



THE MARYLAND-NATIONAL CAPITAL  
Park and Planning Commission

# COMMISSION MEETING

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**February 16, 2022**

10:00 a.m. – 12:00 noon

*via teleconference*

*and live-streamed by*

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

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**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
MEETING AGENDA  
Wednesday, February 16, 2022**

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

**10:00 a.m. – 12 noon**

		<u>ACTION</u>	
		Motion	Second
1.	<b>Approval of Commission Agenda (10:00 a.m.)</b>	(+*) Page 1	
2.	<b>Approval of Commission Minutes (10:05 a.m.)</b> a) Open Session – January 19, 2022 b) Closed Session – January 19, 2022	(+*) Page 3 (+*)	
3.	<b>General Announcements (10:05 a.m.)</b> a) American / National Heart Month b) M-NCPPC Black History Month Events c) Upcoming Women’s History Month (March 2021) d) Financial Disclosure Filing Requirement Reminder		
4.	<b>Committee Minutes/Board Reports (For Information Only) (10:10 a.m.)</b> a) Executive Committee Meeting – Open Session – February 2, 2022 b) Executive Committee Meeting – Closed Session – February 2, 2022 c) Employees Retirement System Board of Trustees Regular Meeting – December 7, 2021	(+ Page 9 (++) (+ Page 13	
5.	<b>Action and Presentation Items (10:10 a.m.)</b> a) Resolution #22-02 Warner Circle Building Disposition (Coppola) b) ACFR Report (Cohen) c) Briefing on Preliminary FY23 Spending Affordability Guidelines for Montgomery County (Kroll) d) Quarterly Budget Transfer Reports (Kroll) e) Update to Open Meetings Act (Gardner)	(+*) Page 17 (+ Page 27  (+ Page 63 (+ Page 65 (H)	
6.	<b>Officers’ Reports (11:00 a.m.)</b>  <u>Executive Director’s Report</u> a) Late Evaluation Report, December 2021 (For Information Only)  <u>Secretary Treasurer</u> b) Investment Report – 2 <sup>nd</sup> Quarter (For Information Only) c) MFD 1st Quarter Purchasing Statistics (For Information Only)  <u>General Counsel</u> d) Litigation Report (For Information Only) e) Legislative Update ( <i>discussion item</i> )	  (+ Page 67   (+ Page 69 (+ Page 75   (+ Page 89	
<i>Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (7) &amp; (9), a closed session is proposed to consult with counsel for legal advice and consider matters that relate to negotiation</i>			
7.	<b>Closed Session (10:05 a.m.)</b> a) KRONOS update (Chilet) ( <i>discussion item</i> ) b) Collective Bargaining Update (Chiang-Smith) ( <i>discussion item</i> )		

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Commission Meeting  
Open Session Minutes  
January 19, 2022

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

PRESENT

Prince George's County Commissioners

Elizabeth M. Hewlett, Chair  
Dorothy Bailey  
William Doerner  
Manuel Geraldo

Montgomery County Commissioners

Casey Anderson, Vice Chair  
Gerald Cichy  
Carol Rubin  
Partap Verma

NOT PRESENT

A. Shuanise Washington

Tina Patterson

Chair Hewlett called the meeting to order at 10:06 a.m.

ITEM 1

APPROVAL OF COMMISSION AGENDA

Minor Amendment to the Diversity Council item (5d)

ACTION: Motion of Commissioner Geraldo to approve the amended agenda  
Seconded by Commissioner Borden  
8 approved the motion

ITEM 2

APPROVAL OF COMMISSION MINUTES

Open Session – December 15, 2021

Closed Session – December 15, 2021

ACTION: Motion of Commissioner Geraldo to approve the minutes  
Seconded by Commissioner Bailey  
7 approved the motion  
Rubin Abstain (was absent from the December meeting)  
Patterson and Washington Absent

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 – February 2022
- d) Financial Disclosure Filing Requirement April 30 (State and M-NCPPC Deadlines)

ITEM 4

COMMITTEE MINUTES/BOARD REPORTS (For Information Only)

- a) Executive Committee Meeting – Open Session, January 5, 2022
- b) Executive Committee Meeting – Closed Session, January 5, 2022
- c) Employees' Retirement System Board of Trustees Regular Meeting, November 2, 2021

ITEM 5

ACTION AND PRESENTATION ITEMS

a) Rotation of Commission Chair

Chari Hewlett thanked her fellow Commissioners, Officers and Department Heads, CAS Staff, Park Police, and all others for stepping up during 2021's COVID environment and supporting her as Chair. She thanked Vice-Chair Anderson for being her right hand and for making a wonderful team.

Vice Chair Anderson thanked Chair Hewlett for her leadership personally and professionally and for listening to the different voices and perspectives to navigate successfully different values, choices, resources, and constraints. He said he valued and respected Chair Hewlett as a great leader, who can accommodate different points of view. He added those attributes have never been more apparent than in the past two years during this public health crisis.

Commissioner Geraldo added his thanks to Chair Hewlett for her leadership and the wonderful job she did putting the people of Montgomery and Prince George's Counties first on her list by ensuring the agency did the right things throughout.

**ACTION:** Motion to appoint Casey Anderson as Chair of the Maryland-National Capital Park and Planning Commission.

Motion of Commissioner Cichy  
Seconded by Commissioner Geraldo  
8 approved the motion

**ACTION:** Motion to appoint Elizabeth M. Hewlett as Vice-Chair of the Maryland-National Capital Park and Planning Commission.

Motion of Commissioner Rubin  
Seconded by Commissioner Bailey  
8 approved the motion

b) Resolution 22-01 Extension of 2021 Annual Leave Carryover to End of Calendar 2022 (Chiang-Smith/Beckham)

Acting CPMO Director Beckham provided background and reasoning for the Resolution and that the Executive Committee supported the extension at their meeting on 1/5/22. The Resolution recognizes that not all employees have been able to take their leave due to increased duties during the pandemic and this extension will allow employees to use their accumulated Annual Leave through calendar 2022, rather than allowing the leave to be converted to Sick Leave/paid out. Policy staff also recommended an opt-out option for those employees who wish to have their excess Annual Leave converted to Sick Leave (for Merit position) or paid out (for Term Contract employees).

Mr. Beckham also noted the agency has reached similar agreements with the unions. He requested approval of the resolution to notify the workforce.

**ACTION:** Motion of Vice-Chair Hewlett to adopt Resolution 22-01

Seconded by Commissioner Geraldo  
8 approved the motion

c) Lobbying Disclosure Policy (Practice 5-61) (Gardner/Beckham)

General Counsel Gardner provided background on the matter. The Office of the General Counsel (OGC) and Office of the Inspector General (OIG) produced and analyzed a compliance report. Staff determined the agency needed an update to its Lobbying Disclosure policy to be successfully vetted with the Maryland State Ethics Commission and ensure the agency's practice conforms with state law. The OGC wants flexibility for the agency to develop lobbying practice standards to make it similar to the state's lobbying rules while remaining pertinent to M-NCPPC operations.

Deputy General Counsel Borden described revisions to the draft, developed by the agency's legal and land use teams, ensuring the changes were aligned with M-NCPPC's specialized reviews, such as Development Review matters. The draft policy:

- Streamlines the policy so that it is simple and easy to understand;
- Adds the title/category of Administrative Actions –actions that do not fall under the categories of Legislative, Quasi-Legislative, and Executive actions;
- Defines different Commission Actions under the Legislative, Quasi-Legislative, Executive, and Administrative categories, to better align with what items a lobbying practice should cover;
- Removes the categories for Judicial and Quasi-Judicial Actions, to streamline the policy and provide easier to understand lobbying exemptions.

Commissioner Rubin noted preliminary plans and site plans were still specified later in the policy language and should be removed, based on their removal earlier in the draft. General Counsel Gardner and Deputy General Counsel Borden agreed the references should be removed and said the final practice will be reviewed for consistency.

Commissioner Rubin also asked at what staff level do meetings with staff pass the cutoff point for lobbying. She explained that after a certain level, staff are so far removed from the decision-making process that communities or property owners having discussions with them should not be considered under the policy. She also said she did not want this to become a barrier to open discussion. Deputy General Counsel Borden said the concern was also raised by the land use team, and she said the M-NCPPC is going to work closely with the Maryland Ethics Commission to determine what kind of flexibility or exceptions might be put into place to counter a chilling effect. The Agency do not want to make it difficult for anyone to contact staff, for example, to talk about Master Plans or their neighborhoods. She added that the law does not make a distinction about the staff hierarchy in terms of with whom a lobbyist may communicate. The law simply says "employee".

Commissioner Rubin, Vice-Chair Hewlett, and Commissioner Geraldo all stressed the communication has to be implicit – Legal emphasized that the policy seeks to meet the requirements of state law, and the agency intends to maintain its obligation to hear the public. General Counsel Gardner agreed the rollout of this practice is going to be sensitive and important and said staff will work with agency Communications directors on messaging and placement on the agency's website.

ACTION: Motion of Vice-Chair Hewlett to approve the changes to the practice as outlined in the presentation, and changes noted by Commissioner Rubin.

Seconded by Commissioner Rubin

8 approved the motion

On a related note, Chair Anderson suggested to General Counsel Gardner the agency conduct a similar examination of committees or meeting bodies to ensure the agency does not overlook an application of the Open Meetings Act for any of these groups. General Counsel Gardner agreed and noted a comprehensive review is being conducted. General Counsel Gardner also said a discussion of the Open Meetings Act policy could be placed on the agenda for the next Commission meeting.

d) Diversity Council Membership Update (Chiang-Smith)

Executive Director Chiang-Smith introduced Diversity Chair Genevieve Jennai and Vice-Chair Andrew McCray who reviewed the Diversity Council's accomplishments over 2021, and some of the programs anticipated for 2022—as reflected in the packet's late delivery item.

Chair Anderson and Vice-Chair Hewlett thanked the Diversity Council for continuing efforts. Commissioner Rubin said she was very pleased to have served on the Council for the two years before her retirement, saying it was a great effort across the agency and thanking them for their work. Executive Director Chiang-Smith noted the Diversity Council is not merely a group putting together events but is looking at developing Diversity, Equity, and Inclusion policy in partnership with the Commissioners, Directors, and thanked them for their support. She also thanked the Park Police who participated as liaisons with the Diversity Council. She looks forward to many more years of substantive work with the Diversity Council.

Vice-Chair Hewlett thanked Ms. Jennai, Mr. McCray, and the rest of the Diversity Council for their work, noting how thrilling it is to see the evolution and growth of the Council and its programs year after year.

ITEM 6

OFFICERS' REPORTS

Executive Director's Report

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

Secretary-Treasurer's Report

No report

General Counsel's Report

- b) Litigation Report (For information only)

- c) Legislative Update (Gardner)

General Counsel Gardner requested a vote of support for HB 131, Synthetic Turf, which creates a chain of custody on artificial turf so people dispose of it properly. Commissioner Doerner asked staff to notify Liberty Park about the legislation.

ACTION: Motion of Vice-Chair Hewlett to support HB 131.



Seconded by Commissioner Rubin  
7 approved the motion  
Commissioner Cichy absent for the vote.

*Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (8), (9), and (15) a closed session is proposed on the following topics. 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 litigation and collective bargaining negotiations; (ii) preventing disclosure of recommended changes to agency IT resources/systems to prevent bad actors from attempting to interfere with or exploit them.*

Chair Anderson noted the agenda and asked for a motion to move to closed session. Vice-Chair Hewlett read the applicable provisions of the Open Meetings Act and so moved; Commissioner Rubin seconded. All 8 Commissioners in attendance voted for the measure and the meeting moved to closed session at 11:16 a.m. The meeting reconvened in a separate virtual meeting platform and the following topics were discussed: (1) the CIO's report and update on the situation with the Kronos payroll system; and (2) The Executive Director and General Counsel's litigation and collective bargaining update.

The following individuals were present (via videoconference):

Montgomery County Commissioners

Casey Anderson, Chair  
Gerald Cichy  
Carol Rubin  
Partap Verma

Prince George's County Commissioners

Elizabeth M. Hewlett, Vice Chair  
Dorothy Bailey  
William Doerner  
Manuel Geraldo

Commissioners Patterson and Washington were absent.

Also present (by videoconference):

Asuntha Chiang-Smith, Executive Director  
Gavin Cohen, Secretary-Treasurer  
Adrian Gardner, General Counsel  
Andree Checkley, Director, Prince George's Planning  
Bill Tyler, Director, Prince George's Parks and Recreation  
Gwen Wright, Director, Montgomery County Planning  
James Adams, Senior Technical Writer, DHRM  
Michael Beckham, Acting Corporate Policy and Management Operations (CPMO) Director  
Derick Berlage, Deputy Director, Prince George's Planning  
Debra Borden, Deputy General Counsel  
Steve Carter, Deputy Director, Prince George's Parks and Recreation  
Mazen Chilet, Chief Information Officer  
Brian Coborn, Acting Corporate Budget and Operations Manager, DHRM  
Christian Gabriel, Deputy Director, Prince George's Parks and Recreation  
Suzann King, Deputy Director, Prince George's Planning  
John Kroll, Corporate Budget Director  
Robert Kronenberg, Deputy Director, Montgomery Parks  
John Nissel, Deputy Director, Montgomery Parks  
Wanda Ramos, Deputy Director, Prince George's Parks and Recreation  
William Spencer, Corporate Human Resources Director  
Tanya Stern, Deputy Director, Montgomery Planning

Direction was given to counsel and staff on how to proceed with IT security and collective bargaining matters.

There being no further business to discuss, Chair Anderson adjourned the meeting from closed session at 12:11 p.m.

  
James F. Adams, Senior Technical Writer

  
Asuntha Chiang-Smith, Executive Director

**EXECUTIVE COMMITTEE MEETING MINUTES  
February 2, 2022**

On February 2, 2022, the Maryland-National Capital Park and Planning Commission’s Executive Committee met via teleconference. Present were Chair Casey Anderson, Vice-Chair Elizabeth M. Hewlett, and Executive Director Asuntha Chiang-Smith. Also present were:

Department Heads

- Andree Checkley, Director, Prince George’s County Planning (PGPL)
- Gavin Cohen, Secretary-Treasurer
- Debra Borden, Deputy General Counsel for General Counsel Adrian Gardner
- Miti Figueredo, Deputy Director, Montgomery County Parks (MCPK) for Director Mike Riley
- Bill Tyler, Director, Prince George’s County Parks and Recreation (PGPR)
- Gwen Wright, Director, Montgomery County Planning (MCPL)

Presenters/Staff

- Areaya Abebe, Acting Policy Manager, CPMO
- James Adams, Senior Technical Writer
- Michael Beckham, Acting Corporate Policy and Management Operations (CPMO) Director
- Mazen Chilet, Chief Information Officer
- Brian Coburn, Acting Operations and Budget Manager, CPMO
- Michael Doaks, Policy Analyst, CPMO
- John Kroll, Corporate Budget Director
- Len Pettiford, IT Manager, PGPR (for item 3a)
- William Spencer, Corporate Human Resources (CHR) Director

Chair Anderson convened the meeting at 10:04 a.m.

**ITEM 1a – APPROVAL OF EXECUTIVE COMMITTEE AGENDA**

Discussion	No Discussion
ACTION	All agendas passed, with amendments (see 1b). Vice Chair Hewlett moved, Chair Anderson seconded. Approved unanimously.

**ITEM 1b – APPROVAL OF COMMISSION MEETING AGENDA for February 16, 2022**

Discussion	Mr. Adams noted the following additions to the Commission meeting since the distribution of the draft agenda: <ul style="list-style-type: none"> <li>• Resolution 22-02, Warner Circle Building Disposition (Coppola)</li> <li>• Briefing on Preliminary FY23 Spending Affordability Guidelines for Montgomery County (Kroll)</li> <li>• 1<sup>st</sup> and 2<sup>nd</sup> Quarterly Budget Transfer Reports (Kroll)</li> </ul>
ACTION/Follow-up	See item 1a

**ITEM 1c – ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS**

Discussion	
ACTION/Follow-up	See item 1a

<b>ITEM 2 – EXECUTIVE COMMITTEE MEETING MINUTES</b>	
Discussion	January 5, 2022 Open Session January 5, 2022 Closed Session
ACTION	Vice Chair Hewlett moved, Chair Anderson seconded. Approved unanimously.

<b>ITEM 3 – DISCUSSION/PRESENTATION ITEMS</b>	
Discussion	<p><u>3a. Mobile Technology Procedure Update (Chiang-Smith/Beckham)</u></p> <p>Acting CPMO Director Beckham introduced Policy Analyst Doaks who provided a summary and background of proposed changes to the procedure that governs the use of, and provides standards for, agency-issued mobile devices. The procedure also governs the reimbursement of expenses for business use of employee-owned personal technology. Mr. Doaks discussed the latest updates to the policy, as reflected in the packet, which include edits based on suggestions made by Department Heads. Mr. Doaks also shared benchmark information on the stipends paid to employees in surrounding jurisdictions.</p> <p>Mr. Doaks noted Department Heads supported the amendments with minor changes (as noted in the presentation); policy staff requested input/approval of the Executive Committee before final implementation by the Executive Director.</p> <p>Chair Anderson supported the policy, but asked staff to update or relax the guidelines for the incidental personal use of agency-issued technology.</p>
ACTION/follow-up	Executive Committee supported the changes for the policy to be executed by the Executive Director.
Discussion	<p><u>3b. December 2021 Investment Report (Cohen) (information item only)</u></p> <p>No discussion.</p>
ACTION/Follow-up	

*Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (9) & (15), a closed session was proposed to consult with counsel to obtain legal advice and consider matters that relate to collective bargaining negotiations. The purpose of the closed session was to maintain the confidentiality of the Commission’s discussions concerning strategies and positions with regard to ongoing negotiations; and to discuss matters related to cybersecurity.*

Vice-Chair Hewlett noted the agenda, read the applicable provisions of the Open Meetings Act, and motioned for the meeting to move into Closed Session at 10:26 a.m. Chair Anderson seconded. Motion approved unanimously. The closed session was conducted by teleconference. The meeting reconvened after a short break and the following topics were discussed: (1) collective bargaining issues, and (2) cybersecurity issues.

The following individuals were present:

Casey Anderson, Chair  
Elizabeth Hewlett, Vice-Chair  
Asuntha Chiang-Smith, Executive Director

Department Heads

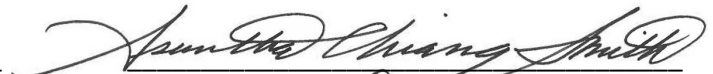
Andree Checkley, Director, Prince George's County Planning (PGPL)  
Gavin Cohen, Secretary-Treasurer  
Debra Borden, Deputy General Counsel, for General Counsel Adrian Gardner  
Miti Figueredo, Deputy Director, Montgomery County Parks (MCPK) for Director Mike Riley  
Bill Tyler, Director, Prince George's County Parks and Recreation (PGPR)  
Gwen Wright, Director, Montgomery County Planning (MCPL)

Presenters/Staff

James Adams, Senior Technical Writer  
Michael Beckham, Acting Corporate Policy and Management Operations (CPMO) Director  
Mazen Chilet, Chief Information Officer  
Brian Coburn, Acting Operations and Budget Manager, CPMO  
John Kroll, Corporate Budget Director  
William Spencer, Corporate Human Resource Director

Direction was given to Counsel and Staff on how to proceed with collective bargaining and IT security matters.

With no further business to discuss, the meeting adjourned from Closed Session at 11:00 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, January 4, 2022; 10:00 a.m.**  
**Upper Marlboro, MD**  
**(Due to COVID -19 Attend via Microsoft Teams)**

Due to COVID-19, the Maryland-National Capital Park and Planning Commission (“Commission”) Employees’ Retirement System (“ERS”) Board of Trustees (“Board”) met virtually through Microsoft Teams with CHAIRMAN HEWLETT leading the call in Upper Marlboro, Maryland on Tuesday, January 4, 2022. The meeting was called to order at 10:00 a.m. by CHAIRMAN HEWLETT.

**Board Members Present**

Elizabeth M. Hewlett, Board of Trustees Chairman, Prince George’s County Commissioner  
Gerald R. Cichy, Board of Trustees Vice Chairman, Montgomery County Commissioner  
Howard Brown, FOP Represented Trustee  
Asuntha Chiang-Smith, M-NCPPC Executive Director, Ex-Officio  
Melissa D. Ford, Prince George’s County Open Trustee  
Pamela F. Gogol, Montgomery County Public Member Left 11:35 a.m./Returned 11:50 a.m.  
Caroline McCarthy, Montgomery County Open Trustee  
Amy Millar, MCGEO Represented Trustee  
Sheila Morgan-Johnson, Prince George’s County Public Member  
Elaine A. Stookey, Bi-County Open Trustee  
Gavin Cohen, CPA, M-NCPPC Secretary-Treasurer, Ex-Officio

**ERS Staff Present**

Andrea L. Rose, Administrator  
Sheila S. Joynes, ERS Accounting Manager

**Presentations**

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

**Legal Counsel Present**

M-NCPPC Legal Department - Tracey Harvin, Senior Counsel

**ITEM 1 APPROVAL OF THE JANUARY 4, 2022 CONSENT AGENDA**

Ms. Rose noted a correction to the December 7, 2021 Open and Closed Session Minutes. The Board Members Present section was revised to remove Joseph C. Zimmerman, CPA, as the Secretary-Treasurer and to add Gavin Cohen, CPA, as the Secretary-Treasurer.

**ACTION:** VICE CHAIRMAN CICHY made a motion, seconded by MS. CHIANG-SMITH to approve the Consent Agenda, as revised, to reflect the correction to the Open and Closed Session Minutes. The motion PASSED (11-0). (Motion #22-01)

**ITEM 2 CHAIRMAN’S ITEMS**

The December 7, 2021 meeting adjourned from Closed Session and the action taken was not ratified in Open Session.

**ACTION:** VICE CHAIRMAN CICHY made a motion, seconded by MS. FORD to ratify the action taken in Closed Session on December 7, 2021. The motion PASSED (11-0). (Motion #22-02)

During the Closed Session of December 7, 2021, the following action was taken:

1. Compensation of the Administrator for the performance period January 1, 2021 – December 31, 2021.

### **ITEM 3 MISCELLANEOUS**

No items reported.

### **ITEM 4 MANAGER REPORTS/PRESENTATIONS**

#### **Wilshire Associates**

Presentation by Bradley Baker, Managing Director, and Martell McDuffy, Senior Analyst

Brad Baker provided a Quarterly Executive Summary for the quarter ending September 30, 2021 and reported on the fund's performance. The ERS' total fund return was 2.2% (net of fees) for the quarter, outperforming the target policy index return of -0.14%. For the one, three, five, and ten-years ended September 30, 2021 the ERS fund return was 20.2%, 9.5%, 9.8%, and 9.1%, respectively, compared to the target policy return of 14.9%, 8.9%, 8.7%, and 8.5%, respectively. The total market value through September 30, 2021 was \$1.2 billion. In terms of market performance, news of uncertainty related to the ongoing pandemic has directly affected the market.

In comparison to peers as of September 30, 2021, the ERS took much less risk. While the ERS had lower returns than more than 50% of peers, the ERS had a lower risk profile than 97% of peers and ranked in the top quartile in terms of return per unit of risk. The decision to take less risk and was intentional as the ERS consistently lowered the investment return assumption.

MR. COHEN questioned the performance of VOYA and Neuberger Berman and whether these managers were on an official watch list. Mr. COHEN added it would be helpful to highlight any managers on watch in the Executive Summary. Mr. Baker said the ERS does not have an official watch list but acknowledged the suggestion to include a flag in the Executive Summary. Mr. Baker explained the Investment Monitoring Group (IMG) identified performance issues with VOYA in early 2021 and agreed to reevaluate performance at the end of the year, along with analysis of the markets and peers during the time of underperformance. Ms. Rose indicated VOYA and Neuberger Berman were both added to the IMG's 2022 Work Program for review due to performance issues identified in 2021. Both managers are scheduled for reviews at the February IMG meeting. The Board agreed an official watch list may be worth further discussion at another meeting. Chairman Hewlett requested the IMG work with Wilshire Associates to consider an official watch list policy and return to the Board with a recommendation.

### **ITEM 5 REPORT OF THE ADMINISTRATOR**

Presentation by Andrea L. Rose, Administrator

Andrea L. Rose presented the Administrator's Report dated December 22, 2021. The February 1, 2022 Board meeting will include mandatory Ethics and Fiduciary Responsibility training and education and analysis from Cheiron related to the existing Pension Funding Policy and alternate approaches/tools for dampening contribution volatility. All trustees were encouraged to attend the meeting; however, an alternate training session will be scheduled for those unable to attend.



## **ITEM 6 COMMITTEE REPORTS/RECOMMENDATIONS**

### **A. Investment Monitoring Group**

Presentation by Andrea L. Rose, Administrator

Andrea L. Rose presented the Investment Monitoring Group (IMG) Regular Report dated December 21, 2021.

At its December 21, 2021 meeting, the IMG met with Earnest Partners and Capital Group for performance reviews.

Earnest Partners had \$27.7 billion in assets under management with \$5 billion in international equity as of September 30, 2021. Earnest Partners remains 100% employee owned and independent. There have been no personnel changes to the international equity team. Total portfolio performance (net) for five years ending September 30, 2021 was 10.17% versus the MSCI ACWI ex-US Index of 9.44%, for an excess return of 73 basis points. Mr. Malcom admitted if you roll forward or backwards, performance may be above or below the index so reviewing on a rolling basis over periods is a better gauge. Mr. Malcom noted some clients request a specific investment objective; however, Earnest manages the portfolio the same and will not take more risk to get additional outperformance. Earnest attempts to control the downside risk.

Capital Group had \$2.6 trillion in assets under management with \$1.7 billion in the International All Countries strategy as of September 30, 2021. Investment ideas originate from long-tenured analysts with portfolio managers each managing a sleeve based on convictions. In terms of changes, Victor Cohen recently left the team and Akira Horiguchi was added. Total portfolio performance (net) for five years ending September 30, 2021 was 14.70% versus the MSCI ACWI ex-US Index of 8.94%, for an excess return of 576 basis points.

Wilshire's Brad Baker had no concerns regarding performance, personnel and/or the firms, but agreed to analyze any overlap between the two portfolios since both run international equity portfolios.

The IMG met with Aberdeen to discuss the recent departure of staff and personnel plans for investments in the Real Estate II and III and the Energy & Resources II and III funds. Ryan Sullivan, Head of Indirect Real Assets, explained he is leaving to join a university endowment. This change follows the recent departure of Jim Gasperone who was a key man on the team. George Chapman will continue to maintain day-to-day oversight of the current portfolio. Mr. Chapman has a history with the real assets investments and funds and worked closely with Ryan on the transition. The funds, which have committed all capital, continue to be fully supported by Aberdeen's global Real Assets team. Neil Slater, Global Head of Real Assets, anticipates promoting internally and hiring additional members to broaden the team.

The IMG discussed the options and Wilshire agreed to arrange a discussion with George Chapman to review the underlying projections, identify other LPAC members and pursue a fee reduction regardless of any future decisions regarding these investments.

## **ITEM 7 CLOSED SESSION**

At 11:33 a.m. CHAIRMAN HEWLETT requested a motion to go into Closed Session under authority of the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(5) for the investment of public funds and Section 3-305(b)(7) to consult with legal counsel.

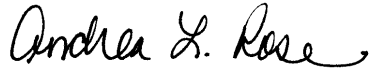
**ACTION:** VICE CHAIRMAN CICHY made a motion, seconded by MS. FORD to go into Closed Session. The motion PASSED unanimously (11-0). (Motion #22-03)

During Closed Session, the following action was taken:

1. Approved Eaton Vance's Consent Request for Participation in Affiliated Broker-Dealer Transactions with Mitsubishi UFJ Financial Group
2. Approved State Street Global Advisor's Tax Reclaim Service with Global Tax Services, Inc., subject to further due diligence.

The Board meeting of January 4, 2022 adjourned at 12:00 p.m.

Respectfully,



Andrea L. Rose  
Administrator



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC Item 5a  
Date: 2 / 16 / 2022

## MEMORANDUM

**DATE:** February 7, 2022

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

**VIA:** Michael F. Riley, Director of Parks  
Miti Figueredo, Deputy Director, Administration  
Gary Burnett, Acting Deputy Director, Operations  
Andrew Frank, Division Chief, Park Development Division (PDD)

**FROM:** Brenda Sandberg, Real Estate Management Supervisor, PDD  
Henry Coppola, Real Estate Specialist, PDD

**SUBJECT:** Building Disposition Recommendation: Warner Circle Special Park  
Warner Circle Manor and Carriage House  
10231 Carroll Place  
Kensington, MD 20895

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## STAFF RECOMMENDATION

Montgomery Parks Staff requests that the Maryland-National Capital Park and Planning Commission adopt M-NCPPC Resolution No. 22-02 to:

- Adopt the Montgomery County Planning Board Resolution No. 22-016 and approve the disposition of the Manor and Carriage House buildings in Warner Circle Special Park (Park) to Warner Circle Mansion Condominiums LLC (Developer) for a negotiated price of \$677,500, to allow a development for operation of the Park and re-purposing of the said buildings for multi-use residential structures under a condominium regime to be established.

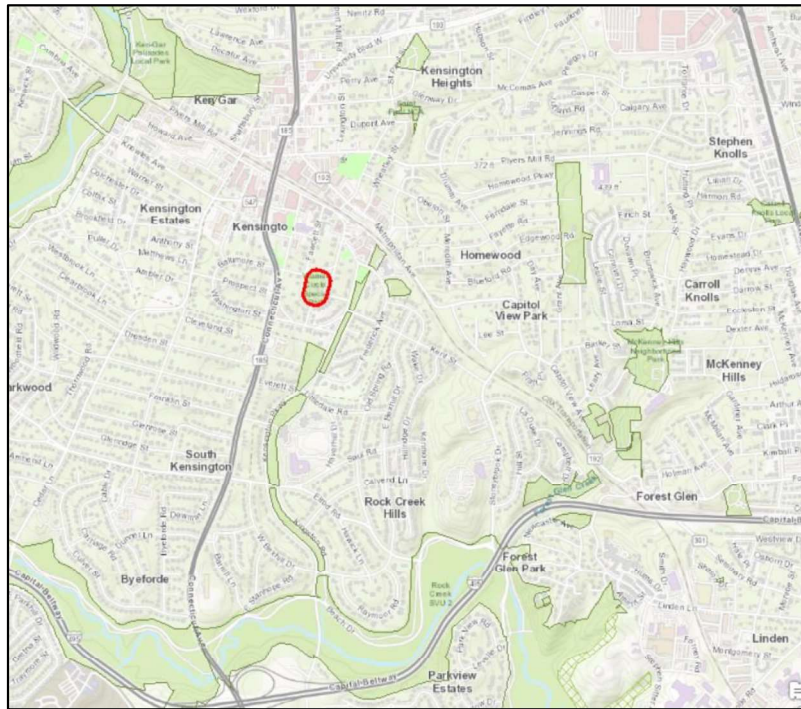
A copy of M-NCPPC Resolution No. 22-02 (MCPB Resolution 22-016 approved by the Montgomery County Planning Board on February 3, 2022) is attached to this memo. This disposition also requires Montgomery County Council approval since the Park is Montgomery County-titled and Commission-operated pursuant to the 1972 Agreement with the Montgomery County (County).

## SUMMARY

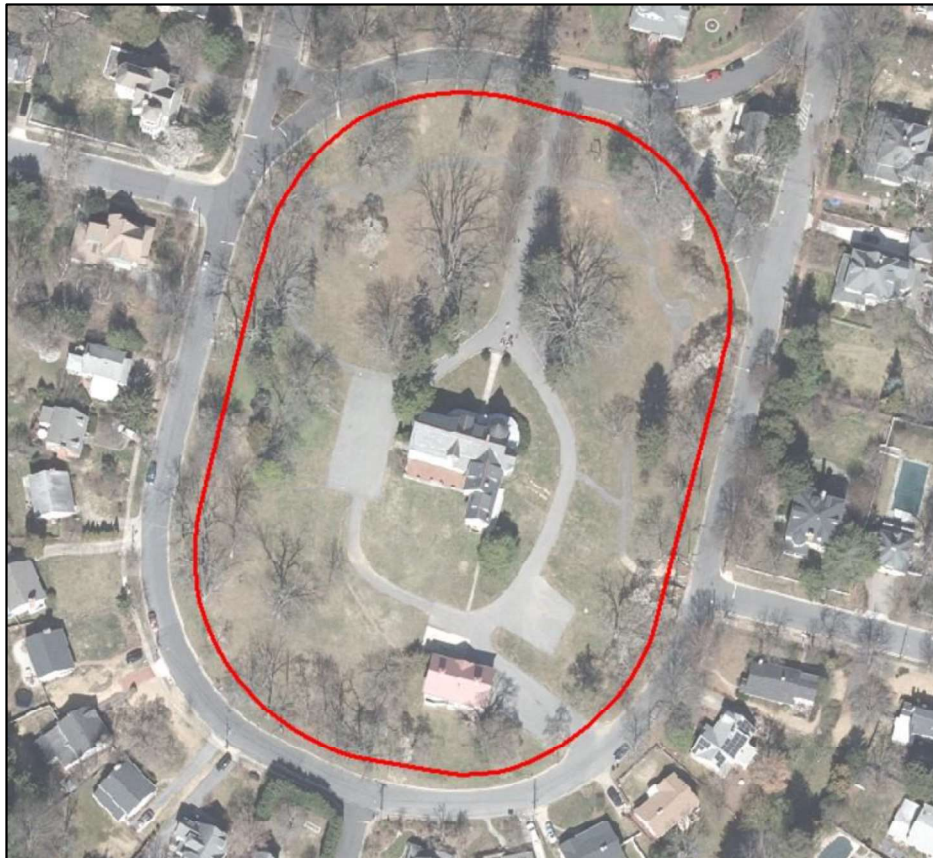
Warner Circle Special Park was acquired as County-titled parkland in 2005-2006 through the Legacy Open Space program to preserve the historic landscape as public parkland and to preserve the historic buildings by providing a public benefit through their adaptive reuse. After much study and

consideration, Montgomery Parks and the County have reached an agreement with the Developer to sell the buildings to be developed as residential units.

*Figure 1: Vicinity Map, Warner Circle Special Park in red*



*Figure 2: Warner Circle Special Park 2020 Aerial Imagery*



## PARK DESCRIPTION & HISTORY

Warner Circle Special Park consists of two parcels containing approximately 4.44 acres of land improved with a historic manor house and carriage house. The Park is in the Town of Kensington in the circle created by Carroll Place and Montgomery Avenue. The parcels composing the Park are legally described as Tax-IDs 13-01022343 and 13-03554268 on Tax Map HP43.

The site was acquired to create a public park in 2005-2006 through the Legacy Open Space (LOS) program. The new Park was acquired to preserve the historic landscape that served as *de facto* public parkland since the 1950's and to preserve the historic buildings within the Park by providing a public benefit through their adaptive reuse. County Bonds in the LOS CIP project were used to acquire the property on behalf of the Commission under the auspices of the 1972 Agreement, resulting in the parkland being titled to the County.

This Park was originally the home of Brainard Warner, the founder of the Town of Kensington and a significant figure in the development of Montgomery County and Washington, DC. The Park includes a large 1892/1914 Queen Anne house and a 1914 carriage house. From the 1950's to the early 2000's, the property served as a nursing home and included two large cinder block additions to the historic structures (removed after Parks' acquisition). The property is a primary resource in the Kensington Historic District, listed on the Montgomery County Master Plan for Historic Preservation. The district is also listed in the National Register of Historic Places. The site and buildings are subject to a preservation easement held by the Maryland Historical Trust that requires review of any proposed alterations to ensure the preservation of the site's architecturally and historically significant features.

*Figure 3: Warner Circle Manor 2014*



Although the buildings have been vacant for more than fifteen years, the Park surrounding the buildings continues to be used by the public on a daily basis for neighborhood-serving, walk-to recreation. The Park also is used for special events that serve the broader Montgomery County community such as Opera in the Circle and Pumpkin Rock-n-Roll. Future uses of the park may include additional unique amenities such as the proposed Reading Garden in partnership with the adjacent Noyes Children's Library.

*Figure 4: Carriage House 2014*



## **BUILDING STABILIZATION**

Since the Park was acquired, significant work has been undertaken by the Parks Department to improve and expand the public open space and stabilize the historic structures to prepare for adaptive reuse. State Bond Bills and Legacy Open Space CIP funds have supported many stabilization and restoration projects from land acquisition through today. The use of State Bond funds resulted in a Maryland Historical Trust (MHT) easement over the entire park that provides some MHT control over changes to the park and the exterior and interior of the buildings.

Initial projects completed include demolition of the non-contributing nursing home wings, construction of walls to enclose the openings created by the demolition, reconstruction of the south stone terrace, construction of a porch on the east elevation, reconnection of the loop driveway that once encircled the house, roof repairs to both buildings, and minor landscaping. These projects not only restored the manor house to its historic configuration, but also created additional open space and improved the functionality of the park for public use. The building exteriors were painted with the original historic colors based on paint chip analysis. Additional stabilization projects in recent years to prepare the

buildings for future reuse include repair of the front porch, clean-out of the interior, window repairs, and other tasks.

## **ADAPTIVE REUSE EFFORTS**

Initial efforts by Parks to find a use for the historic buildings focused on identifying a private partner to fund the capital costs of rehabilitation in return for a low- or no-cost lease on the buildings. Significant coordination with the community over a two-year period resulted in an RFP issued in 2008 seeking a private partner for an appropriate adaptive reuse. Despite extensive outreach efforts and significant interest in the buildings, the lengthy search process did not result in any viable applicants that met the RFP criteria.

Parks then pursued a publicly funded reuse of the buildings that would be compatible with the maintenance of the open space and provide for historic interpretation on the site. The Planning Board approved a Facility Plan in 2011 calling for the historic buildings to be used as offices and lab spaces for the Parks Department. However, implementation of that Facility Plan did not occur since plans were moving along a separate track for the Parks Department to consolidate headquarters staff in the newly proposed Wheaton Headquarters Building.

Over the past decade, Park staff have worked with the community, Commission and County leadership, and other interested parties to find an appropriate adaptive reuse for these significant buildings, resulting in the proposal in front of the Board today.

## **PROPOSED ADAPTIVE REUSE AND BUILDING DISPOSITION**

Park staff started discussions with Karl Voglmayr, principal manager of Washington Landmark Construction (WLC), in 2016 - 2017 regarding the potential for creating a residential adaptive reuse in the two historic buildings on Warner Circle Special Park. WLC is a preservation award winning company specializing in historic building projects. They are the company responsible for the highly successful rehabilitation of the Gymnasium and The Power Plant at the National Park Seminary (NPS), part of a National Register of Historic Places District in Forest Glen. The NPS project converted unused historic structures into residences, similar to the current proposal at Warner Circle Manor. WLC has extensive experience working with historic preservation regulations and agencies to achieve effective projects that retain the historic nature of the properties as well as a commitment to continued public access.

In November 2018, the Commission entered a non-binding Letter of Intent with Karl Voglmayr setting forth the basic terms and conditions for the creation of a condominium regime and sale of the Buildings for a residential use within the Park. In April 2019, the Maryland Board of Public Works (BPW) approved the proposed condominium regime and the proposed sale of the Buildings to the Developer, an approval required by the fact that State Bond Bills had been used to fund building stabilization projects.

Parks now has finalized the contract for the sale of the Buildings through a tri-party Development Agreement and Contract of Sale (Contract) with the Developer, County, and M-NCPPC. The basic terms of the Contract are as follows:

- The Park will be turned into a condominium regime divided into three units: the Park itself (which will remain public), the Manor House, and the Carriage House.
- The Developer will purchase the two building condominium units in exchange for cash and in-kind benefits totaling \$677,500.
- The Developer intends to create up to 19 residential units out of Warner Circle Manor and the Carriage House totaling approximately 13,888 square feet of developed space.
- Public access will be provided to the restored Stone Terrace on the Manor House up to three times per year; a Recreation Room in the Carriage House up to eight times per year; and other public access as required by a Maryland Historical Trust easement.
- An indoor historic exhibit on Kensington/Warner Manor will be made accessible to the public at certain times during the year, and regular Open Houses also will be held.

The Contract and the subsequent residential development project will be subject to the following approvals and conditions:

- Approval of the disposition of the Buildings by the full Commission.
- Completion of the County's disposition process and County approval to sell the Buildings to the Developer.
- Approval of the building use, design, proposed addition, and archaeological treatment plan by the Montgomery County Historical Preservation Commission (HPC) and Maryland Historical Trust (MHT), including any necessary amendment to the MHT easement over the parkland.
- Approval of Zoning, Site Plan, and other necessary plans and use approvals by the Planning Board or other public entities.
- Obtain a Park Construction Permit and ancillary Archaeology Permit from the Parks Department of the Commission for all construction and ground disturbing activities within the Park.

## **POLICY RATIONALE AND PARK BENEFIT**

Approval of this agreement to dispose of the buildings will allow for a successful adaptive reuse of a nationally recognized historic property while also preserving the surrounding parkland for the benefit of current and future County residents. The adjacent community has been a tireless advocate for the Park and for finding an appropriate use for these special buildings. The community strongly supports maintaining this park as a space for public events, and this agreement will provide for use of the Stone Terrace and the Recreation Room to support those events. Once rehabilitated, this housing also will be a source of tax revenue to the County while preserving an important part of the history of Kensington and Montgomery County.



## USE OF PROCEEDS

Proceeds from the transaction will be payable to the County since the property is County-titled parkland under the 1972 Agreement. The funds will then be appropriated to the Parks Department's Warner Circle Special Park CIP project through Council CIP budget action.

## CONCLUSION

Disposition of the Warner Circle Special Park buildings for their redevelopment as residential units will put these buildings back into productive use while preserving their historic character and maintaining the public's ability to use and enjoy Warner Circle Special Park, thus implementing the vision for this Park when the land was first acquired.

CC: Darren Flusche  
Trish Swann  
Darryl McSwain  
Holly Thomas  
Kristi Williams  
Shuchi Vera  
David Vismara  
Megan Chung

**Signature:**

**Email:** [andrew.frank@montgomeryparks.org](mailto:andrew.frank@montgomeryparks.org)

**Signature:**

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**Signature:**

**Email:** [mike.riley@montgomeryparks.org](mailto:mike.riley@montgomeryparks.org)

**Warner Circle Special Park:**

- **Disposition of Warner Circle Manor and Carriage House**

**RESOLUTION**

WHEREAS, the Maryland-National Capital Park and Planning Commission (“**Commission**”) is authorized under the Md. Code, Ann., Land Use, §§ 17-205 and 17-206(a), to dispose and transfer land held by it when the Commission determines such land is no longer needed for public use and where the proceeds from such disposition will be used for improvements to recreational facilities in the metropolitan district; and

WHEREAS, the Commission holds certain property interest, via a 1972 Agreement with Montgomery County, in two parcels of property known as the Warner Circle Special Park, located at 10231 Carroll Street, Kensington, Maryland, 20895 (the “**Park**”), containing approximately 4.44 acres of land, improved with a historic manor house and carriage house among the parkland, recorded among the Land Records of Montgomery County at Liber 32994 folio 733 and Liber 34694 folio 523 (Tax Account Nos. 13-01022343 and 13-03554268) (the “**Property**”); and

WHEREAS, on November 20, 2018, the Commission’s Montgomery County Department of Parks (“**Parks Department**”) entered into a Letter of Intent with the principal of Warner Circle Mansion Condominiums, LLC (the “**Developer**”), for the disposition of the manor and carriage houses at the Property (the “**Buildings**”), and a development whereby the Buildings and the Park would be operated under a condominium regime (the “**Park Development**”); and

WHEREAS, following review and analysis of the Park Development by the Commission staff, the said staff issued a memorandum to the Montgomery County Planning Board (“**Planning Board**”), dated January 28, 2022, setting forth its analysis and recommendation to establish a condominium regime in which the Buildings and the underlying land would constitute individual condominium units, and for approval of the disposition of those condominium units containing the Buildings, subject to certain conditions (“**Staff Report**”); and

WHEREAS, on February 3, 2022, the Planning Board held a public hearing at which the Planning Board heard testimony and received evidence submitted for the record and voted to approve the establishment of a condominium regime at the Property for the operation of the Buildings and Park; and

WHEREAS, on February 3, 2022, the Planning Board also approved the Park Development, and voted to recommend that the Commission approve the disposition of the condominium units containing the Buildings by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that, subject to the conditions set forth in the Staff Report, the Planning Board has determined that with the Park Development, the Buildings are no longer needed for public use, and that the proceeds from the sale of the condominium units containing the Buildings will be used to further improve the Park.

BE IT FURTHER RESOLVED that, the Planning Board hereby recommends that the Commission approve creation of the condominium regime and conveyance of the condominium units containing the Buildings to the Developer, conditioned on the following:

- (i) Completion of the Montgomery County's ("**County**") disposition process and the County approval to sell the Buildings to the Developer.
- (ii) Approval of the building use, design, proposed addition, and archaeological treatment plan by the Montgomery County Historical Preservation Commission (HPC) and Maryland Historical Trust (MHT), including any necessary amendment to the MHT easement over the parkland.
- (iii) Approval of Zoning, Site Plan, and other necessary plans and use approvals by the Planning Board (in its capacity as a regulatory body) or other public entities
- (iv) Developer obtaining a Park Construction Permit and ancillary Archaeology Permit from the Commission's Parks Department for all construction and ground disturbing activities within the Park.
- (v) Designation of the sales proceed from the Buildings into Warner Circle Special Park CIP No. P118703.
- (vi) Final approval by the Commission's Office of General Counsel for all Park Development documents, including the sale and purchase agreement for the Buildings, condominium documents, and other related contracts and documents.

BE IT FURTHER RESOLVED that, the Commission hereby adopts the Planning Board's finding, accepts the Planning Board's recommendation and approves establishment of a condominium regime and the disposition and conveyance of those condominium units containing the Buildings to the Developer in accordance with the terms and conditions recommended and imposed by the Planning Board.

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Gerald Cichy, seconded by Commissioner Carol Rubin, with Chair Anderson and Commissioners Cichy, Rubin, Patterson, and Verma voting in favor at its regular meeting held on Thursday, February 3, 2022, in Wheaton, Maryland.



\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board

**APPROVED AS TO LEGAL SUFFICIENCY:**

By:  2/3/2022  
M-NCPPC Legal Department Date

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Maryland-National Capital Park and Planning Commission on motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, with a vote of \_\_-\_\_; Commissioners \_\_\_\_\_ voting in favor of the motion, at its regular meeting held on Wednesday, \_\_\_\_\_, 2022, in \_\_\_\_\_, Maryland.

\_\_\_\_\_  
Asuntha Chiang-Smith  
Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING  
COMMISSION

ITEM 5b

DEPARTMENT OF FINANCE  
OFFICE OF THE SECRETARY-TREASURER  
6611 KENILWORTH AVENUE, SUITE 304, RIVERDALE, MD 20737  
TELEPHONE (301) 454-1540 / FAX (301) 454-1545

## MEMO

**To:** Commissioners/Audit Committee  
**From:** Gavin Cohen, Secretary-Treasurer  
Abbey Rodman, Corporate Accounting Director *AR*  
**Date:** February 16, 2022  
**Subject:** FY 2021 Audited Annual Comprehensive Financial Report (ACFR)

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### RECOMMENDATION/ACTION:

Staff recommends that the Commission and Audit Committee receive the presentation from SB & Company, LLC (SBC) on the fiscal year ending June 30, 2021 (FY 2021) financial audit.

The auditor's presentation covers the audit opinion on the FY 2021 financial statements and a report on the communication with those charged with governance. Chris Lehman, Audit Partner, will be presenting from SBC.

Staff will do a brief presentation on the FY 2021 financial results and is proud to be an early implementor of Government Accounting Standards Board (GASB) Statement #98, which changes the name of the report going forward to Annual Comprehensive Financial Report (ACFR).

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

### BACKGROUND:

Land Use Article Section 15-115 specifies that the Commission shall prepare an annual financial report that is audited by an independent Certified Public Accountant (CPA). The publication of the FY 2021 ACFR meets this requirement. The audited financial report shall be made available for distribution to the public.

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

The Commission's Audit Committee is responsible for the appointment and oversight of the work of any external auditor.

A Request for Proposal (RFP) for Auditing Services was posted in January 2021 and SBC was awarded a three-year contract covering FY21-FY23 in May 2021. An independent external audit is

essential to demonstrate the accountability and transparency of the governments use of public resources and provides a basis for user acceptance of the audited financial statements.

The Audit Committee met with SBC in February and July 2021 to close out the FY2020 audit and to perform pre-audit planning for the FY2021 audit.

## **DISCUSSION:**

### **Covid-19**

The Commission continued to face challenges in FY 2021 as the coronavirus (Covid-19) pandemic resulted in changes to the Commission's services and operations. Many activities, events and programs that were planned for the year were cancelled, rescheduled, or modified in the interest of public safety. Despite these challenges, the Commission is pleased to report healthy Fund Balances in full compliance of the Commission's Fund Balance Policy (Resolution No. 21-23), at the end of FY 2021.

The FY 2021 audit was another year of being performed virtually/remotely. Audit testing and assessments were conducted by the SBC audit team with the assistance of the Commission Accounting staff consisting of Elaine Stookey, Tanya Hankton, Latisha Parker, TaPrece Williams, Milly Chung, Gwendolyn Lindsay, Sonya Shirland, Dilnar Hasim, De Maris Lewis and Christina Chiles. Many other Commission staff contribute to the preparation of the final ACFR and a full listing can be found on page 145. While navigating the coronavirus pandemic has been challenging in many ways, our dedicated and adaptable staff have proven their dedication and resilience and have risen to meet the needs of the Commission.

### **Annual Comprehensive Financial Report (ACFR)**

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

In an independent audit, the CPA expresses an opinion on whether the financial statements present fairly the financial position and results of operations for the year under audit. The FY 2021 Report contains this unmodified opinion starting on page 20 of the ACFR, at the beginning of the financial section.

There were no significant financial issues of concern with the FY 2021 financial statements. There were no identified material weaknesses in the Commission's internal controls.

The Commission was proud to accept for the 47th year in a row, the Certificate of Achievement for Excellence in Financial Reporting Award from the Government Finance Officers Association (GFOA) for fiscal year 2020. Staff is confident that the FY 2021 report will again earn this distinction.

Overall, the Commission's FY 2021 audit and financial results reflect healthy financials on both a fund and entity wide level. All funds comply with the Commissions established financial policies. Staff is grateful to the Commissioners for their interest and support in planning and conducting the financial operations of the Commission in a conservative and responsible manner.

### **Attachments:**

A – SBC Presentation FY 2021 Audit

B – Staff Presentation on FY 2021 Financial Results

C – FY2021 Annual Comprehensive Financial Report (ACFR) – Electronic copy provided with meeting request.



S B & C O M P A N Y, L L C



**PRESENTATION TO THE COMMISSIONERS**

29

February 16, 2022





# Agenda for Discussion

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Introductions

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Executive Summary

---

Audit Approach

---

Required Communications

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Meeting Your Expectations





# Introductions





# Introductions

## Your SBC Engagement Leadership

Bill Seymour, CPA, CGFM  
Engagement Partner

Christopher Lehman, MBA, CPA  
Audit Partner

Rahel Demissie  
Audit Manager



# Executive Summary





# Scope of Services

- Audit of the June 30, 2021 financial statements
- Review of Annual Comprehensive Financial Report
- Performance of the Uniform Guidance Single Audit
- Review of Uniform Financial Report
- Observation noted during the audit process
- Year-round discussions on accounting and auditing issues



# Summary of the Results

- Issued an unmodified opinion on the financial statements
- We did not discover any instances of fraud
- Noted no material weaknesses in internal controls
- Received full cooperation from management
- Single audit is in process due to delays from Federal government in providing information to auditors (automatic six-month extension)
- Audit journal entries
  - No audit journal entries noted



# Audit Approach





# Audit Approach

## FORCAM Audit Approach

*Focus on Risk, Controls, and Account Misstatement*

Agree on Expectations and Deliverables

### Planning - Understand the Business & Risk

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

### Assess & Test Design & Operations of Controls

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

### Financial Close & Reporting Misstatement Analysis

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

### Substantive Testing

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

### GAAS Compliance & Reporting

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

### Goals:

Detect Financial Statement Misstatement Risk  
Detect Error

- Accounting Principle
- Estimate
- Information Processing
- Account Balances

Fraud

Business Failure

Business Improvement Opportunities

Client Expectations

Communicate Value Delivered and Measure Satisfaction



# Assessment of Control Environment

Area	Points to Consider	Our Assessment
<b>Control Environment</b>	<ul style="list-style-type: none"> <li>• Key executive integrity, ethics, and behavior</li> <li>• Control consciousness and operating style</li> <li>• Commitment to competence</li> <li>• Board's participation in governance and oversight</li> <li>• Organizational structure, responsibility, and authority</li> <li>• HR policies and procedures</li> </ul>	
<b>Risk Assessment</b>	<ul style="list-style-type: none"> <li>• Mechanisms to anticipate, identify, and react to significant events</li> <li>• Processes and procedures to identify changes in GAAP, business practices, and internal control</li> </ul>	
<b>Information &amp; Communication</b>	<ul style="list-style-type: none"> <li>• Adequate performance reports produced from information systems</li> <li>• Information systems are connected with business strategy</li> <li>• Commitment of HR and finance to develop, test, and monitor IT systems and programs</li> <li>• Business continuity and disaster recovery for IT</li> <li>• Established communication channels for employees to fulfill responsibilities</li> <li>• Adequate communication across organization</li> </ul>	
<b>Control Activities</b>	<ul style="list-style-type: none"> <li>• Existence of necessary policies and procedures</li> <li>• Clear financial objectives with active monitoring</li> <li>• Logical segregation of duties</li> <li>• Periodic comparisons of book-to-actual and physical count-to-books</li> <li>• Adequate safeguards of documents, records, and assets</li> <li>• Assess controls in place</li> </ul>	
<b>Monitoring</b>	<ul style="list-style-type: none"> <li>• Periodic evaluations of internal controls</li> <li>• Implementation of improvement recommendations</li> </ul>	







# Evaluation of Key Processes

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

<b>A</b>	Understand the Process
<b>C</b>	Walk-through

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

	Not effective
	Suggested improvements
	Effective



# Evaluation of Key Processes (continued)

Process	Function	A	B	C	D	Our Assessment
<b>Payroll</b>	<ul style="list-style-type: none"> <li>• Attendance Reporting</li> <li>• Payroll Accounting and Processing</li> <li>• Payroll Disbursements</li> </ul>	✓	✓	✓	✓	
<b>Revenue</b>	<ul style="list-style-type: none"> <li>• Billing</li> <li>• Cash Receipts</li> <li>• Revenue Recognition</li> <li>• Cutoff</li> </ul>	✓	✓	✓	✓	
<b>Fixed Assets</b>	<ul style="list-style-type: none"> <li>• Physical Custody</li> <li>• Asset and Construction in Process Accounting</li> <li>• Report Preparation</li> </ul>	✓	✓	✓	✓	
<b>Information Technology</b>	<ul style="list-style-type: none"> <li>• Program Change</li> <li>• Network and Communication</li> <li>• Cybersecurity Preparation and Risk Management</li> <li>• Cloud Service Provider</li> <li>• Back up and Recovery</li> <li>• Logical Access</li> <li>• Physical and Environmental Controls</li> <li>• System Maintenance/Software Versions</li> </ul>	✓	✓	✓	✓	

<b>A</b>	Understand the Process
<b>C</b>	Walk-through

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

	Not effective
	Suggested improvements
	Effective



# Required Communications





# Required Communications

<b>Auditor's Responsibilities Under Generally Accepted Auditing Standards (GAAS)</b>	<p>The financial statements are the responsibility of management. Our audit was designed in accordance with auditing standards generally accepted in the United States of America, and provides reasonable, rather than absolute, assurance that the financial statements are free of material misstatement. We were engaged to perform our audit in accordance with the standards of the accounting principles generally accepted in the United States of America.</p>	
<b>Significant Accounting Policies</b>	<p>Management has the responsibility for the selection and use of appropriate accounting policies. In accordance with the terms of our engagement letter, we will advise management about the appropriateness of accounting policies and their application. The significant accounting policies used by management are described in the notes to the financial statements.</p>	
<b>Auditor's Judgments About the Quality of Accounting Principles</b>	<p>We discuss our judgments about the quality, not just the acceptability, of accounting principles selected by management, the consistency of their application, and the clarity and completeness of the financial statements, which include related disclosures.</p>	<p><i>We have reviewed the significant accounting policies adopted by the Commission and have determined that these policies are acceptable accounting policies.</i></p>
<b>Audit Adjustments</b>	<p>We are required to inform the Commission's oversight body about adjustments arising from the audit (whether recorded or not) that could in our judgment either individually or in the aggregate have a significant effect on the entity's financial reporting process. We also are required to inform the Commission's oversight body about unadjusted audit differences that were determined by management to be individually and in the aggregate, immaterial.</p>	<p><i>There were no recorded or unadjusted audit adjustments for the Commission's audit.</i></p>



# Required Communications (continued)

<b>Fraud and Illegal Acts</b>	<p>We are required to report to the Commission’s oversight body any fraud and illegal acts involving senior management and fraud and illegal acts (whether caused by senior management or other employees) that cause a material misstatement of the financial statements.</p>	<p><i>Our procedures identified no instances of fraud or illegal acts.</i></p>
<b>Material Weaknesses in Internal Control</b>	<p>We are required to communicate all significant deficiencies in the Commission’s systems of internal controls, whether or not they are also material weaknesses.</p>	<p><i>We have not identified any material weaknesses in internal controls.</i></p>
<b>Other Information in Documents Containing Audited Financial Statements</b>	<p>None noted.</p>	
<b>Disagreements with Management on Financial Accounting and Reporting Matters</b>	<p>None noted.</p>	



# Required Communications (continued)

<b>Serious Difficulties Encountered in Performing the Audit</b>	None noted.
<b>Major Issues Discussed with Management Prior to Acceptance</b>	None noted.
<b>Management Representations</b>	We received certain written representations from management as part of the completion of the audit.
<b>Consultation with Other Accountants</b>	To our knowledge, there were no consultations with other accountants since our appointment as the Commission's independent public accountants.
<b>Independence</b>	As part of our client acceptance process, we go through a process to ensure we are independent of the Commission. We are independent of the Commission.



# Required Communications (continued)

## **Our Responsibility Related to Fraud**

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

## **Examples of Procedures Performed**

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



# Responsibility for Mitigating Fraud

## External Auditor:

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



## Management:

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

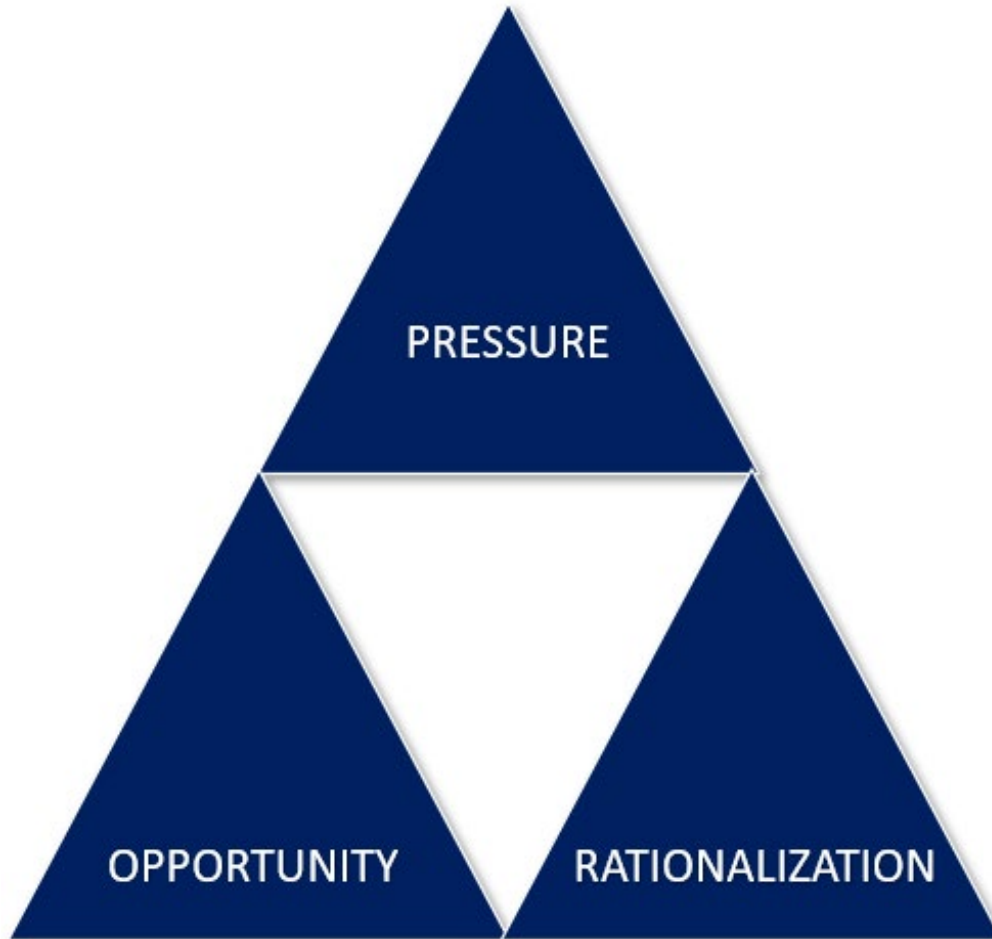
## Audit Committee:

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





# Required Communications - Fraud



## **PRESSURE**

- Pressure can be imposed due to economic troubles, personal vices and unrealistic deadlines and performance goals.
- There are increased pressures due to economy and minimal salary increases.

## **OPPORTUNITY**

- Generally provided through weaknesses in internal controls.
- Tone at the top is important
- We assess controls and tone at the top

## **RATIONALIZATION**

- Individuals develop a justification for their fraudulent activities
- Increased rationalization due to minimal salary increases and less personnel



# Meeting Your Expectations





# SBC's Service Pledge to You

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

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





# Engagement Team Contact Information



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**Engagement Partner**

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# The Maryland-National Capital Park and Planning Commission Annual Comprehensive Financial Report



**For the Fiscal Year Ended June 30, 2021**

## Land Use Article:

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

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

Uniform Guidance Single Audit due to the COVID-19 pandemic – *underway*

Audit conducted fully off-site

# FY2021 Audit Results



# Commission's Net Position (Millions)

---

	Governmental Activities	Business- Type Activities	Total
	<u>                    </u>	<u>                    </u>	<u>                    </u>
Revenues	\$ 505.6	\$ 146.1	\$ 651.7
Expenses	(385.9)	(26.3)	(412.2)
Transfers	(13.4)	13.4	-
	<u>                    </u>	<u>                    </u>	<u>                    </u>
Inc (Dec) in Net Position	\$ 106.3	\$ 133.2	\$ 239.5
Net Position- Ending	\$ 1,105.9	\$ 183.2	\$ 1,289.1
	<u>                    </u>	<u>                    </u>	<u>                    </u>

**MONTGOMERY COUNTY**  
**ADMINISTRATION ACCOUNT- GENERAL FUND (Thousands)**

	<u>Final Budget</u>	<u>Actual</u>	<u>Variance</u>
Revenues:			
Total Revenues	\$ 32,432.8	\$ 32,461.5	\$ 28.7
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	32,635.0	30,613.9	2,021.1
Revenues over (under) Expenditures	(202.2)	1,847.6	2,049.8
Change in Fund Balance	<u>\$ (202.2)</u>	1,847.6	<u>\$ 2,049.8</u>
Fund Balance - Budget Basis, Beginning		1,703.6	
Fund Balance - Budget Basis, Ending		<u>\$ 3,551.2</u>	

Fund balance, budget basis

Assigned (Designated for FY 2022 Budget)	<u>\$ 2,010.4</u>
Unassigned (Designated for Contingencies)	1,026.1
Unassigned (net of Contingency Designation)	514.7
Total Unassigned	<u>1,540.8</u>
Total fund balance, budget basis	<u>\$ 3,551.2</u>

**MONTGOMERY COUNTY  
PARK ACCOUNT- GENERAL FUND (Thousands)**

	Final Budget	Actual	Variance
Revenues:			
Total Revenues	\$ 116,627.4	\$ 115,991.4	\$ (636.0)
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	106,675.2	101,502.3	5,172.9
Revenues over (under) Expenditures	9,952.2	14,489.1	4,536.9
Transfers In (Out)			
Capital Project Funds	25.0	7.8	(17.2)
Debt Service Fund	(7,165.4)	(5,935.5)	1,229.9
Capital Project Funds - Development	(350.0)	(350.0)	-
Special Revenue Fund	-	(70.0)	(70.0)
Total Transfers	(7,490.4)	(6,347.7)	1,142.7
Change in Fund Balance	\$ 2,461.8	8,141.4	\$ 5,679.6
Fund Balance - Budget Basis, Beginning		3,922.1	
Fund Balance - Budget Basis, Ending		\$ 12,063.5	

Fund balance, budget basis

Assigned (Designated for FY 2022 Budget)	\$ 6,606.1
Unassigned (Designated for Property Management)	693.0
Unassigned (Designated for Contingencies)	3,303.0
Unassigned (net of Contingency Designation)	1,461.4
Total Unassigned	5,457.4
Total fund balance, budget basis	\$ 12,063.5

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

	<u>Final Budget</u>	<u>Actual</u>	<u>Variance</u>
Revenues:			
Total Revenues	\$ 61,543.5	\$ 62,711.5	\$ 1,168.0
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	53,930.7	47,169.1	6,761.6
Revenues over (under) Expenditures	7,612.8	15,542.4	7,929.6
Transfer to Park Fund	(3,000.0)	(3,000.0)	-
Transfer to Capital Projects Fund - Development	(30.0)	(30.0)	-
Transfer to Internal Service Fund	(60,000.0)	(60,000.0)	-
Change in Fund Balance	<u>\$ (55,417.2)</u>	<u>(47,487.6)</u>	<u>\$ 7,929.6</u>
Fund Balance - Budget Basis, Beginning		68,144.9	
Fund Balance - Budget Basis, Ending		<u>\$ 20,657.3</u>	

Fund balance, budget basis

Assigned (Designated for FY 2022 Budget)	<u>\$ 0.0</u>
Unassigned (Designated for Contingencies)	2,936.6
Unassigned (net of Contingency Designation)	<u>17,720.7</u>
Total Unassigned	<u>20,657.3</u>
Total fund balance, budget basis	<u>\$ 20,657.3</u>

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

	Final Budget	Actual	Variance
Revenues:			
Total Revenues	\$ 168,200.3	\$ 169,935.2	\$ 1,734.9
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	129,218.0	132,291.3	(3,073.3)
Revenues over (under) Expenditures	<u>38,982.3</u>	<u>37,643.9</u>	<u>(1,338.4)</u>
Transfers In (Out)			
Capital Project Funds - Interest	500.0	69.1	(430.9)
Administration Fund - Transfer In	3,000.0	3,000.0	-
Debt Service - Park Fund	(14,839.6)	(11,707.8)	3,131.8
Capital Project Funds - Development	<u>(39,050.0)</u>	<u>(39,050.0)</u>	<u>-</u>
Total Transfers	<u>(50,389.6)</u>	<u>(47,688.7)</u>	<u>2,700.9</u>
Change in Fund Balance	<u>\$ (11,407.3)</u>	<u>(10,044.8)</u>	<u>\$ 1,362.5</u>
Fund Balance - Budget Basis, Beginning		127,685.0	
Fund Balance - Budget Basis, Ending		<u>\$ 117,640.2</u>	

**Fund balance, budget basis**

Assigned (Designated for FY 2022 Budget)	<u>\$ 0.0</u>
Unassigned (Designated for Contingencies)	6,601.2
Unassigned (net of Contingency Designation)	<u>111,039.0</u>
Total Unassigned	<u>117,640.2</u>
Total fund balance, budget basis	<u>\$ 117,640.2</u>

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

	<u>Final Budget</u>	<u>Actual</u>	<u>Variance</u>
Revenues:			
Total Revenues	\$ 96,695.8	\$ 91,403.1	\$ (5,292.7)
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	71,584.4	58,569.6	13,014.8
Revenues over (under) Expenditures	<u>25,111.4</u>	<u>32,833.5</u>	<u>7,722.1</u>
Transfers In (Out)			
Capital Projects Fund	(10,000.0)	(10,000.0)	-
Enterprise Fund	<u>(13,400.1)</u>	<u>(13,400.1)</u>	<u>-</u>
Total Transfers	<u>(23,400.1)</u>	<u>(23,400.1)</u>	<u>-</u>
Change in Fund Balance	<u>\$ 1,711.3</u>	<u>9,433.4</u>	<u>\$ 7,722.1</u>
Fund Balance - Budget Basis, Beginning		54,092.1	
Fund Balance - Budget Basis, Ending		<u>\$ 63,525.5</u>	

Fund balance, budget basis

Assigned (Designated for FY 2022 Budget)	<u>\$ 2,943.4</u>
Unassigned (Designated for Contingencies)	4,424.3
Unassigned (net of Contingency Designation)	<u>56,157.8</u>
Total Unassigned	<u>60,582.1</u>
Total fund balance, budget basis	<u>\$ 63,525.5</u>

# Enterprise Funds

(Thousands)

	Wheaton Headquarters	Montgomery County	Prince George's County
Operating revenues	\$ 1,325	\$ 6,854	\$ 4,339
Operating expenses, excluding depreciation	1,325	7,425	13,016
Operating income (loss), excluding depreciation	0	(571)	(8,677)
Depreciation	2,227	487	1,845
Operating Income (loss)	(2,227)	(1,058)	(10,522)
Nonoperating revenue (expense)	0	39	12
Transfers/Contributions	133,598	0	13,400
Changes in Net Position	\$ 131,371	\$ (1,019)	\$ 2,890

# Questions?

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Contact:

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Corporate Accounting Director

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Riverdale, Maryland 20737

[abbey.rodman@mncppc.org](mailto:abbey.rodman@mncppc.org)

(301) 454-1541

# Thank you!





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

February 9, 2022

TO: Commissioners

FROM: John Kroll, Corporate Budget Director *JKK*

SUBJECT: FY23 Spending Affordability Guidelines for Montgomery County

On Tuesday, February 8, 2022, the Montgomery County Council approved the Spending Affordability Guidelines for the operating budget for FY23.

These guidelines project a 3.33% reduction from the proposed budget, or approximately \$5.44M in Montgomery County funded departmental budgets, including the MC funded portion of the bi-county departments. By comparison, last year's SAG reduction was 7.1% (\$10.96M).

The amount of the required reduction may change with the release of the County Executive's budget on March 15<sup>th</sup>.

I am presenting this information to the full Commission for this reason:

- Reductions that may be proposed for the bi-county departments will undoubtedly impact the Prince George's County side of the Commission as well as the Montgomery County side.

I would like to point out that, unlike some past years, we have not yet been able to identify any Commission-wide savings that could be applied.

History suggests that the fiscal picture of Montgomery County may be shown to improve in the next month, however, it may be appropriate to begin developing our options now. Toward that end, the Montgomery County Planning Board is scheduled to begin this discussion at tomorrow's Planning Board meeting.

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

**To:** Commissioners  
**From:** John Kroll, Corporate Budget Director *JRK*  
**Date:** January 13, 2022  
**Subject:** Report of Budget Transfers

**BACKGROUND:**

Commission Practice 3-60, Budget Adjustments (Amendments and Transfers), requires that a summary of all approved operating budget and capital project budget transfers and amendments will be prepared by the Corporate Budget Office and submitted to the Commission, quarterly.

**REPORT for Information Only – No Action Required:**

Report of Operating budget transfers attached for first and second quarters of FY22. There were no Capital budget transfers during this period.

Following the requirements of the practice:

BA's 22-02, 22-03 and 22-04 were approved by the Commission.

BA's 22-01 and 22-05 were approved by the Montgomery County Planning Board

I would be happy to answer any questions relating to this report or individual budget adjustments.

Attachment

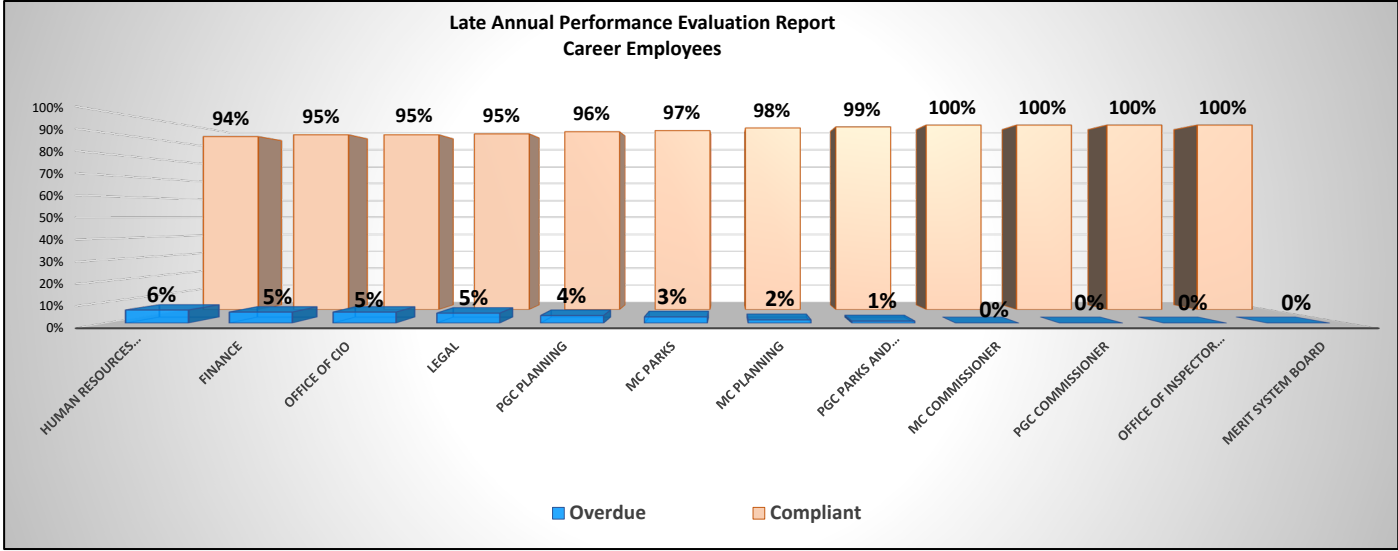
### Operating Budget Adjustment Log

BA#	Date	Transfer From					Transfer To					Description
		Fund #	Fund Name	Department	Division	Amount	Fund #	Fund Name	Department	Division	Amount	
22-01	7/15/2021	202	MC Park	MC Parks	Park Development	172,568	202	MC Park	MC Parks	Park Development	(172,568)	Create 4 new positions to provide CIP support
		202	MC Park	MC Parks	Park Planning & Stewardship	114,923	202	MC Park	MC Parks	Park Planning & Stewardship	(114,923)	
22-02	9/15/2021	101	PGC Admin	Non-Departmental		455,789	101	PGC Admin	Multiple	Multiple	455,789	Transfer salary marker to departmental budgets
		102	PGC Park	Non-Departmental		990,276	102	PGC Park	Parks & Rec	Multiple	990,276	
		103	PGC Rec	Non-Departmental		418,874	103	PGC Rec	Parks & Rec	Multiple	418,874	
		201	MC Admin	Non-Departmental		394,294	201	MC Admin	Multiple	Multiple	394,294	
		202	MC Park	Non-Departmental		1,005,998	202	MC Park	Parks	Multiple	1,005,998	
22-03	12/15/2021	101	PGC Admin	PGC Planning	Information Mgmt	24,854	535	CWIT	CIO		439,422	Increase in Microsoft License renewal
		101	PGC Admin	CIO	Corporate IT	28,554						
		102	PGC Park	PGC Parks & Rec	Support Services	48,842						
		103	PGC Rec	PGC Parks & Rec	Support Services	156,200						
		201	MC Admin	MC Planning	Support Services	65,749						
		201	MC Admin	CIO	Corporate IT	22,869						
		202	MC Park	MC Parks	Support Services	92,354						
22-04	12/15/2021	101	PGC Admin	Non-Departmental		17,690	101	PGC Admin	DHRM	HR Director	20,000	Succession Planning Study
		102	PGC Park	Non-Departmental		103,737	101	PGC Admin	DHRM	Class and Comp	165,000	Completion of class and comp study
		103	PGC Rec	Non-Departmental		99,575	201	MC Admin	DHRM	HR Director	20,000	
		201	MC Admin	Non-Departmental		14,576	201	MC Admin	DHRM	Class and Comp	165,000	
		202	MC Park	Non-Departmental		134,422						
22-05	12/23/2021	202	MC Park	MC Parks	Director's Office	60,000	202	MC Park	MC Parks	Info Tech & Innovation	155,250	Salary savings to fund IT equipment
		202	MC Park	MC Parks	Info Tech & Innovation	95,250						

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

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	Dec-21	Jan-22	Dec-21	Jan-22	Dec-21	Jan-22	Dec-21	Jan-22
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0
CHARIMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	1	0	0	0	1	1	2	1
OFFICE OF INSPECTOR GENERAL	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	1	3	1	0	2	1	4	3
LEGAL DEPARTMENT	0	0	1	1	0	0	1	1
FINANCE DEPARTMENT	0	2	0	0	0	0	0	2
PRINCE GEORGE'S PLANNING	2	6	0	0	0	0	2	6
PRINCE GEORGE'S PARKS & RECREATION	15	10	0	0	0	0	15	10
MONTGOMERY COUNTY PARKS	4	17	2	1	2	2	8	20
MONTGOMERY COUNTY PLANNING	0	2	0	0	0	0	0	2
<b>**DEPARTMENT TOTAL BY DAYS LATE**</b>	<b>23</b>	<b>40</b>	<b>4</b>	<b>2</b>	<b>5</b>	<b>4</b>		
<b>COMMISSION-WIDE TOTAL</b>							<b>32</b>	<b>45</b>

\*\*DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.



\*Data As Of January 31, 2021

Employee Count Department	Evaluation Status		Total Employees
	Overdue	Compliant	
Finance	2	36	38
Human Resources and Mgt	3	45	48
Legal	1	20	21
MC Commissioner		4	4
MC Parks	20	652	672
MC Planning	2	126	128
Merit System Board		1	1
Office of CIO	1	18	19
Office of Inspector General		3	3
PGC Commissioner		8	8
PGC Parks and Recreation	10	999	1,009
PGC Planning	6	160	166
<b>Total Employees</b>	<b>45</b>	<b>2,072</b>	<b>2,117</b>

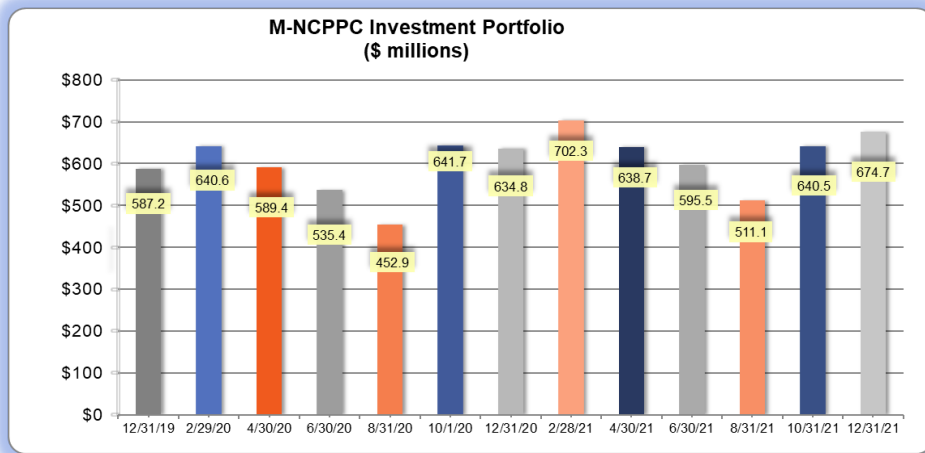


**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
 CORPORATE TREASURY & INVESTMENTS, FINANCE DEPARTMENT  
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737  
 Telephone (301) 454-1592 / Fax (301) 454-1637

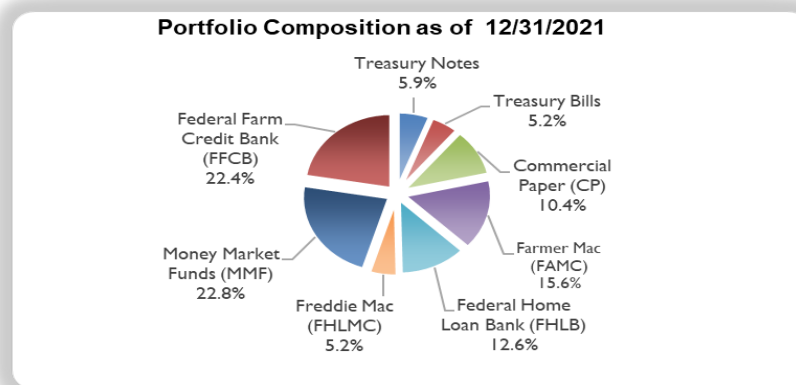
**MEMO**

**TO:** Commissioners  
**VIA:** Gavin Cohen, Secretary-Treasurer  
**FROM:** Tanya Hankton, Corporate Treasury & Investments Manager *F.H.*  
**DATE:** 1/25/2022  
**SUBJECT:** Investment Report – **December 2021**

The Commission’s pooled cash investment portfolio totaled \$674.7 million as of December 31, 2021, with a 4.3% decrease from November 30, 2021. Details of the portfolio are shown below:



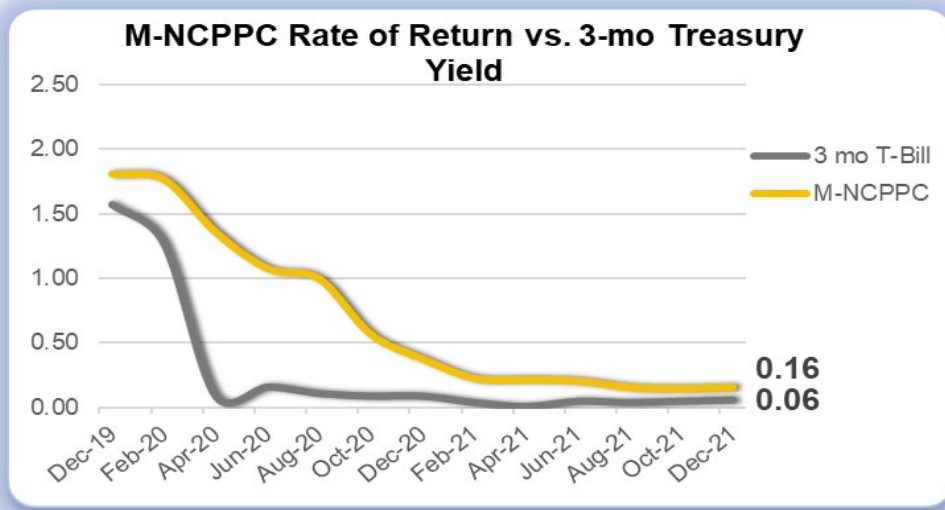
The composition of the pooled cash portfolio as of December 31, 2021 is summarized below:



Current Investment Portfolio - December 2021				
Instrument	Limit	Actual	Par Value	Return (B/E)
Money Funds	* 25%	22.8%	\$ 153,732,946	0.03%
Federal Farm Credit Bank	20%	22.4%	151,000,000	0.17%
Farmer Mac	20%	15.6%	105,000,000	0.15%
Federal Home Loan Banks	20%	12.6%	85,000,000	0.14%
Commercial Paper	10%	10.4%	70,000,000	0.20%
Treasury Notes	100%	5.9%	40,000,000	0.16%
Treasury Bills	100%	5.2%	35,000,000	0.04%
Freddie Mac	20%	5.2%	35,000,000	0.26%
Fannie Mae	20%	0.0%	-	0.00%
Certificates of Deposit	50%	0.0%	-	0.00%
Bankers Acceptances	50%	0.0%	-	0.00%
Repurchase Agreements	60%	0.0%	-	0.00%
		100%	<b>\$674,732,946</b>	<b>0.15%</b>

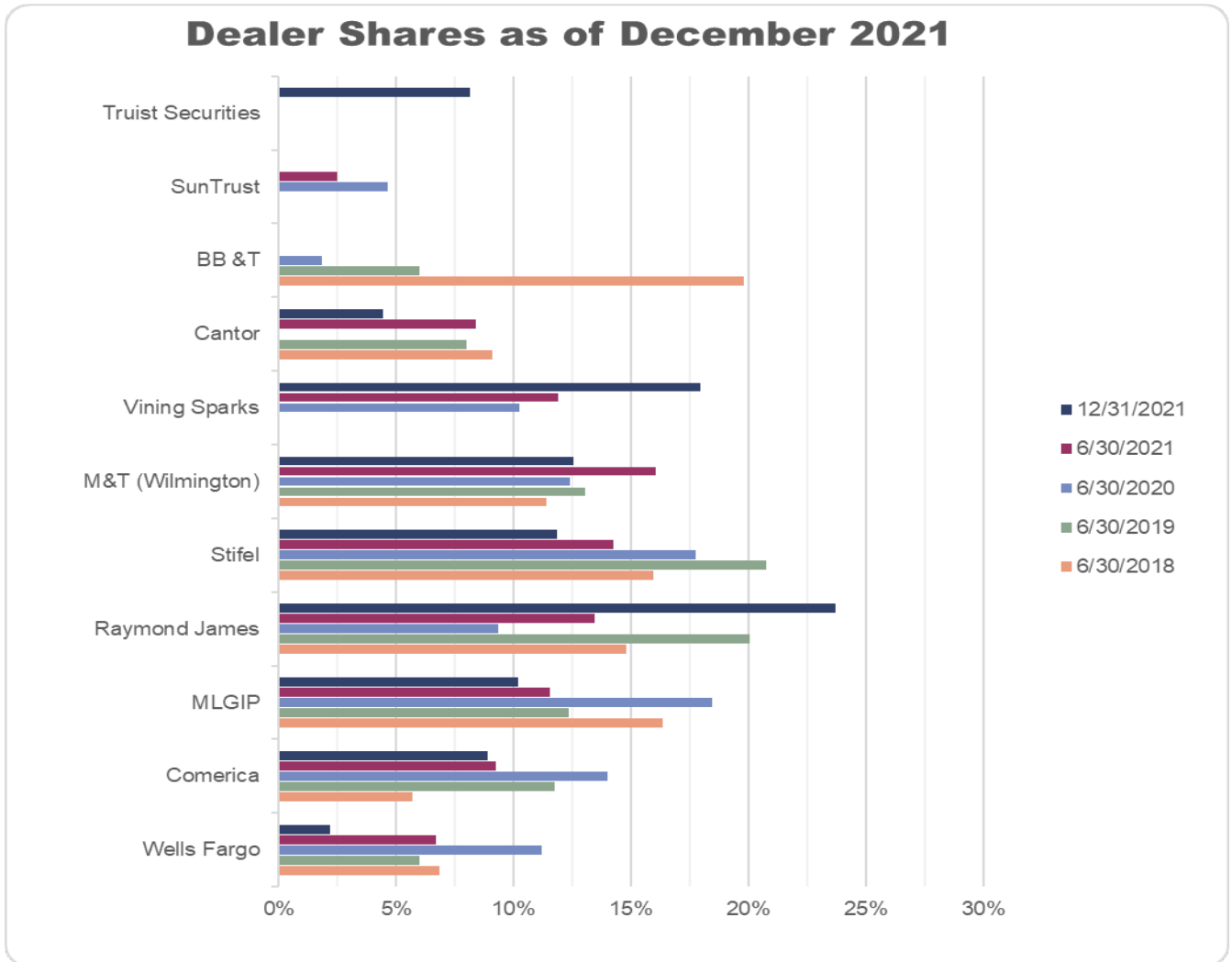
\*As of 12/31/2021

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





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



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

<b>Market Value - December 2021</b>	
Prince George's County (PGC-2021A)	\$ 28,958,112
Prince George's County (PGC-2018A)	2,858,951
Montgomery County (MC-2020A)	8,091,931
	<b>\$ 39,908,994</b>

The Commission had debt service payments during the month totaling \$1,916,238 of which \$1,725,000 was principal and \$191,238 was interest.

Details by issue of debt outstanding as of December 31, 2021 appear below:

<b>Debt Balances - December 2021</b>					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
<b>Bi-County</b>					
<b>Total Bi-County</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0%</b>		
<b>Prince George's County</b>					
PGC-2012A ( <i>Refunded P-2, M-2, EE-2</i> )	11,420,000	2,600,000	23%	Jun-12	Jan-24
PGC-2014A	8,415,000	1,115,000	13%	May-14	Jan-22
PGC-2015A ( <i>Refunded JJ-2</i> )*	24,820,000	19,360,000	78%	Oct-15	Jan-36
PGC-2017A	33,000,000	26,400,000	80%	Jul-17	Jan-37
PGC-2018A	31,000,000	26,350,000	85%	Nov-19	Nov-38
PGC-2020 ( <i>Refunded PGC-2014A</i> )	19,119,615	19,002,957	99%	Oct-20	Jan-34
PGC-2021A	25,100,000	25,100,000	100%	Nov-21	Nov-41
<b>Total Prince George's County</b>	<b>\$ 152,874,615</b>	<b>\$ 119,927,957</b>	<b>78%</b>		
<b>Montgomery County</b>					
MC-2012A ( <i>Refunded CC-2, FF-2</i> )	8,035,000	965,000	12%	Apr-12	Dec-22
MC-2012B	3,000,000	140,000	5%	Apr-12	Dec-22
MC-2014A	14,000,000	660,000	5%	Jun-14	Dec-22
MC-2016A	12,000,000	9,180,000	77%	Apr-16	Nov-35
MC-2016B ( <i>Refunded FF-2, II-2, MM-2</i> )	6,120,000	4,125,000	67%	Apr-16	Nov-28
MC-2016C ( <i>Refunded FF-2 ALA of 2004</i> )	1,075,000	365,000	34%	Apr-16	Nov-24
MC-2017A	8,000,000	6,000,000	75%	Apr-17	Nov-36
MC-2018A	12,000,000	10,200,000	85%	Oct-18	Nov-38
MC-2018B	3,000,000	1,200,000	40%	Oct-18	Nov-23
MC-2020A	10,000,000	9,500,000	95%	Jun-20	Nov-40
MC-2020B ( <i>Refunded MC-2012A</i> )	4,895,487	4,895,487	100%	Oct-20	Dec-32
MC-2020C ( <i>Refunded MC-2012B</i> )	1,866,095	1,866,095	100%	Oct-20	Dec-32
MC-2020D ( <i>Refunded MC-2014A</i> )	9,655,588	9,655,588	100%	Oct-20	Dec-33
<b>Total Montgomery County</b>	<b>\$ 93,647,170</b>	<b>\$ 58,752,170</b>	<b>63%</b>		
<b>Total</b>	<b>\$ 246,521,785</b>	<b>\$ 178,680,127</b>	<b>72%</b>		

ATTACHMENT A

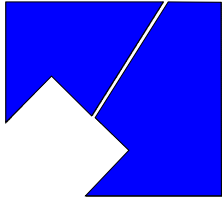
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012

FISCAL YEAR 2022 – December 31, 2021

OBJECTIVES	Met Objective	Within Limits	Comments
<b>Protection of principal</b>	<b>Yes</b>		
<b>Limiting types and amounts of securities</b>	Limit	<b>Yes</b>	
US Government	100%		All securities purchases were within the limits established by the Investment Policy at the time of purchase of the investments. This monthly report is prepared for the Secretary-Treasurer to demonstrate compliance with investment policy objectives and limitations.
US Federal Agencies - combined	60%		
US Federal Agencies - each	20%		
Repurchase Agreements	60%		
CD's and Time Deposits	50%		
Commercial Paper	10%		
Money Market Mutual Funds	25%		
MD Local Gov't Investment Pool	25%		
Investing Bond Proceeds:			
State and local agency securities	100%		
Money Market Mutual Funds	10%		
Bond Proceeds:		<b>Yes</b>	T. Rowe Price managed all funds within limits
Highly-rated state / local agency securities			
Highly-rated money market mutual funds (Max. 10% in lower-rated funds)			
<b>Pre-qualify financial institutions, broker/dealers, intermediaries and advisers</b>		<b>Yes</b>	All firms must meet defined capital levels and be approved by the Secretary-Treasurer
<b>Ensure competition among participants</b>	30%	<b>Yes</b>	No dealer shares exceeded 30%
<b>Competitive Bidding</b>		<b>Yes</b>	All purchases awarded competitively.
<b>Diversification of Maturities</b>		<b>Yes</b>	All maturities within limits
Majority of investments shall be a maximum maturity of one (1) year. A portion may be as long as two years.			
<b>Require third-party collateral and safekeeping, and delivery-versus-payment settlement</b>		<b>Yes</b>	M&T Investments serves as custodian, monitoring compliance daily
<b>Maintain sufficient liquidity</b>		<b>Yes</b>	Sufficient funds available for all cash requirements during period
<b>Attain a market rate of return</b>		<b>Yes</b>	More than market by <b>10</b> basis points.
The pro-rated rates of return for T-bills and the portfolio were <b>0.06%</b> and <b>0.16%</b> , respectively.			

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

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

January 26, 2022

TO: Commissioners

VIA: Asuntha Chiang-Smith, Executive Director

FROM: Gavin Cohen, Secretary/Treasurer

SUBJECT: MFD Purchasing Statistics— First Quarter FY22

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

Some of the observations of this FY22 report include:

- Attachment A indicates that through the First Quarter of FY22, the Commission procured \$26,860,536 in goods, professional services, construction and miscellaneous services.
- Attachment B indicates that in the First Quarter 19% or \$5,106,359 was spent with minority, female and disabled (MFD) owned firms.
- Attachment C represents the MFD participation by type of procurement. The MFD participation for construction through the First Quarter of FY22 was 28.5%. Attachment C also indicates that the largest consumers of goods and services in the Commission are the Prince George's County Department of Parks and Recreation and the Montgomery County Department of Parks. These programs significantly impact the Commission's utilization of MFD firms. The MFD cumulative utilization numbers for these Departments through the First Quarter are 23.8% and 10.1%, respectively.
- Attachment D presents the FY22 activity for the Purchase Card program totaling \$2,920,613 or 1.5% was spent with minority, female and disabled (MFD) firms. The amount of procurement card activity represents 10.9% of the Commission's total procurement dollars.

- Attachment E portrays the historic MFD participation rates, and the total procurement from FY 1991 to First Quarter FY22.
- Attachments F & G shows the MFD participation in procurements at various bid levels to determine if MFD vendors are successful in obtaining opportunities in procurements that require informal bidding and formal bidding. Based on the analysis, MFD vendors do appear to be participating, at an overall rate of 14.6% in informal (under \$30,000) and 21.1% in the formal (over \$30,000) procurements. For transactions under \$10k, MFD participation is 9.3%. MFD vendors are participating at an overall rate of 4.1% in transactions over \$250,000.
- Attachment H presents the total amount of procurements and the number of vendors by location. Of the \$26,860,536 in total procurement, \$18,081,683 was procured from Maryland vendors. Of the \$5,106,359 in procurement from MFD vendors, \$4,590,994 was procured from MFD vendors located in Maryland with 68% or \$3,472,766 procured from vendors located in Montgomery and Prince George's Counties.
- Attachment I compares the utilization of MFD vendors by the Commission with the availability of MFD vendors. The results show under-utilization in the following categories: African American, Asian, Native American, Hispanic and Females. The amount and percentage of procurement from MFD vendors is broken out by categories as defined by the Commission's Anti-Discrimination Policy. The availability percentages are taken from the most recent State of Maryland disparity study dated June 25, 2018.
- Attachments J and K are prepared by the Department of Human Resources and Management and show the amount and number of waivers of the procurement policy by department and by reason for waiver. Total waivers were 3.7% of total procurement.
- During the First Quarter of FY22, the Corporate Procurement Division participated in the following outreach events:
  - The Maryland Public Purchasing Association (MPPA) Virtual Matchmaking Vendor Fair
  - The US India SME Council Virtual Outreach Event

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

Attachments

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**MFD PROCUREMENT STATISTICS**  
**FY 2022**  
**FOR THREE MONTHS ENDED SEPTEMBER 30, 2021**

**Attachment A**

	<u>Procurement</u>		<u>Waivers</u>		<u>Procurement</u>	
	<u>Total \$</u>		<u>Total \$</u>	<u>Total #</u>	<u>MFD \$</u>	<u>%</u>
<b><u>Prince George's County</u></b>						
Commissioners' Office	\$ 14,596	\$	-	-	\$ -	0.0%
Planning Department	537,221		-	-	187,496	34.9%
Parks and Recreation Department	15,110,373		36,473	2	3,601,781	23.8%
Total	15,662,190		36,473	2	3,789,277	24.2%
<b><u>Montgomery County</u></b>						
Commissioners' Office	5,622		-	-	-	0.0%
Planning Department	448,697		78,360	2	214,121	47.7%
Parks Department	10,073,807		383,208	5	1,015,561	10.1%
Total	10,528,126		461,568	7	1,229,682	11.7%
<b><u>Central Administrative Services</u></b>						
Dept. of Human Resources and Mgt.	54,800		-	-	5,961	10.9%
Finance Department	103,921		-	-	9,080	8.7%
Legal Department	7,845		180,000	2	-	0.0%
Merit Board	-		-	-	-	0.0%
Office of Chief Information Officer	503,654		329,288	1	72,359	14.4%
Office of Inspector General	-		-	-	-	0.0%
Total	670,220		509,288	3	87,400	13.0%
Grand Total	\$ 26,860,536	\$	1,007,329	12	\$ 5,106,359	19.0%

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

Prepared by Finance Department  
January 10, 2022

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

**MFD PROCUREMENT STATISTICS**

**FY 2022**

**MFD STATISTICS - CUMULATIVE AND ACTIVITY BY QUARTER**

**Attachment B**

**CUMULATIVE BY QUARTER**

	SEPTEMBER	DECEMBER	MARCH	JUNE
<b><u>Prince George's County</u></b>				
Commissioners' Office	0.0%			
Planning Department	34.9%			
Parks and Recreation Department	23.8%			
Total	24.2%			
<b><u>Montgomery County</u></b>				
Commissioners' Office	0.0%			
Planning Department	47.7%			
Parks Department	10.1%			
Total	11.7%			
<b><u>Central Administrative Services</u></b>				
Dept. of Human Resources and Mgt.	10.9%			
Finance Department	8.7%			
Legal Department	0.0%			
Merit Board	0.0%			
Office of Chief Information Officer	14.4%			
Office of Inspector General	0.0%			
Total	13.0%			
Grand Total	19.0%			

**ACTIVITY BY QUARTER**

	FIRST QUARTER	SECOND QUARTER	THIRD QUARTER	FOURTH QUARTER	TOTAL
<b><u>Prince George's County</u></b>					
Commissioners' Office	0.0%				0.0%
Planning Department	34.9%				34.9%
Parks and Recreation Department	23.8%				23.8%
Total	24.2%				24.2%
<b><u>Montgomery County</u></b>					
Commissioners' Office	0.0%				0.0%
Planning Department	47.7%				47.7%
Parks Department	10.1%				10.1%
Total	11.7%				11.7%
<b><u>Central Administrative Services</u></b>					
Dept. of Human Resources and Mgt.	10.9%				10.9%
Finance Department	8.7%				8.7%
Legal Department	0.0%				0.0%
Merit Board	0.0%				0.0%
Office of Chief Information Officer	14.4%				14.4%
Office of Inspector General	0.0%				0.0%
Total	13.0%				13.0%
Grand Total	19.0%				19.0%



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

MFD PROCUREMENT STATISTICS  
BY MAJOR PROCUREMENT CATEGORY  
FY 2022

FOR THREE MONTHS ENDED SEPTEMBER 30, 2021

**ATTACHMENT C**

	<b>Grand Total</b>	<b>Montgomery Planning</b>	<b>Montgomery Parks</b>	<b>Pr. Geo. Parks &amp; Recreation</b>	<b>Pr. Geo. Planning</b>	<b>Dept. of Human Resources</b>	<b>Finance Dept.</b>	<b>Legal Dept.</b>	<b>Office of Chief Information</b>
<b>Goods:</b>									
Total \$	\$ 8,076,800	\$ 33,259	\$ 3,356,282	4,353,221	\$ 228,503	\$ 22,496	\$ 11,933	1,078	\$ 70,028
MFD \$	\$ 722,670	\$ 4,881	\$ 33,736	509,603	\$ 170,286	\$ 0	\$ 0	0	\$ 4,164
Percentage	8.9%	14.7%	1.0%	11.7%	74.5%	0.0%	0.0%	0.0%	5.9%
<b>Miscellaneous Services:</b>									
Total \$	\$ 4,924,918	\$ 215,438	\$ 2,768,824	1,474,767	\$ 307,218	\$ 5,998	\$ 1,188	6,267	\$ 145,218
MFD \$	\$ 518,760	\$ 159,240	\$ 84,658	240,967	\$ 17,210	\$ 3,570	\$ 0	0	\$ 13,115
Percentage	10.5%	73.9%	3.1%	16.3%	5.6%	59.5%	0.0%	0.0%	9.0%
<b>Professional Services:</b>									
Total \$	\$ 2,238,281	\$ 200,000	\$ 1,075,921	571,652	\$ 1,500	\$ 9,500	\$ 90,800	500	\$ 288,408
MFD \$	\$ 561,514	\$ 50,000	\$ 220,663	226,691	\$ 0	\$ 0	\$ 9,080	0	\$ 55,080
Percentage	25.1%	25.0%	20.5%	39.7%	0.0%	0.0%	10.0%	0.0%	19.1%
<b>Construction:</b>									
Total \$	\$ 11,600,319	\$ 0	\$ 2,872,780	8,710,733	\$ 0	\$ 16,806	\$ 0	0	\$ 0
MFD \$	\$ 3,303,415	\$ 0	\$ 676,504	2,624,520	\$ 0	\$ 2,391	\$ 0	0	\$ 0
Percentage	28.5%	0.0%	23.5%	30.1%	0.0%	14.2%	0.0%	0.0%	0.0%
<b>SUBTOTAL</b>									
Total \$	\$ 26,840,318	\$ 448,697	\$ 10,073,807	15,110,373	\$ 537,221	\$ 54,800	\$ 103,921	7,845	\$ 503,654
MFD \$	\$ 5,106,359	\$ 214,121	\$ 1,015,561	3,601,781	\$ 187,496	\$ 5,961	\$ 9,080	0	\$ 72,359
Percentage	19.0%	47.7%	10.1%	23.8%	34.9%	10.9%	8.7%	0.0%	14.4%
<b>Pr. Geo. Commissioners' Office</b>									
Total \$	\$ 14,596								
MFD \$	\$ 0								
Percentage	0.0%								
<b>Mont. Commissioners' Office</b>									
Total \$	\$ 5,622								
MFD \$	\$ 0								
Percentage	0.0%								
<b>Merit Board</b>									
Total \$	\$ 0								
MFD \$	\$ 0								
Percentage	0.0%								
<b>Office of Inspector General</b>									
Total \$	\$ 0								
MFD \$	\$ 0								
Percentage	0.0%								
<b>GRAND TOTAL \$</b>									
	\$ 26,860,536								
<b>MFD\$</b>	\$ 5,106,359								
<b>Percentage</b>	19.0%								

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**MFD PROCUREMENT STATISTICS**  
**Comparison of MFD % for Total Procurement and Purchase Card Procurement**  
FY 2022  
FOR THREE MONTHS ENDED SEPTEMBER, 30, 2021

**Attachment D**

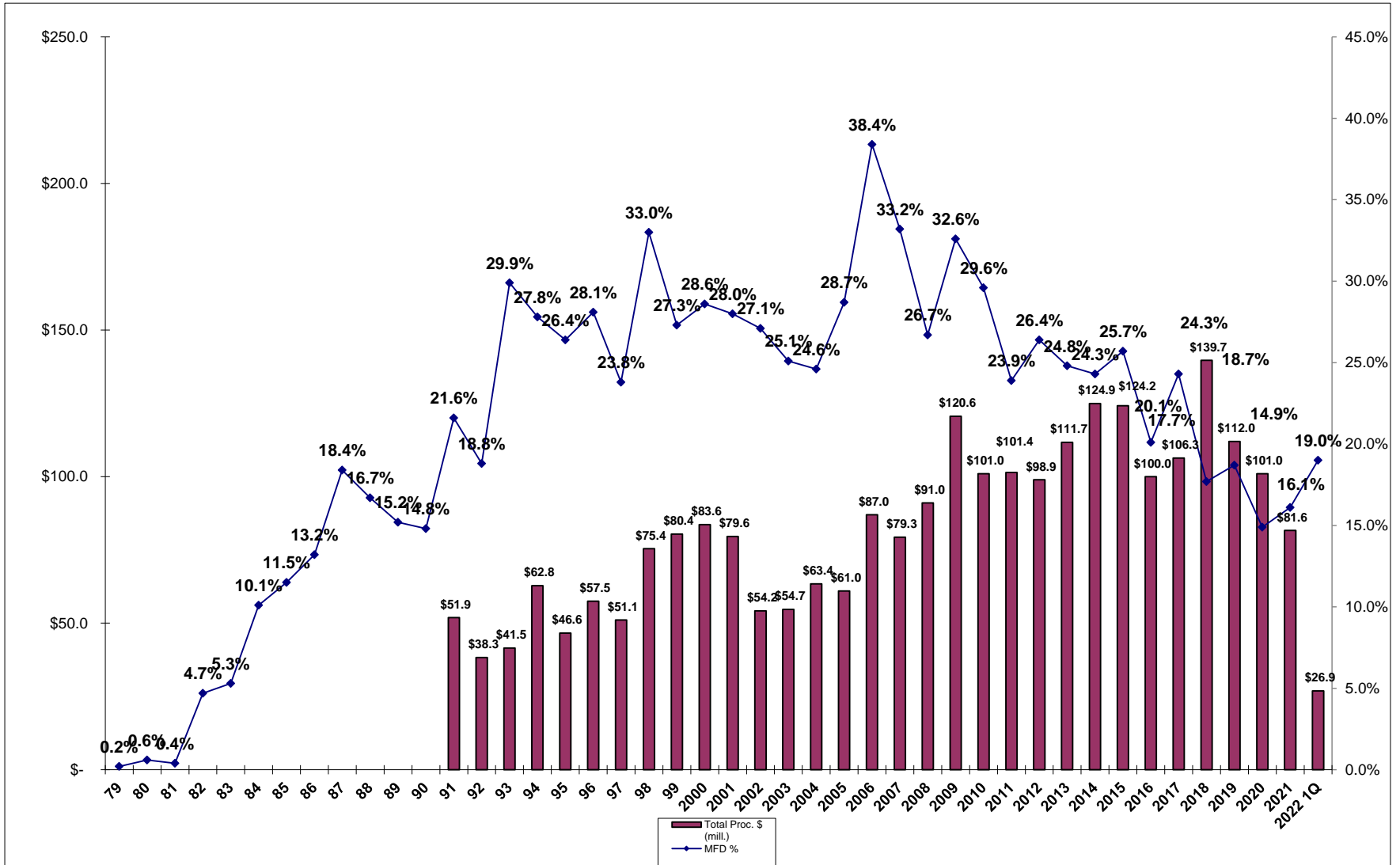
	<b>Total Procurement</b>		<b>Purchase Card Procurement</b>	
	<b>Total \$</b>	<b>MFD %</b>	<b>Total \$</b>	<b>MFD %</b>
<b><u>Prince George's County</u></b>				
Commissioners' Office	\$ 14,596	0.0%	\$ 14,596	0.0%
Planning Department	537,221	34.9%	42,637	0.9%
Parks and Recreation Department	15,110,373	23.8%	1,381,287	1.0%
Total	<u>15,662,190</u>	<u>24.2%</u>	<u>1,438,520</u>	<u>0.9%</u>
<b><u>Montgomery County</u></b>				
Commissioners' Office	5,622	0.0%	5,622	0.0%
Planning Department	448,697	47.7%	29,937	0.0%
Parks Department	10,073,807	10.1%	1,415,342	2.1%
Total	<u>10,528,126</u>	<u>11.7%</u>	<u>1,450,901</u>	<u>2.1%</u>
<b><u>Central Administrative Services</u></b>				
Dept. of Human Resources and Mgt.	54,800	10.9%	4,612	0.0%
Finance Department	103,921	8.7%	10,914	0.0%
Legal Department	7,845	0.0%	6,145	0.0%
Merit Board	-	0.0%	-	0.0%
Office of Chief Information Officer	503,654	14.4%	9,521	0.0%
Office of Inspector General	-	0.0%	-	0.0%
Total	<u>670,220</u>	<u>13.0%</u>	<u>31,192</u>	<u>0.0%</u>
Grand Total	<u>\$ 26,860,536</u>	<u>19.0%</u>	<u>\$ 2,920,613</u>	<u>1.5%</u>

**Percentage of Purchase Card Procurement to Total Procurement 10.9%**

Prepared by Finance Department  
January 10, 2022

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

**Attachment E**

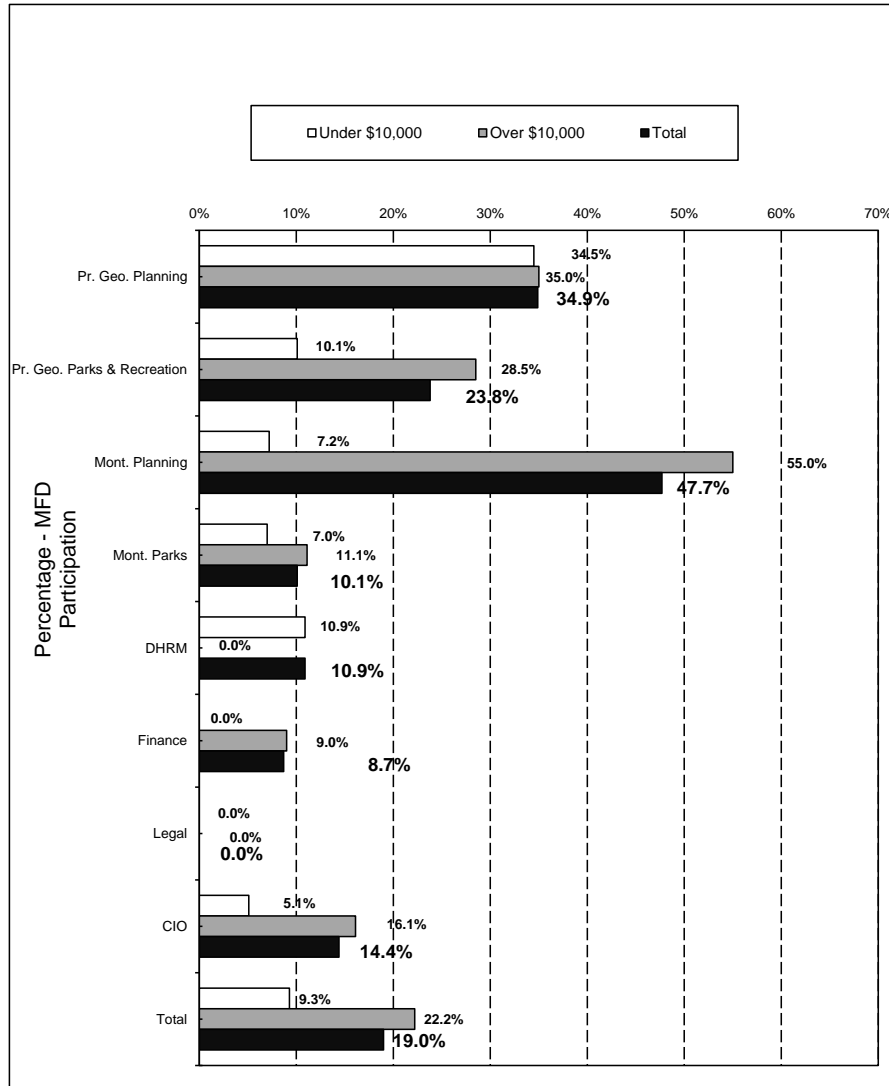


	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 1Q
TOTAL PROCUREMENT \$ (MIL.)	\$111.7	\$124.9	\$124.2	\$100.0	\$106.3	\$139.7	\$112.0	\$101.0	\$81.6	\$26.9
MFD %	24.8%	24.3%	25.7%	20.1%	24.3%	17.7%	18.7%	14.9%	16.1%	19.0%

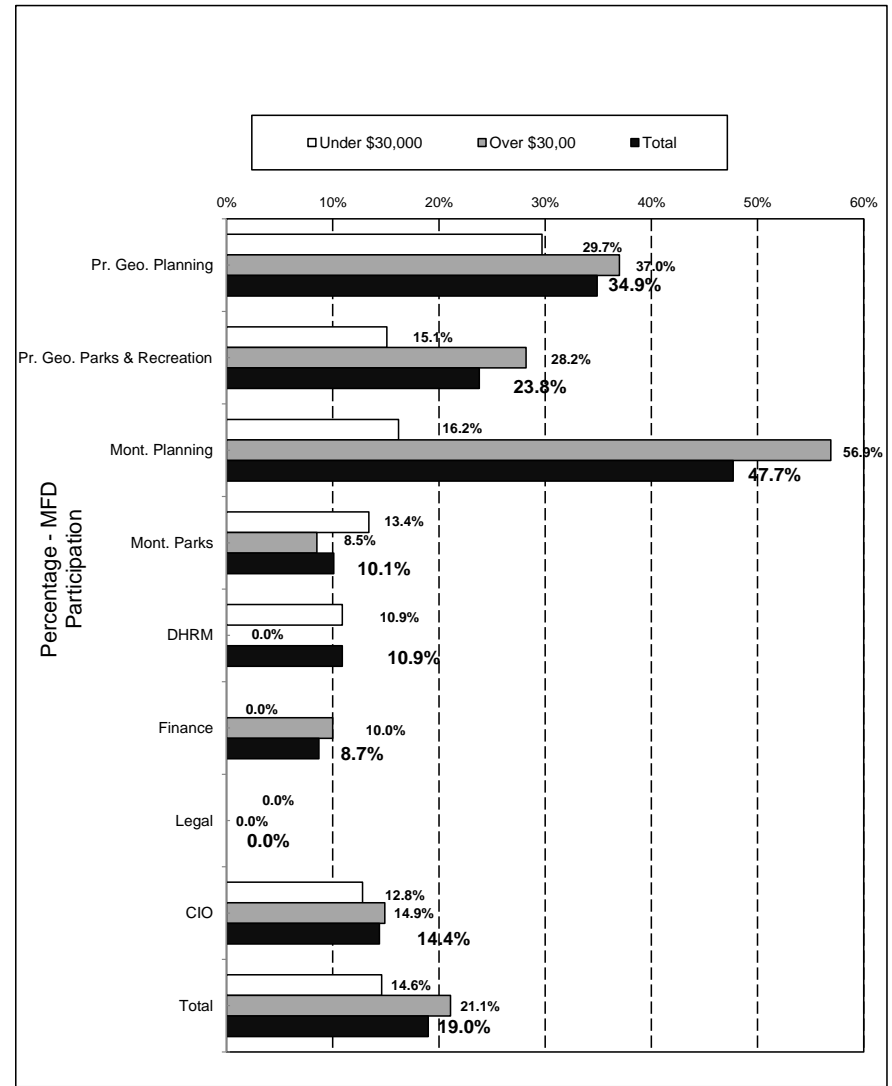
Prepared by Finance Department  
 January 10, 2022

The Maryland-National Capital Park and Planning Commission  
 MFD Procurement Statistics - Transactions Under/Over \$10,000 & \$30,000 plus Total %  
 FY 2022 1Q

Under/Over \$10,000

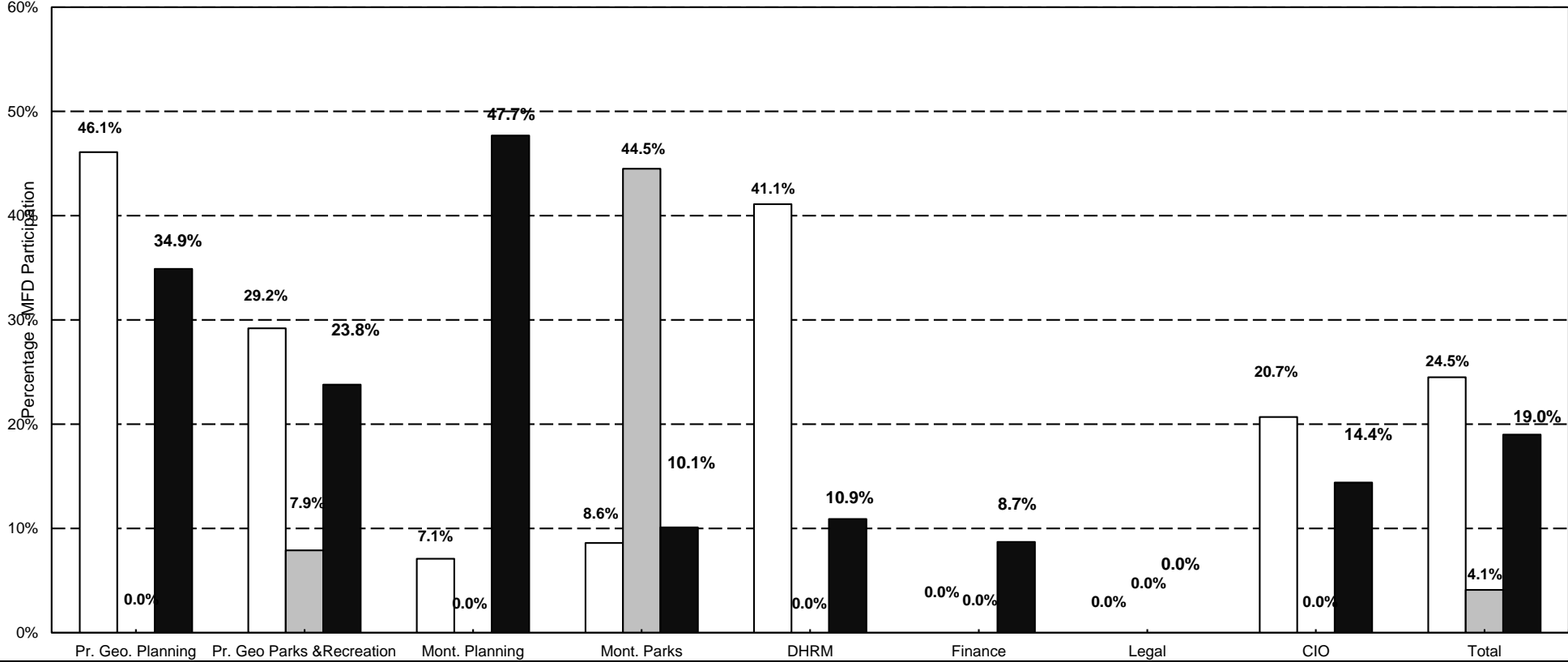


Under/Over \$30,000



The Maryland-National Capital Park and Planning Commission  
 MFD Procurement Statistics - Transactions Under /Over \$250,000 and Total %  
 FY 2022 1Q

□ Under \$250K      □ Over \$250K      ■ Total



Prepared by Finance Department  
 January 10, 2022

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

Amount of Procurement and Number of Vendors by Location

**FY 2022**

FOR THREE MONTHS ENDED SEPTEMBER 30, 2021

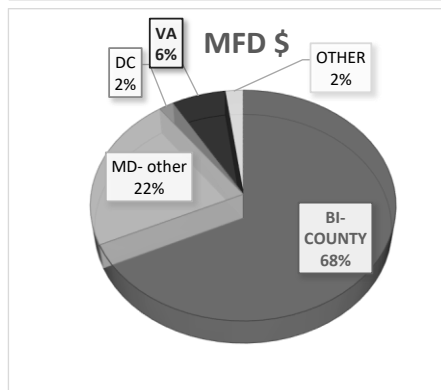
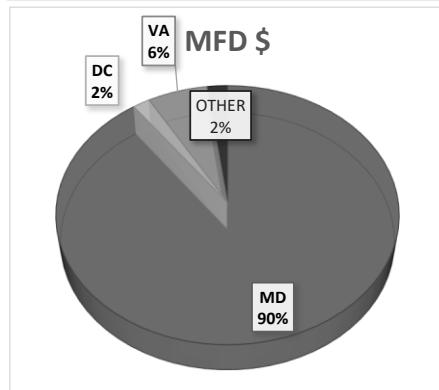
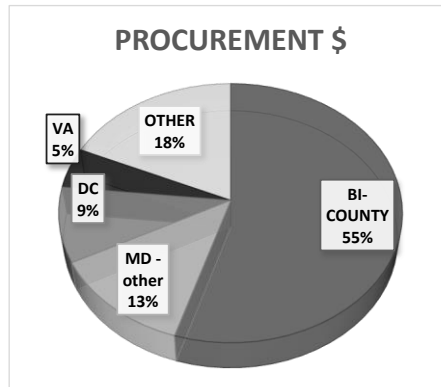
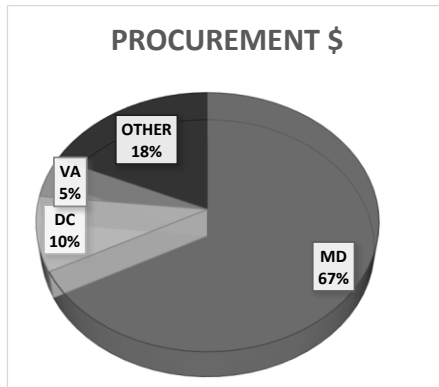
**Attachment H**

**ALL VENDORS**

Location	Procurement		Number of Vendors	
	Amount	%	Number	%
Montgomery County	\$ 7,273,143	27.1%	109	17.4%
Prince George's County	7,447,780	27.7%	163	26.0%
Subtotal	14,720,923	54.8%	272	43.4%
Maryland - other locations	3,360,760	12.5%	99	15.8%
Total Maryland	18,081,683	67.3%	371	59.2%
District of Columbia	2,510,359	9.4%	29	4.6%
Virginia	1,355,871	5.0%	62	9.9%
Other Locations	4,912,623	18.3%	165	26.3%
Total	\$ 26,860,536	100.0%	627	100.0%

**MFD Vendors**

Location	Procurement		Number of Vendors	
	Amount	%	Number	%
Montgomery County	\$ 1,612,971	31.6%	19	17.6%
Prince George's County	1,859,795	36.4%	38	35.2%
Subtotal	3,472,766	68.0%	57	52.8%
Maryland - other locations	1,118,228	21.9%	23	21.3%
Total Maryland	4,590,994	89.9%	80	74.1%
District of Columbia	91,217	1.8%	7	6.5%
Virginia	316,283	6.2%	8	7.4%
Other Locations	107,865	2.1%	13	12.0%
Total	\$ 5,106,359	100.0%	108	100.0%



Prepared by Finance Department  
January 10, 2022

Note: The number of vendors excludes purchase card vendors.

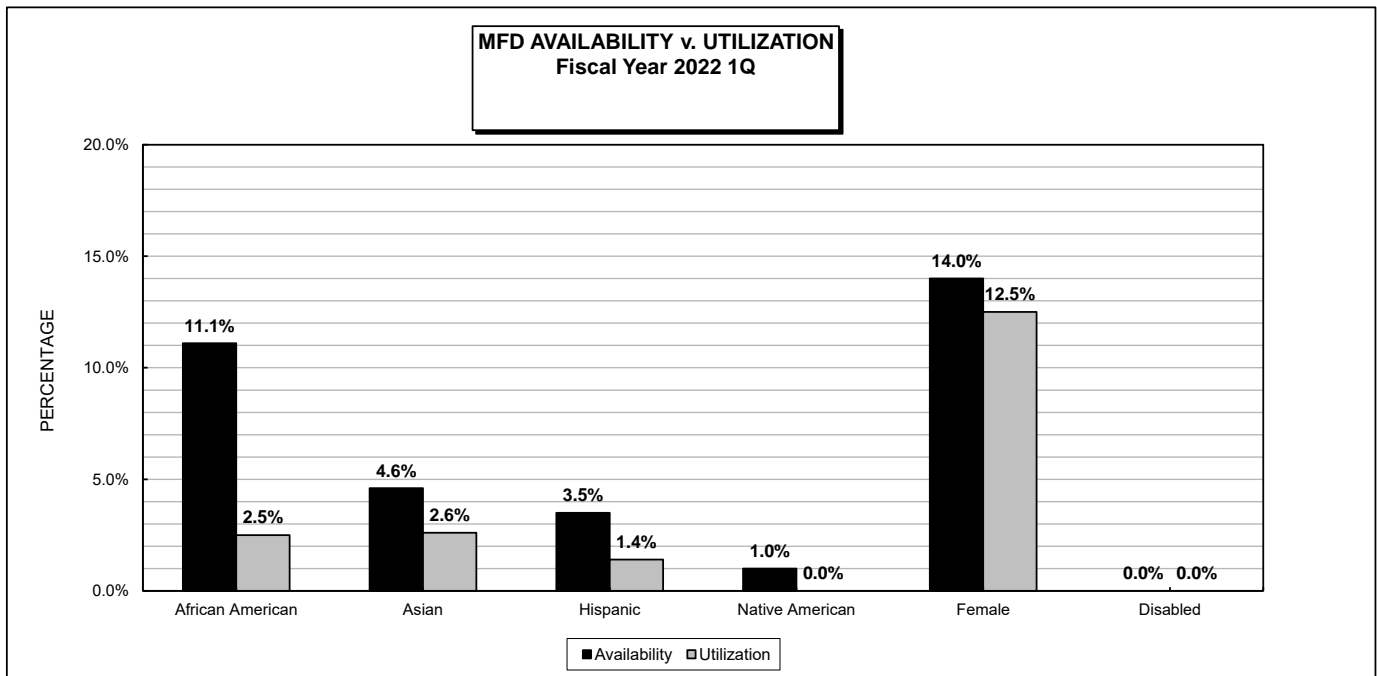
**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**MFD PROCUREMENT RESULTS**  
**FY 2022**  
**FOR THREE MONTHS ENDED SEPTEMBER 30, 2021**

**Attachment I**

**Total Amount of Procurement** \$ 26,860,536

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

	Procurement		Availability
	Amount	%	%
<b>Minority Owned Firms</b>			
<b>African American</b>	\$ 680,762	2.5%	11.1%
<b>Asian</b>	709,733	2.6%	4.6%
<b>Hispanic</b>	385,274	1.4%	3.5%
<b>Native American</b>	1,999	0.0%	1.0%
<b>Total Minority Owned Firms</b>	<b>1,777,768</b>	<b>6.5%</b>	<b>20.2%</b>
<b>Female Owned Firms</b>	<b>3,326,591</b>	<b>12.5%</b>	<b>14.0%</b>
<b>Disabled Owned Firms</b>	<b>0</b>	<b>0.0%</b>	<b>n/a</b>
<b>Total Minority, Female, and Disabled Owned Firms</b>	<b>\$ 5,104,359</b>	<b>19.0%</b>	<b>34.2%</b>



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

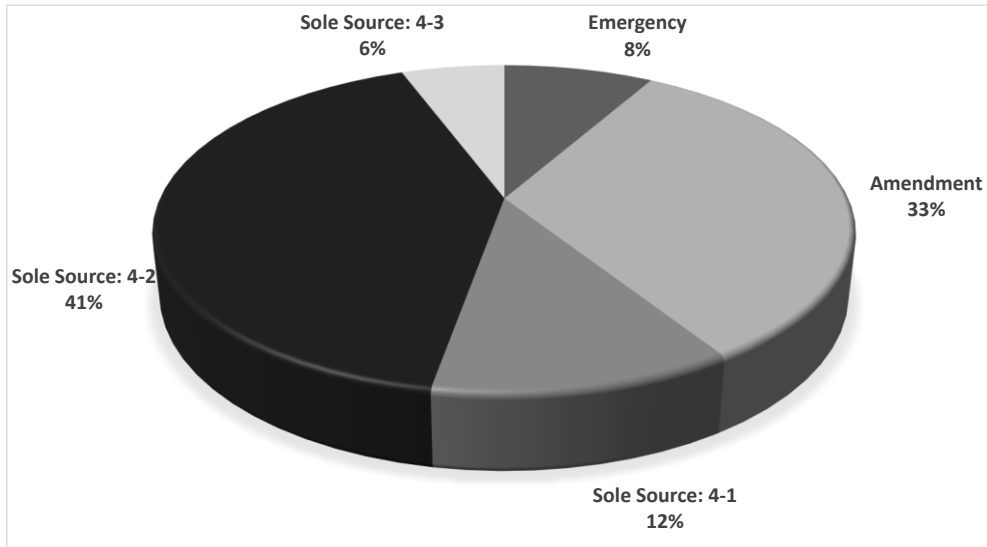
(2) n/a = not available

Prepared by Department of Finance  
 January 10, 2022

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
REASONS FOR WAIVERS  
CUMULATIVE DOLLAR AMOUNT & NUMBER OF WAIVERS  
FY 2022  
FOR THREE MONTHS ENDED SEPTEMBER 30, 2021**

**Attachment J**

<b>REASON</b>	<b>NUMBER</b>	<b>AMOUNT</b>	<b>%</b>
Emergency	2	\$ 83,208	8.3%
Public Policy	0	\$ 0	0.0%
Amendment	1	\$ 329,288	32.7%
Sole Source: 4-1	4	\$ 119,360	11.8%
Sole Source: 4-2	3	\$ 418,000	41.5%
Sole Source: 4-3	2	\$ 57,473	5.7%
<b>Total</b>	<b>12</b>	<b>\$ 1,007,329</b>	<b>100.0%</b>



**Waiver Reason Definitions:**

**Emergency:**

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

**Required by Law or Grant:**

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

**Amendment:**

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

**Sole Source 4:**

It has been determined that:

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



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
TOTAL WAIVERS, MFD WAIVERS, AND SOLE SOURCE WAIVERS BY DEPARTMENT  
PROCESSED FY 2022  
FOR THE THREE MONTHS ENDED SEPTEMBER 30, 2021**

**Attachment K**

	Total Waivers		MFD/Waivers		% of MFD	Sole Source 4-1 Waivers		Sole Source 4-2 Waivers		Sole Source 4-3 Waivers		% Sole Source
	\$	Number	\$	Number	%	\$	Number	\$	Number	\$	Number	%
<b>Prince George's County</b>												
Commissioners' Office	\$ -	0	\$ -	0	0.0%	\$ -	0	\$ -	0	\$ -	0	0.0%
Planning Department	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Parks and Recreation Department	36,473	2	-	0	0.0%	24,000	1	-	0	12,473	1	100.0%
Total	36,473	2	-	0	0.0%	24,000	1	-	0	12,473	1	100.0%
<b>Montgomery County</b>												
Commissioners' Office	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Planning Department	78,360	2	-	0	0.0%	78,360	2	-	0	-	0	100.0%
Parks Department	383,208	5	-	0	0.0%	17,000	1	238,000	1	45,000	1	78.3%
Total	461,568	7	-	0	0.0%	95,360	3	238,000	1	45,000	1	82.0%
<b>Central Administrative Services</b>												
Dept. of Human Resources and Mgt.	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Finance Department	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Legal Department	180,000	2	-	0	0.0%	-	0	180,000	2	-	0	100.0%
OCIO	329,288	1	-	0	0.0%	-	0	-	0	-	0	0.0%
Merit Board	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Total	509,288	3	-	0	0.0%	-	0	180,000	2	-	0	35.3%
Grand Total	\$ 1,007,329	12	\$ -	0	0.0%	\$ 119,360	4	\$ 418,000	3	\$ 57,473	2	59.1%

**Purpose of Summary of Waiver Report:**

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

**Sole Source: 4**

It has been determined that:

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

Prepared by Department of Finance  
January 10, 2022

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

*Reply To*

February 2, 2022

**Debra S. Borden**  
Acting 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   
Acting General Counsel  
**RE:** Litigation Report for January 2022 – FY 2022

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Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, February 16, 2022. 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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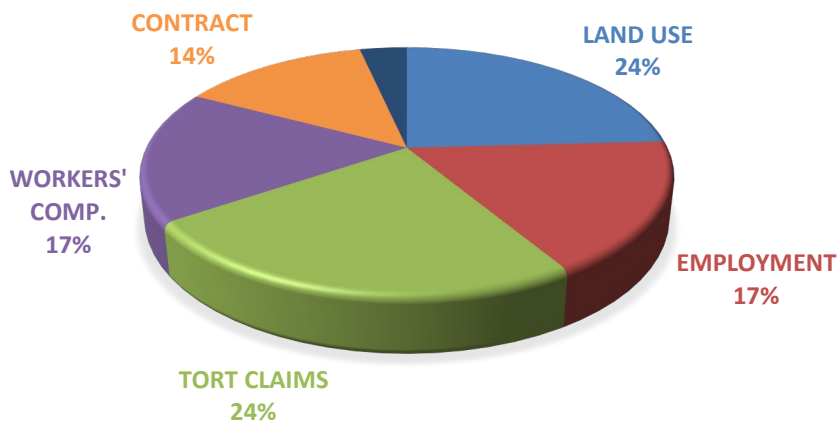
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**January 2022**  
**Composition of Pending Litigation**  
(Sorted by Subject Matter and Forum)

	STATE TRIAL COURT	MARYLAND COSA	MARYLAND COURT OF APPEALS	FEDERAL TRIAL COURT	FEDERAL APPEALS COURT	U.S. SUPREME COURT	SUBJECT MATTER TOTALS
ADMIN APPEAL: LAND USE	3	4					7
ADMIN APPEAL: OTHER							
BANKRUPTCY							
CIVIL ENFORCEMENT							
CONTRACT DISPUTE	4						4
DEBT COLLECTION							
EMPLOYMENT DISPUTE	2	1		2			5
LAND USE DISPUTE							
MISCELLANEOUS	1						1
PROPERTY DISPUTE							
TORT CLAIM	7						7
WORKERS' COMPENSATION	5						5
<b>PER FORUM TOTALS</b>	<b>22</b>	<b>5</b>		<b>2</b>			<b>29</b>

**OVERVIEW OF PENDING LITIGATION**



## January 2022 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2022			
	Pending Dec. 2021	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
<b>Admin Appeal: Land Use (AALU)</b>	7			10	5	8	7
<b>Admin Appeal: Other (AAO)</b>							
<b>Bankruptcy (B)</b>							
<b>Civil Enforcement (CE)</b>							
<b>Contract Disputes (CD)</b>	4			3	1		4
<b>Debt Collection (D)</b>							
<b>Employment Disputes (ED)</b>	4	1		4	2	1	5
<b>Land Use Disputes (LD)</b>							
<b>Miscellaneous (M)</b>	1			2		1	1
<b>Property Disputes (PD)</b>							
<b>Tort Claims (T)</b>	7			8	1	2	7
<b>Workers' Compensation (WC)</b>	4	1		7	4	4	5
<b>Totals</b>	27	2		34	13	16	29

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

<b>A. <u>New Trial Court Cases.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
Izadjoo v. M-NCPPC	MC	ED	July 21
McGill v. Commission	PG	WC	Aug 21
Troublefield v. Commission	PG	Tort	July 21
Friends of Ten Mile Creek, et al. v. Montgomery County Planning Board	MC	AALU	Oct. 21
Commission v. Alan's Outlet, et al.	St. M	CD	Nov. 21
Robinson, et al. v. Prince George's County Planning Board, et al.	PG	AALU	Nov. 21
In the Matter of Michael Fox	Calvert	WC	Dec. 21
In the Matter of Michael Fox	Calvert	WC	Dec. 21
<b>B. <u>New Appellate Court Cases.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board	MC	AALU	July 21
6525 Belcrest Road, LLC v. Dewey, L.C., et al.	PG	AALU	Dec. 21
Heard v. Maryland-National Capital Park and Planning Commission	PG	AALU	Dec. 21
Izadjoo v. M-NCPPC	MC	ED	Jan. 22

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

<b><u>A. Trial Court Cases Resolved.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board	MC	AALU	June 21
Commission v. Batson	PG	WC	June 21
Gibson v. Commission	PG	WC	June 21
Hoenig v. Commission	PG	WC	June 21
Simmons, et al. v. Prince George's Planning Bd.	PG	AALU	June 21
Frederick-Bey v. Dick, et al.	PG	Tort	July 21
Deutsche Bank National Trust Company v. Commission	PG	Misc.	July 21
Amica Mutual Insurance Company v. Montgomery County, Maryland, et al.	MC	Tort	Aug. 21
Izadjoo v. Maryland-National Capital Park & Planning Commission	MC	ED	Aug. 21
Snoots v. Commission	MC	WC	Sep. 21
Murray v. Commission	MC	WC	Sep. 21
Kosary v. Montgomery County Planning Board	MC	AALU	Oct. 21
6525 Belcrest Road, LLC v. Dewey, L.C., et al.	PG	AALU	Nov. 21
Heard v. Maryland-National Capital Park and Planning Commission	PG	AALU	Dec. 21
<b><u>B. Appellate Court Cases Resolved.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
Benton v. Woodmore Overlook Commercial, LLC.	PG	AALU	Apr. 21
Benton v. Woodmore Overlook Commercial, LLC.	PG	AALU	Sep. 21
Benton v. Woodmore Overlook Commercial, LLC.	PG	AALU	Sep. 21



	<b>Disposition of FY21-FY22 Closed Cases Sorted by Department</b>	
<b>CLIENT</b>	<b>PRINCIPAL CAUSE OF ACTION IN DISPUTE</b>	<b>DISPOSITION</b>
<b>Employees Retirement System</b>		
<b>Finance Department</b>		
<b>Department of Human Resources &amp; Management</b>		
Commission v. Batson	The Commission filed for Judicial Review on the record of WCC order regarding surgical authorization for leg causally related to accidental injury.	06/03/2021 - Order of the Court. Case Dismissed and Remanded to the Workers' Compensation Commission for consideration and approval of the Agreement of Final Compromise and Settlement.
Gibson v. Commission	Claimant seeks judicial review of an order from the Workers' Compensation Commission denying causal connection of back injury to the accidental injury of October 20, 2017.	06/10/2021 - Order of Court. Case remanded to Workers' Compensation Commission.
Hoenig v. Commission	Claimant seeks judicial review of February 7, 2020 order from the Workers' Compensation Commission regarding extent of disability.	06/02/2021 - Order of Court. Case Dismissed and Remanded to Workers' Compensation Commission.
Izadjoo v. Maryland-National Capital Park and Planning Commission	Izadjoo filed an appeal of the Merit Board decision of February 25, 2021 denying his appeal of the Montgomery County Department of Parks' denial of grievance 20-14 regarding his 2020 Annual Performance Evaluation.	08/23/2021 – Order of Court – Decision of Merit Board affirmed.
Snoots v. Commission	Petition for Judicial Review of Workers' Compensation Commission determination that not permanently totally disabled	09/01/2021 – Order of Court. Case remanded to Workers' Compensation Commission.
Murray v. Commission	Petition for Judicial Review of an order from the Workers' Compensation Commission that held claimant is not permanently and totally disabled.	09/01/2021 – Order of Court. Case remanded to Workers' Compensation Commission.

<b>Montgomery County Department of Planning</b>		
Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board	Judicial Review of Montgomery County Planning Board's approval of RCCG Jesus House Preliminary Plan 120160040.	06/04/21 - Planning Board's decision affirmed.
Kosary v. Montgomery County Planning Board	Judicial Review of Montgomery County Planning Board's approval of Primrose School Preliminary Forest Conservation Plan CU-18-08.	10/19/21 – Summary Judgment in favor of Plaintiff.
<b>Montgomery County Department of Parks</b>		
Amica Mutual Insurance Company v. Montgomery County, Maryland, et al.	Subrogation suit for damages caused by a tulip poplar striking a home.	08/12/21 – Joint Stipulation of Dismissal with Prejudice.
<b>Montgomery County Park Police</b>		
<b>Montgomery County Planning Board</b>		
<b>Prince George's County Department of Parks and Recreation</b>		
Frederick-Bey v. Dick, et al.	Plaintiff claims injury in the course of using weight room at Allentown Splash and Fitness Center allegedly due a defect in the equipment as a result of negligence on the part of Commission staff and has sued a Commission employee who has not been properly served.	07/28/2021 – Order of the Court. Case Dismissed with Prejudice on grounds barred by statute of limitations.
Deutsche Bank National Trust Company v. Commission	Action seeking to quiet title as to alleged encroachment on Commission land.	07/08/2021 – Amended Complaint filed that no longer included the Commission as no encroachment on Commission land.
<b>Prince George's County Planning Department</b>		
<b>Prince George's County Planning Board</b>		
Simmons v. Prince George's County Planning Board	Judicial Review of Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-20006 (Freeway Airport)	06/17/2021 - Prince George's County Planning Board's Motion to Dismiss Granted.

Benton v. Woodmore Overlook Commercial, LLC	Judicial Review of decision of the Prince George's County Planning Board No. 19-32, File No. 4-180007. Benton failed to appear at judicial review hearing in Circuit Court and his petition was dismissed without an opinion. Benton filed for reconsideration which was also denied. Benton appealed the denial of the motion for reconsideration.	04/20/2021 - Mandate. Circuit Court decision affirmed. Costs to be paid by appellant.
Benton v. Woodmore Overlook Commercial, LLC	Judicial Review of decision of the Prince George's County Planning Board on Preliminary Plan of Subdivision 4-18007, Woodmore Overlook Commercial. Before the parties filed legal memoranda, in the Circuit Court and before the court held oral argument, and before the Planning Board had a chance to transmit the agency record, the developer's attorney filed a motion to dismiss based on, among other things, lack of standing. The Circuit Court granted the motion to dismiss. Benton appealed.	09/01/2021 – Mandate. Motion for reconsideration denied.
Benton v. Woodmore Overlook Commercial, LLC	Judicial Review of decision of the Prince George's County Planning Board No. 19-32, File No. 4-180007. Benton failed to appear at judicial review hearing in Circuit Court and his petition was dismissed without an opinion. Benton filed for reconsideration which was also denied. Benton appealed the denial of the motion for reconsideration	09/28/2021 – Petition Dismissed.
6525 Belcrest Road, LLC v. Dewey, L.C., et al.	Declaratory Judgment Action filed over a dispute involving a parking parcel. Plaintiff contends that Defendants have misconstrued prior approvals of the Planning Board regarding the need for parking in a manner that will harm their interests. Plaintiff seeks to enjoin the Planning Board from approving a Detailed Site Plan.	11/11/2021 – Motion to Dismiss granted as to all parties.

Heard v. Maryland-National Capital Park and Planning Commission	Judicial review of the Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-05068 and denial of March 31, 2020, request for document under the Maryland Public Information Act.	11/09/2021 – Decision of the Prince George's County Planning Board affirmed.
<b>Prince George's Park Police</b>		
<b>Office of Internal Audit</b>		

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**DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND**

No Pending Cases

**DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND**

No Pending Cases

**DISTRICT COURT FOR ST. MARY'S COUNTY, MARYLAND**

**Commission v. Alan's Outlet, et. al.**

Case No. D-043-CV-21-008547 (CD)

Lead Counsel: Johnson  
Other Counsel: Adams

Abstract: Commission's claim for damages regarding an undelivered garage shed. Commission submitted an order with payment for five sheds but only four were delivered.

Status: Complaint filed.

Docket:

11/03/2021	Complaint filed
01/13/2022	Return of Service as to all Defendants
03/14/2022	Trial

**CIRCUIT COURT FOR CALVERT COUNTY, MARYLAND**

**In the Matter of Michael Fox**

Case No. C-04-CV-21-000400 (WC)

Lead Counsel: Foster  
Other Counsel:

Abstract: The Claimant appealed a determination by the WCC that he did not sustain a compensable occupational disease (hypertension) as a result of his work as a Park Police officer.

Status: In Discovery.

Docket:

12/16//2021	Petition for Judicial Review filed
01/10/2022	Response to Petition and Cross Complaint
01/20/2022	Response to Reply and Cross Petition
03/16/2022	Pretrial hearing

**In the Matter of Michael Fox**  
Case No. C-04-CV-21-000401 (WC)

Lead Counsel: Foster  
Other Counsel:

Abstract: The Claimant appealed a determination by the WCC that he did not sustain a compensable occupational disease (hypertension) as a result of his work as a Park Police officer.

Status: In Discovery.

Docket:

12/16//2021	Petition for Judicial Review filed
12/22/2021	Response to Petition
01/04/2022	Cross Complaint
01/14/2022	Response to Reply and Cross Petition
01/20/2022	Response to Petition and Cross Petition
03/16/2022	Pretrial hearing

**CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND**

**Friends of Ten Mile Creek, et al. v. Montgomery County Planning Board**  
Case No. 487649-V (AALU)

Lead Counsel: Mills  
Other Counsel:

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

Status: Petition filed.

Docket:

10/12/2021	Petition for Judicial Review filed
10/27/2021	Response to Petition
11/02/2021	Response to Petition
11/12/2021	Amended Petition to add Petitioner Norman Mease
01/18/2022	Memorandum in Support of Petition for Judicial Review



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

Case No. 483255-V (CD)

Lead Counsel: Adams  
Other Counsel:

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

Status: Awaiting trial.

Docket:

08/25/2020	Complaint filed
11/01/2020	Commission served
11/25/2020	Motion to Dismiss
12/28/2020	Opposition to Motion to Dismiss
03/12/2021	Consent motion to postpone hearing and stay case.
03/15/2021	Order of Court. Matter stayed for 90 days.
10/20/2021	Order of Court. Matter stayed until January 10, 2022.
03/07/2022	Trial.

**Hitchcock v. Maryland-National Park and Planning Commission**

Case No. 485337-V (WC)

Lead Counsel: Foster  
Other Counsel:

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

Status: Remanded to the Workers' Compensation Commission for approval of settlement.

Docket:

04/06/2021	Petition for Judicial Review filed
04/06/2021	Response to Petition
09/10/2021	Pretrial hearing
11/10/2021	Mediation held and agreement reached. Case settled pending approval by court.
01/07/2022	Joint Motion to Dismiss
01/12/2022	Motion to Dismiss and remand to WCC granted

**Izadjo v. Maryland-National Capital Park and Planning Commission**

Case No. 486280-V (ED)

Lead Counsel: Adams  
Other Counsel: Johnson

Abstract: Izadjo seeks judicial review of the decision of the Merit System Board denying appeal of his request for reclassification.

Status: Case appealed to Court of Special Appeals.

Docket:

07/01/2021	Petition for Judicial Review filed
07/30/2021	Response to Petition
12/01/2021	Oral Argument
12/20/2021	Order of Court. Decision of Merit Board Affirmed.
01/14/2022	Notice of Appeal to Court of Special Appeals

**Structural Engineering Group Inc. v. Maryland-National Capital Park and Planning Commission**

Case No. 483234-V (CD)

Lead Counsel: Adams  
Other Counsel: Johnson

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

Status: Case stayed pending Settlement Agreement.

Docket:

08/21/2020	Complaint filed.
08/31/2020	Commission served.
09/29/2020	Motion to Dismiss or in the Alternative for Summary Judgment filed.
10/09/2020	Opposition to Motion to Dismiss filed.
12/09/2020	Motions hearing held.
12/09/2020	Motion to Dismiss or in the alternative for Summary Judgment denied.
12/28/2020	Answer to Complaint filed.
09/13/2021	Joint Pretrial Statement filed.
10/04/2021	Case to be stayed for 60 days for parties to file settlement agreement.
12/03/2021	Motion to Dismiss

**CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND**

**Alexander v. Proctor**

Case No. CAL19-37187 (Tort)

Lead Counsel: Adams  
Other Counsel:

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

Status: In discovery.

Docket:

11/20/2019	Complaint filed
12/06/2019	Proctor served
12/09/2019	Commission served
01/03/2020	Commission's Motion to Dismiss filed
01/23/2020	Motion to Dismiss denied. Plaintiff to file Amended Complaint on or before 02/07/2020.
02/08/2020	Amended Complaint filed
02/21/2020	Motion to Strike Amended Complaint or in the alternative to Dismiss
03/09/2020	Opposition to Motion to Strike
03/27/2020	Court orders matter to be set in for hearing on Motion
05/06/2020	Motion to Quash and for Protective Order
05/06/2020	Plaintiff's Opposition to Motion to Quash and for Protective Order
05/22/2020	Order of Court – Motion to Quash and for Protective Order held in abeyance
09/16/2020	Motions Hearing held.
9/23/2020	Order of Court – Motion to Strike or in the alternative Motion to Dismiss denied. Motion to Quash and for Protective Order moot. Case to continue to due course.
9/30/2020	Answer to Amended Complaint filed.
12/02/2022	ADR
01/13/2023	Pretrial Conference
02/09/2023	Jury Selection
02/13/2023	Trial

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

Lead Counsel: Harvin  
Other Counsel:

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

Status: In discovery.

Docket:

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

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

Lead Counsel: Adams  
Other Counsel:

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

Status: Mediation held. Settlement pending.

Docket:

07/15/2020	Complaint filed
09/15/2020	Commission served
10/08/2020	Motion to Dismiss filed
10/27/2020	Opposition to Motion to Dismiss
01/11/2021	Motion to Quash and for Protective Order
04/02/2021	Order of Court. Motion to Quash denied.

04/02/2021	Order of Court. Motion to Dismiss Granted in part. Plaintiff to amend complaint within 15 days to correct the legal name of Defendant. The remaining issues in the Motion to Dismiss are denied.
04/14/2021	First Amended Complaint filed
05/04/2021	Commission Answer to First Amended Complaint and Jury Demand
07/25/2021	Pretrial Conference held
07/29/2021	Withdrawal of Request for Jury Trial.
09/13/2021	Motion to Strike Second Amended Complaint
09/14/2021	Pretrial Statement filed
09/27/2021	Second Amended Complaint
10/5/2021	Answer to Second Amended Complaint and Line withdrawing Motion to Strike Second Amended Complaint
12/15/2021	Mediation held. Commission seeking budget transfer request to fund settlement.

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

Case No. CAL 20-13268(Tort)

Lead Counsel: Harvin  
Other Counsel: Johnson

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

Status: Motions Pending.

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 <sup>nd</sup> Amended Complaint filed
11/06/2020	Defendant Montgomery County's Motion to Dismiss 2 <sup>nd</sup> Amended Complaint
12/03/2020	Case dismissed as to Montgomery County only
03/04/2021	3 <sup>rd</sup> 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 <sup>rd</sup> Amended Complaint and Crossclaim
05/19/2021	Bell Architects Answer to 3 <sup>rd</sup> 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 <sup>rd</sup> 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
02/22/2022	Trial

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

Case No. CAL19-21516 (Tort)

Lead Counsel: Harvin  
Other Counsel:

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

Status: In discovery.

Docket:

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

**King v. Commission**

Case No. CAL 19-30096 (WC)

Lead Counsel: Foster  
Other Counsel:

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

Status: Awaiting trial.

Docket:

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

**McGill v. Commission**

Case No. CAL 21-08946 (WC)

Lead Counsel: Foster  
Other Counsel:

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

Status: Awaiting trial.

Docket:

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

**Melito v Commission**  
Case No. CAL 21-03760 (ED)

Lead Counsel: Johnson  
Other Counsel:

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

Status: Motions pending.

Docket:

04/01/2021	Complaint filed
04/22/2021	Commission served
05/20/2021	Motion to Dismiss filed
06/04/2021	Plaintiff's Opposition to Motion to Dismiss filed.
02/17/2022	Motions hearing

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

Lead Counsel: Harvin  
Other Counsel:

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

Status: In discovery.

Docket:

02/13/2020	Complaint filed.
06/19/2020	Amended Complaint filed.
07/21/2020	Answer filed.
08/29/2022	Trial

**Nuzback, Kathryn A., Revocable Trust v. Commission**  
Case No. CAL 20-13248 (Misc.)

Lead Counsel: Harvin  
Other Counsel:

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

Status: Awaiting Trial.

Docket:

07/01/2020	Complaint filed.
10/09/2020	Commission Answer filed
01/14/2021	Line Requesting Order of Default against Prince George's County Department of Permitting Inspection Enforcement



05/25/2021	Order of Default against Defendant Prince George's County Department of Permitting Inspection Enforcement
05/27/2021	Certified Judgment Notice as to Prince George's County Department of Permitting Inspection and Enforcement
06/28/2021	Hearing held on Motion to Vacate Order of Default
06/30/2021	Order – Motion to Vacate Granted.
09/20/2021	Trial continued. Date to be set.
03/31/2022	Trial.

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

Lead Counsel: Warner  
Other Counsel: Goldsmith

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: Petition filed.

Docket:

11/12/2021	Petition filed
01/05/2022	Commission's Motion to Dismiss filed
01/05/2022	Response to Petition filed

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

Lead Counsel: Adams  
Other Counsel:

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

Status: In discovery.

Docket:

06/19/2020	Complaint filed.
07/27/2020	Commission's Motion to Dismiss
07/27/2020	Motion to Transfer Venue
08/11/2020	Opposition to Motion to Dismiss
08/25/2020	State of Maryland's Motion to Dismiss
09/10/2020	Amended Complaint.
10/30/2020	2 <sup>nd</sup> Amended Complaint filed

10/14/2020	Order of Court – Motion to Dismiss and Motion to Transfer Venue Moot.
05/04/2021	Commission and L. Gertzog's Answer to 2 <sup>nd</sup> Amended Complaint
08/22/2022	Trial

**Troublefield v. Commission, et al.**

Case No. CAL 21-02943 (Tort)

Lead Counsel: Mitchell  
Other Counsel: Johnson

Abstract: Tort suit for injuries allegedly sustained while attending a graduation ceremony at Show Pace Arena. Prince George's County Public Schools handling defense subject to indemnification agreement.

Status: Court reversed dismissal and allowing for limited discovery to ascertain proper parties. Motion pending.

Docket:

03/12/2021	Complaint filed
07/21/2021	Commission served
08/20/2021	Motion to Dismiss filed by Commission
10/12/2021	Line of Dismissal with prejudice as to Prince George's County and Maryland-National Capital Park and Planning Commission
10/12/2021	Order of Court. Plaintiffs to file no more than five interrogatories and/or request for production of documents upon Prince George's County and the Commission by October 22, 2021. Defendants responses due by November 23, 2021. Plaintiff has until December 8, 2021 to file a response to Commission's Motion to Dismiss.

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

Case No. CAL20-14895 (AALU)

Lead Counsel: Warner  
Other Counsel: Goldsmith

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

Status: Awaiting decision on Motions.

Docket:

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

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

## **MARYLAND COURT OF SPECIAL APPEALS**

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

Case No. CSA-REG-1632-2021 (AALU)

(Originally filed under CAE 20-11589 in Prince George's County)

Lead Counsel: Harvin  
Other Counsel:

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

Status: Appeal from Circuit Court granting Motion to Dismiss.

Docket:

12/14/2021	Appeal filed.
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### **Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board**

Case No. CSA-REG-0620-2021 (AALU)

(Originally filed under 483411-V in Montgomery County)

Lead Counsel: Mills  
Other Counsel:

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

Status: Awaiting oral argument.

Docket:

07/02/2021	Appeal filed
11/22/2021	Appellant Brief filed.
12/21/2021	Appellee Brief of Montgomery County Planning Board filed
12/22/2021	Appellee Brief of RCCG Jesus House filed
03/01/2022	Oral Argument

**Heard v. Maryland-National Capital Park and Planning Commission**

Case No. CSA-REG-1563-2021 (AALU)  
(Originally filed under CAL 20-14095 in Prince George's County)

Lead Counsel: Warner  
Other Counsel: Goldsmith

Abstract: 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.

Status: Appeal filed.

Docket: 

12/01/2021	Appeal filed.
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**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: Adams  
Other Counsel: Johnson

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: Appeal filed.

Docket: 

01/14/2022	Notice of Appeal to Court of Special Appeals
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**Stewart, et al. v. Prince George's Planning Board, et al.**

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

Lead Counsel: Goldsmith  
Other Counsel:

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

Status: Awaiting decision.

Docket: 

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

**MARYLAND COURT OF APPEALS**

No Pending Cases

**U.S. DISTRICT COURT OF MARYLAND**

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

8:20-cv-03305 PX (ED)

Lead Counsel: Foster  
Other Counsel:

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

Status: In discovery.

Docket:

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

**Evans v. Commission, et al.**

8:19-cv-02651 TJS (ED)

Lead Counsel: Foster  
Other Counsel:

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.