



THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

COMMISSION MEETING

February 17, 2021
10:00 a.m. to 12 noon

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

Wheaton Headquarters

Auditorium

2425 Reddie Drive

Wheaton, Maryland 20902

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MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 MEETING AGENDA
 Wednesday, February 17, 2021

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

10:00 a.m. – 12 noon

		<u>ACTION</u>	
		Motion	Second
1.	Approval of Commission Agenda (10:00 a.m.)	(+*)	Page 1
2.	Approval of Commission Minutes (10:05 a.m.)		
	a) Open Session – January 20, 2021	(+*)	Page 3
3.	General Announcements (10:05 a.m.)		
	a) M-NCPPC Black History Month Observances		
	b) National Blood Donor Month		
	c) American / National Heart Month		
	d) Upcoming Women’s History Month (March 2021)		
	e) Financial Disclosure Filing Requirement Reminder		
4.	Committee Minutes/Board Reports (For Information Only) (10:10 a.m.)		
	a) Executive Committee Meeting – Open Session – February 3, 2021	(+)	Page 7
	b) Employees’ Retirement System Board of Trustees Regular Meeting – January 5, 2020	(+)	Page 11
5.	Action and Presentation Items (10:15 a.m.)		
	a) Resolution 21-02 Golf Cart Easement Agreement (Sun)	(+*)	Page 15
	b) Resolution 21-03 Riverview Park – Vista Way Storm Drain Easement (Sun)	(+*)	Page 29
	c) Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ended June 30, 2020		
	Auditor SB & Company, LLC Presentation (Lehman)	(+)	Page 41
	Finance Presentation (Zimmerman/Rodman)	(+)	Page 67
	d) Briefing on Preliminary FY22 Spending Affordability Guidelines for Montgomery County (Kroll)	(+)	Page 79
	e) Legislative Update (Gardner)	(H*)	
6.	Officers’ Reports (11:15 a.m.)		
	<u>Executive Director’s Report</u>		
	a) Late Evaluation Report, January 2021 (For Information Only)	(+)	Page 81
	Memo to Department Heads (Chiang-Smith/Spencer)	(+)	Page 83
	<u>Secretary Treasurer</u>		
	b) 4 th Quarter Investment Report (For Information Only)	(+)	Page 87
	<u>General Counsel</u>		
	c) Litigation Report (For Information Only)	(+)	Page 93
<i>Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (7) & (9), a closed session is proposed to consult with counsel for legal advice, conduct collective bargaining discussions and consider matters that relate to negotiation.</i>			
7.	Closed Session (11:20 a.m.)		
	a) Quarterly CIO Report (Chilet)	(++)	
	b) I495-I270 Managed Lanes Project Update (discussion item)		

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
Open Session Minutes
January 20, 2021

The Maryland-National Capital Park and Planning Commission met via videoconference with the Chair initiating the meeting at the Wheaton Headquarters Auditorium in Wheaton, Maryland. The meeting was broadcast by the Department of Parks and Recreation, Prince George's County.

PRESENT

Montgomery County Commissioners

Casey Anderson, Chair
Gerald Cichy
Tina Patterson
Partap Verma

Prince George's County Commissioners

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

NOT PRESENT

Natali Fani-Gonzalez

A. Shuanise Washington

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

ITEM 1 APPROVAL OF COMMISSION AGENDA

No modifications

ACTION: Motion of Vice-Chair Hewlett to approve the agenda
Seconded by Commissioner Geraldo
8 approved the motion

ITEM 2 APPROVAL OF COMMISSION MINUTES

Open Session – December 16, 2020

Closed Session – December 16, 2020

ACTION: Motion of Vice-Chair Hewlett to approve the minutes
Seconded by Commissioner Geraldo
7 approved the motion
1 abstention (Patterson)

ITEM 3 GENERAL ANNOUNCEMENTS

- a) Presidential Inauguration
- b) National Blood Donor Month
- c) National Slavery and Human Trafficking Prevention Month
- d) Upcoming M-NCPPC Black History Month Observances – February 2021
- e) Financial Disclosure Filing Requirement April 30 (State and M-NCPPC)

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

No Executive Committee held in January 2021

- a) Employees' Retirement System Board of Trustees Regular Meeting, November 6, 2020

ITEM 5

ACTION AND PRESENTATION ITEMS

a) Rotation of the Chair

Chair Anderson thanked Vice-Chair Hewlett and all the agency departments for their great cooperation and support. He said the pandemic has tested us, not only personally, but has made us adapt as a Commission and workplace. It is a testament to these wonderful relationships, and there is nobody he would rather be beside than Vice-Chair Betty Hewlett. He thanked all staff from park maintenance workers and support staff, through professional staff and senior management. The agency had no plan or playbook, but our decisions on managing our workforce and budget has left us in good shape. We have seen how critical our planning functions and parks systems and front-line personnel are essential to keep our citizens' mental and physical health intact. The agency will continue to be challenged, but we will come out the other side in the coming term.

Vice Chair Hewlett thanked Chair Anderson, sharing that 2020 was a challenging year and with no playbook and it was a pleasure to work with the management team to navigate these waters. She was proud of all our employees, and their efforts to keep facilities open, available, inclusive and compassionate. She asked for prayers for the safety to our 62 park police officers while they protect our new administration and the residents of Washington DC during the inauguration. She reminded all to continue to step up, stand up, and speak up.

ACTION: Motion of Patterson to elect Elizabeth Hewlett as M-NCPPC Chair and Casey Anderson as M-NPCPPC Vice-Chair for 2021.
Seconded by Geraldo
8 approved the motion

b) Resolution 20-28 Adoption of the Mihran Mesrobian House: Amendment to the Master Plan for Historic Preservation (Liebertz)

No Discussion

ACTION: Motion of Anderson to adopt Resolution 20-28
Seconded by Geraldo
8 approved the motion

c) Resolution 21-01 M-NPCPPC CAPRA Accreditation (Bennett/Ramos/Nissel)

No Discussion

ACTION: Motion of Geraldo to adopt Resolution 21-01
Seconded by Patterson
8 approved the motion

d) Diversity Council

Executive Director Chiang-Smith said the agency's Diversity Counsel has met online this year to meet its goals. She noted its work is more important than ever and staff can use a message of hope to work together and find commonalities. The counsel put together training on a Diversity Equity Inclusion program and this hear two liaisons from the Park Police have joined the council.

- i. Appreciation of 2020 Departing Members (Chiang-Smith)
Executive Director Chiang-Smith thanked individual departing members, adding she hoped these individuals continue to help and use their training as the Council moves forward.
- ii. Introduction of 2021 Diversity Council (Chiang-Smith)
Executive Director Chiang-Smith introduced incoming members of the 2021 Diversity Council, who will be continuing its work.

Chair Hewlett expressed her thanks to the Diversity Council and its importance to the Commission. It demonstrates inclusion and embraces differences in cultures and people.

- iii. Diversity Council 2020 Year in Review (Black/Jennai)
Council Chair Ms. Black shared the Diversity Council's progress from 2020. Guided by the 2019-2021 Strategic Plan. She and Council Vice Chair Jennai shared the presentation and provided highlights from the packet, including:
 - Diversity, Equity & Inclusion Training
 - Outreach
 - Communication
 - Website, InSite & SharePoint
 - M-NCPPC Events
 - Representation & Support
 - Policy & Recommendation
 - Strategic Plan & Progress
 - Planning for 2021

Chair Hewlett thanked Ms. Black and Ms. Jennai for the presentation. Commissioner Patterson thanked the team and said she would contact them with more resources and looked forward to supporting them in 2021. Commissioner Geraldo thanked the counsel, noting this year has been more challenging than ever.

- e) Legislative Update (Gardner)
General Counsel Gardner presented a legislative update on HB285 on behalf of the planning departments and legislative management team. Under current Maryland law, the race and ethnicity of transportation-related accident victims cannot be maintained. HB285 will establish a work group to determine a way to collect this data. This creates a challenge from a planning perspective, since the incidents of traffic accidents where people are injured or killed are not uniform. This would give the state a way to collect this data, He recommended the agency support the bill, noting the agency's Planning Departments do as well.

Vice-Chair Anderson said he is aware the Montgomery County Planning Department has been working on this for some time and wanted to make sure the counties planning departments are sharing data and synched. Director Wright said Transportation Planning staff have been working on the bill, adding the Departments have already been coordinating

closely on it. It will provide data that will greatly help in future planning efforts, including Vision Zero, predictive safety analysis, pedestrian plan and all related work and has been actively coordinated with Prince George's Planning staff in Functional Planning and Policy. General Counsel Gardner noted planners Jesse Cohen and Brian Barnett-Woods connected immediately, are working together very well, and brought it to the attention of the General Counsel's Office.

ACTION: Motion of Geraldo to support HB285
Seconded by Cichy
8 approved the motion

ITEM 6

OFFICERS' REPORTS

Executive Director's Report

a) Late Evaluation Report (December 2020) (For information only)

Executive Director Chiang-Smith said she will be discussing solutions and tools to reduce the number of late evaluations with Directors and Deputies during the next Department Heads' meeting.


Secretary Treasurer Report

No reports scheduled

General Counsel Report

b) Litigation Report (For information only)

There being no further business Chair Hewlett adjourned the meeting sat 10:41 a.m.


James F. Adams, Senior Technical Writer


Asuntha Chiang-Smith, Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

**EXECUTIVE COMMITTEE MEETING MINUTES
February 3, 2021**

On February 3, 2021, the Maryland-National Capital Park and Planning Commission’s Executive Committee met via teleconference. Present were Chair Elizabeth M. Hewlett, Vice Chair Casey Anderson, and Executive Director Asuntha Chiang-Smith. Also present were:

Department Heads

- Andree Checkley, Director, Prince George’s County Planning (PGPL)
- Adrian Gardner, General Counsel
- Mike Riley, Director, Montgomery County Parks (MCPK)
- Bill Tyler, Director, for Prince George’s County Parks and Recreation (PGPR)
- Gwen Wright, Director, Montgomery County Planning (MCPL)
- Joe Zimmerman, Secretary-Treasurer (arrived 10:20)

Presenters/Staff

- Anju Bennett, Corporate Policy and Management Operations Director
- Mazen Chilet, Chief Information Officer
- John Kroll, Corporate Budget Director
- Jennifer McDonald, Benefits Manager
- William Spencer, Corporate Human Resource Director

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

ITEM 1a – APPROVAL OF EXECUTIVE COMMITTEE AGENDA

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

ITEM 1b – APPROVAL OF COMMISSION MEETING AGENDA for February 17, 2021

Discussion	No modification to the February Commission Meeting agenda:
ACTION/Follow-up	Motion of Chair Hewlett, second by Vice Chair Anderson. Agenda approved unanimously.

ITEM 1c – ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS

Discussion	No modification
ACTION/Follow-up	

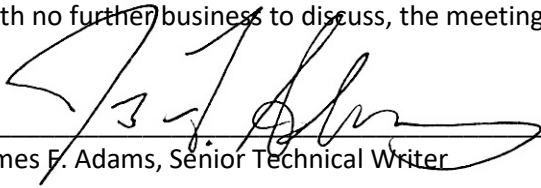
ITEM 2 – November 4, 2020 EXECUTIVE COMMITTEE MEETING MINUTES

Discussion	December 2, 2020 Open Session December 2, 2020 Closed Session
ACTION	Motion of Chair Hewlett, second by Vice-Chair Anderson. Minutes approved unanimously.

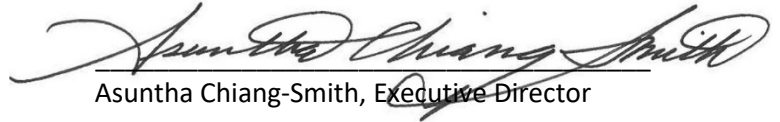
ITEM 3 – DISCUSSION/PRESENTATION ITEMS	
Discussion	<p><u>3a. COVID MOUs with FOP and MCGEO, and request for pass through for Command Police Officers (Chiang-Smith/Bennett)</u></p> <p>CPMO Director Bennett asked the Executive Committee to approve the 7th Memorandums of Understanding recently negotiated with the Municipal and County Government Employees’ Organization (MCGEO) and Fraternal Order of Police (FOP). The request included a passthrough of the FOP MOU to Police Command staff.</p> <p>Ms. Bennett summarized the details of the two MOUs as contained in the packet.</p> <p>The Executive Committee approved the MOUs for MCGEO and FOP. A discussion was held on the pass through to Command Staff. Action on this item was deferred to allow additional consideration of areas discussed by the Executive Committee.</p>
ACTION	Motion of Chair Hewlett, second by Vice-Chair Anderson to approve MOUs for MCGEO and FOP. Command pass-through will be examined, based on the discussion, and returned to Executive Committee.
Discussion	<p><u>3b. Late Performance Reviews (Chiang-Smith/Spencer)</u></p> <p>Corporate Human Resources Director Spencer described a memo his staff had sent senior management to address concerns Commissioner Washington brought up at the December Commission meeting regarding late performance reviews (included in late delivery). Department Heads, at their meeting on January 26, were briefed on a proposal on how to hold managers more accountable for late performance reviews, using the Performance Evaluation system. Department Heads agreed at their meeting that the Performance Evaluation system provided appropriate tools to hold managers accountable.</p> <p>Mr. Spencer briefed the Executive Committee on the segments of the Performance Evaluation system that could be used to reflect a manager’s responsibility to be timely with evaluating their employees.</p>
ACTION/Follow-up	Department Heads, Deputies and managers/supervisors are to use the Performance Evaluation system for greater accountability for late evaluations.
Discussion	<p><u>3c. Wellness Benefits Memo and Presentation to Department Heads (Spencer/McDonald)</u></p> <p>Mr. Spencer introduced Ms. McDonald to summarize a presentation that was given to Department Heads at their January 26 meeting.</p> <p>Ms. McDonald reviewed the presentation given at the Department Heads meeting and included in the packet material. She added she and her staff have presented to Parks and Recreation, the Legal Department, and have scheduled other departmental presentations to staff. The information is being shared with employees to spread awareness of the resources that are available.</p>

	<p>General Counsel Gardner thanked Ms. McDonald and her staff, saying he found the training very useful and important for the legal team, as both a resource, and to allow his staff to suggest the resources to others if needed to allow them to help their peers. The impact of the new work environment, like any change, can be disruptive to peoples’ balance, he said, and this is a phenomenal resource. He encouraged other Department Heads to take advantage of the training.</p> <p>Vice-Chair Anderson fully agreed and suggested he and Chair Hewlett draft an email from two chairs to all staff, acknowledging the unexpected duration of the pandemic and how the change in work and life routine is affecting people.</p> <p>Chair Hewlett agreed and suggested also putting the list of summary resources in <i>inSite</i> and the <i>Update</i> newsletter. She asked if staff might produce a video as well.</p> <p>Executive Director Chiang-Smith asked if the Chairs wished for the presentation to go to the Commission. Vice Chair Anderson indicated that that Commissioners would see the Chairs’ message.</p> <p>Vice Chair Anderson reiterated his appreciation and said we should strongly promote these resources. We want staff to use them because leadership cares about staff and their mental health.</p>
Action/Follow up	Chairs will release a joint statement in support of the information. Will also post to <i>inSite</i> and <i>Update</i> . The Executive Director will discuss producing a video with Public Affairs staff.
Discussion	<p><u>3d. Investment Report November 2020 (information item only)</u> No discussion.</p>
Discussion	<p><u>Change in Telework Program (added discussion item)</u></p> <p>Corporate Policy and Management Operations Director Bennett described recent changes to Telework Program that were approved by Department Directors. She explained that this Program underwent a comprehensive review in light of the extensive use of Telework during COVID-19. She shared that the agency is moving to a model which reflects the appropriate handling of agency closings.</p> <p>During emergency closings, there is still a need for certain positions to carry out critical and essential duties. Teleworkers will continue working their regular schedule. Emergency compensation would only apply to employees who are asked to perform onsite work during an emergency closing. Teleworkers would receive their regular pay and would not receive emergency compensation unless they are required to perform onsite work. Similar models are used at the federal and state level.</p> <p>Teleworking employees who would like to be off during declared emergency closings or liberal leave status are permitted to request use of their leave during emergency closings.</p> <p>The Chairs thanked Ms. Bennett for the briefing and indicated support for the policy updates. They were pleased with the distinction in emergency work.</p>
Action/Follow up	The updated policy will be issued to employees.

With no further business to discuss, the meeting adjourned at 10:53 a.m.



James F. Adams, Senior Technical Writer



Asuntha Chiang-Smith, Executive Director



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

**BOARD OF TRUSTEES MEETING
MINUTES**
Tuesday, January 5, 2021; 10:00 a.m.
via Microsoft Teams

Due to COVID-19, the Maryland-National Capital Park and Planning Commission Employees' Retirement System Board of Trustees ("Board") met virtually through Microsoft Teams with CHAIRMAN HEWLETT leading the call from the County Administration Building in Upper Marlboro, Maryland on Tuesday, January 5, 2021. The meeting was called to order at 10:00 a.m. by CHAIRMAN HEWLETT.

Board Members Present

Elizabeth M. Hewlett, Board of Trustees Chairman, Prince George's County Commissioner
Gerald R. Cichy, Board of Trustees Vice Chairman, Montgomery County Commissioner
Howard Brown, FOP Represented Trustee
Asuntha Chiang-Smith, M-NCPPC Executive Director, Ex-Officio
Pamela F. Gogol, Montgomery County Public Member
Caroline McCarthy, Montgomery County Open Trustee
Amy Millar, MCGEO Represented Trustee (Stepped away from 10:01 – 10:20 a.m.)
Sheila Morgan-Johnson, Prince George's County Public Member
Elaine A. Stookey, Bi-County Open Trustee
Joseph C. Zimmerman, CPA, M-NCPPC Secretary-Treasurer, Ex-Officio

Board Members Not Present

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

ERS Staff Present

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

Presentations

M-NCPPC Legal Department – Tracey Harvin, Senior Counsel
Wilshire Associates – Bradley A. Baker, Managing Director and Martell McDuffy, Senior Analyst

MS. MILLAR joined meeting then stepped away at 10:01 a.m.

ITEM 1 APPROVAL OF THE JANUARY 5, 2021 CONSENT AGENDA

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. GOGOL to approve the Consent Agenda. The motion PASSED unanimously (9 -0). (Motion #21-01)

ITEM 2 CHAIRMAN'S ITEMS

ITEM 3 MISCELLANEOUS
No items reported.

MS. MILLAR returned at 10:20 a.m.

ITEM 4 MANAGER REPORTS/PRESENTATIONS**Wilshire Associates****Presentations by Bradley A. Baker, Managing Director and Martell McDuffy, Senior Analyst**

Wilshire Associates provided a Quarterly Investment Summary for the quarter ending September 30, 2020. Mr. Baker provided a capital market review and reported on the fund's performance. The ERS' total fund return was 3.1% (net of fees) for the quarter, underperforming the target policy index return of 5.0%. For the one, three, five, and ten-years ended September 30, 2020 the ERS fund return was -3.4%, 5.3%, 8.0%, and 7.4%, respectively, compared to the target policy return of 6.4%, 5.9%, 7.8%, and 7.2%, respectively. The total market value through September 30, 2020 was \$978.5 million.

The current low rate environment imposes significant challenges, through lower expected returns, and related pressure to take on greater levels of risk. The ERS is at an assumed 6.8% rate of return which is well below 7.5% for most. The only way for plans to achieve the 7.5% hurdle is to take on increased risk. Wilshire is forecasting growth going forward. The ERS portfolio is balanced and, on a go-forward basis, the ERS has an all-weather portfolio which is expected to perform well.

ITEM 5 COMMITTEE REPORTS/PRESENTATIONS**A. Investment Monitoring Group****Presentation by Andrea L. Rose, Administrator**

- i. Regular Report of December 15, 2020
- ii. Confidential Report of December 15, 2020

At the Investment Monitoring Group (IMG) meeting of December 15, 2020, the IMG met with Wilshire Private Markets for a performance review on the ERS' private equity portfolio. Wilshire committed \$105 million (33 underlying partnerships) to two separate accounts, Series I and Series II which are diversified across vintage year, strategy and region. All funds are under \$2 billion in size and 63% are emerging and/or minority owned. In terms of performance, the net combined IRR is 14.3% with a 1.59 TVPI as of September 30, 20120. This equates to 790 bp of outperformance compared to the MSCI ACWI since inception.

The ERS' private equity portfolio is very well-positioned, and Wilshire is performing a COVID risk analysis on every position in the portfolio. Wilshire believes 2020 may be one of the strongest years due to the inefficiencies and opportunities in the market.

Wilshire performed an analysis of the private equity benchmark and indicated benchmarking private assets is not as straightforward as public assets. Mr. Baker recommended continuing to utilize the MSCI ACWI Index + 3% for the primary benchmark for private equity at the manager, asset class and total fund level. In addition, Mr. Baker recommended adding a secondary benchmark that is provided by the Thomson One on a quarterly basis that would help minimize tracking error and provide a more "apples to apples" comparison of other like private equity portfolio returns. The IMG agreed with Mr. Baker. Ms. Rose and MS. MORGAN-JOHNSON agreed official action by the IMG and/or Board was not required to simply add an additional benchmark to the reporting.

B. Administration & Personnel Oversight Committee

Presentation by Joseph C. Zimmerman, CPA and Andrea L. Rose, Administrator

i. Regular Report of December 15, 2020

At the December 15, 2020 Administration & Personnel Oversight Committee (“Personnel Committee”) meeting, staff reported the team was in a 6-week user acceptance testing (UAT) period for the new pension software administration system. Nine months into the pandemic, with rising retirement, death and withdrawal transactions, the team was exhausted. The Administrator was exploring options for extending UAT, parallel and bringing in an extra set of hands. The Personnel Committee recommended the Administrator move quickly in exploring options.

Ms. Rose reported on January 5, 2021 that Levi, Ray & Shoup provided a one-month extension (free of charge) for UAT. Additionally, the Chairman signed an Emergency Waiver for the Procurement of Services. The ERS is temporarily bringing on an extra set of hands to assist with analysis and account reconciliations, primarily during the parallel processing period.

During the pandemic there has been a rise in criminal cyber activity, including ransomware attacks. To that end, staff explored additional coverage limits. Staff recommended an increase from the existing \$2 million policy to a \$3 million cyber policy with increased sublimits for computer fraud and funds transfer fraud. Note, the ERS has a crime policy as well, to supplement the computer and funds transfer fraud.

The Personnel Committee concurred with staff and recommended the Board approve an increase from the existing \$2 million policy to a \$3 million cyber policy with increased sublimits for a premium of \$15,731.

ACTION: MS. GOGOL made a motion, seconded by MS. MILLAR to approve an increase from the existing \$2 million policy to a \$3 million cyber insurance policy with increased sublimits for a premium of \$15,731. The motion PASSED unanimously (10-0). (Motion #21-02)

ITEM 6

REPORT OF THE ADMINISTRATOR

Presentation by Andrea L. Rose, Administrator

Administrator’s Report dated December 22, 2020

In mid-2020, the ERS granted Social Distancing Leave to ERS employees. Use of this leave was set to expire on December 31, 2020. The Commission extended expiration for Merit employees to use their remaining Social Distancing Leave balances through June 30, 2021. The Administrator recommended the same for ERS staff.

ACTION: MS. CHIANG-SMITH made a motion, seconded by VICE CHAIRMAN CICHY to grant ERS employees an extension to utilize unused Social Distancing Leave

through June 30, 2021. The motion PASSED unanimously (10-0). (Motion #21-03)

ITEM 7 CLOSED SESSION

At 11:45 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 3-305(b)(7) to consult with counsel to obtain legal advice.

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. CHIANG-SMITH to go into Closed Session. The motion PASSED unanimously (10-0). (Motion #21-04)

During Closed Session, the following action was taken:

1. Approved Consent to Assignment for the Investment Advisory Agreement with Eaton Vance Management.

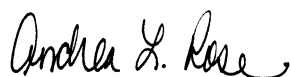
The Board moved back into Open Session at 11:54 a.m.

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. CHIANG-SMITH to ratify the actions taken in Closed Session. The motion PASSED unanimously (10-0). (Motion #21-07)

ACTION: MS. CHIANG-SMITH made a motion, seconded by VICE CHAIRMAN CICHY to adjourn the Board meeting of January 5, 2021. The motion PASSED unanimously (10-0). (Motion #21-08)

The Board meeting of January 5, 2021 adjourned at 11:55 a.m.

Respectfully,



Andrea L. Rose
Administrator



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

MEMORANDUM

DATE: February 11, 2021

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

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

SUBJECT: **PGCPB Resolution No. 2020-169 (M-NCPPC No. 21-02), for Full Commission**

Attached, please find the above referenced Resolution regarding an amendment of an existing golf cart easement at Black Branch Stream Valley Park, located in Upper Marlboro, Maryland.

The Commission agrees to grant this easement to Oak Creek LLC, (the Developer), for the purposes of installing a golf cart tunnel underneath Church Road in furtherance of public safety. In return, the Developer has proffered to construct an upgraded crosswalk, along with additional sidewalks and bike paths (all along Church Road) in exchange for the use of M-NCPPC's property.

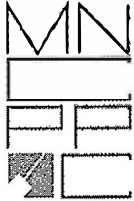
We request that the Prince George's County Planning Board Resolution be scheduled for adoption by the Full Commission on February 17, 2021.

Thank you for your attention to this matter.

Attachment:

- M-NCPPC Resolution No. 2020-169

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation, Prince George's County

6600 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC Resolution 21-02

PGCPB No. 2020-169

RESOLUTION

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

WHEREAS, the Commission owns 10.13 ± acres consisting of Parcel E and 21.34 ± acres consisting of Parcel I of **Black Branch Stream Valley Park**, located in Upper Marlboro, Maryland, and further identified as Tax Map 76, Grids D-1 & E-1; and

WHEREAS, on June 8, 2016, the Commission entered into Oak Creek Golf Cart Easement Agreement, which is recorded in the Land Records of Prince George's County, Maryland at Liber 38516, Folio 110 ("Original Easement"); and

WHEREAS, Oak Creek CC, LLC ("Developer") has requested that the Commission amend the Original Easement to convey an additional 1,429 ± s. f. easement on Parcel E, and 7,101 ± s. f. easement on Parcel I for the purpose of constructing a golf cart tunnel under Church Road; and

WHEREAS, in furtherance of public safety, the Developer intends to construct a crosswalk across Church Road and additional sidewalks and bike paths along Church Road connecting to the crosswalk.

NOW, THEREFORE BE IT RESOLVED, that the Planning Board hereby approves the conveyance of the above-referenced easements.

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

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Hewlett, Doerner, and Geraldo voting in favor of the motion, in open session, at its regular meeting held on Thursday, November 19, 2020, in Upper Marlboro, Maryland.


APPROVED AS TO LEGAL SUFFICIENCY

Henry O. Maxwell
M-NCPPC Legal Department

Date 12/30/20

Adopted by the Prince George's County Planning Board this 17th day of December, 2020.

Elizabeth M. Hewlett
Chair


By Jessica Jones
Planning Board Administrator

**Proposed Golf Cart Easement for Oak Creek Golf Course
Property of The Maryland-National Capital Park and Planning
Commission (M-NCPPC)**

Grant of Easement to Oak Creek CC, LLC

Prince George’s County Planning Board

November 12, 2020

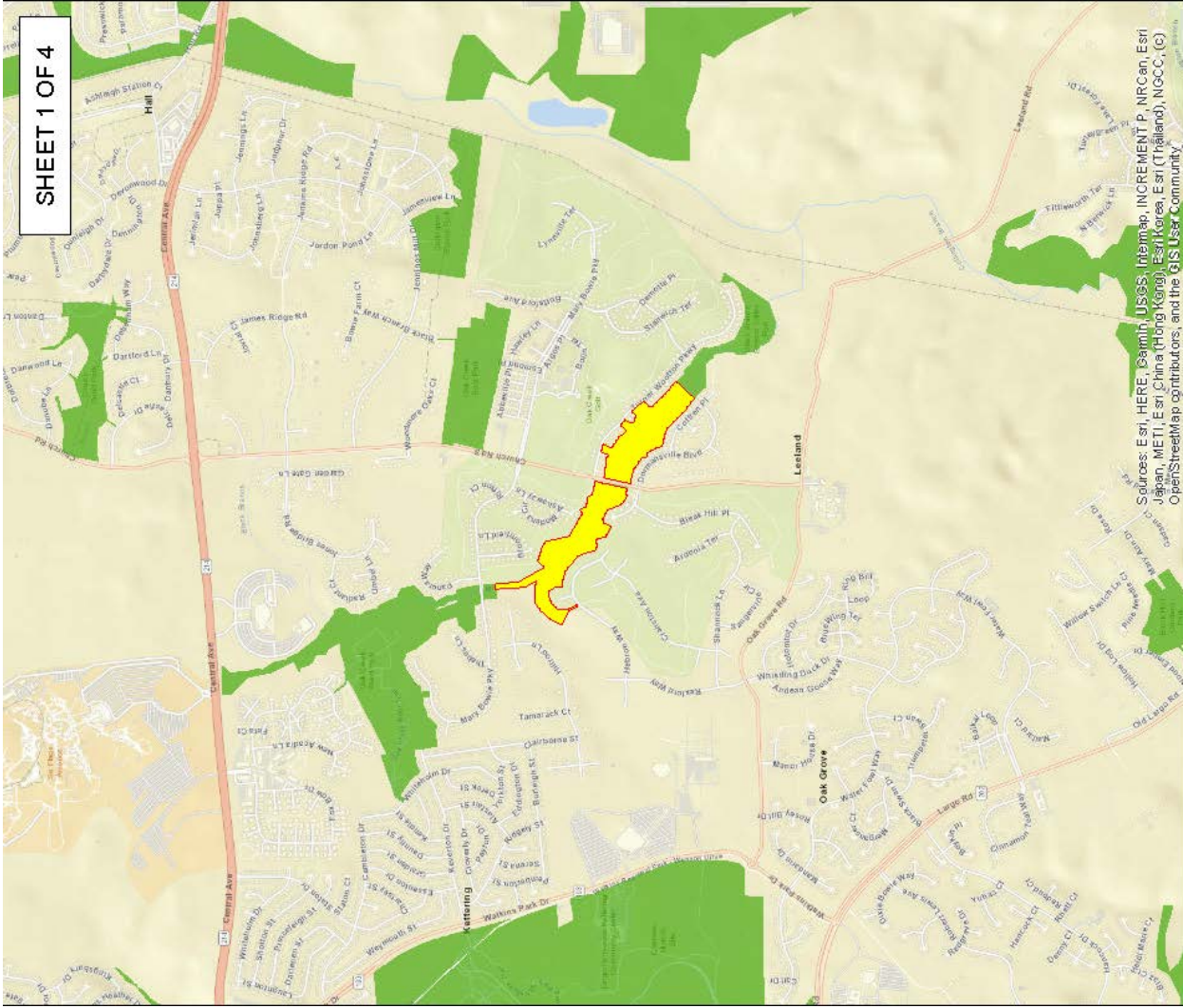
Property of M-NCPPC

Black Branch Stream Valley Park

20

Map: 76 Grid: D1/E1
Parcels: E and I

Location Map



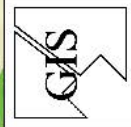
SHEET 1 OF 4

Sources: Esri, HERE, DeLorme, USGS, Imagery, P. NRC, Esri, Jigsaw, METI, Esri, China (Hong Kong), Esri, Korea, Esri (Thailand), NOAA, (C) OpenStreetMap contributors, and the GIS User Community

DATE: 10/09/2020
SCALE: 2,000 Feet

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Part of Parcels 1 & E
B20 - Black Branch
Stream Valley Park



OAK CREEK

The *Only* Private Gated Country Club Community
in Prince George's County





Approximate location of Church Road easement



Property of M-NCPPC

Black Branch Stream Valley Park

23

Map: 76 Grid: D1/E1
Parcels: E and I

Existing Conditions



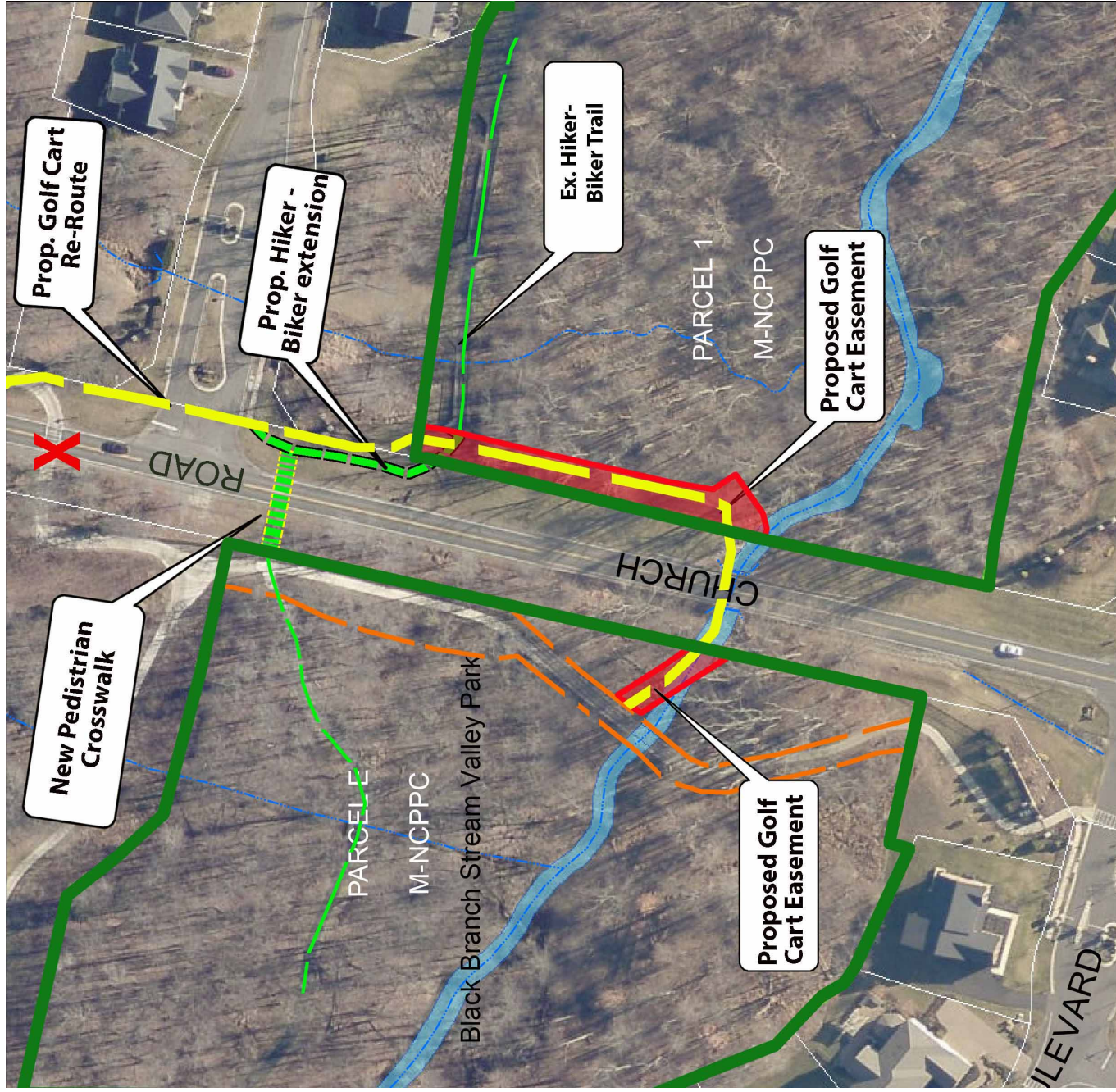
Property of M-NCPPC

Black Branch Stream Valley Park

24

Map: 76 Grid: D1/E1
Parcels: E and I

Proposed Conditions



New creek crossing with integrated golf cart path



Proposed Golf Cart Easement for Oak Creek Golf Course

Black Branch Stream Valley Park

- Applicant has requested that M-NCPPC amend an existing easement to grant an additional 8,530 square foot permanent easement to allow for under-road (Church Road) golf cart pathway.
- This will provide for improved golf course circulation and safer roadway conditions (along Church Road) for the general public.
- In return, the developer has agreed to construct an additional section of the Black Branch Stream Valley Trail along Church Road and to install a pedestrian crosswalk across Church Road for a much-needed connection.

STAFF
RECOMMENDATION

Approval
(Tyler/Ewing/Sun)

END



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

MEMORANDUM

DATE: February 11, 2021

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

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

SUBJECT: **PGCPB Resolution No. 2020-184 (M-NCPPC No. 21-03), for Full Commission**

Attached, please find the above referenced Resolution regarding the grant of a perpetual subsurface storm drain easement at Riverview Park, located in Fort Washington, Maryland.

The Commission agrees to grant this easement to Prince George's County, Maryland, as a public benefit with no cost considerations.

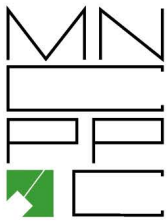
We request that the Prince George's County Planning Board Resolution be scheduled for adoption by the Full Commission on February 17, 2021.

Thank you for your attention to this matter.

Attachment:

- M-NCPPC Resolution No. 2020-184

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

M-NCPPC Resolution #21-03
PGCPB No. 2020-184
4D

RESOLUTION

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

WHEREAS, the Commission owns Riverview Park consisting of Parcels 51, 52, 53, 81, 131 and Parcel A, Block U, for a total of 21.78 ± acres located in Fort Washington, and further identified as Tax Map 122, Grids E-3 & F-4; and

WHEREAS, Prince George’s County, Maryland has requested that the Commission convey a 4,852 ± square foot (0.11 ± acre) perpetual easement over Parcels 51 and 81 to the County for installation of subsurface storm drain facility to be maintained by the County; and

WHEREAS, for the benefit of the public, the Commission intends to grant to the County such 0.11 ± acre perpetual easement as requested by the County.

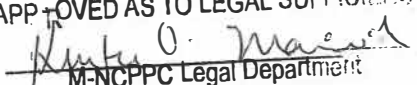
NOW, THEREFORE BE IT RESOLVED, that the Planning Board hereby approves the conveyance of the above-referenced easement, contingent on approval by the full Commission.


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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Bailey, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Hewlett, Doerner and Bailey voting in favor of the motion, during open session at its regular meeting on Thursday, December 17, 2020.

Adopted by the Prince George’s County Planning Board this 14th day of January 2021.

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date 1/4/21

Elizabeth M. Hewlett

By: Jessica Jones
Planning Board Administrator

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**Proposed Storm Drain Easement
Property of The Maryland-National Capital Park and Planning
Commission (M-NCPPC)**

Grant of Easement to Prince George's County

Prince George's County Planning Board

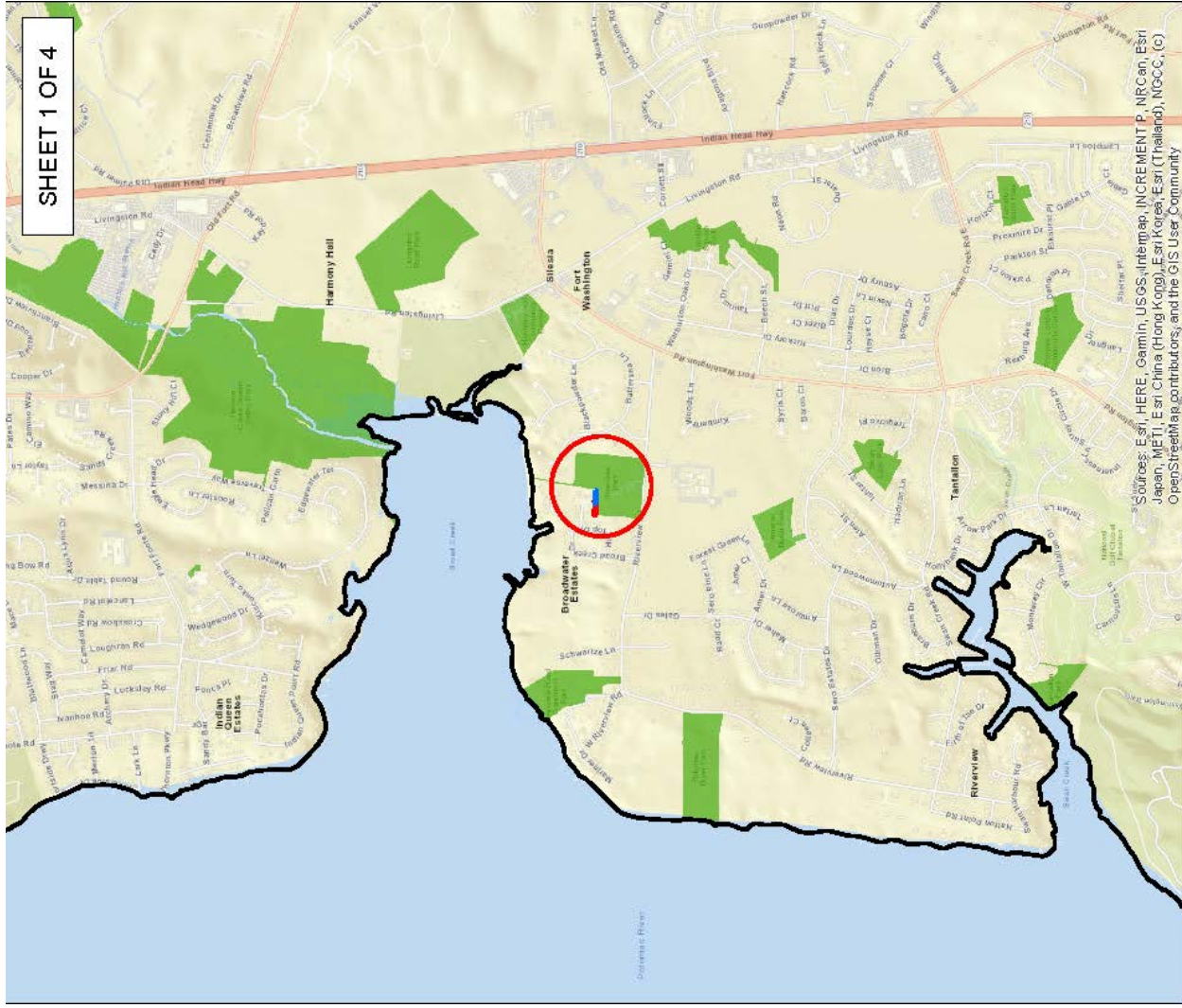
December 17, 2020

Item #3D

Property of M-NCPPC

Riverview Park

Map: 122 Grid: E4
Parcels: 51 and 81



SHEET 1 OF 4

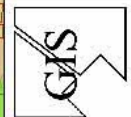
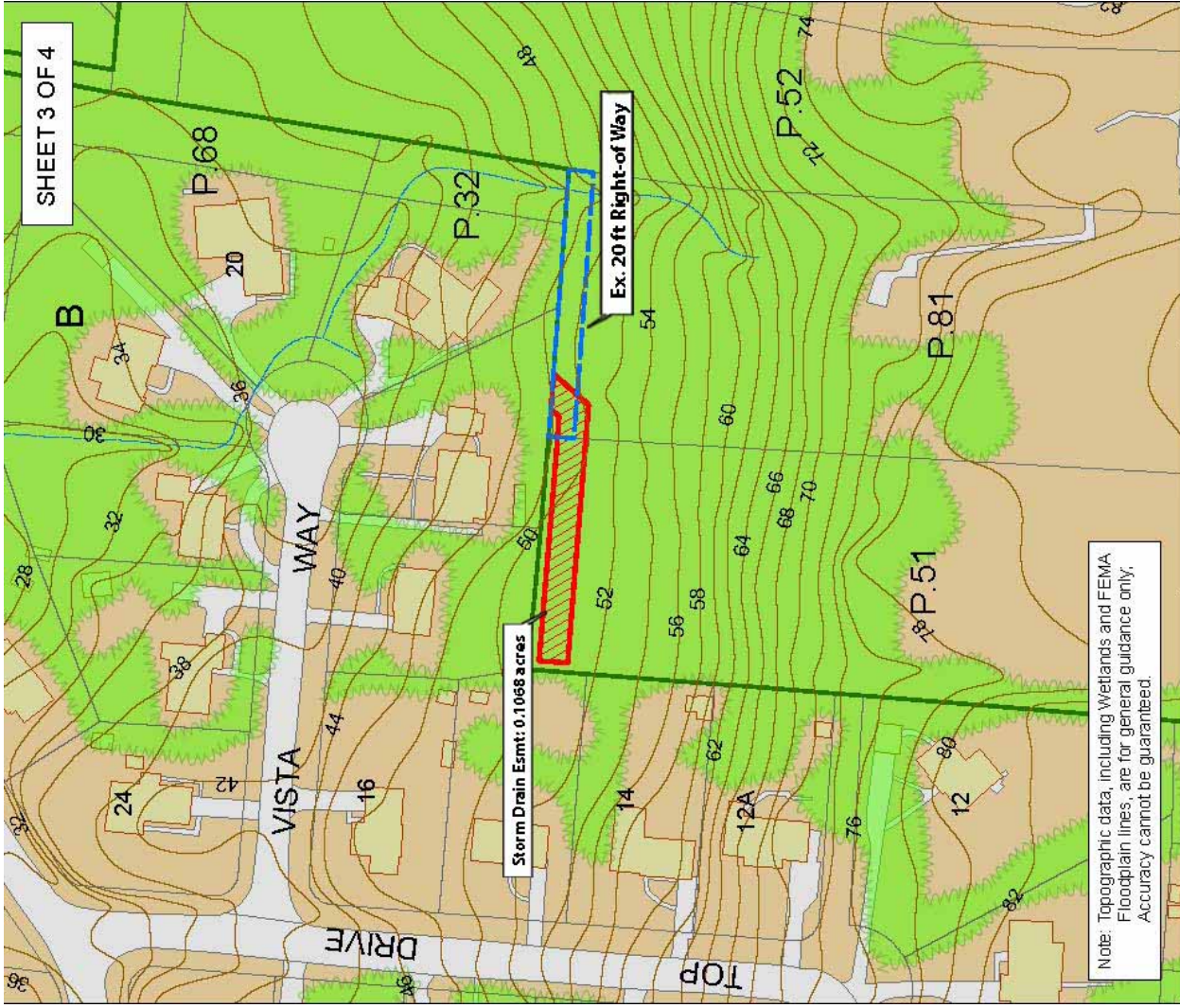
	Parcels 51 & 81 Part of Q63 - Riverview Park	DATE: 11/19/2020
	<small>This information may not be reproduced, stored in a retrieval system, or transmitted in any form, including electronic or mechanical, without the express written permission of the Maryland National Capital Park and Planning Commission.</small>	SCALE: <input type="text" value="2,000"/> Feet

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

Property of M-NCPPC

Riverview Park

Map: 122 Grid: E4
Parcels: 51 and 81



Parcels 51 & 81
Part of
Q63 - Riverview Park

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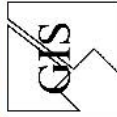
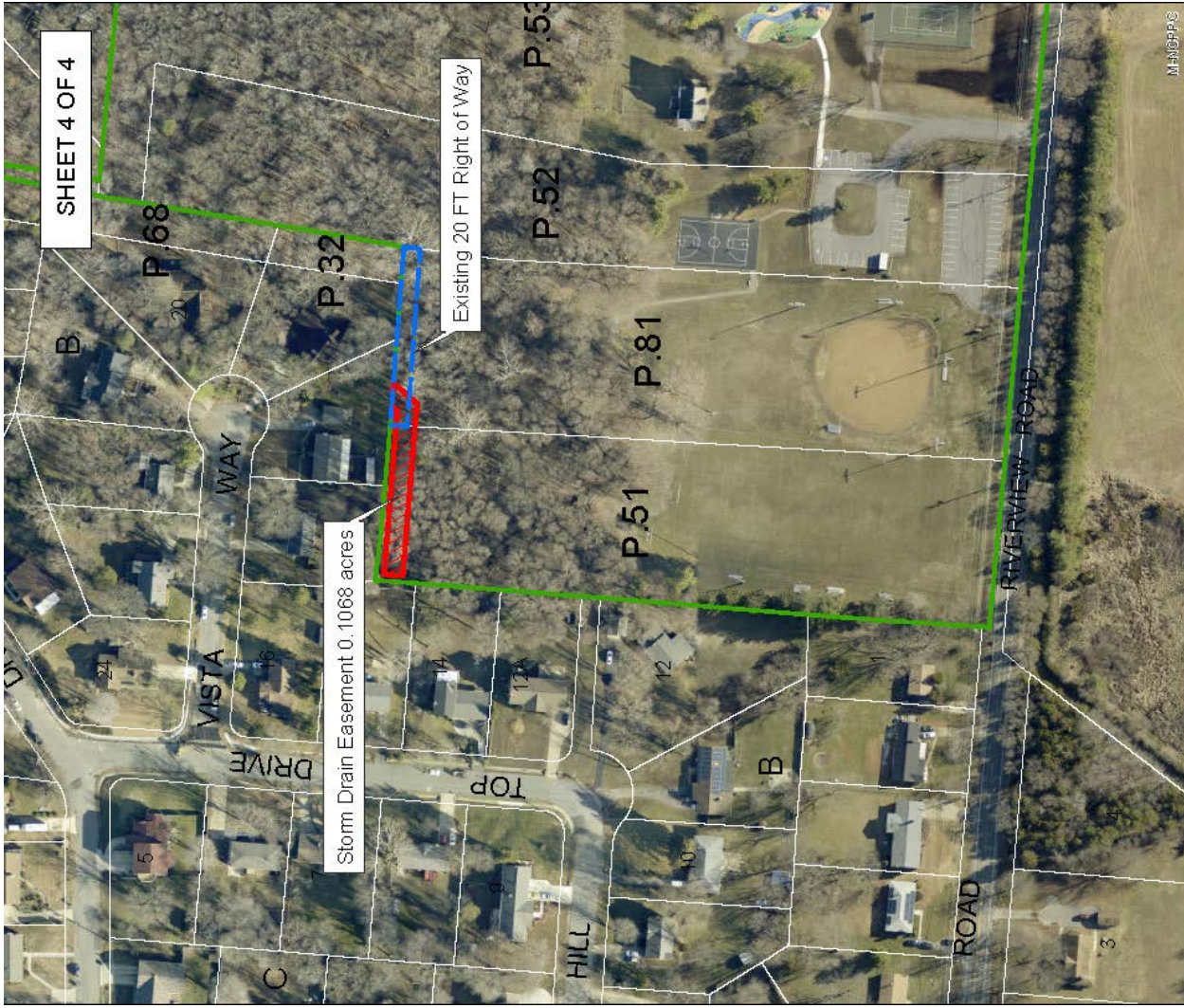
DATE: 11/19/2020
SCALE: 100 Feet



Property of M-NCPPC

Riverview Park

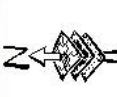
Map: 122 Grid: E4
Parcels: 51 and 81



Parcels 51 & 81
Part of
Q63 - Riverview Park

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DATE: 11/19/2020
SCALE: 150 Feet



Proposed Storm Drain Easement at Riverview Park

- Applicant has requested that M-NCPPC to grant a 4,852 square foot permanent easement to allow for Prince George’s County to construct a storm drain system.
- The implementation of this storm drain system will alleviate flooding issues onto the adjacent properties.
- There will be no cost considerations for the granting of this easement.

STAFF
RECOMMENDATION

Approval
(Tyler/Ewing/Sun)

END

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



PRESENTATION TO THOSE CHARGED WITH GOVERNANCE

February 17, 2021



Agenda for Discussion

Introductions

Executive Summary

Audit Approach

Required Communications

Meeting Your Expectations



Introductions





Introductions

Your SBC Engagement Leadership

44

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, 2020 financial statements
- Review of Comprehensive Annual Financial Report
- Review of Uniform Financial Report
- Uniform Guidance Single Audit
- 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
- Discovered no material weaknesses in internal controls
- Received full cooperation from management
- Audit journal entries
 - No audit journal entries noted
- Financial results (amounts in thousands):

	2020	2019
Change in Net Position	\$ 83,181	\$ 58,608
Net Position	\$ 1,049,591	\$ 966,410



Audit Approach

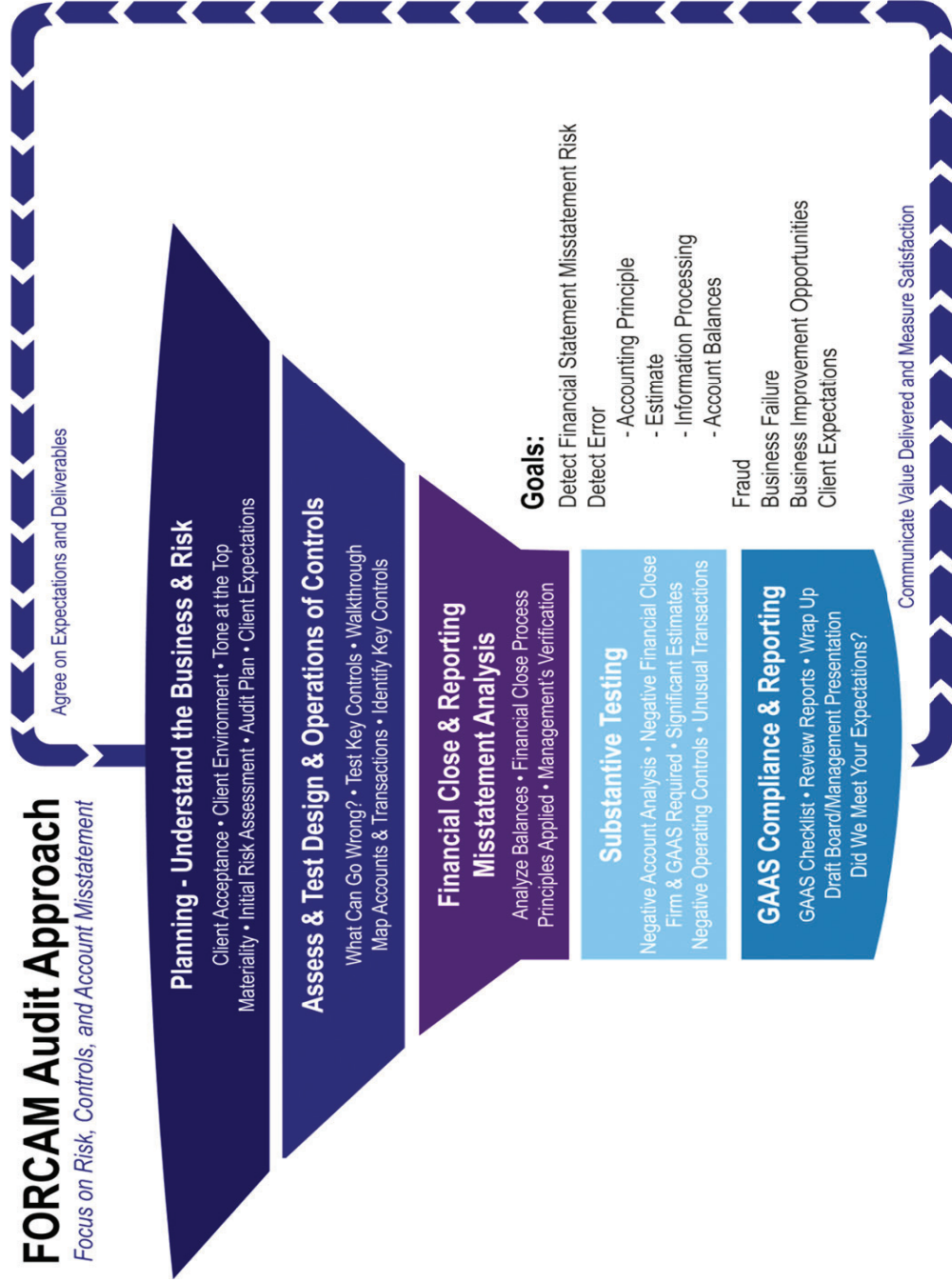




Audit Approach

FORCAM Audit Approach

Focus on Risk, Controls, and Account Misstatement





Assessment of Control Environment

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



Not effective
Suggested improvements
Effective



Evaluation of Key Processes

Process	Function	A B C D				Our Assessment
		A	B	C	D	
Treasury	• Cash Management	✓	✓			✓
	• Investment Monitoring		✓	✓		
	• Investment Policy				✓	
Estimation	• Reconciliation					✓
	• Methodology	✓	✓	✓	✓	
	• Information					
Financial Reporting	• Calculation					✓
	• Accounting Principles and Disclosure	✓	✓	✓	✓	
	• General Ledger and Journal Entry Processing					
	• Closing the Books					
	• Verification and Review of Results					
Expenditures	• Report Preparation					✓
	• Purchasing	✓	✓	✓	✓	
	• Receiving					
	• Accounts Payable and Cash Disbursement					



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

A	Understand the Process
C	Walk-through



Evaluation of Key Processes (continued)

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

A	Understand the Process
C	Walk-through
B	What Can Go Wrong?
D	Test of Controls/Substantive



Not effective
Suggested improvements
Effective



Financial Statement Results





Financial Statement Results

Statements of Net Position

Amounts in thousands	Governmental Activities		Business-Type Activities	
	2020	2019	2020	2019
<u>Assets</u>				
Current and Other Assets	\$ 582,680	\$ 541,673	\$ 9,364	\$ 13,251
Capital Assets	1,051,266	1,002,716	58,703	59,105
Total Assets	1,633,945	1,544,389	68,067	72,356
Deferred Outflows	122,581	51,726	4,885	1,911
<u>Liabilities/Deferred Inflows</u>				
Current Portion of Long-term Liabilities	30,785	30,042	323	395
Long-term Liabilities	632,785	526,291	19,186	14,589
Other Liabilities	48,510	58,759	1,892	2,239
Total Liabilities	712,081	615,093	21,401	17,223
Deferred Inflows	44,823	69,221	1,582	2,435
<u>Net Position</u>				
Net Investment in Capital Assets	896,149	848,097	58,703	59,105
Unrestricted	103,473	63,704	(8,734)	(4,495)
Total Net Position	\$ 999,622	\$ 911,801	\$ 49,969	\$ 54,610



Financial Statement Results (continued)

Statements of Activities

Amounts in thousands	Governmental Activities		Business-Type Activities	
	2020	2019	2020	2019
Program Revenues:				
Charges of Services	\$ 20,396	\$ 27,264	\$ 15,507	\$ 20,420
Operating Grants and Contributions	9,926	8,532	23	-
Capital Grant and Contributions	36,885	17,976	-	-
General Revenues:				
Property Taxes	425,742	401,181	-	-
Investment Earnings	9,699	12,946	651	938
Total Revenues	502,649	467,899	16,182	21,358
Expenses:				
General Government	22,179	19,909	-	-
County Planning and Zoning	54,045	61,301	-	-
Park Operations and Maintenance	251,990	237,053	-	-
Recreation Programs	72,667	74,366	-	-
Recreational and Cultural Facilities	-	-	28,980	32,091
Interest on Long-term Debt	5,789	5,928	-	-
Total Expenses	406,670	398,557	28,980	32,091
Increase (Decrease) in Net Position Before Transfer Transfers	95,979	69,342	(12,798)	(10,733)
	(8,158)	(8,585)	8,158	8,585
Increase (Decrease) in Net Position	87,822	60,757	(4,641)	(2,148)
Net Position-beginning	911,801	851,044	54,610	56,758
Net Position-ending	\$ 999,622	\$ 911,801	\$ 49,969	\$ 54,610



Required Communications





Required Communications

<p>Auditor's Responsibilities Under Generally Accepted Auditing Standards (GAAS)</p>	<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>	
<p>Significant Accounting Policies</p>	<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>	
<p>Auditor's Judgments About the Quality of Accounting Principles</p>	<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>We have reviewed the significant accounting policies adopted by the Commission and have determined that these policies are acceptable accounting policies.</p>
<p>Audit Adjustments</p>	<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>There were no recorded or unadjusted audit adjustments for the Commission's audit.</p>



Required Communications (continued)

Fraud and Illegal Acts	<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>Our procedures identified no instances of fraud or illegal acts.</p>
Material Weaknesses in Internal Control	<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>We have not identified any material weaknesses in internal controls.</p>
Other Information in Documents Containing Audited Financial Statements	<p>None noted.</p>	
Disagreements with Management on Financial Accounting and Reporting Matters	<p>None noted.</p>	



Required Communications (continued)

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



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.

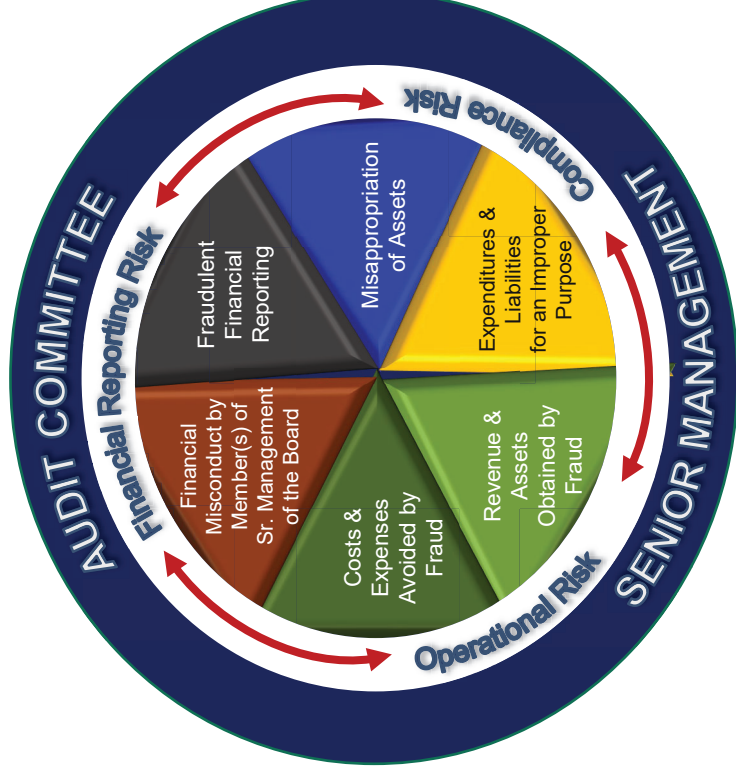
60

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:

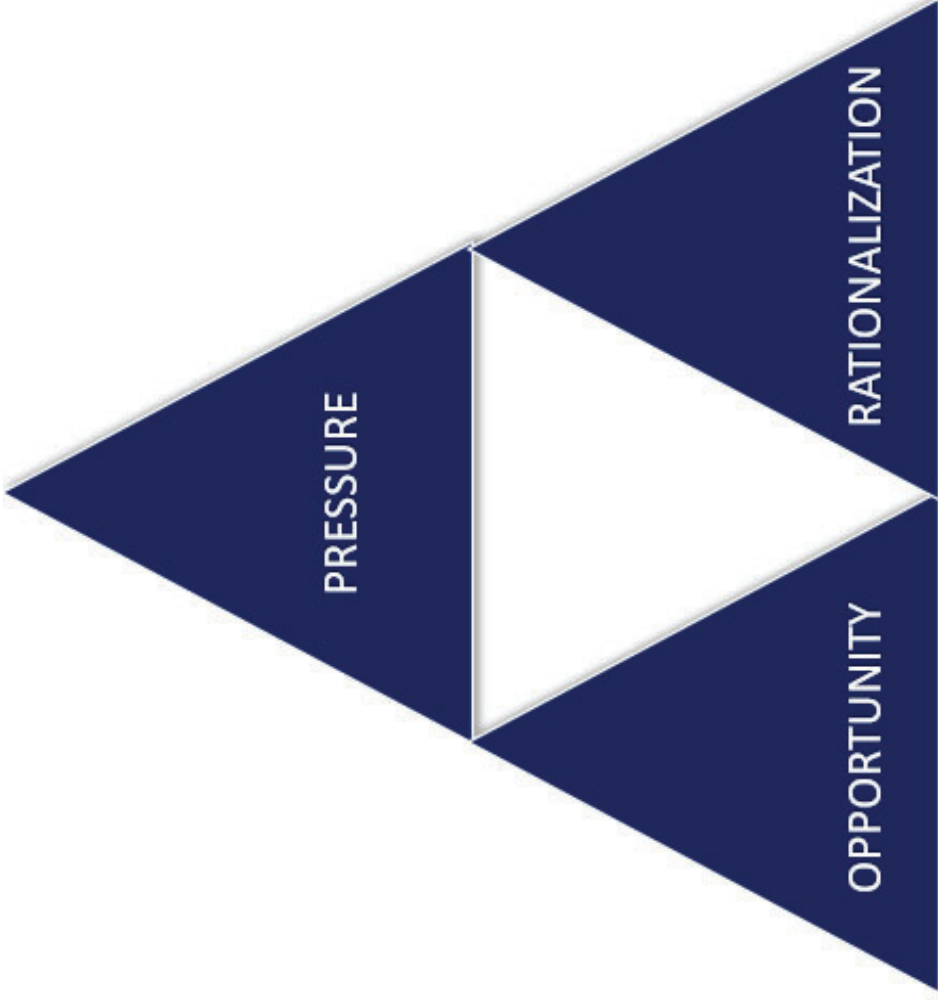
- CFO/Controller: controls to deter and detect fraud
- General Counsel/Compliance: monitoring

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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Baltimore Office: 10200 Grand Central Ave Suite 250 Owings Mills, MD 21117 410.584.0060	Philadelphia Office: 1500 Market Street Suite 1200, East Tower Philadelphia, PA 19102 215.665.5749	Washington, DC Office: 1200 G Street, NW Suite 821 Washington, DC 20005 202.434.8684	Richmond Office: 6802 Paragon Place Suite 410 Richmond, VA 23230 804.441.6000	South Florida Office: 4000 Hollywood Blvd Suite 555-S Hollywood, FL 33021 954.843.3477
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The Maryland-National Capital Park and Planning Commission Comprehensive Annual Financial Report



For the Fiscal Year Ended June 30, 2020

Annual Report Requirements

Land Use Article:

Section 15-115

- Commission must publish an annual financial report certified by independent certified public accountants.

Section 15-116

- Commission must publish an annual report setting forth the work of the Commission for the year.

FY2020 Audit Results

- 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

Commission's Net Position

(Millions)

	Business-		
	Governmental Activities	Type Activities	Total
Revenues	\$502.7	\$16.2	\$518.9
Expenses	(406.7)	(29.0)	(435.7)
Transfers	(8.2)	8.2	-
Inc (Dec) in Net Position	\$ 87.8	\$ (4.6)	\$ 83.2
Net Position- Ending	\$999.6	\$ 50.0	\$1,049.6

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

	Final Budget	Actual	Variance
Revenues:			
Total Revenues	\$ 31,768.2	\$ 31,087.0	\$ (681.2)
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	32,794.9	32,313.5	481.4
Revenues over (under) Expenditures	(1,026.7)	(1,226.5)	(199.8)
Transfer to Park Fund	(125.0)	(125.0)	-
Change in Fund Balance	\$ (1,151.7)	(1,351.5)	\$ (199.8)
Fund Balance - Budget Basis, Beginning		3,055.1	
Fund Balance - Budget Basis, Ending		\$ 1,703.6	

Fund balance, budget basis	\$ 202.2
Assigned (Designated for FY 2021 Budget)	979.0
Unassigned (Designated for Contingencies)	522.4
Unassigned (net of Contingency Designation)	1,501.4
Total Unassigned	\$1,703.6
Total fund balance, budget basis	



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

	Final Budget	Actual	Variance
Revenues:			
Total Revenues	\$ 109,645.4	\$ 104,674.9	\$ (4,970.5)
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	101,984.9	98,375.8	3,609.1
Revenues over (under) Expenditures	7,660.5	6,299.1	(1,361.4)
Transfers In (Out)			
Capital Project Funds	25.0	126.4	101.4
Administration Account	125.0	125.0	-
Debt Service	(6,624.4)	(6,209.9)	414.5
Capital Project Funds - Development	(350.0)	(350.0)	-
Total Transfers	(6,824.4)	(6,308.5)	515.9
Change in Fund Balance	\$ 836.1	(9.4)	\$ (845.5)
Fund Balance - Budget Basis, Beginning		3,931.5	
Fund Balance - Budget Basis, Ending		<u>\$ 3,922.1</u>	

Fund balance, budget basis

Assigned (Designated for FY 2021 Budget)

\$ 0.0

Unassigned (Designated for Property Management)

699.1

Unassigned (Designated for Contingencies)

3,153.0

Unassigned (net of Contingency Designation)

70.0

Total Unassigned

3,922.1

Total fund balance, budget basis

\$3,922.1

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

	Final Budget	Actual	Variance
Revenues:			
Total Revenues	\$ 58,742.6	\$ 60,065.3	\$ 1,322.7
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	53,134.2	47,271.8	5,862.4
Revenues over (under) Expenditures	5,608.4	12,793.5	7,185.1
Transfer to Park Fund	(3,000.0)	(3,000.0)	-
Transfer to Special Revenue Fund	(30.0)	(30.0)	-
Change in Fund Balance	<u>\$ 2,578.4</u>	9,763.5	<u>\$ 7,185.1</u>
Fund Balance - Budget Basis, Beginning		58,381.4	
Fund Balance - Budget Basis, Ending		<u>\$ 68,144.9</u>	

Fund balance, budget basis

Assigned (Designated for FY 2021 Budget)

\$ 0.0

Unassigned (Designated for Contingencies)

2,696.5

Unassigned (net of Contingency Designation)

65,448.4

Total Unassigned

68,144.9

Total fund balance, budget basis

\$ 68,144.9

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

	Final Budget	Actual	Variance
Revenues:			
Total Revenues	\$ 160,539.9	\$ 163,482.5	\$ 2,942.6
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	125,500.0	125,731.0	(231.0)
Revenues over (under) Expenditures	35,039.9	37,751.5	2,711.6
Transfers In (Out)			
Capital Project Funds - Interest	500.0	1,556.5	1,056.5
Administration Fund - Transfer In	3,000.0	3,000.0	-
Debt Service	(15,296.3)	(12,120.3)	3,176.0
Capital Project Funds - Development	(42,030.0)	(42,030.0)	-
Total Transfers	(53,826.3)	(49,593.8)	4,232.5
Change in Fund Balance	\$ (18,786.4)	\$ (11,842.3)	\$ 6,944.1
Fund Balance - Budget Basis, Beginning		139,527.3	
Fund Balance - Budget Basis, Ending		<u>\$ 127,685.0</u>	

Fund balance, budget basis

Assigned (Designated for FY 2021 Budget) \$11,021.1

Unassigned (Designated for Contingencies) 6,441.6

Unassigned (net of Contingency Designation) 110,222.3

Total Unassigned 116,663.9

Total fund balance, budget basis \$ 127,685.0



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

	Final Budget	Actual	Variance
Revenues:			
Total Revenues	\$ 92,290.8	\$ 89,511.6	\$ (2,779.2)
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	75,525.7	64,726.2	10,799.5
Revenues over (under) Expenditures	<u>16,765.1</u>	<u>24,785.4</u>	<u>8,020.3</u>
Transfers In (Out)			
Capital Projects Fund	(10,000.0)	(10,000.0)	-
Enterprise	(8,157.6)	(8,157.6)	-
Total Transfers	<u>(18,157.6)</u>	<u>(18,157.6)</u>	<u>-</u>
Change in Fund Balance	<u>\$ (1,392.5)</u>	6,627.8	<u>\$ 8,020.3</u>
Fund Balance - Budget Basis, Beginning		47,464.3	
Fund Balance - Budget Basis, Ending		<u>\$ 54,092.1</u>	

Fund balance, budget basis

Assigned (Designated for FY 2021 Budget)

\$ 0.0

Unassigned (Designated for Contingencies)

4,268.5

Unassigned (net of Contingency Designation)

49,823.6

Total Unassigned

54,092.1

Total fund balance, budget basis

\$ 54,092.1

Enterprise Funds

(Thousands)

	Montgomery County	Prince George's County
Operating revenues	\$ 9,030	\$ 6,500
Operating expenses, excluding depreciation	8,604	17,633
Operating income (loss), excluding depreciation	426	(11,133)
Depreciation	803	1,945
Operating Income (loss)	(377)	(13,078)
Nonoperating revenue (expense)	359	297
Transfers/Contributions	0	8,158
Changes in Net Position	\$ (18)	\$ (4,623)

Questions?

Contact:

Abbey Rodman

Corporate Accounting Director

6611 Kenilworth Avenue, Suite 301

Riverdale, Maryland 20737

abbey.rodman@mncppc.org

(301) 454-1541

Thank you!

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

February 10, 2021

TO: Commissioners

FROM: John Kroll, Corporate Budget Director *JK*

SUBJECT: FY22 Spending Affordability Guidelines for Montgomery County

On Tuesday, February 9, 2021, the Montgomery County Council approved the Spending Affordability Guidelines for the operating budget for FY22.

These guidelines project a 9.1% reduction from the proposed budget, or approximately \$13.96M in Montgomery County funded departmental budgets, including the MC funded portion of the bi-county departments. By comparison, last year's SAG reduction was 7.5% (\$11.35M).

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

I am presenting this information to the full Commission for two reasons:

- Reductions that may be proposed for the bi-county departments will undoubtedly impact the Prince George's County side of the Commission as well; and
- Equally important, the magnitude of these suggested reductions may result in other spill-over effects to the full Commission.

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.

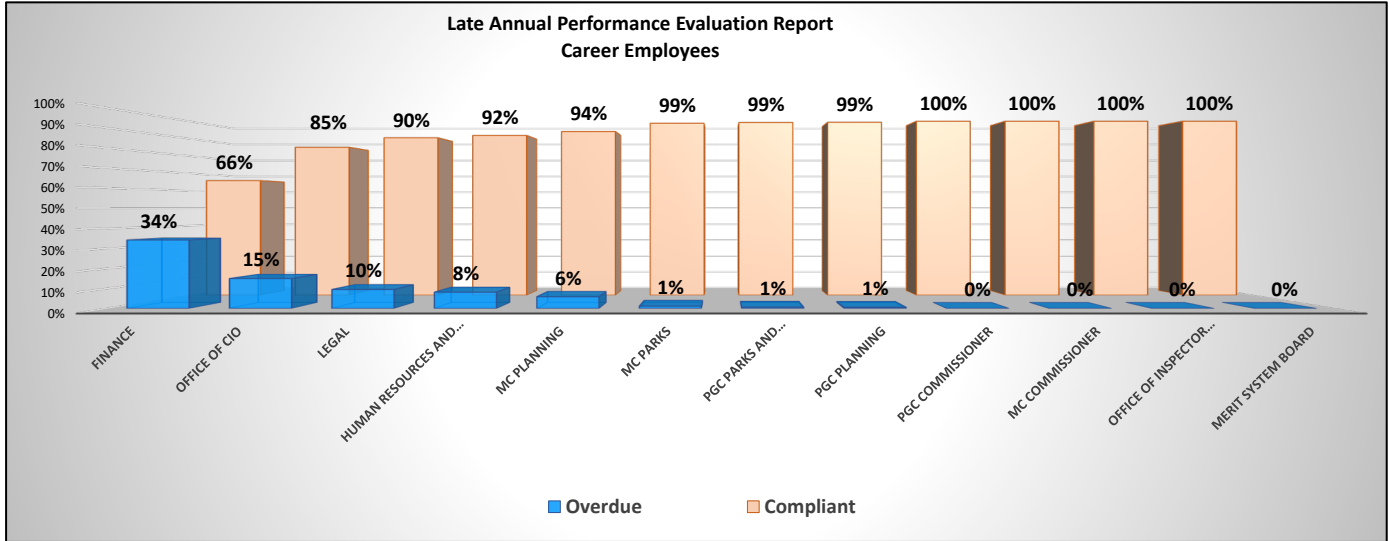
Although recent history suggests that the fiscal picture of Montgomery County may be shown to improve in the next month, given the size of the reduction at this time it may be appropriate to begin developing our options now. Toward that end, the MC Planning Board is scheduled to begin this discussion at tomorrow's Planning Board meeting.

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

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	Dec-20	Jan-21	Dec-20	Jan-21	Dec-20	Jan-21	Dec-20	Jan-21
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0
CHARIMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	6	2	1	0	6	1	13	3
OFFICE OF INSPECTOR GENERAL	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	3	2	0	0	2	2	5	4
LEGAL DEPARTMENT	2	1	1	1	1	0	3	2
FINANCE DEPARTMENT	5	5	1	3	7	5	13	13
PRINCE GEORGE'S PLANNING	4	1	1	0	0	0	5	1
PRINCE GEORGE'S PARKS & RECREATION	19	7	5	0	0	0	24	7
MONTGOMERY COUNTY PARKS	10	6	2	1	1	1	13	8
MONTGOMERY COUNTY PLANNING	10	7	0	1	0	0	10	8
DEPARTMENT TOTAL BY DAYS LATE	59	31	11	6	17	9		
COMMISSION-WIDE TOTAL							86	46

**DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.



*Data As Of January 31, 2021

Employee Count	Evaluation Status		Total Employees
	Overdue	Compliant	
Department			
Finance	13	25	38
Human Resources and Mgt	4	45	49
Legal	2	19	21
MC Commissioner		4	4
MC Parks	8	687	695
MC Planning	8	128	136
Merit System Board		1	1
Office of CIO	3	17	20
Office of Inspector General		4	4
PGC Commissioner		9	9
PGC Parks and Recreation	7	1,046	1,053
PGC Planning	1	174	175
Total Employees	46	2,159	2,205




Department of Human Resources and Management
Maryland-National Capital Park and Planning Commission

OFFICE OF THE EXECUTIVE DIRECTOR
 6611 Kenilworth Avenue, Suite 402
 Riverdale, Maryland 20737
 Office: (301) 454-1740

February 2, 2021

TO: Department Heads

VIA: Asuntha Chiang-Smith 
 Executive Director

FROM: William Spencer
 Corporate Human Resources Director

RE: Accountability for Late Annual Performance Evaluations

At the December 2020 Commission meeting, it was noted by Commissioner Washington that several departments had a high number of late annual performance evaluations pending and asked what could be done to make managers more accountable and responsive. Executive Director Chiang-Smith stated that she would review the matter with the department heads and return with a recommended course of action.

As most of you know, prior to December 2020, there was no centralized, automated “tickler system” to remind managers of due dates for upcoming and/or past due annual performance evaluations. Each department and/or manager tracked the due dates manually as best they could. Since this past December, managers now receive notifications two months ahead of time with weekly reminders until the evaluation is recorded in the system. Additionally, the next level supervisor (the manager’s manager) is also simultaneously informed of the upcoming or past due evaluation. As a result of their frequency, the weekly reminders to the managers and their supervisors are difficult to ignore.

In following through with the Commissioners’ concern of management accountability, the Executive Director met recently with the department heads to further discuss the matter. Time was allotted for DHRM staff to present a proposed recommendation to further enhance manager accountability and timeliness. The recommendation (which was supported by the department heads) holds managers accountable through the performance management program’s assessment tool (performance evaluation form). It assesses whether a manager fully met expectations, fell short of meeting expectations or failed to meet expectations altogether.

A review of the performance management tool yields several opportunities to hold delinquent managers accountable and provide an opportunity for constructive feedback.

The first area is “Observations of Commission Policies, Regulations, Rules and Practices.” Relevant areas have been highlighted

1. Observation of Commission Policies, Regulations, Rules and Practices:

Rating _____

The extent to which the employee:

Follows all applicable Commission policies, regulations, rules, and practices in completing assigned work and meeting employment responsibilities. Properly administers any Commission policies, regulations, and rules that pertain to his or her particular area of work responsibility.

A manager’s failure to timely complete a subordinate’s evaluation should be reflected as non-compliance with Commission policy (Merit System Rule Chapter 1000) which requires that all employees be evaluated “at least annually” and should “be completed no later than thirty (30) calendar days prior to an employee’s anniversary date.” Otherwise they are not conforming/observing Commission policy.

Likewise, continued failure on timeliness impacts the performance factor titled “Dependability and Responsiveness.” Managers who are late should have an evaluation that reflects this short coming relative to “dependably meeting deadlines, prioritizing work, and following through.” Additionally, they likely did not alert their manager in a timely manner so that an alternative plan of action could be considered to course correct.

3. Dependability and Responsiveness:

Rating _____

The extent to which the employee:

Can be depended upon to be on time to work and to meetings. Completes work assignments on or before scheduled deadlines and responds to requests for information or assistance within time frame established by supervisor. Routinely notifies appropriate staff of problems or delays. Prioritizes work and sets realistic deadlines. Follows through on routine work responsibilities with minimal supervision. Accepts responsibility for own actions, and acknowledges and corrects mistakes when they occur.

On the following page, the rating of “Productivity” also provides an opportunity to consider the subject of timely evaluations in these areas:

- “applying appropriate amount of time ...to specific work assignments.
- Plans and organizes work so it can be accomplished within normal work time.”
- Demonstrates ability to adapt quickly to changing work priorities...”

(See on factor on following page.)

5. Productivity:

Rating _____

The extent to which the employee:

Completes work products that (1) are well organized, thorough, error-free, and show attention to detail; (2) are consistent with established department and/or work unit standards; (3) do not require extensive review; and (4) seldom must be returned for corrections. Appropriately considers feedback and integrates it into both the current and future work assignments. Maintains knowledge and skills at the levels needed to be successful in all areas of responsibility and demonstrates a willingness to learn new techniques to improve productivity. Applies appropriate amount of time, effort and human and material resources to specific work assignments. Plans and organizes work so that it can be accomplished within normal work time. Anticipates emergencies so that they can be accommodated with minimal disruption of normal work flow and minimal overtime work. Demonstrates ability to adapt quickly to changing work priorities, maintain high level of productivity under stressful conditions, and respond effectively in critical or emergency situations.

Finally, there is an opportunity under “Supervision” which deals with Demonstrating effective performance management practices.” Clearly, untimely feedback is not effective and shortens the amount of time till the next evaluation for the employee to correct behavior. Moreover, the feedback would not be “consistent and timely” as required below

9. Supervision:

Rating _____

(To be completed for managers with supervisory responsibility only)

The extent to which supervisor:

Demonstrates effective performance management practices, e.g., (1) clearly communicates work expectations; (2) holds staff responsible for timely and accurate completion of assignments; (3) provides staff with regular feedback on performance strengths and weaknesses in a constructive manner; and (4) provides ample opportunity for staff comments and questions. Conducts required performance planning and review activities in a direct, thorough, consistent and timely manner. Delegates work appropriately and provides staff with opportunities for professional growth and development. Recognizes personnel problems and, with appropriate staff, develops plans to resolve them. Treats staff with respect and uses discretion in addressing, discussing, and documenting personnel issues. Effectively decides or recommends approval on all personnel actions affecting employment, transfer, promotion, reward, discipline or discharge of staff. Keeps staff informed of Commission and department management plans and decisions.

It is understood departments may have a need to develop tasks to meet circumstances unique to their organization. The Performance Management Program's annual employee performance evaluation form provides flexibility for departments to customize the task as an essential job function with specific elements to be delineated and considered.

Part II - Essential Job Functions and Performance Standards

Job Function: _____ **Rating** _____
Performance Standards:

- 1.
- 2.
- 3.
- 4.

These rating factors (along with the one customizable job function noted above) may be used singularly or in combination to provide feedback and determine the overall final rating.

One's final score determines whether the manager is eligible for an annual merit pay increment (up to 3.5% of salary), be placed on a Performance Improvement Plan (PIP) and denied an increment or becomes subject of some other action as appropriate. The ultimate goal is to change behavior, provide feedback, and the development of self-accountability from within.

Please have your respective Human Resource Managers make distribution to all supervisory management staff.

cc: Tim Mathews, Prince George's County Department of Parks and Recreation
Sharon Simmons, Prince George's County Department of Planning
Robbin Brittingham, Montgomery County Department of Planning
Maureen Moyer, Montgomery County Department of Parks
Rhonda Rogers, Department of Finance (EOB)
Jim Adams, DHRM (EOB)
Melva Brown, Office of the General Counsel (EOB)

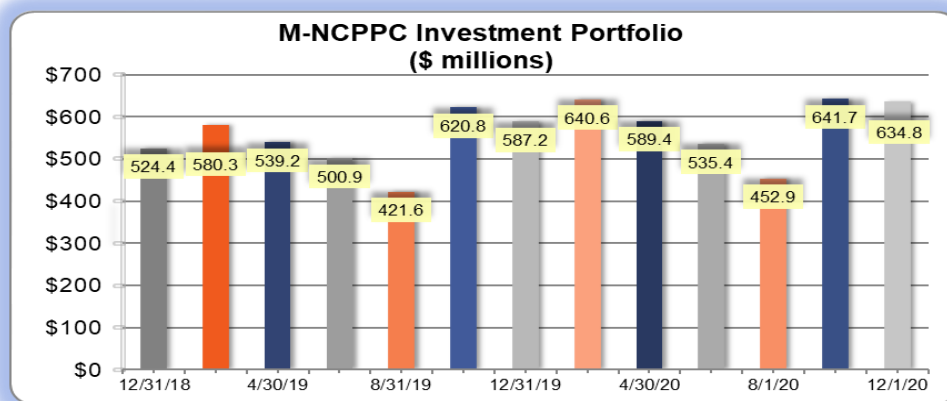


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 CORPORATE TREASURY & INVESTMENTS, FINANCE DEPARTMENT
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737
 Telephone (301) 454-1592 / Fax (301) 454-1637

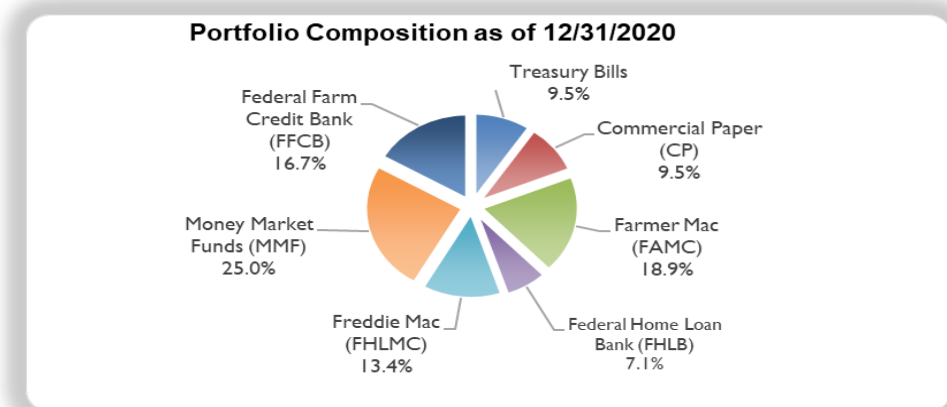
MEMO

TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Tanya Hankton, Corporate Treasury & Investments Manager *T.H.*
DATE: 1/26/2021
SUBJECT: Investment Report – **December 2020**

The Commission’s pooled cash investment portfolio totaled \$634.8 million as of December 31, 2020, with a 3.7% decrease from November 30, 2020. Details are as follows:



The composition of the pooled cash portfolio as of December 31, 2020 is summarized below:

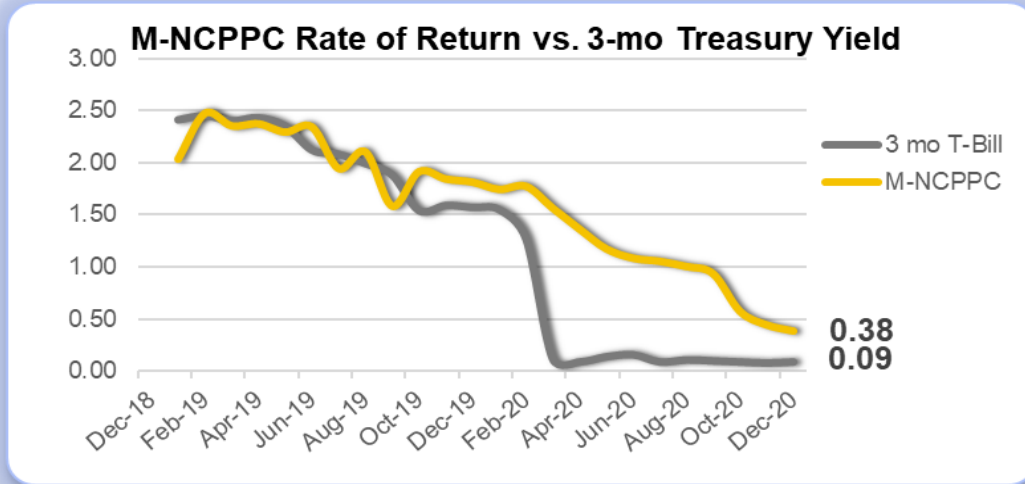


Current Investment Portfolio - December 2020

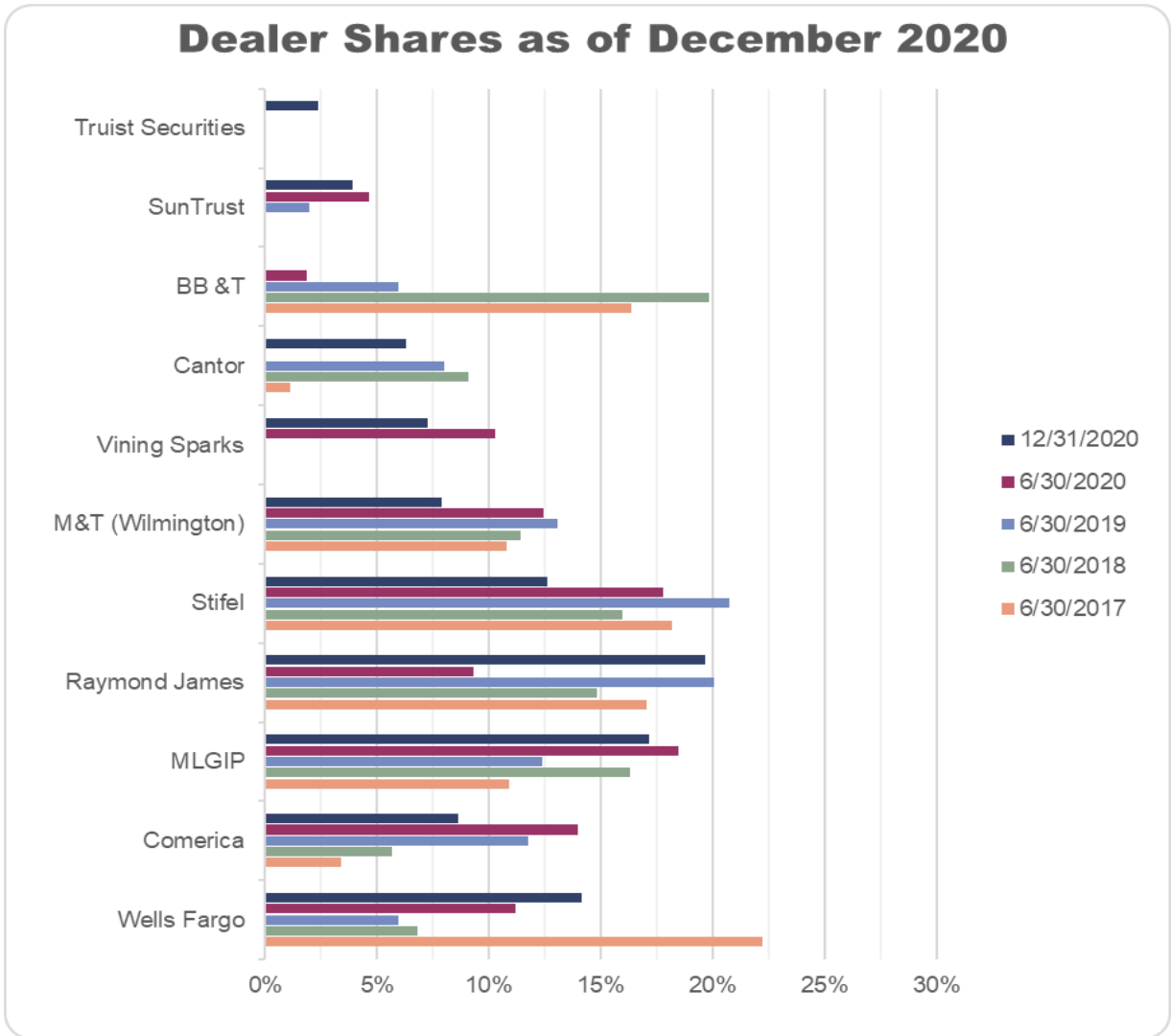
Instrument	Limit	Actual	Par Value	Return (B/E)
Money Funds	* 25%	25.0%	\$ 158,859,719	0.05%
Farmer Mac	20%	18.9%	120,000,000	0.88%
Federal Farm Credit Bank	20%	16.7%	106,000,000	0.43%
Freddie Mac	20%	13.4%	85,000,000	0.19%
Commercial Paper	10%	9.5%	60,000,000	0.88%
Treasury Bills	100%	9.5%	60,000,000	0.09%
Federal Home Loan Banks	20%	7.1%	45,000,000	0.16%
Treasury Notes	100%	0.0%	-	0.00%
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%	\$634,859,719	0.51%

*As of 12/31/2020

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



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



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

Market Value - December 2020	
Prince George's County (PGC-2018A)	\$ 11,581,730
Montgomery County (MC-2020A)	10,000,261
Montgomery County (MC-2018A)	2,426,400
	\$ 24,008,390

The Commission had debt service payments during the month totaling \$1,828,979 of which \$1,685,000 was principal and \$143,979 was interest.

Details by issue of debt outstanding as of December 31, 2020 appear below:

Debt Balances -December 2020					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
NN-2 (<i>Refunded Z-2</i>)	14,080,000	1,335,000	9%	Mar-10	May-21
PGC-2012A (<i>Refunded P-2, M-2, EE-2</i>)	11,420,000	3,465,000	30%	Jun-12	Jan-24
PGC-2014A	8,415,000	2,190,000	26%	May-14	Jan-22
PGC-2015A (<i>Refunded JJ-2</i>)*	24,820,000	20,660,000	83%	Oct-15	Jan-36
PGC-2017A	33,000,000	28,050,000	85%	Jul-17	Jan-37
PGC-2018A	31,000,000	27,900,000	90%	Nov-19	Nov-38
PGC-2020 (<i>Refunded PGC-2014A</i>)	19,119,615	19,119,615	100%	Oct-20	Jan-34
Total Prince George's County	\$ 141,854,615	\$ 102,719,615	72%		
Montgomery County					
MC-2012A (<i>Refunded CC-2, FF-2</i>)	8,035,000	1,915,000	24%	Apr-12	Dec-22
MC-2012B	1,300,000	280,000	22%	Apr-12	Dec-22
MC-2014A	5,045,000	1,295,000	26%	Jun-14	Dec-22
MC-2016A	12,000,000	9,700,000	81%	Apr-16	Nov-35
MC-2016B (<i>Refunded FF-2, II-2, MM-2</i>)	6,120,000	4,740,000	77%	Apr-16	Nov-28
MC-2016C (<i>Refunded FF-2 ALA of 2004</i>)	1,075,000	490,000	46%	Apr-16	Nov-24
MC-2017A	8,000,000	6,400,000	80%	Apr-17	Nov-36
MC-2018A	12,000,000	10,800,000	90%	Oct-18	Nov-38
MC-2018B	3,000,000	1,800,000	60%	Oct-18	Nov-23
MC-2020A	10,000,000	10,000,000	100%	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
Total Montgomery County	\$ 82,992,170	\$ 63,837,170	77%		
Total	\$ 224,846,785	\$ 166,556,785	74%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012

FISCAL YEAR 2021 – December 31, 2020

OBJECTIVES	Met Objective	Within Limits	Comments
Protection of principal	Yes		
<p>Limiting types and amounts of securities Limit</p>		Yes	
<p> US Government 100%</p>			
<p> US Federal Agencies - combined 60%</p>			
<p> US Federal Agencies - each 20%</p>			
<p> Repurchase Agreements 60%</p>			
<p> CD's and Time Deposits 50%</p>			
<p> Commercial Paper 10%</p>			
<p> Money Market Mutual Funds 25%</p>			
<p> MD Local Gov't Investment Pool 25%</p>			
<p> Investing Bond Proceeds:</p>			
<p> State and local agency securities 100%</p>			
<p> Money Market Mutual Funds 10%</p>			
<p> Bond Proceeds:</p>			
<p> Highly-rated state / local agency securities</p>		Yes	T. Rowe Price managed all funds within limits
<p> Highly-rated money market mutual funds (Max. 10% in lower-rated funds)</p>			
<p>Pre-qualify financial institutions, broker/dealers, intermediaries and advisers</p>		Yes	All firms must meet defined capital levels and be approved by the Secretary-Treasurer
<p>Ensure competition among participants 30%</p>		Yes	No dealer shares exceeded 30%
<p>Competitive Bidding</p>		Yes	All purchases awarded competitively.
<p>Diversification of Maturities</p>			
<p> Majority of investments shall be a maximum maturity of one (1) year. A portion may be as long as two years.</p>		Yes	All maturities within limits
<p>Require third-party collateral and safekeeping, and delivery-versus-payment settlement</p>		Yes	M&T Investments serves as custodian, monitoring compliance daily
<p>Maintain sufficient liquidity</p>	Yes		Sufficient funds available for all cash requirements during period
<p>Attain a market rate of return</p>	Yes		More than market by 29 basis points.
<p> The pro-rated rates of return for T-bills and the portfolio were 0.09% and 0.38%, respectively.</p>			

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

Reply To

February 10, 2021

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

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission

FROM: Adrian R. Gardner
General Counsel

RE: Litigation Report for January 2021 – FY 2021

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, February 17, 2021. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

Table of Contents – January 2021 – FY 2021 Report

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

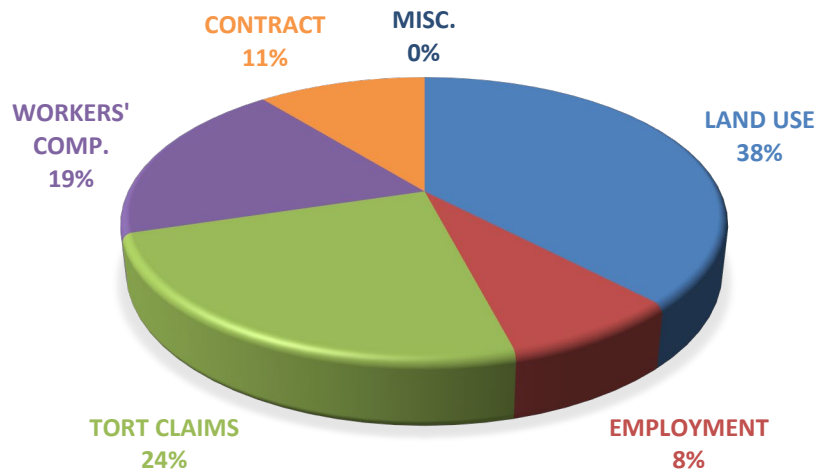
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January 2021 Composition of Pending Litigation

(Sorted by Subject Matter and Forum)

	STATE TRIAL COURT	MARYLAND COSA	MARYLAND COURT OF APPEALS	FEDERAL TRIAL COURT	FEDERAL APPEALS COURT	U.S. SUPREME COURT	SUBJECT MATTER TOTALS
ADMIN APPEAL: LAND USE	9	4	1				14
ADMIN APPEAL: OTHER							
BANKRUPTCY							
CIVIL ENFORCEMENT							
CONTRACT DISPUTE	4						4
DEBT COLLECTION							
EMPLOYMENT DISPUTE	1			2			3
LAND USE DISPUTE							
MISCELLANEOUS							
PROPERTY DISPUTE							
TORT CLAIM	9						9
WORKERS' COMPENSATION	6	1					7
PER FORUM TOTALS	29	5	1				37

OVERVIEW OF PENDING LITIGATION



January 2021 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2021			
	Pending In Dec. 2020	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	11	3		8	11	5	14
Admin Appeal: Other (AAO)							
Bankruptcy (B)							
Civil Enforcement (CE)							
Contract Disputes (CD)	4				4		4
Debt Collection (D)							
Employment Disputes (ED)	2	1		3	1	1	3
Land Use Disputes (LD)							
Miscellaneous (M)							
Property Disputes (PD)							
Tort Claims (T)	9			5	5	1	9
Workers' Compensation (WC)	6	1		3	4		7
Totals	32	5		19	25	7	37

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

A. <u>New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Getnet v. M-NCPPC	PG	Tort	July 20
HMF Paving Contractors, Inc. v. M-NCPPC	MC	Contract	July 20
Snyder v. State of Maryland, et al.	PG	Tort	July 20
Amica Mutual Insurance Company v. Montgomery County, Maryland, et al.	MC	Tort	Aug. 20
Uzlyan v. Montgomery County, Maryland, et al.	MC	Tort	Aug. 20
Heard v. M-NCPPC	PG	AALU	Aug. 20
Wolf, et al. v. Planning Board of Prince George's County	PG	AALU	Aug. 20
Structural Engineering Group Inc. v. M-NCPPC	MC	Contract	Aug. 20
Concerned Citizens of Cloverly, et al v. Montgomery County Planning Board	MC	AALU	Sep. 20
Shipkovitz v. Montgomery County Planning Board	MC	AALU	Sep. 20
Coakley & Williams v. Commission	PG	Contract	Sep. 20
Gibson v. Commission	PG	WC	Sep. 20
Murray v. Commission	PG	WC	Sep. 20
Newton, et al. v. Prince George's County Planning Board	PG	AALU	Sep. 20
Dana v. Lenk, et al.	MC	Tort	Oct. 20
HMF Paving Contractors, Inc. v. M-NCPPC	MC	Contract	Oct. 20
Hoenig v. Commission (case should be on prior reports as filed in March)	PG	WC	Dec. 20
Simmons, et al. v. Prince George's County Planning Board	PG	AALU	Jan. 21
Beck v. Montgomery County Department of Parks	MC	ED	Jan. 21

B. <u>New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Benton v. Woodmore Overlook Commercial, LLC	PG	AALU	Aug. 20
Benton v. Woodmore Overlook Commercial, LLC	PG	AALU	Sep. 20
Estreicher v. Montgomery County Planning Board	MC	AALU	Sep. 20
Benton v. Woodmore Overlook Commercial LLC	PG	AALU	Sep. 20
West Montgomery County Citizens Association, Inc. v. Montgomery County Planning Board, et al.	MC	AALU	Dec. 20
M-NCPPC v. Mail My Meds, LLC	AC	WC	Jan. 21
Jan A.J. Bove, et al. v. Montgomery County Planning Board	MC	AALU	Jan. 21

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

<u>A. Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
McCourt v. Commission	PG	ED	Sep. 20
Estreicher v. Montgomery County Planning Board	MC	AALU	Sep. 20
Uzlyan v. Montgomery County, et al.	MC	Tort	Oct. 20
Newton, et al. v. Prince George's County Planning Board	PG	AALU	Nov. 20
M-NCPPC v. Mail My Meds, LLC	AC	WC	Dec. 20
Jan A.J. Bove, et al. v. Montgomery County Planning Board	MC	AALU	Dec. 20
<u>B. Appellate Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Benton v. Woodmore Overlook Commercial, LLC	PG	AALU	July 20
(Appeared on the June report in error. The Commission was not a party to this suit)			
Gaspard v. Montgomery County Planning Planning Board	MC	AALU	Oct. 20
Benton v. Woodmore Overlook Commercial, LLC	PG	AALU	Oct. 20

Disposition of FY21 Closed Cases Sorted by Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources & Management		
McCourt v. Commission	Judicial Review of Merit Board Decision related to reclassification under the Administrative Series	09/04/20 – Decision of Merit Board Affirmed.
Montgomery County Department of Planning		
Montgomery County Department of Parks		
Uzylan v. Montgomery Count, Maryland, et al.	Personal injuries matter as a result of a tulip poplar tree striking a home.	10/15/20 - Case Consolidated with Case No. 483068-V.
Montgomery County Park Police		
Montgomery County Planning Board		
Gaspar v. Montgomery County Planning Board	Judicial review of decision affirming Planning Board's approval of Preliminary Plan 120160180 Glen Mill – Parcel 833	10/29/2020 – Judgment of Circuit Court Affirmed.
Prince George's County Department of Parks and Recreation		
Prince George's County Planning Department		
Benton v. Woodmore Overlook Commercial, LLC	Judicial Review of decision of Prince George's County Planning Board	10/23/2020 – Petition for Writ of Cert. denied. Matter still pending in Court of Special Appeals.
Newton, et al. v. Prince George's County Planning Board	Judicial review of Prince Georges County Planning Board's approval of preliminary plan of subdivision 4 -19048	11/09/2020 - Petition dismissed by Petitioner.

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

INDEX OF CASES

DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND 9

DISTRICT COURT FOR PRINCE GEORGE’S COUNTY, MARYLAND 9

CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND 9

Maryland-National Capital Park and Planning Commission v. Mail My Meds, LLC 9

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND 10

Amica Mutual Insurance Company v. Montgomery County, Maryland, et al. 10

Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board..... 10

Dana v. Lenk, et al. 11

HMF Paving Contractors Inc. v. Maryland-National Park and Planning Commission 11

HMF Paving Contractors Inc. v. Maryland-National Park and Planning Commission 12

Jan A.J. Bove, et al. v. Montgomery County Planning Board 12

Kosary v. Montgomery County Planning Board 12

Shipkovitz v. Montgomery County Planning Board..... 13

Structural Engineering Group Inc. v. Maryland-National Capital Park and Planning Commission..... 13

CIRCUIT COURT FOR PRINCE GEORGE’S COUNTY, MARYLAND 14

6525 Belcrest Road, LLC v. Dewey, L.C., et al..... 14

Alexander v. Proctor..... 15

Brown v. City of Bowie 16

Coakley & Williams Construction v. Commission 16

Coe v. Commission 17

Commission v. Batson 17

Getnet v. Maryland-National Capital Park and Planning Commission 18

Gibson v. Commission 18

Heard v. Maryland-National Capital Park and Planning Commission..... 19

Hoenig v. Commission 19

Jackson v. Prince George’s County Sports & Learning Complex..... 19

King v. Commission 20

Montague v. Newton White Mansion 20

Murray v. Commission 21

Pumphrey v. Wilson 21

Simmons, et al. v. P.G. Planning Board..... 22

Snyder v. State of Maryland, et al. 22

Stewart v. P.G. Planning Board 23

Wolf, et al. v. Planning Board of Prince George’s County 23

MARYLAND COURT OF SPECIAL APPEALS 24

Benton v. Woodmore Overlook Commercial, LLC 24

Benton v. Woodmore Overlook Commercial, LLC 25

Jan A.J. Bove, et al. v. Montgomery County Planning Board 25

Estreicher v. Montgomery County Planning Board 25

Maryland-National Capital Park and Planning Commission v. Mail My Meds, LLC 26

MARYLAND COURT OF APPEALS..... 26

West Montgomey County Citizens Association, Inc. v. Montgomery County Planning Board, et al 26

U.S. DISTRICT COURT OF MARYLAND 27

Beck v. Montgomery County Department of Parks, et al. 27

Evans v. Commission, et al. 27

DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

No Pending Cases

DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

No Pending Cases

CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND

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

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

Lead Counsel: Foster
Other Counsel:

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

Status: Decision of WCC affirmed.

Docket:

05/01/2020	Petition for Judicial Review filed
05/27/2020	Response to Petition filed
6/26/2020	Commission's Memorandum in Support of on the record Petition for Judicial Review
06/08/2020	Scheduling Order and Order for Mediation
06/29/2020	Order Vacating 6/8/2020 Order. Matter to proceed in normal course.
07/27/2020	Opposition and Response to Commission's Memorandum in Support of on the Record Judicial Review
08/11/2020	Commission's Reply to Opposition
11/02/2020	Hearing
11/23/2020	Order of Court affirming Worker's Compensation Commission
12/03/2020	Commission's Motion to Alter or Amend Judgment
12/16/2020	Opposition to Motion to Alter or Amend Judgment
12/23/2020	Order of Court denying Motion to Alter or Amend Judgment
01/22/2021	Notice of Appeal

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

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

Case No. 483068-V (Tort)

Lead Counsel: Adams

Other Counsel:

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

Status: Motion pending.

Docket:

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

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

Case No. 483411-V (AALU)

Lead Counsel: Mills

Other Counsel:

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

Status: Petition filed.

Docket:

09/10/2020	Petition for Judicial Review filed
10/01/2020	Planning Board's Response to Petition for Judicial Review filed
10/09/2020	RCCG Jesus House DC's Response to Petition filed
01/04/2021	Defendant 's Response to Petitioners' Memorandum of Law
01/04/2021	RCCG Jesus House DC's Answering Memorandum
01/04/2021	RCCG Jesus House DC's Motion to Strike
01/19/2021	Petitioner's Opposition to Motion to Strike
01/19/2021	Petitioner's Reply Memorandum

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

Lead Counsel: Harvin
Other Counsel:

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

Status: Amended Complaint filed.
Docket:

06/17/2020	Complaint filed
07/28/2020	Defendant Lenk's Motion to Dismiss
07/30/2020	Opposition to Motion to Dismiss
08/06/2020	Defendant Lenk's Reply to Plaintiff's Opposition to Motion to Dismiss
10/13/2020	Motion to Dismiss granted in part and denied in part
10/21/2020	Defendant Lenk's Answer to Complaint
10/22/2020	Amended Complaint filed
10/29/2020	Commission served
11/16/2020	Montgomery County's Answer to Amended Complaint
12/10/2020	Order of Court - Count IV of Amended Complaint dismissed with prejudice
12/29/2020	Commission's Answer to Amended Complaint
01/27/2021	Order of Court for Alternative Dispute Resolution

HMF Paving Contractors Inc. v. Maryland-National Park and Planning Commission
Case No. 481768-V (CD)

Lead Counsel: Dickerson
Other Counsel: Johnson

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

Status: In discovery.

Docket:

04/30/2020	Complaint filed
08/28/2020	Motion to Dismiss filed
09/24/2020	Opposition to Motion to Dismiss
11/13/2020	Commission's Reply to Motion to Dismiss
11/19/2020	Motions hearing postponed
11/25/2020	Commission's Supplemental Memorandum
12/01/2020	Motions hearing held
12/01/2020	Motion to Dismiss or in the Alternative for Summary Judgment denied
12/16/2020	Answer to Complaint

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

Case No. 483255-V (CD)

Lead Counsel: Adams
Other Counsel:

Abstract: Construction suit alleging failure to pay final payment.

Status: Motions pending.

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
03/16/2021	Motions hearing

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

Case No. 480775-V (AALU)

Lead Counsel: Sorrento
Other Counsel:

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

Status: Appeal noted.

Docket:

03/09/2020	Petition for Judicial Review filed
03/18/2020	Commission's Response to Petition filed
11/06/2020	Oral argument held
12/02/2020	Resolution of planning board affirmed
12/30/2020	Notice of Appeal

Kosary v. Montgomery County Planning Board

Case No. 476283-V (AALU)

Lead Counsel: Sorrento
Other Counsel:

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

Status: Case stayed.

Docket:

12/06/2019	Petition for Judicial Review filed
12/11/2019	Planning Board's Motion to Dismiss filed
12/12/2019	Response to Petition for Judicial Review filed
12/19/2019	Petitioner's Supplemental Petition for Judicial Review filed

12/23/2019	Petitioner's Response to Motion to Dismiss filed.
01/21/2020	Motion to Dismiss denied as moot.
01/22/2020	Petitioner's Motion for Stay and Request for Hearing.
02/06/2020	Primrose School Opposition to Motion to Stay.
02/28/2020	Motion for Stay Granted
03/03/2020	Case stayed pending resolution from County Hearing Examiner
03/26/2020	Petitioner's interim report on status of administrative proceedings

Shipkovitz v. Montgomery County Planning Board
Case No. 483442-V (AALU)

Lead Counsel: Coleman
Other Counsel:

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

Status: Petition for Judicial Review filed.

Docket:

09/15/2020	Petition for Judicial Review filed.
09/28/2020	Planning Board's Response to Petition filed.
10/26/2020	Ardennes Partners, LLC's Response to Petition filed.
10/26/2020	Ardennes Partners, LLC's and Planning Board's Joint Motion to Dismiss Petition for Judicial Review
12/02/2020	Plaintiff's Motion to Suspend Proceedings
12/10/2020	Opposition to Motion to Suspend Proceedings

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

Lead Counsel: Dickerson
Other Counsel: Johnson

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

Status: In discovery.

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.

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

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

Case No. CAE 20-11589 (AALU)

Lead Counsel: Dickerson
 Other Counsel: Harvin

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

Status: Matter Stayed pending arbitration.

Docket:

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

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

Lead Counsel: Adams
Other Counsel:

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

Status: In discovery.

Docket:

11/20/2019	Complaint filed
12/06/2019	Proctor served
12/09/2019	Commission served
01/03/2020	Commission's Motion to Dismiss filed
01/23/2020	Motion to Dismiss denied. Plaintiff to file Amended Complaint on or before 02/07/2020.
02/08/2020	Amended Complaint filed
02/21/2020	Motion to Strike Amended Complaint or in the alternative to Dismiss
03/09/2020	Opposition to Motion to Strike
03/27/2020	Court orders matter to be set in for hearing on Motion
05/06/2020	Motion to Quash and for Protective Order
05/06/2020	Plaintiff's Opposition to Motion to Quash and for Protective Order
05/22/2020	Order of Court – Motion to Quash and for Protective Order held in abeyance
06/19/2020	Motions Hearing postponed due to COVID-19
09/16/2020	Motions Hearing
9/23/2020	Order of Court – Motion to Strike or in the alternative Motion to Dismiss denied. Motion to Quash and for Protective Order moot. Case to continue to due course.
9/30/2020	Answer to Amended Complaint filed.

Brown v. City of Bowie, 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: 3rd Amended Complaint filed.

Docket:

11/15/2019	Complaint filed
01/27/2020	Defendant City of Bowie's Motion to Dismiss or in the Alternative for Summary Judgment
02/05/2020	Summons reissued for Commission
02/13/2020	Opposition to City of Bowie's Motion to Dismiss
02/26/2020	Defendant Daugherty's answer filed
03/13/2020	Commission served
04/08/2020	Commission's Answer filed
05/15/2020	Motions Hearing on City's Motion to Dismiss – continued due to pandemic
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
11/23/2020	Motion to Compel Discovery from Defendant Daugherty
12/08/2020	Answer to complaint by Defendant Knode
12/21/2020	Order of the court compelling discovery from Daugherty

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

Lead Counsel: Adams
Other Counsel: Dickerson

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

Status: Complaint filed.

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

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

Lead Counsel: Adams
Other Counsel:

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

Status: Awaiting decision.

Docket:

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

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

Lead Counsel: Foster
Other Counsel:

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

Status: Awaiting Trial.

Docket:

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

Getnet v. Maryland-National Capital Park and Planning Commission

Case No. CAL 20-13268(Tort)

Lead Counsel: Harvin
Other Counsel: Johnson

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

Status: In discovery.

Docket:

07/06/2020	Complaint filed
07/29/2020	Commission served
08/20/2020	Motion to Dismiss filed
09/10/2020	Amended Complaint
09/11/2020	Opposition to Motion to Dismiss
09/22/2020	Amended Complaint
10/09/2020	Answer filed.
11/02/2020	2 nd Amended Complaint filed
11/06/2020	Defendant Montgomery County's Motion to Dismiss 2 nd Amended Complaint
12/03/2020	Case dismissed as to Montgomery County only

Gibson v. Commission

Case No. CAL 20-15318 (WC)

Lead Counsel: Foster
Other Counsel:

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

Status: In discovery.

Docket:

09/03/2020	Petition for Judicial Review filed
09/18/2020	Response to Petition and Expert Designation
08/11/2021	Trial

Heard v. Maryland-National Capital Park and Planning Commission

Case No. CAL 20-14095(AALU)

Lead Counsel: Warner
Other Counsel: Goldsmith

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

Status: Petition for Judicial Review filed.

Docket:

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

Hoenig v. Commission

Case No. CAL 20-07257 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant seeks judicial review of February 7, 2020 order from the Workers' Compensation Commission regarding extent of disability.

Status: In discovery.

Docket:

03/04/2020	Petition for Judicial Review filed
03/16/2020	Response to Petition and Expert Designation
09/12/2021	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 from use of equipment at the Sports & Learning Complex.

Status: In discovery.

Docket:

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

King v. Commission

Case No. CAL 19-30096 (WC)

Lead Counsel: Foster
Other Counsel:

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

Status: Awaiting trial.

Docket:

09/23/2019	Petition for Judicial Review filed
10/03/2019	Commission filed response to Petition.
03/25/2021	Trial

Montague v. Newton White Mansion

Case No. CAL 20-05753 (Tort)

Lead Counsel: Harvin
Other Counsel:

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

Status: In discovery.

Docket:

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

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

Lead Counsel: Foster
Other Counsel:

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

Status: In discovery.

Docket:

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

Pumphrey v. Wilson
Case No. CAL 19-30161 (Tort)

Lead Counsel: Dickerson
Other Counsel: Foster

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

Status: In discovery.

Docket:

09/16/2019	Complaint filed
07/24/2020	Motion to Dismiss
08/17/2020	Opposition to Motion to Dismiss and Request for Hearing.
09/02/2020	Order of Court – Motion to Dismiss Denied
09/18/2020	Answer filed
06/08/2021	Trial

Simmons, et al. v. P.G. Planning Board
Case No. CAL 21-00308 (AALU)

Lead Counsel: Warner
Other Counsel: Goldsmith

Abstract: Judicial Review of Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-20006 (Freeway Airport)

Status: Petition for Judicial Review filed.

Docket:

1/07/2021	Petition for Judicial Review filed
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Snyder v. State of Maryland, et al.
Case No. CAL 20-13024 (Tort)

Lead Counsel: Adams
Other Counsel:

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

Status: 2nd Amended Complaint filed.

Docket:

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

Stewart v. P.G. Planning Board

Case No. CAL 20-11215 (AALU)

Lead Counsel: Goldsmith
Other Counsel:

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

Status: Petition for Judicial Review filed.

Docket:

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

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

Case No. CAL20-14895 (AALU)

Lead Counsel: Warner
Other Counsel: Goldsmith

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

Status: Motions pending.

Docket:

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

MARYLAND COURT OF SPECIAL APPEALS

Benton v. Woodmore Overlook Commercial, LLC

CSA-REG-2118-2019 (AALU)

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

Lead Counsel: Borden
Other Counsel: Goldsmith

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

Status: Awaiting decision.

Docket:

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

Benton v. Woodmore Overlook Commercial, LLC

CSA-REG-0707-2020 (AALU)

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

Lead Counsel: Warner
Other Counsel: Goldsmith

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

Status: Appeal filed.

Docket:

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

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

CSA-REG-1232-2020 (AALU)

(originally filed under Case No. 480775V in Circuit Court Montgomery County) (AALU)

Lead Counsel: Mills
Other Counsel:

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

Status: Appeal filed.

Docket:

12/30/2020	Appeal filed
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Estreicher v. Montgomery County Planning Board.

CSA-REG-0781-2020 (AALU)

(Originally filed under 472672V in Montgomery County)

Lead Counsel: Mills
Other Counsel:

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

Status: Appeal filed.

Docket:

09/28/2020	Appeal filed
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Maryland-National Capital Park and Planning Commission v. Mail My Meds, LLC

CSA-REG-1314-2020 (WC)

(Originally filed as Case No. C-02-CV-20-001143 in Circuit Court Anne Arundel)

Lead Counsel: Foster
Other Counsel:

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

Status: Appeal filed.

Docket:

01/22/2021	Appeal filed
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MARYLAND COURT OF APPEALS

West Montgomery County Citizens Association, Inc. v. Montgomery County Planning Board, et al

COA-PET-0400-2020 (AALU)

(Originally filed under 451996V in Montgomery County; CSA-REG-0579-2019)

Lead Counsel: Mills
Other Counsel:

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

Status: Appeal filed.

Docket:

12/14/2020	Petition for Writ of Certiorari
12/29/2020	Respondent's Answer filed
01/05/2021	Petitioner's Reply filed

U.S. DISTRICT COURT OF MARYLAND

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

8:20-cv-03305 PX (ED)

Lead Counsel: Dickerson
Other Counsel: Foster

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

Status: Complaint filed

Docket:

11/14/2019	Complaint filed
01/13/2021	Commission served

Evans v. Commission, et al.

8:19-cv-02651 TJS (ED)

Lead Counsel: Dickerson
Other Counsel: Foster

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

Status: In discovery.

Docket:

09/11/2019	Complaint filed
10/23/2019	Notice of Intent to file Motion for More Definite Statement filed by Defendants Commission, McSwain, and Riley
10/24/2019	Notice of Intent to file Motion for More Definite Statement filed by J. Creed on behalf of Defendant Murphy
10/28/2019	Notice of Intent to File a Motion for More Definite Statement filed by attorney C. Bruce on behalf of Defendant Uhrig
11/19/2019	Case Management Conference held
11/20/2019	Order directing Plaintiff's Counsel to file Status Report by November 26, 2019
11/26/2019	Status Report filed by Plaintiff agreeing to file Amended Complaint specifying against whom each claim is asserted and dates of alleged events.
12/10/2019	Amended Complaint filed.
12/23/2019	Notice of Intent to file a Motion to Dismiss filed by all defendants
12/30/2019	Case Management conference held

01/09/2020	Order granting Plaintiff leave to file Amended Complaint
01/16/2020	Second Amended Complaint filed
02/14/2020	Joint Motion to Dismiss filed by all Defendants
03/20/2020	Opposition to Motion to Dismiss
03/20/2020	Motion for Leave to file Third Amended Complaint
03/20/2020	Third Amended Complaint
04/17/2020	Plaintiff's Reply to Defendants' joint Opposition to Plaintiff's Motion for Leave to file Third Amended Complaint.
05/07/2020	Order granting Motion for Leave to File Third Amended Complaint; denying as moot Defendants' Joint Motion to Dismiss; granting defendants leave to renew their Joint Motion to Dismiss by May 22, 2020.
06/05/2020	Joint Motion to Dismiss for Failure to State a Claim filed by Commission, McSwain, Murphy, Riley and Uhrig.
07/10/2020	Motion for Leave to File Excess Pages
07/16/2020	Order granting in part and denying in part Motion for Leave to file Excess Pages and directing the Plaintiff to file a brief by 7/23/2020
07/23/2020	Response in Opposition to Joint Motion to Dismiss for Failure to State a Claim
08/06/2020	Response to Motion for Leave to file Excess Pages.
08/06/2020	Reply to Opposition to Joint Motion to Dismiss.
11/13/2020	Defendants' Motion to Dismiss granted in part. 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	Case management conference.
01/11/2021	Order – Case referred to Magistrate Judge Timothy J. Sullivan
01/15/2021	Joint Consent to Proceed before Magistrate