-  **04** Overview of Valuation Assumption Changes
-  **06** Assumption Changes
(Election Rate Experience Study)
-  **09** Reconciliation
-  **11** Required ASOP 41 Disclosure

Overview

- The July 1, 2022 actuarial valuation was performed to determine the FYE 2024 recommended contribution.
- Includes impact of 2022 Election Rate Experience Study assumption changes
- ADC increased from \$35,913,000 to \$37,943,000
- Net Trust Contribution decreased from \$9,409,000 to \$8,556,000
- FYE 2022 GASB Disclosure is based on the prior July 1, 2021 OPEB valuation report
- FYE 2023 GASB Disclosure will reflect the July 1, 2022 valuation report

Overview of Valuation Assumption Changes

- Annual updates to the claims assumption (which includes actual plan experience) and to the discount rate/expected rate of return assumption.
 - **Recent claims experience resulted in only a small increase in contribution and total OPEB liability.**
- Updated election rate assumptions based on the 2022 experience study

Assumption Changes

(Annual Updates)

■ Per Capita Claims Cost Assumption

■ **Claims experience from 7/1/2019 – 6/30/2022**

- Blended three years of experience this year (two years last valuation)
- Pre- and Post-Medicare Medical and Rx Claims increased slightly more than expected during FYE 2022, resulting in a small loss due to claims experience

■ **Pre-Medicare Premiums decreased slightly for Kaiser Permanente HMO Plans and remained the same for UHC Select EPO and Choice Plus POS Plans.**

- **Medicare Premiums remained the same since the prior valuation as well.**

■ Discount Rate/Expected Rate of Return

■ **Reduced from 6.75% to 6.70%**

- **Budget Forecast assumes continued reduction in discount rate and investment rate of return by 0.05% annually to 6.50% in 2028**

Assumption Changes

(Election Rate Experience Study dated September 30, 2022)

■ Prior Assumptions

- **100% of active employees will elect coverage at retirement**
- **70% of active employees who elect coverage will elect spousal coverage**

■ Updated Assumptions

- **97.5% of active employees will elect coverage at retirement**
- **65% of active employees who elect coverage will elect spousal coverage**

Assumption Changes

(Election Rate Experience Study dated September 30, 2022)

Age	Individual	Spousal	Total
Less Than 50	3	2	5
50 – 55	5	14	19
55 – 60	38	71	109
60 – 65	81	124	205
Total	127	211	338

- Pre-65 July 1, 2021 retiree coverage tier elections is indicative of initial election assumptions for spousal coverage
- 127 (37.6%) elect individual coverage
- 211 (62.4%) elect spousal coverage

- 7 records out of 320 retiree records provided by the Commission for this study who had medical coverage as active employees had opted out of coverage as retirees

Budget Forecast

	07/01/2022	07/01/2023	07/01/2024	07/01/2025	07/01/2026	07/01/2027
	-	-	-	-	-	-
	06/30/2023	06/30/2024	06/30/2025	06/30/2026	06/30/2027	06/30/2028
Assumptions:						
Trust Investment Return	6.75%	6.70%	6.65%	6.60%	6.55%	6.50%
Discount Rate	6.75%	6.70%	6.65%	6.60%	6.55%	6.50%
Salary Scale	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%
Normal Cost Increase	4.00%	4.00%	4.00%	4.00%	4.00%	4.00%
ERI Remaining Amortization	3	2	1	-	-	-
# Years to Amortize	24	23	22	21	20	19
Unfunded Accrued Liability:						
APBO BOY	511,401,000	534,819,000	559,498,000	584,513,000	610,101,000	636,247,000
Estimated Assets BOY	<u>144,817,522</u>	<u>142,946,215</u>	<u>161,652,215</u>	<u>181,262,215</u>	<u>201,533,215</u>	<u>223,093,215</u>
Unfunded APBO	366,583,478	391,872,785	397,845,785	403,250,785	408,567,785	413,153,785
Percent Funded	28%	27%	29%	31%	33%	35%
BOY ADC (Actuarially Determined Contribution):						
Normal Cost	12,063,000	11,903,000	12,533,000	13,196,000	13,894,000	14,629,000
Amortization	<u>23,850,000</u>	<u>26,040,000</u>	<u>27,084,000</u>	<u>27,638,000</u>	<u>28,796,000</u>	<u>30,025,000</u>
Total (ADC)	35,913,000	37,943,000	39,617,000	40,834,000	42,690,000	44,654,000
Expected Employer Contributions:						
Implicit Subsidy	8,601,000	10,401,000	11,044,000	11,560,000	12,153,000	12,647,000
Federal Subsidies	2,955,000	3,304,000	3,436,000	3,573,000	3,716,000	3,865,000
Net Explicit Subsidy	14,948,000	15,682,000	16,829,000	17,907,000	18,975,000	20,056,000
Additional Contribution	<u>9,409,000</u>	<u>8,556,000</u>	<u>8,308,000</u>	<u>7,794,000</u>	<u>7,846,000</u>	<u>8,086,000</u>
Total Contribution	35,913,000	37,943,000	39,617,000	40,834,000	42,690,000	44,654,000
Trust Assets:						
Beginning of Year Amount *	124,498,215	142,946,215	161,652,215	181,262,215	201,533,215	223,093,215
Return on Investments	8,404,000	9,577,000	10,750,000	11,963,000	13,200,000	14,501,000
BOY Contributions**	9,409,000	8,556,000	8,308,000	7,794,000	7,846,000	8,086,000
Return on Contributions	<u>635,000</u>	<u>573,000</u>	<u>552,000</u>	<u>514,000</u>	<u>514,000</u>	<u>526,000</u>
End of Year Amount	142,946,215	161,652,215	181,262,215	201,533,215	223,093,215	246,206,215
Benefit Payments	23,549,000	26,083,000	27,873,000	29,467,000	31,128,000	32,703,000
Benefit Payment as percent of expense	66%	69%	70%	72%	73%	73%

* FYE 2023 Beginning of Year amount updated to actual assets.

** The FYE 2023 contribution is based on the previous valuation (report issued December 1, 2021). The FYE 2024 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, 2021	July 1, 2022	
Data is used to calculate ADC for FYE	2023	2024	
Demographic Data (with Medical Coverage)			
Employees	1,940	1,904	
Retirees	1,363	1,440	
Reconciliation	Gross ADC	Net Trust Contribution	Unfunded APBO
FYE 2023 ADC (Previous Valuation)	\$35,913,000	\$9,409,000	\$366,583,478
Increase/(Decrease) due to Passage of Time	1,338,000	(693,000)	3,234,000
Increase/(Decrease) due to a More than Expected FYE 2022 Federal Reimbursement	0	(231,000)	0
Increase/(Decrease) due to Less than Expected FYE 2022 Net Contributions (less Benefit Payments)	156,000	156,000	2,370,000
Increase/(Decrease) due to FYE 2022 Investment Experience	1,266,000	1,266,000	19,320,307
Increase/(Decrease) due to Demographic Experience	420,000	(127,000)	9,205,000
Increase/(Decrease) due to Claims Experience	301,000	67,000	2,618,000
Increase/(Decrease) due to Reducing the Discount Rate/Expected Rate of Return to 6.70%	257,000	257,000	3,310,000
Increase/(Decrease) due to Updated Election Rate Assumptions	(1,708,000)	(1,548,000)	(14,768,000)
FYE 2024 ADC (Current Valuation)	\$37,943,000	\$8,556,000	\$391,872,785

Uncertainty Around COVID-19

- Mortality
 - **2020 mortality data now available**
 - **Significant increase of deaths in 2020**
 - **Actuarial Profession Has Not Decided About How to Use the 2020 Data in Setting Long Term Trends**
 - **REPC has opted to not produce an MP2022 scale this year**

- Health Care Trend
 - **Uncertainty on long term inflation assumption**
 - **Impact of long COVID Uncertain**
 - **COVID Has not Disappeared**

- Montgomery County Reviewing Assumptions in Spring of 2023
 - **More information on mortality and medical trends should be available**
 - **More Consensus on Adjusting Assumptions due to COVID**
 - **Recommend no changes this year**

Required ASOP 41 Disclosure

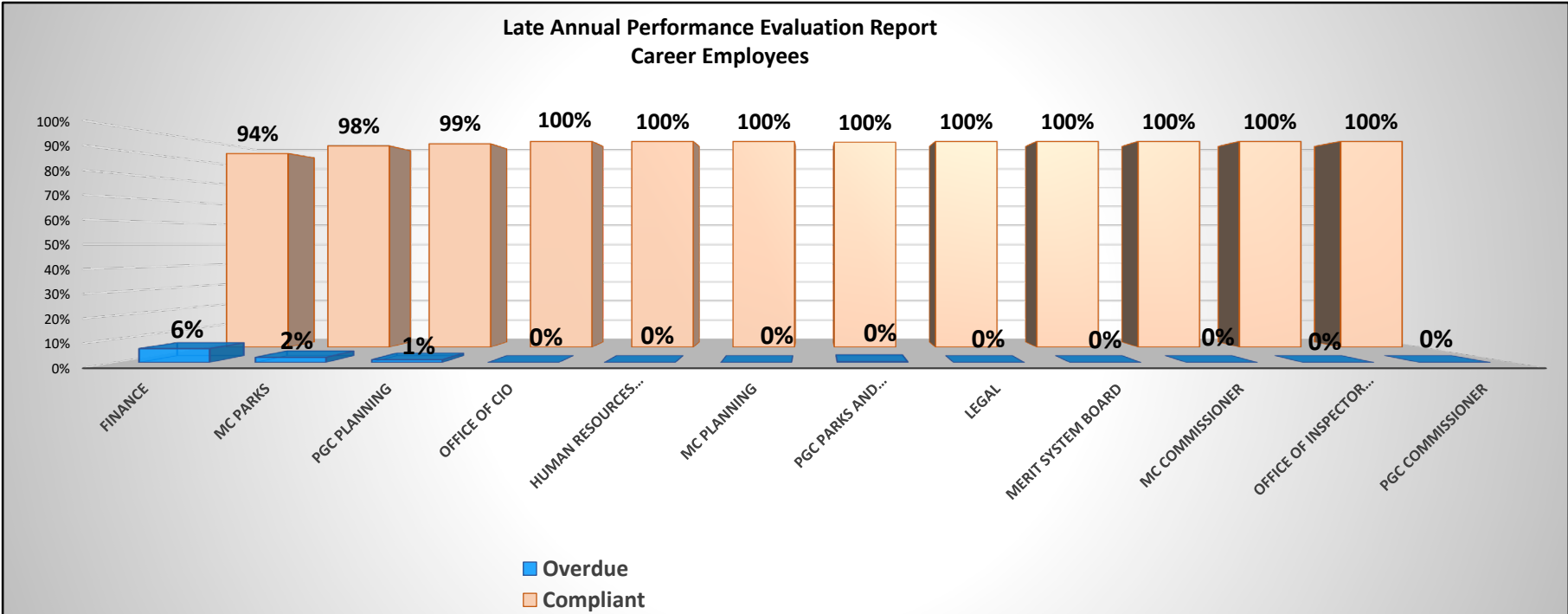
- This presentation has been prepared for the Maryland-National Capital Park and Planning Commission for the purposes of presenting the results of the actuarial valuation. It is neither intended nor necessarily suitable for other purposes. Bolton Partners is not responsible for the consequences of any other use. The DRAFT Actuarial Valuation Report dated October 25, 2022, 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 results in actuarial losses or gains of 5 to 15 percent of liabilities.

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**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
BY DEPARTMENT AS OF JANUARY 2023**

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	Dec-23	Jan-23	Dec-23	Jan-23	Dec-23	Jan-23	Dec-23	Jan-23
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0
CHARIMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	1	0	0	0	0	0	1	0
OFFICE OF INSPECTOR GENERAL	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	1	1	0	0	0	0	1	0
LEGAL DEPARTMENT	0	0	0	0	0	0	0	0
FINANCE DEPARTMENT	1	2	0	0	0	0	1	2
PRINCE GEORGE'S PLANNING	2	2	0	0	0	0	2	2
PRINCE GEORGE'S PARKS & RECREATION	12	4	2	0	0	0	14	4
MONTGOMERY COUNTY PARKS	10	13	4	1	0	1	14	15
MONTGOMERY COUNTY PLANNING	2	0	0	0	0	0	2	0
DEPARTMENT TOTAL BY DAYS LATE	29	22	6	1	0	1		
COMMISSION-WIDE TOTAL							35	23

**DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.



*Data as of January 31, 2023

Employee Count Department	Evaluation Status		Total Employees
	Overdue	Compliant	
Finance	2	32	34
Human Resources and Mgt		51	51
Legal		22	22
MC Commissioner		2	2
MC Parks	15	674	689
MC Planning		135	135
Merit System Board		1	1
Office of CIO		19	19
Office of Inspector General		5	5
PGC Commissioner		7	7
PGC Parks and Recreation	4	985	989
PGC Planning	2	165	167
Total Employees	23	2,098	2,121

The Maryland-National Capital Park & Planning Commission



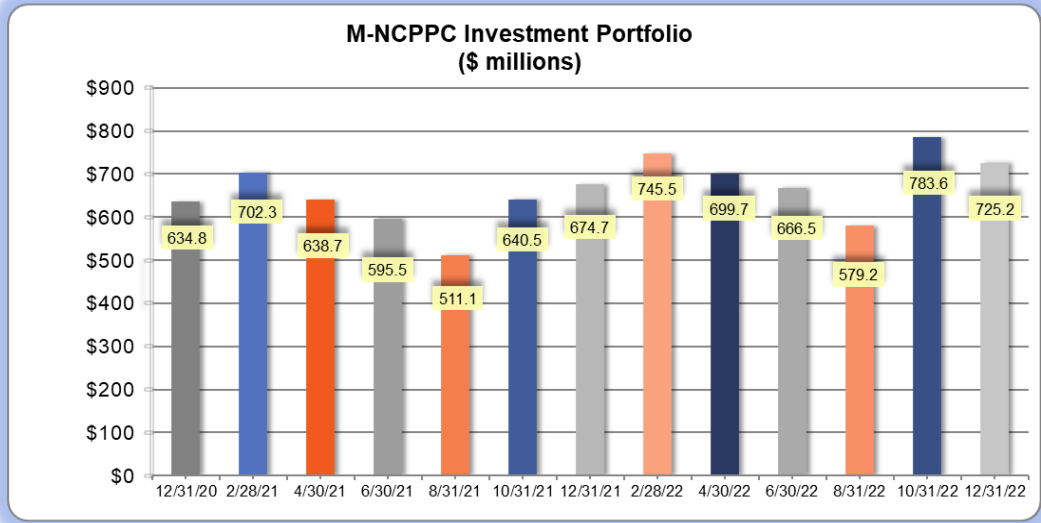
INVESTMENT REPORT
December 2022

Gavin Cohen, Secretary-Treasurer

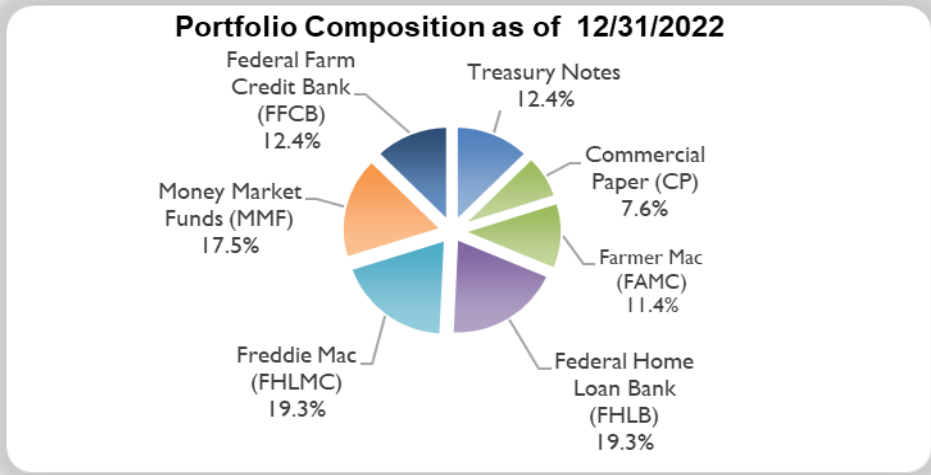
Tanya Hankton, Corporate Treasury & Investment Manager

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION – FY23
INVESTMENT REPORT FOR THE PERIOD DECEMBER 2022**

The Commission’s pooled cash investment portfolio totaled \$725.2 million as of December 31, 2022, with a 6.9% decrease from November 30, 2022. Details of the portfolio are shown below:



The composition of the pooled cash portfolio as of December 31, 2022, is summarized below:

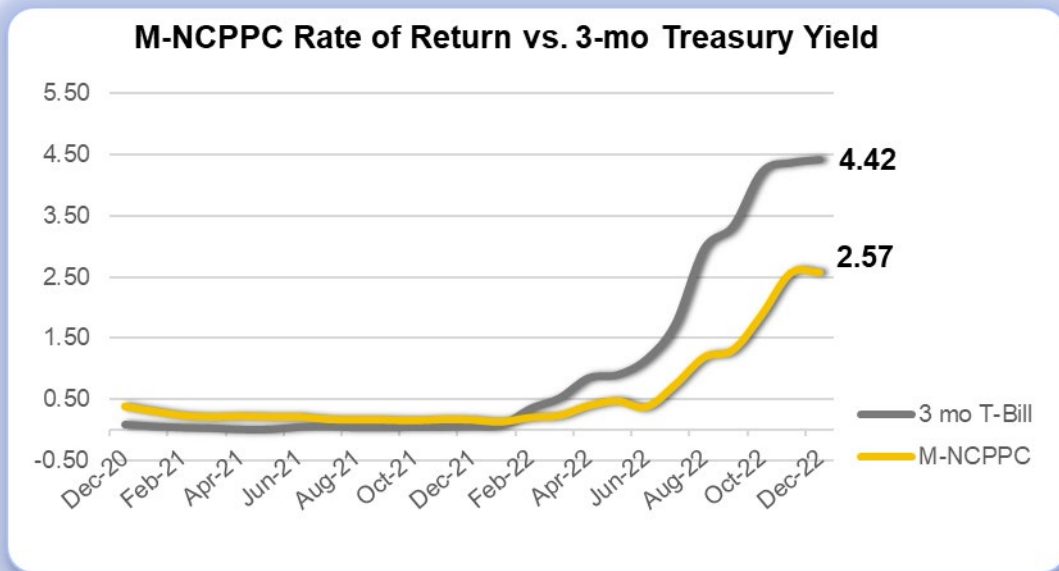


**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION – FY23
INVESTMENT REPORT FOR THE PERIOD DECEMBER 2022**

Current Investment Portfolio - December 2022				
Instrument	Policy Limit	Actual	Par Value	Wtd. Avg. Return (B/E)
Federal Home Loan Banks	20%	19.3%	\$ 140,000,000	1.77%
Freddie Mac	20%	19.3%	140,000,000	2.83%
Money Funds	* 50%	17.5%	127,208,185	4.10%
Treasury Notes	100%	12.4%	90,000,000	2.63%
Federal Farm Credit Bank	20%	12.4%	90,000,000	1.27%
Farmer Mac	20%	11.4%	83,000,000	1.85%
Commercial Paper	10%	7.6%	55,000,000	5.10%
Treasury Bills	100%	0.0%	-	0.00%
Fannie Mae	20%	0.0%	-	0.00%
Certificates of Deposit	50%	0.0%	-	0.00%
Bankers Acceptances	25%	0.0%	-	0.00%
Repurchase Agreements	50%	0.0%	-	0.00%
		100%	\$ 725,208,185	2.46%

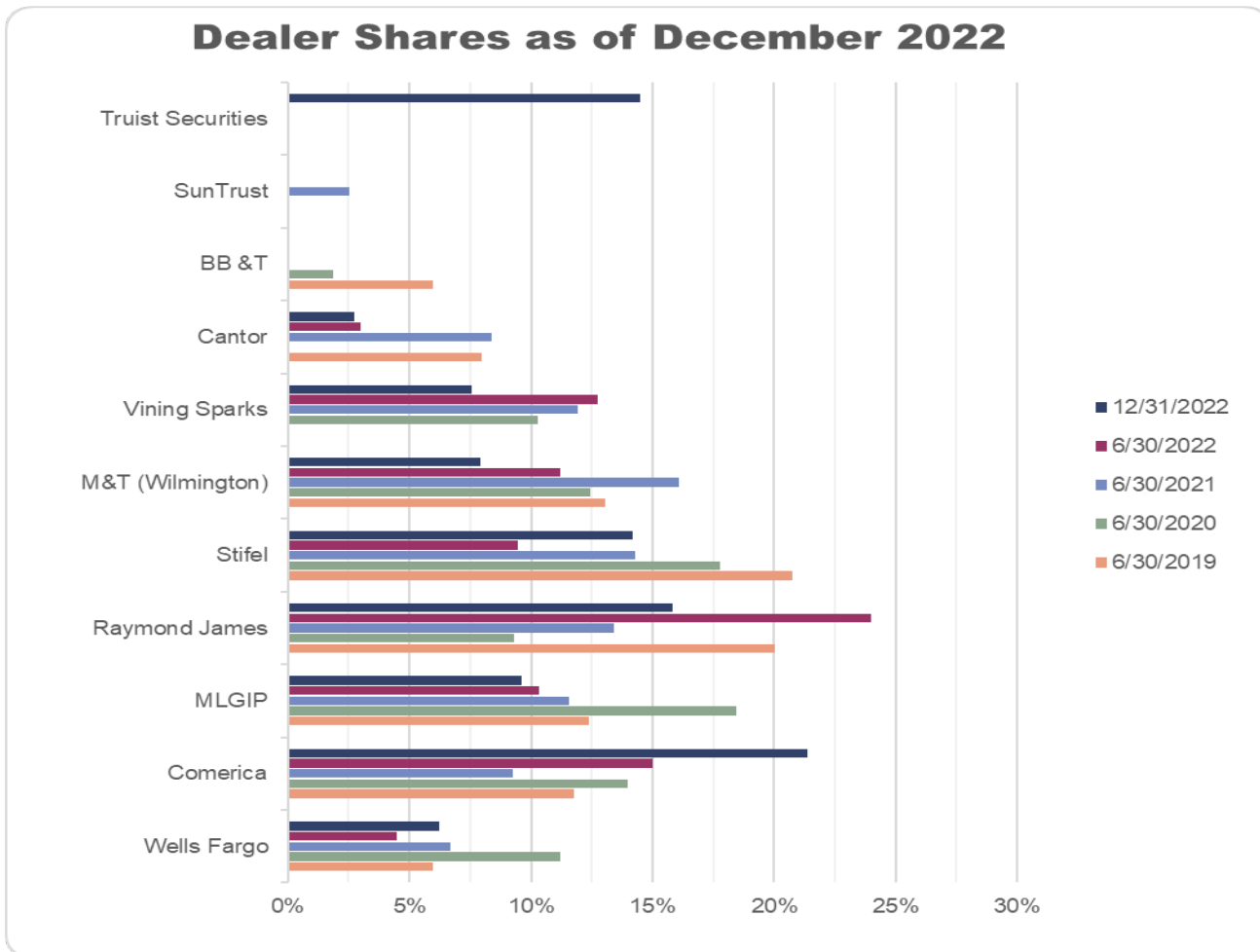
*As of 12/31/2022

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



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION – FY23
INVESTMENT REPORT FOR THE PERIOD DECEMBER 2022**

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



The total value of securities held by Broker-Dealer are shown below, includes Money Market Funds:

Institution	Current Par Value	% of Portfolio	Policy Limits
Cantor Fitzgerald	20,000,000	2.76%	30%
Comerica	155,000,000	21.37%	30%
M&T (Money Market Fund)	57,425,366	7.92%	25%
MLGIP (Money Market Fund)	69,782,820	9.62%	25%
Raymond James (Morgan Keegan)	115,000,000	15.86%	30%
Stifel Nicolaus	103,000,000	14.20%	30%
Truist Securities, Inc.	105,000,000	14.48%	30%
Vining Sparks	55,000,000	7.58%	30%
Wells Fargo	45,000,000	6.21%	30%
Total Value of Securities Held	\$ 725,208,185	100.00%	

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION – FY23
INVESTMENT REPORT FOR THE PERIOD DECEMBER 2022**

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

Market Value - December 2022	
Prince George's County (PGC-2022A)	\$ 13,138,265
Prince George's County (PGC-2021A)	6,734,142
Montgomery County (MC-2022A)	14,276,771
Montgomery County (MC-2020A)	2,055,684
	\$ 36,204,863

The Commission had debt service payments during the month totaling \$1,921,738 of which \$1,765,000 was principal and \$156,738 was interest.

Details by issue of debt outstanding as of December 31, 2022, appear below:

Debt Balances - December 2022						
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date	
Bi-County						
Total Bi-County	\$ -	\$ -	0%			
Prince George's County						
PGC-2012A (Refunded P-2, M-2, EE-2)	11,420,000	1,735,000	15%	Jun-12	Jan-24	
PGC-2015A (Refunded JJ-2)*	24,820,000	18,020,000	73%	Oct-15	Jan-36	
PGC-2017A	33,000,000	24,750,000	75%	Jul-17	Jan-37	
PGC-2018A	31,000,000	24,800,000	80%	Nov-19	Nov-38	
PGC-2020 (Refunded PGC-2014A)	19,119,615	18,814,328	98%	Oct-20	Jan-34	
PGC-2021A	25,100,000	23,845,000	95%	Nov-21	Nov-41	
PGC-2022A	12,000,000	12,000,000	100%	Sep-22	Nov-42	
Total Prince George's County	\$ 156,459,615	\$ 123,964,328	79%			
Montgomery County						
MC-2012A (Refunded CC-2, FF-2) PAID	8,035,000	-	0%	Apr-12	Dec-22	
MC-2012B PAID	3,000,000	-	0%	Apr-12	Dec-22	
MC-2014A PAID	14,000,000	-	0%	Jun-14	Dec-22	
MC-2016A	12,000,000	8,640,000	72%	Apr-16	Nov-35	
MC-2016B (Refunded FF-2, II-2, MM-2)	6,120,000	3,510,000	57%	Apr-16	Nov-28	
MC-2016C (Refunded FF-2 ALA of 2004)	1,075,000	240,000	22%	Apr-16	Nov-24	
MC-2017A	8,000,000	5,600,000	70%	Apr-17	Nov-36	
MC-2018A	12,000,000	9,600,000	80%	Oct-18	Nov-38	
MC-2018B	3,000,000	600,000	20%	Oct-18	Nov-23	
MC-2020A	10,000,000	9,000,000	90%	Jun-20	Nov-40	
MC-2020B (Refunded MC-2012A)	4,895,487	4,895,487	100%	Oct-20	Dec-32	
MC-2020C (Refunded MC-2012B)	1,866,095	1,866,095	100%	Oct-20	Dec-32	
MC-2020D (Refunded MC-2014A)	9,655,588	9,655,588	100%	Oct-20	Dec-33	
MC-2022A	13,100,000	13,100,000	100%	Sep-22	Jan-43	
Total Montgomery County	\$ 106,747,170	\$ 66,707,170	62%			
Total	\$ 263,206,785	\$ 190,671,498	72%			

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved May 18, 2022
FISCAL YEAR 2023 – December 31, 2022

OBJECTIVES	Met Objective	Within Limits	Policy
INVESTMENT POLICY SCOPE	Yes	-	Policy applies to all unexpended or surplus funds of the Commission and funds not required for immediate expenditure was invested to preserve capital and in conformity to Maryland statutes
INVESTMENT OBJECTIVES	Yes	-	Primary Objectives met for Investment and Management of Public Funds
Safety of Principal	Yes	-	Protection of investment principal and ensuring preservation of capital while mitigating both credit and interest rate risk
Maintain Sufficient Liquidity	Yes	Yes	Sufficient funds available for all cash requirements during period
Return on Investments	No	-	Attain a market rate of return with consideration for investment risk and liquidity needs. Return on Investment is secondary importance to safety and liquidity needs
Less than market by 1.85 basis points			The pro-rated rates of return for the 3-month benchmark for Treasury Bills and the portfolio were 4.42% and 2.57%, respectively
AUTHORIZED DEALERS AND FINANCIAL INSTITUTIONS	Yes	Yes	All firms must meet defined capital levels and be approved by the Secretary-Treasurer
Pre-qualify financial institutions, brokers/dealers, intermediaries and advisers			
COMPETITIVE BIDDING	Yes	-	Investments competitively bid except for new issue securities
DIVERSIFICATION AND INVESTMENT LIMITATIONS INCLUDING MAXIMUM SECURITIES			
Diversification of Maturities	Yes	Yes	All maturities within limits
The length majority of investments will not exceed 1.5 years and 60% of portfolio. A portion of investments will range from 1.5 years not to exceed 3 years and 40% of the portfolio			
Diversification by Investment Type	Yes	Yes	All securities purchased were within the limits established by the Investment Policy at the time of purchase. This report is prepared for the Secretary-Treasurer to demonstrate compliance with the investment policy and limitations
Diversification by Institution ensures competitive bidding among participants	Yes	Yes	No dealer shares exceeded 30% of the total investment portfolio
COLLATERALIZATION	Yes	-	Collateral maintained in excess of Federal insurance coverage for all Commission bank accounts, certificates of deposits, repurchase agreements and held by an independent third party as a custodian
SAFEKEEPING AND CUSTODY	Yes	-	Require third-party collateral and safekeeping and delivery-versus payment settlement. M&T Investments serves as custodian, monitoring daily compliance. T. Rowe Price invests and manages all bond funds within limits
REPORTING REQUIREMENTS	Yes	-	(a) Investment Manager submits monthly investment reports to the Secretary-Treasurer for review and to the Executive Committee for information; (b) quarterly reports provided to the Commission; (c) annual reports with portfolio's market value consistent with Government Accounting Standards Board (GASB) and (d) Investment manager maintain a record of all transactions
INVESTMENT POLICY ADOPTION	Yes	-	Investment Policy approved by the Commission May 18, 2022 and signed by the Corporate Treasury & Investment Manager, Secretary-Treasurer on 6/1/2022



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

Reply To

February 1, 2023

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

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission
FROM: Debra S. Borden
General Counsel
RE: Litigation Report for January 2023 – FY 2023

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, February 15, 2023. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

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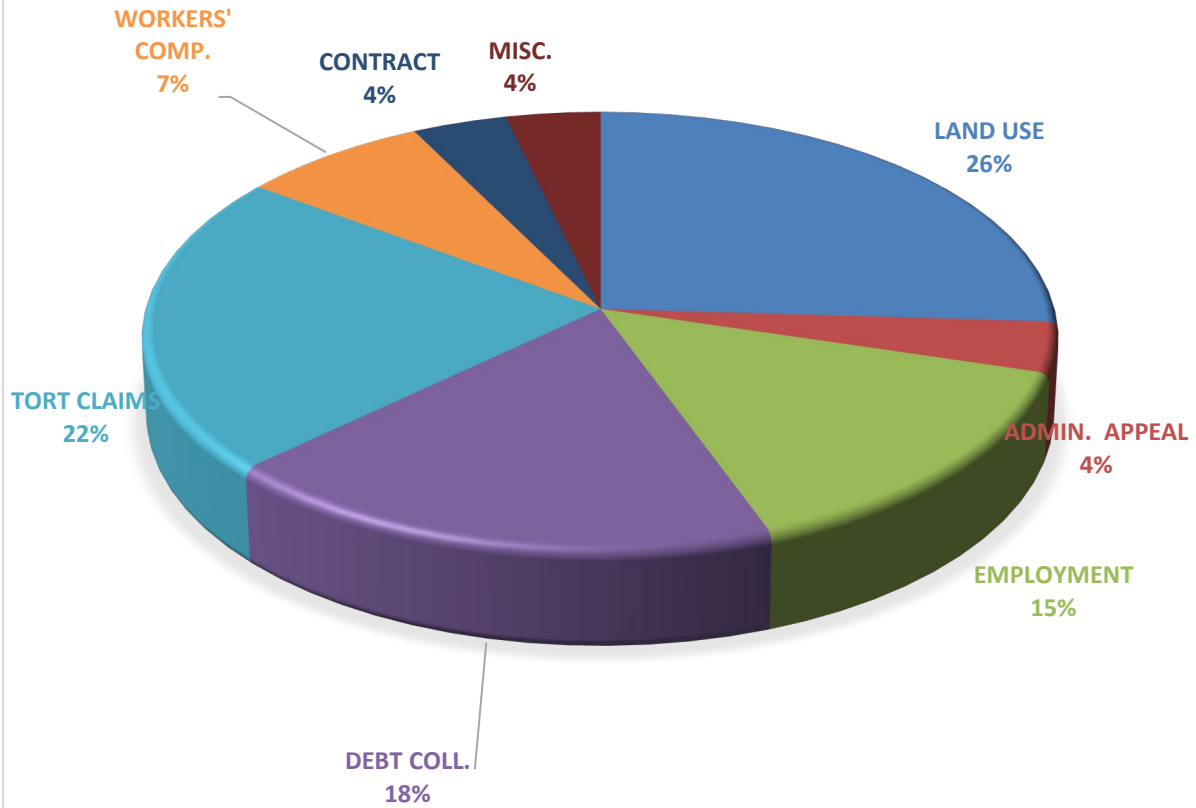
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Disposition of FY23 Closed Cases Sorted by DepartmentPage 06
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Litigation Report Ordered by Court Jurisdiction.....Page 10

January 2023
Composition of Pending Litigation

(Sorted by Subject Matter and Forum)

	STATE TRIAL COURT	APPELLATE COURT OF MARYLAND	SUPREME COURT OF MARYLAND	FEDERAL TRIAL COURT	FEDERAL APPEALS COURT	U.S. SUPREME COURT	SUBJECT MATTER TOTALS
ADMIN APPEAL: LAND USE	6	1					7
ADMIN APPEAL: OTHER	1						1
BANKRUPTCY							
CIVIL ENFORCEMENT							
CONTRACT DISPUTE	1						1
DEBT COLLECTION	5						5
EMPLOYMENT DISPUTE		1		3			4
LAND USE DISPUTE							
MISCELLANEOUS	1						1
PROPERTY DISPUTE							
TORT CLAIM	6						6
WORKERS' COMPENSATION	2						2
PER FORUM TOTALS	22	1		3			26

OVERVIEW OF PENDING LITIGATION



January 2023 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2023			
	Pending Dec. 2022	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	7			7	5	5	7
Admin Appeal: Other (AAO)	1						1
Bankruptcy (B)							
Civil Enforcement (CE)							
Contract Disputes (CD)	1			7			1
Debt Collection (D)	3	2			1		5
Employment Disputes (ED)	3	2	1	5	3	3	4
Land Use Disputes (LD)							
Miscellaneous (M)	1			2	2	1	1
Property Disputes (PD)							
Tort Claims (T)	7		1	9	1	2	6
Workers' Compensation (WC)	2			2	1	1	2
Totals	25	4	2	26	7	11	27

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

A. <u>New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Commission v. Joseph Cleveland-Cooper (Defendant was not served until August 2022; did not appear on report prior)	MC	Misc.	April 2020
Antawan Williams, et al. v. Prince George's County Planning Board (Did not appear on report prior)	PG	AALU	July 2022
Wilmington Savings Fund Society v. Tomel Burke, Jr., et al. (Commission recently served.)	PG	Misc.	Aug. 2022
English-Figaro v. Planning Board of Prince George's County	PG	AALU	Aug. 2022
Fairwood Community Association, Inc. v. Prince George's County Planning Board	PG	AALU	Aug. 2022
Stewart v. Dorsey, et al.	MC	Tort	Sept. 2022
Commission v. Lindsey	PG	Misc.	Sept. 2022
In the Matter of James Montville	PG	WC	Nov. 2022
In the Matter of Danielle Jones-Dawson	PG	ED	Nov. 2022
Commission v. Watts	PG	D	Jan. 2023
Deakins v. Commission	MC	ED	Jan. 2023
Izadjoo v. Commission	MC	ED	Jan. 2023
Commission v. Cruz	PG	D	Jan. 2023

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

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

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

B. <u>Appellate Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Heard v. Commission	PG	AALU	Aug. 2022
6525 Belcrest Road, LLC v. Dewey, et al.	PG	AALU	Oct. 2022
Heard v. Commission	PG	AALU	Nov. 2022
Izadjoo v. Commission	MC	ED	Jan. 2023

Disposition of FY23 Closed Cases Sorted by Department		
CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources & Management		
Montgomery County Department of Parks		
Snyder v. State of Maryland, et al.	Tort suit for injuries allegedly sustained when tennis player allegedly tripped in hole of divider net and broke clavicle.	08/15/2022 – Stipulation of Dismissal filed. 9/12/2022 Case dismissed. Parties reached a settlement.
Stewart v. Dorsey, et al.	Injuries resulting from a motor vehicle incident. Vehicle operated by Commission employee.	10/16/2022 – Case settled for \$4,000. 12/09/2022 – Order of Court granting stipulation of dismissal.
Izadjoo v. Commission	In Appellate Court of Maryland, appeal from decision of the Circuit Court affirming the decision of the Merit System Board denying appeal of request for reclassification.	1/20/2023 - Judgment of Circuit Court for Montgomery County Affirmed
Montgomery County Park Police		
Commission v. Joseph Cleveland-Cooper	Forfeiture for cash of \$3,043.00	9/29/2022 – Court ordered monies forfeited.
Montgomery County Planning Board		
Friends of Ten Mile Creek, et al. v. Montgomery County Planning Board	Appeal of decision affirming the Montgomery County Planning Board's approval of Site Plan 820200160 – Creekside at Cabin Branch.	08/02/2022 - Planning Board's Approval of Site Plan Affirmed. Petition for Judicial Review Denied.

Village of Friendship Heights v. Montgomery County Planning Board	Judicial Review of the Montgomery County Planning Board's approval of Sketch Plan 320220010-5500 Wisconsin Avenue.	08/24/2022 - Order of Court. Affirmed ruling of Planning Board.
Miles v. Commission	Plaintiff, police officer, filed a complaint against the Commission and individual defendant, alleging hostile work environment, discrimination, retaliation, and violations of 42 USC §1981, 42 USC §1983, Maryland Statutory violations, and County Code violations.	12/01/2022 – Marginal Order approving Stipulation of Dismissal, pursuant to global settlement.
Prince George's County Department of Parks and Recreation		
Melito v. Commission	Plaintiff seeks to secure administrative meeting or hearing on termination, former employee claims were denied.	09/15/2022 - Case dismissed pending implementation of contingencies allowing for appeal to Merit Board.
McGill v. Commission	Judicial review of Workers' Compensation Commission decision dated July 19, 2021, which determined claimant had not sustained an increase in permanent partial disability and denied further treatment.	10/26/2022 – Case settled and remanded to WCC for approval of settlement.
Prince George's County Planning Board		
Heard v. Commission	Appeal of decision affirming Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-05068 and denial of March 31, 2020, request for document under the Maryland Public Information Act.	08/05/2022 – Judgment of the Circuit Court for Prince George's County affirmed.
6525 Belcrest Road, LLC v. Dewey, L.C., et al.	Declaratory Judgment Action filed over a dispute involving a parking parcel. Plaintiff contended that Defendants misconstrued prior approvals of the Planning Board regarding the need for parking in a manner that will harm their interests. Plaintiff sought to enjoin the Planning Board from approving a Detailed Site Plan.	10/25/2022 – Order of Court of Special Appeals affirming decision of Circuit Court that upheld Planning Board.

Heard v. Commission	Petition for Writ of Certiorari of the Court of Special Appeals decision affirming the Circuit Court's ruling that affirmed the Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-05068 and denial of March 31, 2020, request for document under the Maryland Public Information Act.	11/22/2022 Petition for Writ denied.
Prince George's Park Police		
Tolson v. Commission	Show Cause Action under the LEOBR regarding mandatory COVID vaccination requirements for police officers.	08/08/2022 Show Cause Hearing held. Application for Show Cause Order denied.
Alexander v. Proctor	Officer Proctor deployed his Commission issued pepper spray when an unknown individual was observed wearing police-type gear and approaching our police substation. The individual failed/refused to stop, leading to the Officer deploying his pepper spray to stop and subsequently arrest the individual. Mr. Alexander (the individual) asserted that the stop was without Reasonable Articulate Suspicion/Probable Cause and therefore was unlawful and the amount of force used was excessive.	9/29/2022 – Joint Stipulation of Dismissal filed. Parties settled matter at mediation.
Office of Internal Audit		

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DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

No Pending Matters.

DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Chambers v. Commission

Case No. 050200212652020 (Tort)

Lead Counsel: Rupert
Other Counsel:

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

Status: Trial held. Awaiting verdict.

Docket:

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

Commission v. Conwell

Case No. 050200086402022 (D)

Lead Counsel: Rupert
Other Counsel:

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

Status: Trial pending.

Docket:

04/25/2022	Complaint filed
10/18/2022	Request for summons renewal filed.
01/11/2023	Defendant served.
01/23/2023	Affidavit of service filed.
03/01/2023	Trial scheduled.

Commission v. Cruz
Case No. to be assigned (D)

Lead Counsel: Johnson
Other Counsel:

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

Status: Complaint filed.

Docket:

01/31/2023	Complaint filed
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Commission v. Faulk
Case No. 050200086392022 (D)

Lead Counsel: Rupert
Other Counsel:

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

Status: No service. Address vacant.

Docket:

04/25/2022	Complaint filed
10/18/2022	Request for summons renewal filed.
01/23/2023	Affidavit of Non-service filed.
01/23/2023	Post Office request mailed

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

Lead Counsel: Johnson
Other Counsel:

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

Status: Summons renewal filed.

Docket:

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

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

Lead Counsel: Johnson
Other Counsel:

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

Status: Complaint filed.

Docket:

01/17/2023	Complaint filed
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CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

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

Lead Counsel: Rupert
Other Counsel: Mills (CCRC)

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

Status: All parties have submitted memos to the Court. Oral arguments scheduled for March 3, 2023.

Docket:

08/25/2020	Complaint filed
11/01/2020	Commission served
11/25/2020	Motion to Dismiss
12/28/2020	Opposition to Motion to Dismiss
03/12/2021	Consent motion to postpone hearing and stay case.
03/15/2021	Order of Court. Matter stayed for 90 days.
10/20/2021	Order of Court. Matter stayed until January 10, 2022.
01/24/2022	Pre-Trial hearing statement filed
02/01/2022	Motion to Continue
02/18/2022	Order of Court. Motion Moot. Case has been placed on the Stay Docket.
08/05/2022	Amend Complaint/Petition for Judicial Review
09/06/2022	Notices of Intention to Participate filed by Commission and the CCRC
10/04/2022	Administrative Record received by Court
11/01/2022	Joint Stipulation for Extension of Time
12/07/2022	Memorandum of HMF Paving Contractors
01/05/2023	Stipulation – Modification of Time for Respondent's Memorandum
01/06/2023	Response to Petitioner's Memorandum of Law

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

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

Case No. CAL 22-19650 (AALU)

Lead Counsel: Warner
Other Counsel: Coleman

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

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

Docket:

07/06/2022	Petition filed
07/27/2022	Notice mailed. Response to Petition and Certificate of Compliance filed
08/05/2022	Respondent/Applicant Notice to Participate filed
09/19/2022	Record and Transcript filed
09/29/2022	Notice of Record Issued
10/31/2022	Petitioners' Memorandum in Support of Petition for Judicial Review
11/10/2022	Petitioners' Motion to Stay
11/10/2022	Petitioner's Motion to Add to Record
11/28/2022	Respondent Opposition to Motion to Stay
12/13/2022	Citizen-Petitioner's Reply to Respondents' Opposition to Motion to Stay
12/23/2022	NCBP Answering Memorandum in Opposition to Petition for Judicial Review

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

Lead Counsel: Rupert
Other Counsel:

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

Status: Parties have reached tentative settlement that has been approved by settlement committee.

Docket:

11/15/2019	Complaint filed
01/27/2020	Defendant City of Bowie's Motion to Dismiss or in the Alternative for Summary Judgment
02/05/2020	Summons reissued for Commission
02/13/2020	Opposition to City of Bowie's Motion to Dismiss
02/26/2020	Defendant Daughtery's answer filed
03/13/2020	Commission served
04/08/2020	Commission's Answer filed
05/15/2020	Motions Hearing on City's Motion to Dismiss – continued due to pandemic
9/18/2020	Amended Complaint and Jury Trial
9/21/2020	Second Amended Complaint
9/24/2020	Hearing on Defendant City of Bowie's Motion to Dismiss and/or Summary Judgment. Motion to Dismiss is denied. Motion for Summary Judgment is granted based upon governmental immunity.
10/28/2020	Third Amended Complaint filed
12/08/2020	Answer to Complaint by Defendant Knode
02/16/2022	Status Conference Held
06/21/2023	Trial Scheduled

English-Figaro v. Planning Board of Prince George's County
Case No. CAL 22-25639 (AALU)

Lead Counsel: Warner
Other Counsel: Coleman

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

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

Docket:

08/26/2022	Petition filed
08/31/2022	Amended Petition filed
09/19/2022	Notice mailed. Response to Petition and Certificate of Compliance filed.

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

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

Case No. CAL 22-26146 (AALU)

Lead Counsel: Warner
Other Counsel: Coleman

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

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

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

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

Case No. CAL 22-23156(AALU)

Lead Counsel: Warner
Other Counsel: Coleman

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

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

Docket:

08/06/2022	Petition for Judicial Review filed.
09/02/2022	Notice Mailed. Certificate of Compliance filed
09/14/2022	Response to Petition, Amended Certificate of Compliance, and Motion to Dismiss filed
9/27/2022	#466 Werrlein WSSC Motion to Dismiss filed
10/26/2022	Record and Transcript filed
11/15/2022	Notice of Record Issued.
01/23/2023	Hearing on Motion to Dismiss

Getnet v. Maryland-National Capital Park and Planning Commission

Case No. CAL 20-13268(Tort)

Lead Counsel: Rupert
Other Counsel: Johnson

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

Status: Case settled. Awaiting Order of Dismissal.

Docket:

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

12/10/2021	Defendants Bell Architects, PC and Robert Silman Associates PLLC's Reply to Plaintiff's Opposition to the Pending Motion to Dismiss
02/24/2022	Order of Court modifying scheduling order and setting trial for April 5, 2023.
04/08/2022	Motions Hearing
04/13/2022	Motion to Dismiss denied. Motion for Leave to File Reply Memorandum moot. Motion to Dismiss Third Amended Complaint denied.
01/09/2023	Joint Stipulation of Dismissal with Prejudice

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

Case No. CAL19-21516 (Tort)

Lead Counsel: Harvin
Other Counsel:

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

Status: Case settled. Awaiting Notice of Dismissal.

Docket:

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

In the Matter of Danielle Jones-Dawson
Case No. C-16-CV-22-000675 (AAO)

Lead Counsel: Foster
Other Counsel:

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

Status: Petition filed.

Docket:

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

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

Lead Counsel: Foster
Other Counsel:

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

Status: Resolved and remanded to WCC.

Docket:

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

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

Lead Counsel: Foster
Other Counsel:

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

Status: Case settled in principle. Awaiting WCC approval.

Docket:

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

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

Case No. CAL 21-13945(AALU)

Lead Counsel: Warner
Other Counsel:

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

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

Docket:

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

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

Case No. CAL 22-12298 (Tort)

Lead Counsel: Rupert
Other Counsel:

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

Status: In discovery.

Docket:

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

Walters v. Commission

Case No. CAL22-01761 (Tort)

Lead Counsel: Johnson
Other Counsel: Rupert

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

Status: In discovery.

Docket:

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

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

Case No. CAE20-11813 (Misc.)

Lead Counsel: Rupert
Other Counsel:

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

Status: Commission agreed to consent judgment.

Docket:

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

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

Case No. CAL20-14895 (AALU)

Lead Counsel: Warner
Other Counsel:

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

Status: Awaiting ruling.

Docket:

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

01/03/2023	Order Affirming the Decision of the Planning Board.
01/05/2023	Case closed statistically.

APPELLATE COURT OF MARYLAND

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

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

Lead Counsel: Mills
Other Counsel:

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

Status: Appeal filed.

Docket:

08/30/2022	Appeal filed
08/31/2022	Notice of Appeal issued by COSA
10/06/2022	Order to Proceed
12/05/2022	Briefing Notice
01/17/2023	Appellant Brief and Record Extract filed.

Izadjoo v. Maryland-National Capital Park and Planning Commission

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

Lead Counsel: Johnson
Other Counsel:

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

Status: Judgment of Circuit Court for Montgomery County Affirmed.

Docket:

01/14/2022	Notice of Appeal to Court of Special Appeals
03/29/2022	Briefing Notice issued
05/19/2022	Appellant's Brief and Record Extract filed
06/17/2022	Commission's Brief filed
07/11/2022	Case to be decided without a hearing
01/20/2023	Judgment of the Circuit Court for Montgomery County Affirmed.

SUPREME COURT OF MARYLAND

No Pending Matters

U.S. DISTRICT COURT OF MARYLAND

Deakins v. Commission, et al.

8:23-cv-00138 AAQ (ED)

Lead Counsel: Foster
Other Counsel: Rupert

Abstract: Plaintiff was a police officer with the Montgomery County Division who was terminated for issues relating to his inability to receive the COVID-19 vaccination. His complaint alleges disability discrimination and unreasonable failure to accommodate.

Status: Complaint filed.
Docket:

01/19/2023	Complaint filed
01/24/2023	Case Management Order
01/24/2023	Commission served

Evans v. Commission, et al.

8:19-cv-02651 MJM (ED)

Lead Counsel: Levan
Other Counsel: Foster

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

Status: In discovery.
Docket:

09/11/2019	Complaint filed
10/23/2019	Notice of Intent to file Motion for More Definite Statement filed by Defendants Commission, McSwain, and Riley
10/24/2019	Notice of Intent to file Motion for More Definite Statement filed by J. Creed on behalf of Defendant Murphy
10/28/2019	Notice of Intent to File a Motion for More Definite Statement filed by attorney C. Bruce on behalf of Defendant Uhrig
11/26/2019	Status Report filed by Plaintiff agreeing to file Amended Complaint specifying against whom each claim is asserted and dates of alleged events.
12/10/2019	Amended Complaint filed.

12/23/2019	Notice of Intent to file a Motion to Dismiss filed by all defendants
01/09/2020	Order granting Plaintiff leave to file Amended Complaint
01/16/2020	Second Amended Complaint filed
02/14/2020	Joint Motion to Dismiss filed by all Defendants
03/20/2020	Opposition to Motion to Dismiss
03/20/2020	Motion for Leave to file Third Amended Complaint
03/20/2020	Third Amended Complaint
04/17/2020	Plaintiff's Reply to Defendants' joint Opposition to Plaintiff's Motion for Leave to file Third Amended Complaint.
05/07/2020	Order granting Motion for Leave to File Third Amended Complaint; denying as moot Defendants' Joint Motion to Dismiss; granting defendants leave to renew their Joint Motion to Dismiss by May 22, 2020.
06/05/2020	Joint Motion to Dismiss for Failure to State a Claim filed by Commission, McSwain, Murphy, Riley and Uhrig.
07/10/2020	Motion for Leave to File Excess Pages
07/16/2020	Order granting in part and denying in part Motion for Leave to file Excess Pages and directing the Plaintiff to file a brief by 7/23/2020
07/23/2020	Response in Opposition to Joint Motion to Dismiss for Failure to State a Claim
08/06/2020	Response to Motion for Leave to file Excess Pages.
08/06/2020	Reply to Opposition to Joint Motion to Dismiss.
11/13/2020	Defendants' Motion to Dismiss granted in part. Counts 4, 5, part of 6 and 7 -10, part of 11, and 12 dismissed. Counts, 1 -3, part of 6 and 11, 13 -15 will proceed at this stage. Defendants to file an answer to remaining claims.
11/27/2020	Answer filed.
01/11/2021	Order – Case referred to Magistrate Judge Timothy J. Sullivan generally and to Magistrate Judge Jillyn K. Schulze for mediation
01/15/2021	Joint Consent to Proceed before Magistrate
01/28/2021	Order of Court re mediation week of May 17, 2021.
07/26/2021	Commission's Motion for Protective Order.
08/09/2021	Plaintiff's Opposition to Motion for Protective Order.
08/23/2021	Commission's Reply to Opposition for Protective Order.
10/05/2021	Informal Discovery Dispute Resolution Conference was held with the Judge to resolve issues raised in the Motion for Protective Order and Opposition. An Order was issued resolving several matters and requiring additional disclosure of information and/or documents
01/14/2022	Notice of Intent to file a Motion for Summary Judgment filed by Defendants Murphy, Uhrig, McSwain, and Commission.
02/17/2022	Order of Court re scheduling order. Motion for Summary Judgment due April 8, 2022.
04/08/2022	Defendants' Joint Motion to Seal Exhibits Related to Defendants' Motion for Summary Judgment
04/08/2022	Defendants' Joint Motion for Summary Judgment and

	Supporting Memorandum of Law
04/20/2022	Response in Opposition to Motion to Seal Exhibits
05/03/2022	Reply to Response to Motion to Seal
06/09/2022	Consent Motion for Extension of Time to file Response to Defendants' Joint Motion for Summary Judgment
06/10/2022	Order of Court granting Consent Motion
06/14/2022	Second Motion for Extension of Time to file Response to Defendants' Joint Motion for Summary Judgment
06/14/2022	Order granting Second Motion for Extension of Time to File Response to Defendants' Joint Motion for Summary Judgment
07/15/2022	Plaintiff's Motion for Leave to File Excess Pages
07/15/2022	Opposition to Motion for Summary Judgment
07/18/2022	Defendants' Response in Opposition to Motion for Leave to File Excess Pages
07/18/2022	Plaintiff's Reply to Response in Opposition to Motion for Leave to File Excess Pages
07/19/2022	Order granting in part and denying in part Plaintiff's Motion for Leave to File in Excess of 35 pages.
07/21/2022	Defendant' Motion for Leave to File Excess Pages
07/21/2022	Order granting Defendants' Motion for Leave to File in Excess of 20 pages
07/25/2022	Defendants' Response to Motion to Seal Opposition to Motion for Summary Judgment
07/26/2022	Defendants Response in Opposition to Motion for Summary Judgment
09/30/2022	Reply to Plaintiff's Opposition to Summary Judgment
10/14/2022	Plaintiff's Moton seeking permission to file a Sur-Reply to Motion for Summary Judgment.
10/20/2022	Defendant's Notice of Intent to Strike
10/26/2022	Motion for Extension of Time to file Response
11/01/2022	Order of Court Plaintiff permitted to file a sur-reply on or before November 8, 2022 and Defendants may file a joint response to the sur-reply on or before November 15, 2022
11/08/2022	Reply to Response to Moton for Summary Judgment
11/15/2022	Response to Reply to Response to Motion for Summary Judgment
01/19/2023	Sealed Response in Opposition to Motion for Summary Judgment

Izadjoo v. Commission, et al.
8:123-cv-00142 TDC (ED)

Lead Counsel: Foster
Other Counsel: Johnson

Abstract: Plaintiff is a former employee of Montgomery Parks. His complaint alleges racial, religious, ethnic discrimination relating to his employment with the Commission.

Status: Complaint filed. Commission has yet to be served.

Docket:

01/19/2023	Complaint filed
01/25/2023	Case Management Order