

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

**Wednesday, March 16, 2016
Montgomery County Regional Office
9:30 a.m. – 11:30 a.m.**

			<u>ACTION</u>	
			Motion	Second
1.	Approval of Commission Agenda	(+*) Page 1	_____	_____
2.	Approval of Commission Minutes			
	a) Open Session – February 17, 2016	(+*) Page 3	_____	_____
	b) Closed Session – February 17, 2016	(++*)		
3.	General Announcements			
	a) <u>Women’s History Month Event</u> Newton White Mansion – March 15 (1:30 p.m. – 3:00 p.m.) “Working to Form a More Perfect Union: Honoring Women in Public Service and Government”			
	b) National Nutrition Month - March (See InSite)			
	c) Financial Disclosure Filing Requirement Briefing (Barney)			
4.	Committee/Board Reports (For Information Only):			
	a) Minutes – Executive Committee Meeting – February 12, 2016	(+) Page 9		
	b) Minutes – Executive Committee Meeting – March 2, 2016	(+) Page 11		
	c) Minutes – Regular Board of Trustees Meeting – February 2, 2016	(+) Page 17		
5.	Action and Presentation Items			
	a) Resolution #16-01, Adoption of the Montgomery Village Master Plan (Kamen)	(+*) Page 21	_____	_____
	b) Resolution #16-03 – Purple Line Project - Approval of Conveyance and Exchange of Commission Real Property Interest to Maryland Transit Administration (Purple Line Team)	(+*) Page 33	_____	_____
	c) Resolution #16-04 – Montgomery County Bond Sale (Zimmerman)	(+*) Page 65	_____	_____
	d) Wellness Initiatives – 2015 and 2016 (McDonald/Hawkins)	(+) Page 119		
6.	Open Session - Officers’ Reports			
	a) Executive Director – (For Information Only) Employee Evaluations Not Completed by Due Date (February 2016)	(+) Page 131		
	b) Secretary-Treasurer – (For Information Only)			
	1) Enterprise Resource Planning (ERP) Briefing			
	2) MFD Purchasing Statistics – First and Second Quarter – FY16	(+) Page 133		
	3) Investment Report (December 2015, January and February 2016)	(+) Page 161		
	c) General Counsel – (For Information Only)			
	1) Litigation Report (February 2016).....	(+) Page 179		
	2) Legislative Update.....	(H)		

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



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

Commission Meeting
Open Session Minutes
February 17, 2016

The Maryland-National Capital Park and Planning Commission met on February 17, 2016, in the Parks and Recreation Auditorium, in Riverdale, Maryland.

PRESENT

Montgomery County Commissioners

Casey Anderson, Chair
Norman Dreyfuss
Natali Fani-Gonzalez
Marye Wells-Harley

Prince George’s County Commissioners

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

ABSENT

Amy Presley

John Shoaff
A. Shuanise Washington

Chair Anderson convened the meeting at 9:34 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA (as amended)
Executive Director Barney add a closed session to discuss collective bargaining.
ACTION: Motion of Wells-Harley
 Seconded by Fani-Gonzalez
 7 approved the motion (Commissioners Presley, Shoaff and Washington were not present for the vote)

ITEM 2 APPROVAL OF COMMISSION MINUTES
Open and Closed Session - January 20, 2016
ACTION: Motion of Fani-Gonzalez
 Seconded by Wells-Harley
 7 approved the motion (Commissioners Presley, Shoaff and Washington were not present for the vote)

ITEM 3 GENERAL ANNOUNCEMENTS
Chair Anderson made the following announcements:

Upcoming M-NCPPC Black History Month Events – February 2016
The Chair shared dates and times of upcoming M-NCPPC events that will be held this month in Montgomery County and Prince George’s County locations.

Upcoming One Commission Women’s History Month Event
This year’s theme is “Working to Form a More Perfect Union: Honoring Women in Public Service and Government” – March 15th, 1:30 p.m. – Newton White Mansion

- ITEM 4 COMMITTEE/BOARD REPORTS – (For Information Only)
- a) Minutes – Regular Board of Trustees Meeting – January 5, 2016
 - b) Minutes – 115 Trust (OPEB) Meeting – September 16, 2015

ITEM 5 ACTION AND PRESENTATION ITEMS

a) Diversity Council Annual Report (Vera/Dugan)

Executive Director Patti Barney introduced former Diversity Council Chair Shuchi Vera and former Diversity Council Vice-Chair Marybeth Dugan to present the Diversity Council annual report. Ms. Vera thanked Executive Director Barney for her role as advisor to the Diversity Council and for being an avid supporter. She also thanked the Commissioners and the Department Heads for their continued support. Ms. Vera provided the Diversity Council consists of 14 employee members from across the agency, each who serve two-year terms. Ms. Vera and Ms. Dugan jointly presented a PowerPoint highlighting the Council's 10 point mission and its major accomplishments for 2015.

Commissioner Geraldo inquired if the Diversity Council plays a role in increasing the diversity of the employee mix in the agency. Executive Director Barney responded the Diversity Council is not involved in hiring. However, the Diversity Council provides input on ways to increase diversity and offers input on agency policies.

Chair Anderson and Vice-Chair Hewlett expressed appreciation for the efforts of the Diversity Council. The programs, initiatives, and assistance provided by the Council have been phenomenal. Vice-Chair Hewlett thanked Commissioner Wells-Harley for championing the Women's History Month Program. She commended the Diversity Council and the participants of the LGBT interactive webinar on an informative, educational, poignant panel and discussion. The Chair and Vice-Chair commented on the perfect timing of the LGBT webinar as it was presented simultaneously during the passing of the Supreme Court ruling on marriage equality.

b) Diversity Council Certificates of Appreciation (Past Members) and Introduction of 2016-2017 Diversity Council (Barney)

Executive Director Barney acknowledged and thanked the 2014-2015 Diversity Council members, and introduced the newly appointed members of the Diversity Council:

Members who will begin their two year term.

- Brittney Drakeford, Prince George's County Planning
- Mary Jurkiewicz, Prince George's County Parks and Recreation
- Greg Gordon (Vice-Chair), Prince George's County Parks and Recreation
- Joe Parsons, Montgomery County Chair's Office
- Marie Proctor, Prince George's County Chair's Office
- Elza Hisel-McCoy, Montgomery County Planning

These members will join the existing members of the Diversity Council who will be completing their second year term.

- Taslima Alam, Prince George's County Planning
- Timothy Delucia, Prince George's County Parks and Recreation

- MaryBeth Dugan, Montgomery County Parks (will serve as new Chair)
- John Hench, Montgomery County Parks
- Lynn Lewis Montgomery County Parks
- Anika Harris, Department of Human Resources
- Yuanjun Li, Montgomery County Planning
- Lawrence Taylor, Finance

Executive Director Barney also announced the out-going Diversity Council members and presented Certificates of Appreciation.

- Maritza Barbot, Montgomery County Planning
- Joe Dehuarte, Prince George's County Planning
- Jessica Jones, Prince George's County Chair's Office
- Bill Sheehan, Prince George's County Parks and Recreation
- Melissa Thompkins, Montgomery County Chair's Office
- Shuchi Vera, Montgomery County Parks (served as Chair of the Council)

Members of the Diversity Council were photographed with the Executive Director and Commissioners. As a token of appreciation, the Diversity Council presented Executive Director Barney and Diversity Council Chair Vera, each a bouquet of flowers.

c) Employee Resources for Drug and Alcohol Concerns (Presentation) (McDonald)

Executive Director Barney introduced Health and Benefits Manager Jennifer McDonald and stated that the presentation on Assistance for Drug and Alcohol Concerns will focus on providing assistance to employees through M-NCPPC's available resources. Chair Anderson stated he is very passionate about this issue and wants to ensure this problem is not disregarded. The takeaway from this presentation and the information it brings will be that M-NCPPC is a family and everyone is expected to look out for each other in the workforce.

Ms. McDonald reviewed the PowerPoint presentation and explained the resources available to employees and their dependents for alcohol and substance abuse. The PowerPoint presentation was also provided as a handout. She discussed support available through the:

- Employee Assistance Program (EAP): employees and members of their household may receive up to 8 free counseling sessions free of charge. Additional counseling and rehabilitation is coordinated with the employee's health plan.
- Medical health plans: Medical plans provide insurance coverage for inpatient and outpatient treatment. Inpatient treatment may be covered up to 365 days per year.
- Ongoing education/awareness: Informational sessions and articles will be featured throughout the year to highlight substance abuse awareness.
- Community resources: Ms. McDonald shared information on external organizations dedicated to providing support and education on substance abuse.

Commissioners posed the following questions:

- With regard to coordinating insurance coverage, Chair Anderson inquired if persons receiving counseling would have to find another EAP provider at the end of the eight free sessions. He also inquired about the range of options. Ms. McDonald explained the EAP will locate a provider who participates with the individual's health plan to

ensure continuity so there is no disruption in the therapy. She explained the EAP counselor will offer the employee at least three names of providers near his/her home or place of employment, and will confirm that those providers are available to serve the individual.

- Commissioner Wells-Harley asked if EAP assistance is available to retirees and people within their households. Ms. McDonald stated the EAP is not offered to retirees because the program is designed to help employees address concerns so they can perform better in the workplace.

Commissioner Wells-Harley asked Ms. McDonald to research ways to broaden this benefit to retirees or provide information concerning programs that help retirees who are facing similar situations. Executive Director Barney pointed out that retirees would be able to take advantage of substance abuse services that are offered by their health benefits plans. The Benefits team will devise a method for providing information to retirees. Commissioner Wells-Harley's recommendation will be implemented by sharing information with the Retirement Board, presenting information at the Retiree's Association meetings, and featuring information on substance abuse resources in the retiree newsletter.

- Commissioner Fani-Gonzalez asked how many people have used the counseling benefit in the past year. Ms. McDonald stated that the M-NCPPC's utilization is approximately 11%, where other organizations average 4% - 5%.
- Commissioner Bailey asked if employees have expressed an interest in getting assistance for food addiction, eating or wellness, as these issues have the same implications as drug and alcohol addiction. Ms. McDonald responded employees have requested information for assistance in this area. She shared information on some of the M-NCPPC programs for eating concerns, including the EAP which offers assistance on various concerns. Vice-Chair Hewlett noted Wellness Coordinator Juanita Hawkins has done an excellent job in this program, and stated feedback from employees is phenomenal.
- Chair Anderson inquired if the M-NCPPC surveys employees who have and have not used the EAP program to determine their level of satisfaction, and whether they would take advantage of this benefit. Ms. McDonald stated the program participation is confidential, therefore, the M-NCPPC does not know who [voluntarily] uses the service. She will request the agency's EAP administrator ComPsych develop a survey specific to the M-NCPPC.
- Ms. McDonald shared the M-NCPPC provides annual training for employees and supervisors on EAP services and how to use the program.
- Executive Director Barney suggested EAP be added to the list of mandatory training series to ensure all Department Heads and supervisors participate in the session. Additionally, other components can be considered for services provided by the EAP service, such as broadening the program. Also it may be very powerful to have employees share their individual experiences using EAP. Aside from new hire orientation, the Benefits team will increase publicity and communicate more frequently about the EAP. Commissioners suggested posting webinars consistently

on Insite, inserting articles in the Update newsletter, and using all available means of communication to reach all employees. The Benefits team will roll out an awareness campaign for 2016. The campaign will be linked to National Substance Abuse prevention month. Once the Wellness webpage has been created, other community resources will be included in the website posting.

ITEM 6 OPEN SESSION – OFFICERS’ REPORTS

a) Executive Director
Employees’ Evaluations Not Completed by Due Date – (January 2016) (For Information Only)

b) Secretary-Treasurer
Enterprise Resource Planning (ERP) Briefing (For Information Only)

c) General Counsel
1) Litigation Report – (January 2016) (For Information Only)

2) Legislative Update
Principle Counsel Donna Calcote presented the Legislative Update on behalf of General Counsel Adrian Gardner. The majority of bills presented at the meeting related to legislation affecting Prince George’s County. It was unclear as to whether SB 166 – HB 243 - The Land Use Actions Legislative Bodies, would impact Montgomery County. Chair Anderson stated that General Counsel Gardner will provide a briefing on Montgomery legislation at a meeting which will be held at the Montgomery Regional Office in the next week or two. Ms. Calcote directed the Commissioners to Page 3 of the Status Update, in which General Counsel Gardner confirmed that Senate President Miller and Speaker of the House Busch will present the M-NCPPC with Resolutions to acknowledge the M-NCPPC’s sixth National Recreation and Parks Association Gold Medal award. Ms. Calcote also indicated that the General Counsel invited the Commissioners to attend the presentation, which is presently being scheduled. She asked that Commissioners and Department Heads place a hold on their calendars for this presentation. These dates were March 29th from 10:00 a.m. to 3:00 p.m., with a back-up date of March 25th. Chair Anderson asked that the General Counsel’s office coordinate the event on the Chair’s, Vice-Chair’s, Commissioner’s, and Department Heads’ calendars.

At 10:36 a.m., Chair Anderson requested a break.

There being no further business to discuss, the meeting adjourned to closed session at 10:49 a.m.

Pursuant to Section 3-305 (b)(7) and (b)(9) of the General Provisions Article of the Annotated Code of Maryland, a closed session is proposed to consult with counsel to obtain legal advice, and to conduct collective bargaining negotiations or consider matters that relate to the negotiations.

ACTION: Motion of Hewlett

Seconded by Wells-Harley

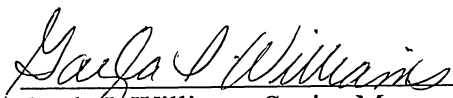
7 approved the motion (Commissioners Presley, Shoaff and Washington were not present for the vote)

At 11:02 a.m., open session reconvened and Chair Anderson requested a motion to adjourn the meeting.

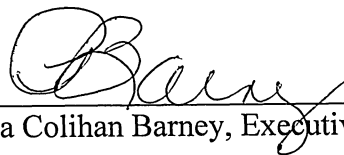
ACTION: Motion of Geraldo

Seconded by Dreyfuss

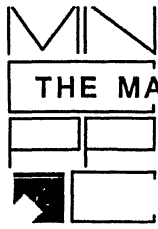
7 approved the motion (Commissioners Presley, Shoaff and Washington were not present for the vote)



Gayla L. Williams, Senior Management Analyst/
Senior Technical Writer



Patricia Colihan Barney, Executive Director



**EXECUTIVE COMMITTEE
OPEN SESSION – CONFERENCE CALL
February 12, 2016 (Replaces February 3, 2016 Meeting)**

On February 12, 2016, the Maryland-National Capital Park and Planning Commission’s Executive Committee convened via conference call. Present were Chair Casey Anderson, Vice-Chair Elizabeth M. Hewlett and Executive Director Patricia C. Barney. Also present were:

Department Heads/Deputies/Presenters/Staff

- William Dickerson, Principle Counsel (for Adrian Gardner, General Counsel)
- Joe Zimmerman, Secretary-Treasurer
- Ronnie Gathers, Director, Prince George’s County Parks and Recreation
- Fern Piret, Director, Prince George’s Planning (joined toward the end of the call)
- Clifford Clark, Chief Information Officer
- Rose Krasnow, Deputy Director, Montgomery County Planning (for Gwen Wright, Planning Director)
- John Nissel, Deputy Director, Montgomery County Parks (for Mike Riley, Parks Director)
- Anju Bennett, Chief, Corporate Policy and Management Operations (CPMO)
- William Spencer, Human Resources Director

Executive Director Barney convened the meeting at 2:02 p.m.

ITEM 1a - APPROVAL OF EXECUTIVE COMMITTEE AGENDA

Discussion	Executive Director Barney added the following topic to the Executive Committee meeting agenda: <ul style="list-style-type: none"> ▪ Presentation - Assistance for Drug and Alcohol Concerns (PowerPoint)
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ITEM 1b - APPROVAL OF COMMISSION MEETING AGENDA

Discussion	Executive Director Barney reviewed the February 17, 2016, Commission meeting agenda. The following revisions were made: <ul style="list-style-type: none"> ▪ Add Assistance for Drug and Alcohol Concerns (PowerPoint) to the Action and Presentation Items.
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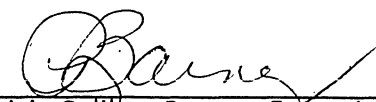
ITEM 1c - ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS

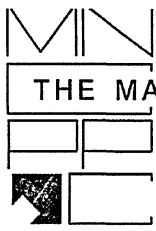
Discussion	The Executive Committee modified/noted the following items for the Rolling Commission Agenda: <ul style="list-style-type: none"> <u>March</u> <ul style="list-style-type: none"> ▪ Depending on the progress made by IT Council, may bring conceptual changes/operational enhancements to improve effectiveness of existing governance. ▪ Add M-NCPPC Montgomery County Purple Line Resolution #16-02 and ▪ M-NCPPC Prince George’s County Purple Line Resolution #16-03. ▪ Add Closed Session on Collective Bargaining update.
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	<p><u>April</u></p> <ul style="list-style-type: none"> ▪ The policy office is working on a number of policies which are either being presented for Department Head comment or Union input. While staff would hope to present to the Commission in April, the timing largely depends on the completion of the input period and any additional research. Practice 2-14 and 2-15 have already been before Department Heads for policy work sessions. However, there are some issues that need to be finalized before the policies go to the Union. The Executive Director, the General Counsel, and the CPMO Division Chief will meet to discuss areas pertaining to ethics and the role of a potential Ethics Committee. Practices 2-14 and 2-15 will be amended as needed, and forwarded to the Union for a 30-day review. ▪ Practice 3-10, Expense Reimbursement for Travel, Meetings, and Conferences is being presented to Department Heads in February for work sessions. More than one work session may be needed due to extensive policy updates. If the comment period runs on schedule, CPMO Division Chief Bennett expects the Practice will be presented to the Commission in April, after it has been presented to the Executive Committee. ▪ Closed session on Collective Bargaining update will be held. <p><u>May</u></p> <ul style="list-style-type: none"> ▪ Staff hopes to roll out policies falling within the policy series titled Organizational and Functional Responsibilities (assigned to Boards/Committees/Departments). Staff will begin work on these with Department Heads in April/May. ▪ Practice 2-16, Seasonal/Intermittent/Temporary/Term Employees is being reviewed with Department Heads in February/March. This policy is undergoing an extensive rewrite, so work sessions will be held on changes. ▪ Remove Collective Bargaining update from May agenda, as negotiations should be complete. <p><u>June</u></p> <ul style="list-style-type: none"> ▪ Remove Collective Bargaining update from June agenda. <p><u>Assistance for Drug and Alcohol Concerns (PowerPoint)</u> Executive Director Barney shared that the Department of Human Resources and Management has prepared a PowerPoint presentation on resources that employees can use to get assistance for drug and alcohol concerns, for Chair Anderson's review before presenting the topic to the Commissioners.</p>
ITEM 2 – MINUTES	
Provided for Information	<ul style="list-style-type: none"> • January 6, 2016 Executive Committee Open Session Minutes • January 6, 2016 Executive Committee Closed Session Minutes
ITEM 3 – DISCUSSION/REPORTS/PRESENTATIONS	
Discussion	<p>a) Enterprise Resource Planning (ERP) (Zimmerman) There was no update on ERP.</p>

The meeting adjourned at 2:14 p.m.


Gayla Williams, Senior Management Analyst/
Senior Technical Writer


Patricia Colihan Barney, Executive Director



**EXECUTIVE COMMITTEE
OPEN SESSION – CONFERENCE CALL
March 2, 2016**

On March 2, 2016, the Maryland-National Capital Park and Planning Commission’s Executive Committee convened via conference call. Present were Vice-Chair Elizabeth M. Hewlett and Executive Director Patricia C. Barney. Also present were:

Present

Department Heads/Deputies/Presenters/Staff

- Joe Zimmerman, Secretary-Treasurer
- Ronnie Gathers, Director, Prince George’s County Parks and Recreation
- Fern Piret, Director, Prince George’s County Planning
- Gwen Wright, Director, Montgomery County Planning
- John Nissel, Deputy Director, Montgomery County Parks (for Mike Riley, Director, Montgomery County Parks)
- Mitra Pedoeem, Deputy Director, Montgomery County Parks (for Mike Riley, Director, Montgomery County Parks)
- Clifford Clarke, Chief Information Officer, Office of the Chief Information Officer
- Anju Bennett, Division Chief, Corporate Policy and Management Operations (CPMO)
- William Spencer, Human Resources Director
- Lisa Dupree, Senior Management Analyst (CPMO)

Absent

- Chair Casey Anderson
- Adrian Gardner, General Counsel, Office of the General Counsel

Executive Director Barney convened the meeting at 9:34 a.m.

ITEM 1a - APPROVAL OF EXECUTIVE COMMITTEE AGENDA

Discussion	There were no changes to the Executive Committee agenda.
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ITEM 1b - APPROVAL OF COMMISSION MEETING AGENDA

Discussion	<p>Executive Director Barney reviewed the March 16, 2016, Commission meeting agenda. The following revisions were made:</p> <ul style="list-style-type: none"> ▪ Item 3b, Health Promotion Announcements – A website will be added to the agenda for employees’ reference to various programs. ▪ Item 4c, Committee/Board Reports – March 2nd Executive Committee meeting minutes will be added to the agenda. ▪ Item 6b2, MFD Purchasing Statistics – FY16, Secretary-Treasurer Zimmerman will provide the First and Second Quarter Reports
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ITEM 1c - ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS

Discussion	The Executive Committee modified/noted the following items for the Rolling Commission Agenda:
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April

Resolutions/Policies/Other Action items:

Ms. Bennett provided an update of three policies under review with Department Heads. We must also provide an opportunity for union input.

- Department Heads completed their review of Practices 2-14, Outside Employment/ and Non-Commission Business and 2-15 Employee Use of Commission Property. Both policies address internal controls and ethics components. Executive Director Barney, General Counsel Gardner and CPMO Chief Anju Bennett will be meeting to discuss the impact of adding an ethics committee and the types of issues that would be appropriately handled by such a committee. There are a number of concerns that could impact the policy proposals which are shared with the union for comment.
- Two work sessions with Department Heads were completed recently on Practice 3-10, Expense Reimbursement for Travel, Meetings, and Conferences. The Policy team presented a number of proposed amendments, research and policy options for input by Department Heads. Based on this input, the drafts are being finalized. Revisions to the Practices will be distributed to departments for broader management comment, and will be returned to the Policy office following the two-week comment period.

Executive Director Barney asked if Practice 3-10 would also be forwarded to the unions for comments. CPMO Chief Bennett responded this policy will be added to the union review of Practice 2-14 and Practice 2-15. All three policies address management prerogatives. Executive Director Barney shared that Municipal County Government Employee Organization (MCGEO) President, Gino Renne is on leave and will have a temporary replacement. Amy Millar is filling in as the MCGEO representative for the Employees' Retirement Board of Trustees and for various committee meetings. The Executive Director believes the MCGEO treasurer will fill in for Mr. Renne on policy issues, but will confirm.

The aforesaid Practices will be presented to the Commission by April if the unions' comments are promptly returned. Meanwhile, the Policy team will be bringing other policy areas for Department Head review.

General Announcements

Executive Director Barney highlighted the general announcements scheduled for Commission meetings. She contacted outside retirement actuary David Boomershine about the Commission's request to provide information on defined contribution plans. Mr. Boomershine will be asked to prepare a proposal on providing an informational presentation. Executive Director Barney will speak with Mr. Boomershine about the subject today. The Executive Director stressed the presentation was an educational piece only.

Closed Session

A closed session will be needed to discuss collective bargaining with the Fraternal Order of Police.

May

Resolutions/Policies/Other Action Items

- Policy Reviews: Organizational and Functional Responsibilities (assigned to Boards/ Committees/Departments) are being reviewed.

- Comprehensive rewrite of Practice 2-16, Contract Employment Regulations is underway. It is scheduled for presentation to the Executive Committee and Commission in May subject to progress made with departments.
- Work is beginning on the CAS chargebacks to various funds. Corporate Budget Manager John Kroll has sent out information to departments. Department Heads were promised work would begin on this project in time to present any changes recommended to the Commission, to incorporate them in the FY18 budget session.

Closed Session

Executive Director Barney removed the closed session from the May Commission meeting agenda. She expects collective bargaining to be completed before the Joint Council meeting, which is generally held the second Thursday in May (May 12th).

June

Closed session for collective bargaining was removed from the agenda.

Other Topics Discussed Regarding Rolling Agenda

The Executive Director asked Secretary-Treasurer Zimmerman to check on any financial reports that would need to be presented at upcoming Commission meetings. Mr. Zimmerman will provide presentation dates upon determination.

Park Rules and Regulations (not listed on agenda)

CPMO Chief Bennett pointed out that the presentation on the Park Rules and Regulations (Park Rules) may need to be added to the rolling agenda. She shared that the one area being addressed by the Park Rules is the broadened smoking prohibition law which will be going into effect June 2016. She shared that last year, the Policy team presented to the Commission, updated internal employee policies to communicate the expanded prohibition on the use of lighted tobacco products and lesser restrictions on e-cigarettes. These updates were adopted by the Commission and shared with the workforce and management. Sessions were held with two parks departments on steps for implementation including signage. The work on the Park Rules will address required notification to the public on the new law. CPMO Chief Bennett indicated that the General Counsel's office has been working diligently on a comprehensive review of the Park Rules. The Executive Director suggested that perhaps a portion of the Park Rules could be presented to address any critical items.

CPMO Chief Bennett stated departments should move forward with posting of signage at all facilities/properties. Executive Director Barney and CPMO Chief Bennett asked Prince George's County Parks and Recreation Director Ronnie Gathers and Montgomery County Parks Deputy Director John Nissel to check with their departments and provide an update. Both departments agreed to look into the status.

Montgomery County Parks Deputy Director Nissel shared that a committee on the Montgomery County side met to prepare comments and suggestions for General Counsel Gardner on the Park Rules. He inquired about the status of that review. Executive Director Barney will ask General Counsel Gardner to contact Deputy Director Nissel about how to re-engage the group on the status. She will stress the urgency of posting no smoking signage throughout the facilities by the June 2016 deadline. Director Gathers will check the status of posting no smoking signage in Prince George's County facilities and report the progress to CPMO Chief Bennett.

Montgomery County Parks Acting Deputy Director Mitra Pedoeem asked if the M-NCPPC has a policy to help employees break smoking habits. Executive Director Barney highlighted smoking cessation resources/programs offered by the M-NCPPC to its employees. One initiative offered by Health and Benefits Office is an onsite smoking cessation program called "Beat-the-Pack." These programs are communicated to employees through wellness announcements online and through the employee newsletter.

Montgomery County Parks inquired about other options for employees who wish to smoke. CPMO Chief Bennett noted that the Commission's review of policy changes adopted a policy that employees would be able to use e-cigarettes in outdoor spaces. This also may assist with smoking cessation. Deputy Director Nissel mentioned that the new policy could become a union issue. Executive Director Barney stated that before the Commission adopted the policy, management alerted the union, and the union contracts were amended to address bans on smoking consistent with State law.

Mr. Nissel inquired about the handling of violations. Executive Director Barney and CPMO Chief Bennett addressed this area. Ms. Bennett explained the State law calls for fines that can be assessed. The Executive Director added that fines would need to be managed by the police. Executive Director Barney recommended informational sessions be held on the impact of the No Smoking requirements ahead of implementation dates. The sessions should include guidance from legal and Human Resources Director William Spencer, on the handling of violations of policy and consistent discipline. Mr. Spencer will coordinate sessions.

Mr. Spencer will meet with the Health and Benefits team to develop informational articles on smoking and consider other sessions that can be added on smoking cessation.

Human Resources Director Spencer and CPMO Chief Bennett will work together along with their respective staff on developing additional communication pieces.

ITEM 2 – MINUTES

<p>Provided for Information</p>	<ul style="list-style-type: none"> • February 12, 2016 Executive Committee Open Session Minutes
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ITEM 3 – DISCUSSION/REPORTS/PRESENTATIONS

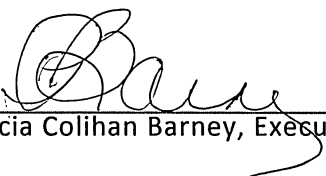
<p>Discussion</p>	<p>a) Enterprise Resource Planning (ERP) (Zimmerman)</p> <p>Secretary-Treasurer Zimmerman shared that the M-NCPPC has engaged a project management firm (Line of Sight) to develop a revised project plan task list for remaining ERP project areas. This decision was vetted with the IT Council. The project is ongoing, and will require updates as new versions and functionalities are added. Line-of-Sight will provide program management until the internal Program Management position is filled in the Office of the Chief Information Officer (OCIO).</p> <p>Executive Director Barney shared resumes have been screened for the Project Manager position. She asked Mr. Zimmerman to contact IT Systems Manager/Leader Tracy Harris to schedule the interviews and develop the interview panel. Executive Director Barney commented that we should not wait for all of the resumes to come in to begin interviewing, as she would not want to lose the best candidates. Chief Information Officer (CIO) Clifford Clarke stated he has reviewed the first wave of candidates for this position. He has a meeting scheduled with Ms. Harris to review the next batch of resumes.</p>
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	<p>Prince George's County Planning Director Fern Piret inquired about the applications for the CIO position. Executive Director Barney responded stating that resumes were sent to the IT Council. Executive Director Barney will check on this and make sure they were sent to Director Piret for review.</p> <p>b) Investment Report – December 2015 and January 2016 (Zimmerman) The M-NCPPC had a .54% average return for month ended December, which is significantly higher than last year, and a return of .60% in January. The agency has increased the investment yield, and is now above budget. The M-NCPPC is still projecting interest rates will rise.</p>
Follow-up	<ul style="list-style-type: none"> • Department Heads to confirm with their staff, the status of posting no smoking signage at all facilities. • Prince George's County Parks and Recreation Director Gathers and Montgomery County Parks Deputy Director Nissel to provide CPMO Chief Bennett with an update on the status of the no smoking signage. • Executive Director Barney and CPMO Chief Bennett to work with the Legal Department to prepare draft of individual change to Park Rules. • Executive Director Barney to ask General Counsel Gardner to contact Deputy Director Nissel about how to re-engage the Montgomery County group on the Park Rules status. • Mr. Spencer will coordinate informational sessions with guidance from the Legal Department on the impact of the No Smoking Requirements. • Mr. Spencer will meet with the Health and Benefits team to develop informational articles on smoking and consider other sessions that can be added on smoking cessation. • Human Resources Director Spencer and CPMO Chief Bennett will work together along with their respective staff on developing additional communication pieces. • Executive Director Barney to send resumes for CIO position to Director Piret if not previously sent.

The meeting adjourned at 9:57 a.m.



Gayla Williams, Senior Management Analyst/
Senior Technical Writer



Patricia Colihan Barney, Executive Director



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

**REGULAR BOARD OF TRUSTEES MEETING
MINUTES**

Tuesday, February 2, 2016; 10:00 A.M.
ERS/Merit Board Conference Room

The regular meeting of the Board of Trustees convened in the ERS/Merit Board Conference Room on Tuesday, February 2, 2016 at 10:00 a.m. Voting members present were: Khalid Afzal, Patricia Barney, CPA, Howard Brown, Elizabeth M. Hewlett, Barbara Walsh and Joseph C. Zimmerman, CPA. Pamela F. Gogol, Amy Millar and Marye Wells-Harley were absent. The Prince George's Public Member and Prince George's County Open Trustee seats are vacant.

ERS staff present were Andrea L. Rose, Administrator; Heather D. Brown, Senior Administrative Specialist; and, Sheila Joynes, Accounting Manager.

Presentations by Wilshire Associates – Bradley A. Baker, Vice President; the Groom Law Group - Alexander P. Ryan, Legal Counsel; and, the M-NCPPC Legal Department – LaTonya Reynolds, Senior Counsel.

In recognition of the passing of Prince George's County Public Trustee, Richard H. Bucher, Ph.D., CHAIRMAN HEWLETT called a moment of silence. CHAIRMAN HEWLETT noted the many accomplishments of Dr. Bucher including his career with the United States Air Force; the Special Action Office for Drug Abuse Prevention; and, as an adjunct professor at several universities. CHAIRMAN HEWLETT recognized Dr. Bucher for his engaging participation in the ERS' future and his compassion for its membership.

1. CONSENT AGENDA

The following items are to be approved or accepted by vote on one motion unless a Board member requests separate consideration:

- A. Approval of the February 2, 2016 Board of Trustees Meeting Agenda
- B. Minutes of Regular Meeting, January 5, 2016
- C. Minutes of Closed Session, January 5, 2016
- D. Disbursements Granted Report – December 2015

The Agenda was revised to amend the presenter of Item 5.A. as Ms. Patricia Barney, Committee Chairman.

MS. BARNEY made a motion, seconded by MR. AFZAL to approve the Consent Agenda which includes the revision to the February 2, 2016 Board of Trustees Meeting Agenda. The motion PASSED (6-0). (Motion #16-9)

2. CHAIRMAN'S ITEMS

- A. Board of Trustees Conference Summary

3. MISCELLANEOUS

No miscellaneous reported.

MINUTES, AS APPROVED, AT THE MARCH 1, 2016 BOARD OF TRUSTEES MEETING

4. REPORT OF THE ADMINISTRATOR

Presentation by Administrator, Andrea L. Rose

A. Administrator's Report dated January 27, 2016

Andrea Rose presented the Administrator's Report dated January 27, 2016.

The contract for auditing services with CliftonLarsonAllen expires February 28, 2016. The ERS and Commission issued a joint Request for Proposal for Auditing Services on January 29, 2015.

There are two vacancies on the Board as follows: 1) the Prince George's Public Member seat, held by the late Richard H. Bucher, Ph.D., who passed away on January 4, 2016. A notice of this vacancy will be advertised in a local newspaper, the M-NCPPC Intranet Site, and the ERS' website and 2) the Prince George's Open Trustee seat, held by Jenetha Facey, who accepted a bi-county position in the Finance Department which begins on January 31, 2016. A notice with a Call for Nominations will be advertised in the M-NCPPC Update Newsletter and Intranet Site and the ERS' website.

The Commission's ERP project continues to affect the ERS' work program. ERS staff discovered inconsistent salary data which is a major issue affecting High-3 calculations. Commission staff are working to resolve this issue and may need to certify salary history until its resolution. MS. BARNEY and MR. ZIMMERMAN agreed to investigate this issue and provide Ms. Rose an update on the resolution.

5. COMMITTEE REPORTS/RECOMMENDATIONS

A. Investment Monitoring Group Committee

Presentation by Andrea L. Rose

i. Regular Report of January 19, 2016

- a. Recommendation to Approve an Alternative Structure for the SSgA Real Asset Strategy Effective April 2016, Subject to Confirmation of the Fee
- b. Recommendation to Approve Revised Investment Guidelines to reflect a Name Change from FLAG Real Assets Partners II, LP to Aberdeen Real Assets Partners II, LP and FLAG Real Assets Partners III, LP to Aberdeen Real Assets Partners III, LP.

Alexander P. Ryan from the Groom Law Group joined the meeting at 10:17 a.m.

The IMG met with Western Asset Management's Veronica Amici, Client Service Executive, and Robert Abad, Product Specialist regarding the Western Asset Global Multi-Sector Fixed Income mandate and reviewed Wilshire Associates' Manager Review of the strategy which showed underperformance since inception, March 31, 2013. Wilshire's Bradley Baker noted that 2015 was an extremely tough environment and Western Asset was one of the dominant players. Wilshire does not have any concerns about performance.

The IMG reviewed Wilshire Associates' Manager Review for the Voya Senior Loan Fund which showed consistent outperformance since inception, March 31, 2014. Since inception, the Voya Senior loan strategy posted a 1.04% return versus a 0.17% return for the S&P LSTA Leverage Loan Index and ranked in the 54th percentile versus Wilshire's bank loan universe. Wilshire does not have any concerns about performance.

The IMG reviewed the State Street Global Advisors (SSgA) Real Asset Strategy – Global Infrastructure Analysis dated January 19, 2016. SSgA has passively managed a diversified strategy with customized

MINUTES, AS APPROVED, AT THE MARCH 1, 2016 BOARD OF TRUSTEES MEETING

sub-sector weights on behalf of the ERS. Recently, SSgA approved a new 10% allocation to global infrastructure to its commingled fund structure, but separate/custom accounts such as the ERS are not affected and must determine the infrastructure percentage. Mr. Baker noted the strategic role of the portfolio could benefit from adding infrastructure.

Wilshire recommended adding an alternative structure that includes global infrastructure which seeks to provide investors with a degree of protection from business and economic cycles, as well as attractive income yields and an inflation hedge. Brad Baker confirmed there would be no change to the fee structure.

MS. BARNEY made a motion, seconded by MR. AFZAL to Approve an Alternative Structure (Natural Resource Stocks 10%; TIPS 20%; US REITS 30%; Commodities 30% and Infrastructure 10%) for the SSgA Real Asset Strategy Effective April 2016. The motion PASSED (6-0). (Motion #16-10)

MS. BARNEY made a motion, seconded by MR. AFZAL to Approve the Revised Investment Guidelines to reflect a Name Change from FLAG Real Assets Partners II, LP to Aberdeen Real Assets Partners II, LP and FLAG Real Assets Partners III, LP to Aberdeen Real Assets Partners III, LP. The motion PASSED (6-0). (Motion #16-11)

MS. WALSH made a motion, seconded by MS. BARNEY to go into Closed Session Pursuant to the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(5) and 3-305(b)(7) to discuss investment of public funds and to consult with legal counsel. The motion PASSED unanimously (6-0). (Motion #16-12)


6. CLOSED SESSION

The Board will meet in Closed Session, pursuant to the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(5) and 3-305(b)(7) to discuss investment of public funds and to consult with legal counsel.

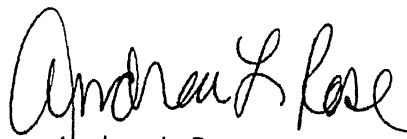
MS. BARNEY made a motion, seconded by MR. AFZAL to ratify the actions taken in Closed Session. The motion PASSED unanimously (6-0). (Motion #16-15)

The Board of Trustees meeting of February 2, 2016 adjourned at 12:11 p.m.

Respectfully,




Heather D. Brown
Senior Administrative Specialist




Andrea L. Rose
Administrator



Resolution of Adoption of the Approved Montgomery Village Master Plan

 Renee Kamen, AICP, Senior Planner, Area 2 Division, Renee.Kamen@montgomeryplanning.org, 301.495.4541

 Nancy Sturgeon, Master Planner Supervisor, Master Plan Team, Area 2 Division, Nancy.Sturgeon@montgomeryplanning.org, 301.495.1308

 Glenn Kreger, Chief, Area 2 Division, Glenn.Kreger@montgomeryplanning.org, 301.495.4653

Completed: 2/29/16

Recommendation

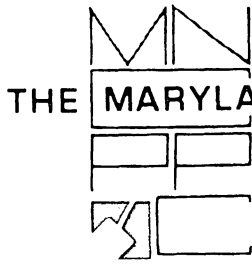
Approve the Resolution of Adoption.

Summary

Attached for your review and approval is M-NCPPC Resolution Number 16-01 to adopt the Montgomery Village Master Plan. The County Council, sitting as the District Council, approved the Montgomery Village Master Plan by Resolution Number 18-398 on February 9, 2016. The Montgomery County Planning Board approved the adoption of the Montgomery Village Master Plan by Resolution Number 16-018 on February 25, 2016.

Attachments:

1. Montgomery County Planning Board Resolution Number MCPB 16-018 and M-NCPPC Resolution Number 16-01
2. Montgomery County Council Resolution Number 18-398



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC No. 16-01

MCPB No. 16-018

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission, by virtue of the Land Use Article of the Annotated Code of Maryland, is authorized and empowered, from time to time, to make and adopt, amend, extend and add to the *General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District within Montgomery and Prince George's Counties*; and

WHEREAS, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, pursuant to the procedures set forth in the Montgomery County Code, Chapter 33A, held a duly advertised public hearing on Thursday, September 10, 2015, on the Public Hearing Draft Montgomery Village Master Plan, being also an amendment to the *General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District Within Montgomery and Prince George's Counties*, as amended; the *Approved and Adopted Gaithersburg Vicinity Master Plan*, as amended; and the *Master Plan of Highways and Transitways*, as amended; and

WHEREAS, the Montgomery County Planning Board, after said public hearing and due deliberation and consideration, on October 22, 2015, approved the Planning Board Draft Montgomery Village Master Plan, recommended that it be approved by the District Council, and on October 27, 2015, forwarded it to the County Executive for recommendations and analysis; and

WHEREAS, the Montgomery County Council, sitting as the District Council for the portion of the Maryland-Washington Regional District lying within Montgomery County, held a public hearing on December 1, 2015, wherein testimony was received concerning the Planning Board Draft Montgomery Village Master Plan; and

WHEREAS, the Montgomery County Executive reviewed and made recommendations on the Planning Board Draft Montgomery Village Master Plan and forwarded those recommendations and an analysis to the District Council on January 4, 2016; and

APPROVED AS TO LEGAL SUFFICIENCY

Christina Smith 2/17/16

M-NCPPC LEGAL DEPARTMENT

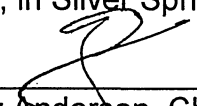
WHEREAS, the District Council, on February 9, 2016, approved the Planning Board Draft Montgomery Village Master Plan, subject to the modifications and revisions set forth in Resolution No. 18-398; and

WHEREAS, the Montgomery County Planning Board, on February 25, 2016, recommended that The Maryland-National Capital Park and Planning Commission adopt the Montgomery Village Master Plan as approved by the District Council.

NOW THEREFORE BE IT RESOLVED, that in accordance with Section 21-103 of the Maryland Land Use Article, The Maryland-National Capital Park and Planning Commission does hereby adopt said Montgomery Village Master Plan, together with the *General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District Within Montgomery and Prince George's Counties*, as amended, and the *Approved and Adopted Gaithersburg Vicinity Master Plan*, as amended, and the *Master Plan of Highways and Transitways*, as amended, and as approved by the District Council in the attached Resolution No. 18-398; and

BE IT FURTHER RESOLVED, that copies of said Amendment must be certified by The Maryland-National Capital Park and Planning Commission and filed with the Clerk of the Circuit Court of each of Montgomery and Prince George's Counties, as required by law.

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Dreyfuss, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Fani-González voting in favor, and Commissioner Presley absent, at its regular meeting held on Thursday, February 25, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

ATTACHMENT 2

Resolution No.: 18-398
Introduced: February 9, 2016
Adopted: February 9, 2016

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

SUBJECT: Approval of October 2015 Planning Board Draft Montgomery Village Master Plan

1. On October 27, 2015, the Montgomery County Planning Board transmitted to the County Executive and the County Council the October 2015 Planning Board Draft Montgomery Village Master Plan.
2. The October 2015 Planning Board Draft Montgomery Village Master Plan amends portions of the Approved and Adopted 1985 Gaithersburg Vicinity Master Plan, as amended. It also amends The General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District in Montgomery and Prince George's Counties, as amended; the Master Plan of Highways and Transitways, as amended; and the Countywide Bikeways Functional Master Plan, as amended.
3. On December 1, 2015, the County Council held a public hearing on the October 2015 Planning Board Draft Montgomery Village Master Plan. The Master Plan was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.
4. On January 6, 2016, the Director of the Montgomery County Office of Management and Budget transmitted to the County Council the Fiscal Impact Statement for the October 2015 Planning Board Draft Montgomery Village Master Plan.
5. On January 11 2016, the Planning, Housing, and Economic Development Committee held a worksession to review the issues raised in connection with the October 2015 Planning Board Draft Montgomery Village Master Plan.
6. On January 26, 2016, the County Council reviewed the Planning Board Draft Montgomery Village Master Plan and the recommendations of the Planning, Housing, and Economic Development Committee.

Action

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following resolution:

The Planning Board Draft Montgomery Village Master Plan, dated October 2015, is approved with revisions. County Council revisions to the Planning Board Draft Montgomery Village Master Plan are identified below. Deletions to the text of the Plan are indicated by [brackets], additions by underscoring. All page references are to the October 2015 Planning Board Draft Plan.

Page 25: Revise Proposed Zoning Map (Figure 5) to reflect Council changes and to indicate the boundaries of the Montgomery Village Overlay zone.

Page 27: Revise the first paragraph of the section titled “3.3.1 Public Schools” as follows:

Most of the MVMP is located within the service areas of schools in the Watkins Mill [High School] cluster[. A]; a small portion of the Plan is within the Gaithersburg [High School] cluster. In the Watkins Mill cluster, the Plan area is served by South Lake, Stedwick, Watkins Mill, and Whetstone Elementary Schools, Montgomery Village and Neelsville Middle Schools, and Watkins Mill High School. In the Gaithersburg cluster, the Plan area is served by Goshen Elementary School, Forest Oak Middle School, and Gaithersburg High School. Enrollment increases have been occurring at all these schools, and a variety of strategies should be considered to accommodate [increases in] additional students [that could result from additional development in the MVMP area] resulting from the Plan. The Plan includes a potential future elementary school site.

Page 28: Revise the first paragraph of the section titled “Elementary Schools” as follows:

A. Elementary Schools

At the elementary school level in the Watkins Mill cluster, Stedwick, Watkins Mill, and Whetstone Elementary Schools are projected to be near full utilization for the next six years, while enrollment at South Lake Elementary School is projected to [significantly] exceed the school’s capacity. [A feasibility study for an addition at South Lake Elementary School is being conducted in fiscal year 2015.] In the Gaithersburg cluster, Goshen Elementary School is projected to [exceed its capacity in] be near full utilization for the next six years [and a feasibility study for an addition is currently underway].

Pages 28-30: Revise the last paragraph on page 28, delete the bullets that follow, and add two bullets as follows:

Enrollments at all elementary schools that serve the Plan area are forecast to be close to, or exceed, the 740 students that [constitute] MCPS has determined is the high end of the desired size for elementary schools. Combined, current projections indicate that, for the next six

years, there will be little space available in the elementary schools that serve the Plan area[, even with the planned additions]. If there is insufficient surplus capacity available at these schools by the time new housing occupancies occur in the Plan area, then MCPS would explore the following range of options to serve additional elementary school students:

- [Determine if space is available at nearby elementary schools in the area and reassign students to a school(s) with space available.]
- [Build an addition, or additions, at nearby school(s) and reassign students to the school(s) with increased capacity.]
- [If the capacity of existing elementary schools, even with additions built, is insufficient to address increased enrollment, then the opening of a new elementary school would be considered. A new elementary school could be provided in one of two ways:
 - A former operating elementary school could be reopened. However, there are no former elementary schools in the Watkins Mill and Gaithersburg clusters.
 - Construct a new elementary school. Centerway Local Park, among other site options, may be considered in the future during site selection if the need for a new school arises. Co-location and/or purchase of a site may be required.]
- Determine if there is surplus capacity or the ability to increase the capacity of elementary schools adjacent to the Watkins Mill and Gaithersburg clusters, and reassign students to a school with sufficient capacity. Elementary schools adjacent to the Watkins Mill cluster include Brown Station, Fox Chapel, Capt. James E. Daly, William B. Gibbs, Jr., Goshen, Strawberry Knoll, and Gaithersburg elementary schools. The following elementary schools are located adjacent to the Gaithersburg cluster: Belmont, Brown Station, Candlewood, Rachel Carson, Cedar Grove, Clearspring, College Gardens, Damascus, Fields Road, William B. Gibbs, Jr., Greenwood, Thurgood Marshall, Mill Creek Towne, Olney, Judith A. Resnik, Ritchie Park, Sequoyah, South Lake, Stone Mill, Watkins Mill, Whetstone, and Woodfield.
- If reassignments and increasing the capacity of existing elementary schools are not sufficient to address increased enrollment, then the opening of a new elementary school would be considered. Since there are no former operating elementary schools within the Gaithersburg and Watkins Mill clusters, a new elementary school could be provided in the following way:
 - Construct a new elementary school. Centerway Local Park, located at 9551 Centerway Road, Gaithersburg, among other options, should be considered if needed in the future. This, and other site options, would be considered during site selection if the need for a new school arises. Collocation and/or purchase of a site may be required.

Page 29: Revise Community Facilities Map (Figure 6) to add the following note:

The location for a proposed Fire and Rescue Station shown on Figure 6 is illustrative, as it has not gone through the site selection process.

Page 30: Revise the section titled "Middle Schools" as follows:

B. Middle Schools

At the middle school level in the Watkins Mill cluster, Montgomery Village Middle School is projected to have some space available for the six-year forecast period, while Neelsville Middle School is projected to exceed capacity by [more than 200 students by] the end of the six-year forecast period. A feasibility study for an addition at [the school is scheduled in FY 2015. Boundary changes to address the over utilization are also being reviewed. A decision on building an addition, or changing boundaries, will be made in the fall of 2015. In the Gaithersburg cluster, Forest Oak Middle School is projected to exceed capacity in the next six years. However, the amount of space deficit projected is not enough to justify an addition at this time] Neelsville Middle School has been conducted; however, the amount of space deficit is not sufficient to justify an addition at this time.

[If there is insufficient surplus capacity at the three middle schools that serve the Plan area by the time new housing occupancies occur, MCPS would explore the following range of options to serve additional middle school students:]

- [Determine if space is available in an adjacent middle school and reassign students to a school with space available.]
- [Build additions at middle schools that serve the Master Plan area.]
- [Build an addition at an adjacent middle school and reassign students to the school.]
- [Reopen a former operating middle school. However, there are no former operating middle schools in the Master Plan area.]
- [Construct a new middle school. There are no future middle school sites in the Watkins Mill cluster. There are two future middle school sites in the Gaithersburg cluster, known as King Farm Middle School and Laytonsville Middle School. A site selection process would be conducted for a new middle school and co-location and/or purchase may be required.]

In the Gaithersburg cluster, Forest Oak Middle School is projected to exceed capacity by the end of the six-year forecast period. However, the amount of space deficit projected is not sufficient to justify an addition at this time. If there is insufficient surplus capacity at the three middle schools that serve the Plan area by the time new housing occupancies occur, MCPS would explore the following range of options to serve additional middle school students:

- Build additions at middle schools that serve the Plan area.
- Determine if there is surplus capacity or the ability to increase the capacity of middle schools adjacent to the Montgomery Village, Neelsville, and Forest Oak middle schools and reassign students to a school with sufficient capacity. Middle schools adjacent to the three middle schools serving the Plan area include: Roberto W. Clemente, Gaithersburg, Dr. Martin Luther King, Jr., Lakelands Park, Redland, and Rocky Hill.
- Construct a new middle school. There are no future middle school sites in the Watkins Mill cluster. There are two future middle school sites in the Gaithersburg cluster known

as King Farm and Laytonsville middle schools; therefore, a site selection process would be conducted for a new middle school and collocation and/or purchase may be required.

Pages 30-31: Revise the section titled “High Schools” as follows:

C. High Schools

At the high school level, enrollment at Watkins Mill High School is projected to be within the capacity of the school for the six-year forecast period. Gaithersburg High School [was recently revitalized and expanded to a capacity of 2,407 students. Despite the increased capacity, the school is projected to begin exceeding capacity by the end of the six-year forecast period. Also, the school will be at the high end of desired size for high schools] is projected to begin exceeding capacity by the end of the six-year forecast period. Also, the school will be at the high end of desired size for high schools with its capacity of 2,407 students. If there is insufficient surplus capacity at Watkins Mill and Gaithersburg high schools by the time new housing occupancies occur in the Plan area, then MCPS would explore the following range of options to serve additional high school students:

- [Determine if space is available in an adjacent high school and reassign students to a school with space available.]
- [Build an addition at Watkins Mill High School.]
- [Build an addition at an adjacent high school and reassign students to the school.]
- [Construct a new high school. There is one future high school site in the up-County. This site is in the Gaithersburg cluster and is known as Central Area High School (Crown Farm). A site selection process would be conducted for a new high school, including consideration of the Central Area High School site. Co-location and/or purchase of a site may be required.]
- Build an addition at Watkins Mill High School.
- Determine if there is surplus capacity or the ability to increase the capacity of high schools adjacent to the Watkins Mill and Gaithersburg high schools, and reassign students to a school with available space. High schools adjacent to the Watkins Mill High School include Clarksburg, Gaithersburg, Quince Orchard, and Seneca Valley. High schools adjacent to Gaithersburg High School include Clarksburg, Damascus, Col. Zadok Magruder, Richard Montgomery, and Quince Orchard.
- Construct a new high school. There is only one future high school site located upcounty, in the Gaithersburg cluster, known as Central Area High School (Crown Farm). A site selection process would be conducted for a new high school, including consideration of the Central Area High School site. Collocation and/or purchase of a site may be required.

Page 31: Under the heading “3.3.3 Fire, Rescue, and Emergency Medical Services”, add a new sentence after the last sentence of the second paragraph as follows:

This station has also been recommended in the “2016-2022 Fire, Rescue, Emergency Medical Services, and Community Risk Reduction Master Plan”.

Page 31: Under the heading “3.3.3 Fire, Rescue, and Emergency Medical Services”, amend the third paragraph as follows:

To adequately address the future fire, rescue, and EMS needs of Montgomery Village, a fire station with a site large enough to accommodate a paramedic-engine and ambulance (and potentially a future [second ambulance] additional EMS Unit), and a Battalion EMS Supervisor has been proposed by MCFRS for northeastern Montgomery Village. Ideally, a new fire station should be located at or in the vicinity (i.e., within approximately one-half mile) of the intersection of Goshen Road and Rothbury Drive at a location that meets site suitability criteria established by MCFRS in the Fire, Rescue, Emergency Medical Services, and Community Risk Reduction Master Plan. A site evaluation process will determine potential sites at this general location, and potentially elsewhere in the region, and the site that best meets the site suitability criteria will be recommended [by MCFRS] to the County Executive by the site evaluation committee.

Page 53: Revise Proposed Lower Village Zoning Map (Figure 15) to reflect Council changes and the Montgomery Village Overlay zone.

Page 53: Revise the third paragraph in the section titled “The Boulevard on Lost Knife” as follows:

Lost Knife Road, between Montgomery Village Avenue and Odendhal Avenue, has the potential to transform over time. (See Illustrative Concept.) The Plan encourages, to the extent possible, coordinated redevelopment on both sides of the street. Lost Knife Road could evolve and transform into an urban boulevard or main street if synergies emerge between developments on both sides of the street, and there is an effort at overall coordination between the stakeholders. Redevelopment could include a variety of uses and open spaces that reinvigorate this area. Should redevelopment occur along Lost Knife Road, it is the goal of this Master Plan to maintain the surrounding multi-family residential apartments in the northern section of the Cider Mill property, which provide convenient and relatively affordable housing options. If there is redevelopment of the Cider Mill parcel along Lost Knife Road, any required recreational amenities and public benefits may be met on the entire Cider Mill Apartment property, as allowed by the Zoning Ordinance. Enhanced connectivity should be explored, including possible new north-south vehicular access from Lost Knife Road to Midcounty Highway. Redevelopment of the Lakeforest Mall site could provide opportunities to extend Contour Road to Russell Avenue. Revitalization of this area will be challenging, but it is an important long-term goal of this Plan.

Page 54: Revise the “Zoning Recommendations” section by adding a second paragraph after the first paragraph as follows:

This Plan recommends two zones for the Cider Mill Apartment property: 1) the CRT zone on the Lost Knife Road portion of the property is intended to focus redevelopment, create a boulevard, and encourage synergies with any future redevelopment of Lakeforest Mall; and 2) the CRN zone (with no commercial floor area ratio) on the remainder of the Cider Mill property is intended to maintain market affordable multi-family housing.

Page 54: Revise the zoning recommendation for the Cider Mill site in the second column of text on the page as follows:

Cider Mill site: CRT-1.5, C-0.25, R-1.25, H-75 (See CRT #2 on Figure 15.)
CRN-0.5, C-0.0, R0.5, H-40 (See CRN #xx on Figure 15.)

Page 55: Revise Proposed Middle Village Zoning Map (Figure 16) to reflect the Montgomery Village Overlay zone.

Page 63: Revise Proposed Upper Village Zoning Map (Figure 17) to reflect the Montgomery Village Overlay zone.

Page 67: Add these sections after the bulleted section regarding Montgomery Village Avenue:

- Reduce the number of planned through lanes on Goshen Road from 6 to 4 lanes, and reduce the minimum right-of-way from 120' to 105', which more closely reflects the completed design of this roadway improvement.
- Reduce the number of planned through lanes on Wightman Road from 4 to its existing 2 lanes between Great Seneca Creek and Goshen Road. Wightman Road is far removed from the I-270/MD 355 corridor; its location would not provide adequate travel service to commuters and its widening would negatively affect the character of the semi-rural area that the road traverses.

Page 67: Revise the first bullet in the second column as follows:

- Extend Stewartown Road as a two-lane minor arterial (MA-298) across the former golf course from Montgomery Village Avenue at its current terminus to Watkins Mill Road at the intersection with Crested Iris Drive. (See Figure 18.) Extending Stewartown Road will improve local connectivity between the east and west sides of the Village, as well as provide access [for the future,] to residential lots within the potential development of the former golf course. The road should be designed as a two-lane undivided section with on-street parking where feasible, a shared-use path along the southern side, a sidewalk along the northern side, and a targeted design speed of 25 MPH to discourage speeding traffic. Because of the unique environmental constraints and the particular character of the existing and proposed residential neighborhoods, several methods [Methods] for slowing traffic [that] should be [taken into consideration] considered for design modifications. These modifications may include: reduced horizontal baseline radius, reduced horizontal distance between curve tangents, reduced monumental entrance lengths, increased maximum vertical slope (up to 10% grade maximum), allowance of median islands, and enhanced pedestrian and bicyclist circulation and reduced planting strip width.

Based on the general location of the proposed road, as shown on the roadway classification map, construction of the Stewartown Road extension will not impact the stream valley buffer. However, the alignment of the roadway should be carefully designed to balance the desires for [a roadway] vehicular access and pedestrian

connection within [any] the environmental and community [constraints] context. [As such, where needed, the illustrative cross section shown on page 68 could be modified to a reduced 56-foot right-of-way with no on-street parking.] The existing segment of Stewartown Road between Montgomery Village Avenue and Goshen Road should be assigned the same minor arterial (MA-298) MPOHT classification as the unbuilt extension.

Page 68: In Figure 18, revise each Green Panel to be 6.5' wide, the Sidewalk to be 5' wide, and each Through Lane (including gutter) to be 12' wide. Delete the two parking lanes. Revise the total right-of-way to be 56'.

Pages 70-71: Revise Table 1 as follows:

- Add a new Footnote 2 for the "Through Travel Lanes" column as follows: These are the number of planned through travel lanes for each segment, not including lanes for turning, parking, acceleration, deceleration, or other purposes auxiliary to through travel.
- Re-number Footnote 2 as Footnote 3.
- Re-number Footnote 3 as Footnote 4, and revise as follows: Goshen Road is planned to be widened to [an interim section of] 4[-] through lanes within a [107-foot] minimum 103-foot ROW[; design presented to the Planning Board 1/14/10].
- Delete Footnote 4.
- Revise the minimum right-of-way for M-25 Goshen Road from 120' to 105', and revise its number of through travel lanes from 6 to 4.
- Revise the number of through travel lanes on A-36 Wightman Road from 4 to 2 lanes.
- Revise the minimum right-of-way for MA-298 Stewartown Road between Watkins Mill Road and Montgomery Village Avenue from 70' to 56'.


Page 85: In Table 3, delete the widening of Wightman Road to 4 lanes and delete the widening of Goshen Road to 6 lanes.

Page 86: Delete footnotes 2 and 3 from Table 3.

General

All illustrations and tables included in the Plan will be revised to reflect the District Council changes to the Planning Board Draft Montgomery Village Master Plan (October 2015). The text and graphics will be revised as necessary to achieve and improve clarity and consistency, to update factual information, and to convey the actions of the District Council. Graphics and tables will be revised to be consistent with the text.

This is a correct copy of Council action.



 Linda M. Lauer, Clerk of the Council



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

Agenda Date: March 16, 2016

Item No. 5b

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission

VIA: Adrian R. Gardner, General Counsel *ARG/dye*

FROM: Donna Y. Calcote-Heatley, Principal Counsel *DYCH*
Megan S. Chung, Senior Counsel *MSC/dye*

DATE: March 9, 2016

RE: Approval of Conveyance of Commission Real Property Interests to the Maryland Transit Administration of the Maryland Department of Transportation

Recommendation:

This memorandum is presented in conjunction with the Montgomery County Departments of Parks and Planning, and the Prince George's County Department of Parks and Recreation to recommend approval by the Maryland-National Capital Park and Planning Commission (the "Commission") of conveyance of the Commission real property interests as set forth in attached Exhibits A and B (the "Commission Property") to the Maryland Transit Administration of the Maryland Department of Transportation ("MTA") for reasons described herein.

Essentially, the transactions proposed involve the Commission's conveyance to MTA of certain Commission-owned real property interests which are determined to no longer be needed for park purposes and/or which are in exchange for replacement property and cash payments.¹

¹ The Commission is authorized under the Land Use Article of the Md. Code, Annotated, at §17-205 to transfer land it determines not to be needed for park purposes or other authorized purposes. The Commission is also authorized under the Land Use Article of Md. Code, Annotated § 17-206(b)(1), to exchange land held by it for any other land held by other public bodies in the event the Commission determines the property to be received is more suitable for the Commission's purposes; and § 17-206(b)(2) allows an exchange to be accompanied by a partial cash payment.

Background

1. MTA proposes to construct a new 16.2 mile light rail line extending from Bethesda in Montgomery County to New Carrollton in Prince George's County known as the Maryland-National Capital Purple Line (the "Purple Line Project"). The Commission holds the real property interests described in more detail in Exhibits A and B, attached, which are recorded among the Land Records of Montgomery and Prince George's Counties (collectively, the "Commission Property"). MTA has communicated to the Commission's Montgomery County Departments of Parks and Planning and Prince George's County Department of Parks and Recreation (collectively, the "Departments") of MTA's need for the Commission Property to complete the Purple Line Project.
2. Given the strong support for the Purple Line Project by both Montgomery and Prince George's Counties and the Departments' desire to cooperate in furthering the goals of the Purple Line Project, which benefits both counties, the Commission agreed to enter into two memoranda of agreement ("MOAs"; and each a "MOA") - one with the Commission's Montgomery County Departments of Parks and Planning and the other with the Commission's Prince George's County Department of Parks and Recreation. The MOAs set forth the Commission and MTA's agreements on, among other things, how the Purple Line Project will impact the Commission's parkland and other properties; how the Commission's operation will be impacted due to the Purple Line Project; what the Commission's and MTA's responsibilities and obligations will be for the Purple Line Project; what land exchanges and monetary compensations will occur due to the Purple Line Project; and the review and approval procedure for evaluating any Commission's impact due to the Purple Line Project on and around the Commission operation and properties.
3. On February 25, 2016, the Departments submitted their respective staff reports to their respective Planning Board, setting forth their analysis and recommendations concerning their respective MOAs and disposition and/or exchange of the relevant Commission Property. Copies of the respective Department's staff report are attached as Exhibits C and D. Copies of the respective Resolutions approving the MOAs are attached as Exhibits E and F.
4. During public hearings held on February 25, 2016, both Planning Boards approved their respective MOAs, subject to the Commission's approval of all land disposition/exchange of the Commission property included in the MOA, and recommended that the Commission approve conveyance of the said Commission Property to MTA.
5. Prior to the execution and delivery of any instrument necessary to release the Commission Property as contemplated in the MOAs, each Department will evaluate and determine MTA's full compliance with its obligations under the MOAs.

Attachments

- Exhibit A: Commission's Montgomery County Property Disposition List**
- Exhibit B: Commission's Prince George's County Property Disposition List**
- Exhibit C: Montgomery County Staff Report**
- Exhibit D: Prince George's County Staff Report**
- Exhibit E: Montgomery County Planning Board Resolution**
- Exhibit F: Prince George's County Planning Board Resolution**

EXHIBIT B

Commission's Prince George's County Property Disposition List

**Commission Property in Prince George's County needed for
Construction of the Purple Line Project**

1. Part of Anacostia Stream Valley Park, consisting of approximately 4.3 acres of land (from the following properties: Parcels B, C, and D and Parcels 4, 15, 26, and 27 located on Tax Map 42, Grids E2 and F3)
2. Part of Northwest Branch Stream Valley Park, Adelphi Manor Park and University Hills Park, consisting of approximately 4.3 acres of land (from the following properties: Parcels 106, 107, 108 and 109, located on Tax Map 32, Grid F3)
3. Part of West Lanham Hill Park Building Park, consisting of approximately 0.15 acres of land (from the following properties: Parcel A located on Tax Map 51, Grids E1 and the Residue of Lot 22, Block 115, West Lanham Hills Subdivision, located on Tax Map 51, Grid E2)
4. Part of Glenridge Park and the Northern Area Maintenance Facility at Glenridge, consisting of approximately 14.84 acres of land (from the following properties: Parcel 73, located on Tax Map 43, Grid D4 and Parcel 6, located on Tax Map 51, Grid D1)

EXHIBIT C

Commission's Montgomery County Planning Board Staff Report



MONTGOMERY COUNTY DEPARTMENT OF PARKS
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Agenda Item 3
Agenda Date: February 25, 2016

February 18, 2016

TO: Montgomery County Planning Board

VIA: Michael F. Riley, Director of Department of Parks
Mitra Pedoeem, Acting Deputy Director, Department of Parks

FROM: John E. Hench, Ph.D., Chief of Park Planning and Stewardship Division
William Gries, Land Acquisition Supervisor, Park Development Division

SUBJECT: Purple Line Project Memorandum of Agreement

A. Staff Recommendation

Department of Parks' staff recommend that the Montgomery County Planning Board (**Board**),

(1) approves the Memorandum of Agreement (**MOA**) between The Maryland Transit Administration (**MTA**) of the Maryland Department of Transportation and The Maryland-National Capital Park and Planning Commission (for the Montgomery County Department of Parks and the Montgomery County Department of Planning) included as Attachment "A", subject to the Commission's approval of conveyance of various parkland interest to MTA under the terms of the MOA; and

(2) approves the Resolution included as Attachment "B" recommending to the full Commission the conveyance of various parkland interests in Montgomery County to MTA under the terms of the MOA (the list of parkland interests to be conveyed is identified in Attachment "C").

B. Background

Summarized below are the past actions that bring the MOA approval before the Board regarding the Purple Line project:

(1) On July 29, 2010, the Board adopted the Purple Line Functional Plan, following the Montgomery County Council's approval of the Board draft for the Purple Line Functional Plan on July 27, 2010, subject to modifications and revisions. Subsequently, the full Commission adopted the Purple Line Functional Plan on September 8, 2010.

- (2) On October 21, 2013, the Board forwarded to MTA a letter containing the Board's comments in response to the Purple Line Final Environmental Impact Statement (FEIS) and draft Section 4(f) Evaluations.
- (3) On December 5, 2013, the Board adopted the Long Branch Sector Plan, following the Montgomery County Council's approval of the Board draft for the Long Branch Sector Plan, subject to modifications and revisions, on November 19, 2013. The adopted Long Branch Sector Plan contains the recommendations that Montgomery County owned property at 734 University Boulevard East (the replacement property) serve as property that will fulfill MTA's Section 4(f) mitigation requirements for Purple Line impacts to the Commission's parks in Montgomery County.
- (4) On March 6, 2014, the staff of Montgomery County Departments of Parks and Planning jointly briefed the Board on the development of the MOA and received guidance thereof, with the understanding that the final MOA would be approved by the Board, with the intent that the MOA would be referenced in the Purple Line Request for Proposals to be issued by MTA.
- (5) On March 20, 2014, MTA presented the Purple Line Mandatory Referral to the Board. The Board approved the Mandatory Referral with specific recommendations that were communicated back to MTA. Further, the Board conditioned that the Board would need to approve the terms of the MOA.
- (6) On January 21, 2016, the Board met in a closed session wherein staff briefed and obtained the Board's guidance on the terms of the MOA before transmitting staff's comments to MTA.
- (7) In accordance with the Board's mandate for approving the MOA, staff now brings the draft MOA before the Board for its approval.

C. Analysis of MOA and the Exchange Property

- (1) **MOA:** As briefed to the Board during the Board's closed session on January 21, 2016, the MOA meets the guidance of the Board regarding the impact to the Commission parklands and further meets the intent of the Board's mandatory referral recommendations dated April 1, 2014, following the March 20, 2014 Purple Line Mandatory Referral presentation.
- (2) **Replacement Parkland:** The exchange property for the seven park sites in Montgomery County that are impacted by the Purple Line project is identified as 734 University Boulevard East, Silver Spring, Maryland (the "Exchange Property"). This Exchange Property, which contains 1.45 acres, more or less, improved, is owned by Montgomery County and is further identified as Tax Account No. 13-00975345. The Exchange Property is to be provided as an exchange of real estate for the parkland interests required for the Purple Line project as identified on Attachment "B". Within the seven parks impacted, 0.89 +/- acres is required in fee simple (of which 0.4 +/- acres must meet POS requirements), 1.42 +/- acres is required in

temporary construction easements, 0.45 acres is required in permanent drainage easements, and 0.31 +/- acres is required in permanent utility easements. The Land Use Article, § 17-206(b), authorizes the Commission to exchange real properties if it finds that the replacement land is more suitable for playground and recreational purposes than the land being disposed of. The Exchange Property is bounded on two sides by publically owned real estate. On the north is New Hampshire Estates Neighborhood Park and on the east is New Hampshire Estates Elementary School. See Attachment "C". The Exchange Property is generally rectangular in shape with approximately 150 feet of frontage on University Boulevard East. It has rolling topography, and the northerly ¼ of the site supports scattered mature trees, with the usual forest understory. The southerly ¾ of the property is improved with an office building and related structures, with parking, that is currently used by the County as a community services center that serves the Long Brach community.

The parkland impacts to the seven parks located in the corridor of the Purple Line are generally described as being linear in nature and varying in width. In some locations the width of the impact area is nominal and in some locations it's up to as much as 40 feet, or slightly more. Park improvements within the impact areas are generally limited to landscape panels, brick pavers for walkways, vehicle and trail entrance locations, parking areas, bridges, park roadways, and natural resources within in stream valley parks. Any park facilities or resources in the Purple Line corridor that are damaged or need to be removed will have to be replaced or repaired to the Parks Department's satisfaction as a condition of its Permit for Construction on Parkland, as required in the MOA.

Parks staff is confident that the Exchange Property when fully incorporated into New Hampshire Estates Neighborhood Park will improve the spatial relationship between the park and the adjacent New Hampshire Estates Elementary School and will provide an area for the construction of an additional full size, adult rectangular athletic field, that is badly needed in the Long Branch area. This Exchange Property which is in a generally rectangular configuration, with usable width and depth, will clearly be more suitable for playground and recreational purposes than the narrow, linear strips of parkland lost at the seven parks impacted by the Purple Line project. This determination, coupled with MTA being required to repair and replace any damaged park facilities and resources in the Purple Line corridor, as called for in the MOA and will be called for in any subsequent Permits for Construction on Parkland that will be issued, should provide confidence that the unavoidable impacts of the Purple Line project on park resources will be adequately compensated for.

D. Current Status of MOA

The MOA attached to this Open Session memorandum reflects the final unsigned version of the MOA, as agreed to by the Montgomery County Departments of Parks and Planning and MTA. Other than correcting for any typographical errors and other formatting changes to the execution version, no substantive portions of the MOA will be changed.

E. Next Steps

If the Board (1) approves the attached MOA and authorizes the execution of the MOA between the Commission and MTA regarding the Purple Line Project; and (2) recommends the approval by the full Commission of the disposition of certain real estate interests to MTA for the Purple Line Project as described in the MOA; then on March 16, 2016, the full Commission is scheduled to be briefed on the Montgomery County and Prince George's Counties MOAs with MTA for the Purple Line Project and approve the disposition of real estate interests in the respective Counties as called for in the MOAs.

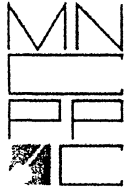
cc: John Nissel
Michael Ma
Andy Frank
Megan Chung
Tom Autrey

Attachments: Attachment "A" Memorandum of Agreement between M-NCPPC and MTA
Attachment "B" MCPB Resolution
Attachment "C" List of Parks Properties to be conveyed to MTA

[ATTACHMENTS TO STAFF REPORT ARE NOT INCLUDED]

EXHIBIT D

Commission's Prince George's County Planning Board Staff Report



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

*Department of Parks and Recreation, Prince George's County
6600 Kenilworth Avenue Riverdale, Maryland 20737*

Agenda Item 14

Agenda Date: February 25, 2016

February 19, 2016

To: Prince George's County Planning Board
Via: Ronnie Gathers, Director of Parks and Recreation
From: Darin Conforti, Deputy Director
SUBJECT: Purple Line Project Memorandum of Agreement

A. Staff Recommendation

Department of Parks and Recreation (Department) staff recommend that the Prince George's County Planning Board (Board):

- (1) approve the Memorandum of Agreement (MOA) between The Maryland Transit Administration (MTA) of the Maryland Department of Transportation and The Maryland-National Capital Park and Planning Commission (for the Prince George's County Department of Parks and Recreation) included as Attachment "A", subject to the Commission's approval of conveyance of various parkland interest to MTA according to the terms of the MOA; and
- (2) recommend for approval to the full Commission, conveyance of various parkland interests to MTA according to the terms of the MOA.

If the Board approves the foregoing, Prince George's County Departments of Parks and Recreation and the Montgomery Departments of Parks (assuming the Montgomery County Planning Board so approves its MOA) will jointly submit to the full Commission for approval on March 16, 2016, a package containing the proposed conveyance of Commission property interests. The departments will also update the full Commission on the respective MOAs.

B. Background

The Purple Line will traverse Prince George's County from New Carrollton to Langley Park into Montgomery County to Bethesda. The Purple Line will be designed, constructed, operated and maintained pursuant to a public private partnership (P3) agreement between MTA and a private Concessionaire. MTA will own the right of way and a private Concessionaire with build and operate the Line.

The transit way will intersect/cross parkland at four locations: 1) Anacostia Stream Valley Park and Northeast Branch Trail at River Road, 2) Northwest Branch Stream Valley Park at University Hills, Lane Manor and Adelphi Manor Parks, 3) West Lanham Hills Park, and 4) Glenridge. A total of

14.24 acres of parkland will be permanently impacted of which the majority is at Glenridge (12.08 acres). Glenridge is the proposed site for a Purple Line maintenance yard, which would displace Northern Area Operations maintenance yard currently operating at Glenridge.

Key Project Milestones:

March 2016- award of P3 contract by MTA

June 2016- Full Funding Grant Agreement with FTA

Summer 2016- Notice to Proceed (NTP) for P3

Summer 2016- Northern Area Maintenance begins move to Interim Location at Lehigh Road

September 1, 2016- Target Vacate Date for Glenridge

Late 2016- Purple Line construction begins

July 1, 2018- Target completion date of permanent replacement maintenance facility at Polk Street.

C. Requirements to Convey

The Commission will need to convey the permanently impacted parkland to MTA. Staff is recommending the conveyance be done through a perpetual easement for all the sites, except Glenridge. This has been the customary conveyance type used when allowing other public agencies to use parkland. If at any point the easement is no longer needed, the land will revert back to the Commission. In return for granting the easement the Commission will receive replacement parkland and/or a dollar value for the easement.

For Glenridge, staff is recommending a fee-simple conveyance to MTA. This action requires the Commission first declare the Glenridge property no longer needed for park purposes (Maryland Annotated Code Land Use Article § 17-205). Because Glenridge is a fully operating maintenance yard necessary for park purposes, MTA will be required to replace the Glenridge Maintenance Yard before the Commission can declare it surplus and convey it.

The Glenridge property was originally purchased with Program Open Space (POS) funds. The POS covenant will need to be transferred before the land can be conveyed. MTA has requested that covenant be transferred to other parkland. Staff has been working with MTA and the Department of Natural Resources (DNR) to transfer the covenant to Landover Hills Park. DNR has recently informed that POS regulations require the covenant be transferred to property that is not currently used for a park or open space purpose. MTA is responsible for satisfying the requirements of transferring the covenant and they are working with DNR to resolve the matter. We will continue to work with MTA on how they will meet this requirement.

In addition, Capper Cramton funds were used to acquire certain parcels in each of the following parks that are impacted by the Purple Line: Lane Manor, Adelphi Manor Park, University Hills Park, and Riverdale Recreation Park. The National Capital Planning Commission (NCPC) will approve revisions to the General Development plans for these parklands. This action does not need to take place before the Commission authorizes easements to MTA. MTA staff is working with NCPC on the requirements to revise the plans.

Lastly, the construction of the Purple Line will impact streams, wetland, and forests. MTA is required to do environmental mitigation for these impacts. Estimated environmental mitigation to be completed by type are: Wetlands: 1.29 acres, Stream: 5,152 linear feet, and Reforestation: 65 acres. MTA has requested to meet their environmental mitigation requirements for stream impacts on parkland at Paint Branch Stream Valley Park.

D. Analysis of the Replacement of Glenridge Maintenance Facility and Other Impacted Parkland:

Replacement of Glenridge Maintenance Yard:

Section VIII of the MOA covers the replacement of Glenridge. MTA will pay \$13.5 million toward the acquisition, design, construction, and relocation costs. This value was negotiated based on an estimated cost to replace Glenridge with increased capacity planned for future needs. The existing Glenridge Maintenance Yard utilizes approximately 5.2 acres at the Glenridge site for “under roof” maintenance and yard maintenance purposes. The total square footage “under roof” including sheds, is 33,100 square feet. The existing Glenridge Maintenance Yard is at capacity and future park development needs in the Northern Area will require a larger maintenance yard. Therefore, staff has factored future growth needs into the program of requirements for a replacement facility. The program of requirements for a new maintenance yard assumes approximately the same total acreage with increased “under roof” square footage of 54,000 square feet.

It is the Department’s intent to apply all the MTA funding to design, construction, and related costs for the new facility. The Planning Board and County Council previously approved the use of the Advance Land Acquisition Fund (ALARF) to pay for the acquisition of the replacement property. ALARF is an appropriate source of funding the Commission may use for the acquisition costs for the Purple Line. Pursuant to the Maryland Annotated Code Land Use Article §18-403, the Commission may acquire land in Prince George’s County that is needed for State highways, streets, roads, or mass transit facilities that are shown on adopted and approved master plans and are included in the Maryland Transportation Plan. The Purple Line meets these requirements and the purchase of replacement property is directly necessary to satisfy to the replacement standard to convey Glenridge to MTA.

Location for the Replacement Maintenance Yard at 7721 Polk Street

In 2014, staff identified a warehouse facility located at 7721 Polk Street, Landover, Maryland (Polk Street) as a suitable replacement facility for Glenridge. This site is located approximately 1.7 miles from the existing maintenance yard and is 5.6 acres with 153,000 SQF of floor space. Polk Street is adequate to meet the Commission’s needs, but will require substantial renovation to convert into a full functioning maintenance yard.

Once Polk Street was identified as a suitable replacement site, the Planning Board authorized the Department staff to begin negotiations for the acquisition of the property. However, the negotiations were not successful before Polk Street was sold and conveyed to the current owner in June 2014. Subsequently, Department staff attempted to negotiate with the current owner of Polk Street but the owner did not accept the Commission’s fair market offers to purchase the property. Polk Street is needed for a public purpose, namely as a replacement facility for Glenridge. Therefore, the Commission instituted an eminent domain action against the current owner in September 2015, in the Circuit Court for Prince George’s County. This matter is pending in the Circuit Court but the Commission and the owner are in communication with each other to discuss a possible amicable transaction for the Commission to acquire Polk Street.

Target Date to Vacate Glenridge-September 1, 2016 and Interim Relocation Plan:

To meet planned project timelines, MTA requests that the Commission vacate Glenridge by September 1, 2016. This date is subject to change. However, as a result, the Department will need a temporary location for the Northern Area Maintenance Yard. The Department leased approximately 25,500 square feet of office and warehouse space at 5016 Lehigh Road in College Park. This space is close to the College Park Airport and provides good access to both Kenilworth Avenue and Rt. 1 from Paint Branch Parkway. In addition, outdoor storage will be needed and will be provided at the site of the former 94th Aero-Squadron Restaurant. The Department anticipates beginning relocation during the summer of 2016. Total estimated costs for the relocation are \$1.5 million. MTA will provide \$1.5 million in funding for interim relocation costs. This budget is projected to cover costs through June 30, 2018. In the event that the replacement facility is not completed by that time, MTA will cover all additional interim relocation costs.

Replacement of Impacted Parkland Other Than Glenridge:

Section VII of the MOA addresses replacement of permanently impacted parkland. Approximately 2.16 acres of parkland will be permanently impacted by the Purple Line at the sites shown in Attachments B, C, and D. As replacement value for the impacted parkland, MTA will pay the Commission \$2.75 million. Most of the 2.16 acres is in stream valley and is not developable. The estimated appraised value would likely be less than \$10K an acre. This \$2.75M would be designated for CIP projects in the Northern Area of Operations for the Department.

E. Current Status of MOA

The MOA attached to this Open Session memorandum reflects the Commission's final draft MOA, which has been transmitted to MTA for its approval. Staff believes the executed MOA will substantially be in the same form and content as the attached final draft MOA. Staff will further update the Board if any substantive changes to the current draft version of the MOA occur, in order to affirm the Board's approval.

F. Next Steps

If the Board (1) approves the attached MOA and authorizes the execution of the MOA between the Commission and MTA regarding the Purple Line Project; and (2) recommends the approval by the full Commission of the disposition of certain property interests to MTA for the Purple Line Project as described in the MOA; then on March 16, 2016, the full Commission is scheduled to be briefed on the Montgomery County and Prince George's Counties MOAs with MTA for the Purple Line Project and approve the disposition of property interests in the respective Counties as called for in the MOAs.

Attachments:

- A- Memorandum of Agreement (MOA) between The Maryland Transit Administration (MTA) of the Maryland Department of Transportation and The Maryland-National Capital Park and Planning Commission (for the Prince George's County Department of Parks and Recreation)
- B- Resolution

[ATTACHMENTS TO STAFF REPORT ARE NOT INCLUDED]

EXHIBIT E



Montgomery County Planning Board Resolution

MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 16-30

Purple Line Project:

- Approval of Memorandum of Agreement with MTA
- Recommendation for Conveyance of Commission real property interests to MTA

Date of Hearing: February 25, 2016

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission (“**Commission**”) is authorized under the Annotated Code of Maryland, Land Use Article §17-206 to exchange land held by it for any other land held by any other public body or agency, which the Commission determines to be more suitable for its statutory purposes; and

WHEREAS, the Commission is further authorized by the Annotated Code of Maryland, Land Use Article, Titles 17 and 20, to own, control, develop, maintain, and operate a public park system and conduct mandatory referral review of public projects within the Maryland-Washington Metropolitan District; and

WHEREAS, the Maryland Transit Administration of the Maryland Department of Transportation (the “**MTA**”) proposes to construct a new 16.2-mile light rail line extending from Bethesda in Montgomery County to New Carrollton in Prince George’s County known as the Maryland-National Capital Purple Line (the “**Purple Line Project**”); and

WHEREAS, on March 20, 2014, the Commission’s Montgomery County Planning Board (the “**Board**”) reviewed the mandatory referral for the Purple Line Project and approved same with comments to MTA, including entering into a Memorandum of Agreement (the “**MOA**”) between the Commission’s Montgomery County Departments of Parks and Planning (collectively, the “**Department**”) and MTA on terms to be approved by the Board; and

WHEREAS, the MTA communicated to the Department of Parks MTA’s need for certain property interests in Commission owned parkland (collectively, the “**Commission Property**”), which property interests are described in more detail in Exhibit A attached, and

WHEREAS, in exchange for conveyance of the Commission Property, MTA has agreed to obtain certain replacement property from Montgomery County, described in more detail in Exhibit B, attached, which is recorded among the Land Records of Montgomery County (the

- Approval of Memorandum of Agreement with MTA
- Recommendation for conveyance of Commission real property interests to MTA

“Exchange Property”), and convey the same to the Commission in accordance with the terms of the MOA; and

WHEREAS, the Department staff (“Staff”) have negotiated with MTA to produce a MOA in accordance with the Board’s prior instructions, and have presented the draft form of that MOA to the Board during a closed session held on January 21, 2016, for the Board’s consideration; and

WHEREAS, the Staff presented a memorandum to the Board, dated February 18, 2016, setting forth its analysis and recommendation for approval of the MOA (“Staff Report”); and

WHEREAS, on February 25, 2016, the Board held a public hearing to consider the approval of the MOA and recommendation of conveyance of the Commission Property to the Commission, subject to certain conditions; and

WHEREAS, on February 25, 2016, on motion of Commissioner Fani-Gonzalez, seconded by Commissioner Wells-Harley, with a vote of 4-0; Commissioners Anderson, Dreyfuss, Fani-Gonzalez, and Wells-Harley voting in favor, and Commissioner Presley being absent, the Board voted to: approve the MOA; and

WHEREAS, on February 25, 2016, on motion of Commissioner Wells-Harley, seconded by Commissioner Fani-Gonzalez, with a vote of 4-0; Commissioners Anderson, Dreyfuss, Fani-Gonzalez, and Wells-Harley voting in favor, and Commissioner Presley being absent, the Board voted to: recommend that the Commission approve conveyance of the Commission Property to MTA, subject to certain conditions.

NOW, THEREFORE, BE IT RESOLVED that, the Board has determined that the terms of the MOA is satisfactory and hereby approved, subject to the Commission’s approval of conveyance of the Commission Property; and

BE IT FURTHER RESOLVED that, the Board finds that the Exchange Property is more suitable for playground and recreational purposes than the Commission’s lands to be exchanged for the Exchange Property; and

BE IT FURTHER RESOLVED that, a final executable form of the MOA be transmitted to the Executive Director for signing; and

BE IT FURTHER RESOLVED that, the Board hereby recommends the Commission approve conveyance of the Commission Property to MTA, as listed in the MOA, conditioned on MTA accepting title thereto subject to any obligations imposed as a consequence of the Program Open Space funding.

Purple Line Project:

- Approval of Memorandum of Agreement with MTA
- Recommendation for conveyance of Commission real property interests to MTA

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-Gonzalez, seconded by Commissioner Wells-Harley with Commissioners Anderson, Dreyfuss, Fani-Gonzalez, and Wells-Harley voting in favor to approve the MOA, and Commissioner Presley being absent, at its regular meeting held on Thursday, February 25, 2016, in Silver Spring, Maryland.



 Casey Anderson, Chair
 Montgomery County Planning Board

* * * * *

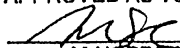
CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Wells-Harley, seconded by Commissioner Fani-Gonzalez with Commissioners Anderson, Dreyfuss, Fani-Gonzalez, and Wells-Harley voting in favor to recommend that the Commission approve conveyance of the Commission Property to MTA, subject to certain conditions approve the MOA, and Commissioner Presley being absent, at its regular meeting held on Thursday, February 25, 2016, in Silver Spring, Maryland.



 Casey Anderson, Chair
 Montgomery County Planning Board

APPROVED AS TO LEGAL SUFFICIENCY



 M-NCPPC Legal Department

Date 2/25/2016

Purple Line
Properties to be Acquired from MNCPPC (Montgomery County)

01510	07	2381911	4600 ELM STREET	MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION	MONTGOMERY	0	0	0	0	0	1,727	0	0	0	0	0	Partial
01513	13	968624	8680 PINEY BRANCH ROAD	MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION	MONTGOMERY	1,215	5,018	0	0	0	804	0	0	0	0	0	Partial
01515	13	968783	PINEY BRANCH ROAD	MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION	MONTGOMERY	1,414	8,653	0	0	0	1,059	0	0	0	0	0	Partial
01516	13	968817	8700 PINEY BRANCH ROAD	MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION	MONTGOMERY	479	961	0	0	0	1,375	0	0	0	0	0	Partial
01507	13	968910	8700 GARLAND AVENUE	MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION	MONTGOMERY	1,536	7,809	0	0	0	1,710	0	0	0	0	0	Partial
01508	13	970527	8714 PINEY BRANCH ROAD	MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION	MONTGOMERY	14	1,476	0	0	0	309	0	0	0	0	0	Partial
01509	13	970638	8712 PINEY BRANCH ROAD	MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION	MONTGOMERY	0	564	0	0	0	73	0	0	0	0	0	Partial
0141	13	3345873	SLUG CREEK STREAM VALLEY PARK	MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION	MONTGOMERY	19,391	27,248	0	0	0	12,510	0	0	0	13,683	0	Partial
01551	13	970365	720 UNIVERSITY BOULEVARD E	MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION	MONTGOMERY	4,613	4,334	0	0	0	0	0	0	0	0	0	Partial
01552	13	970376	UNIVERSITY BOULEVARD E	MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION	MONTGOMERY	5,380	2,359	0	0	0	0	0	0	0	0	0	Partial
01591	13	1744982	UNIVERSITY BOULEVARD E	MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION	MONTGOMERY	4,727	3,257	0	0	0	0	0	0	0	0	0	Partial

Exhibit A to Resolution
(Breakdown by Park)

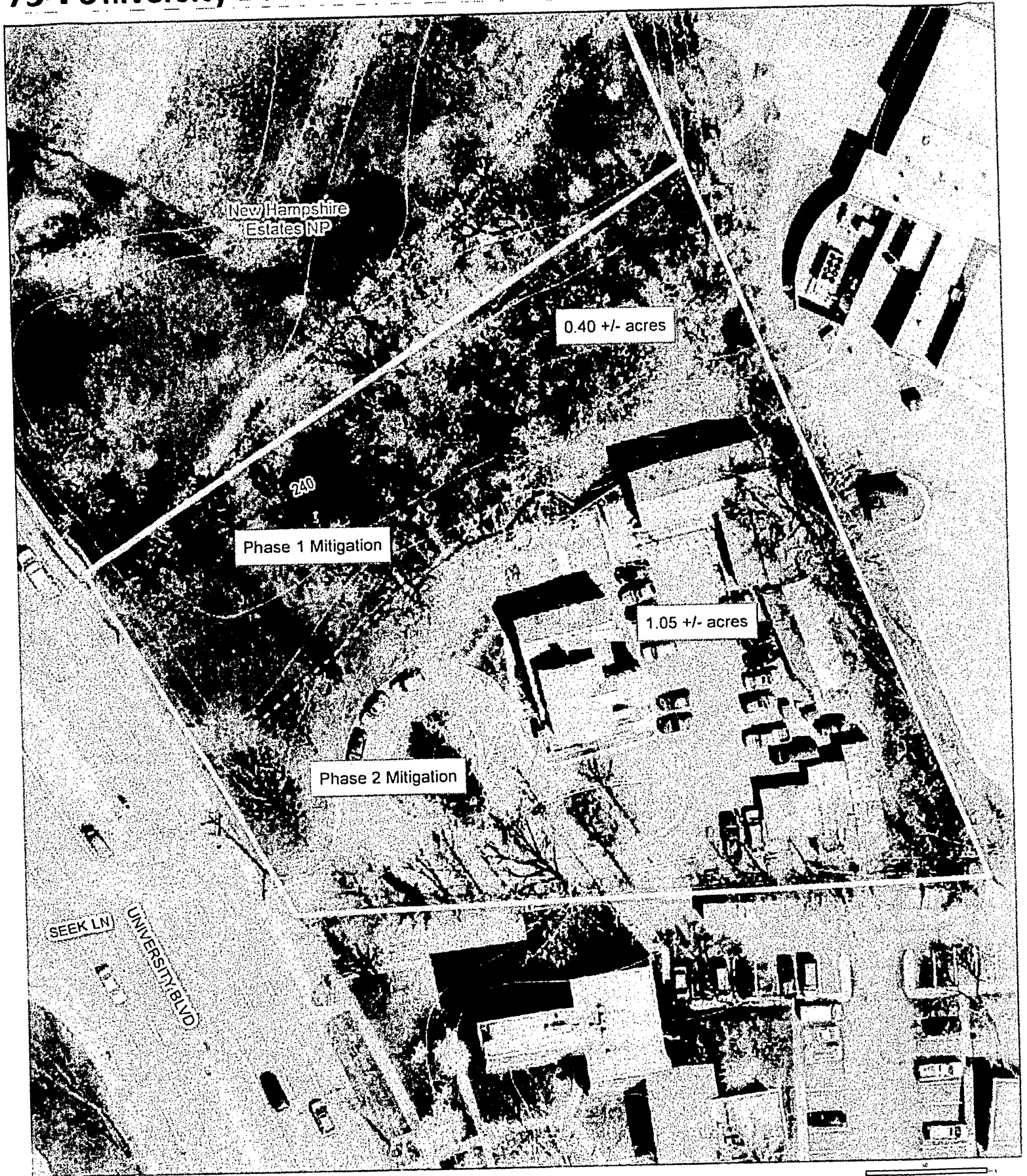
Parkland Real Estate Interests Required for the Purple Line

<u>Park</u>	<u>Fee Simple</u>	<u>Temp. Const. Ease.</u>	<u>Perm. Drain. Ease.</u>	<u>Perm. Utility Ease.</u>
Elm Street U.P.	0	0	1,727 Sq. Ft.	0
Long Branch S.V.U. #1	2,751 Sq. Ft.	12,827 Sq. Ft.	2,514 Sq. Ft.	0
Long Branch L.P.	1,857 Sq. Ft.	11,654 Sq. Ft.	2,816 Sq. Ft.	0
Sligo Creek S.V.U. 1 & 2, and Sligo Cabin N.P.	19,291 Sq. Ft.	27,248 Sq. Ft.	12,520 Sq. Ft.	13,683 Sq. Ft.
New Hampshire Estates N.P.	<u>14,720 Sq. Ft.</u>	<u>9,950 Sq. Ft.</u>	<u>0</u>	<u>0</u>
GRAND TOTAL	38,619 Sq. Ft. (0.89 +/- acres)	61,679 Sq. Ft. (1.42 +/- acres)	19,577 Sq. Ft. (0.45 +/- acres)	13,683 Sq. Ft. (0.31 +/- acres)

Note: The real estate interests required for the Purple Line as stated above may be subject to slight modifications as the final engineering and design plans for the project move forward. Increases in these amounts, up to 10% of that which is stated, may be permitted by staff without additional Planning Board or full Commission approval.

734 University Boulevard East

Exhibit B to Resolution



Map Compiled: 1/19/2016



EXHIBIT F



Prince George's County Planning Board Resolution

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

PGCPB No. 16-25
MNCPPC No. 16-03

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission ("Commission") is authorized under the Annotated Code of Maryland, Land Use Article § 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 is further authorized by the Annotated Code of Maryland, Land Use Article, Titles 17 and 20, to own, control, develop, maintain, and operate a public park system and conduct mandatory referral review of public projects within the Maryland-Washington Metropolitan District; and

WHEREAS, the Maryland Transit Administration of the Maryland Department of Transportation (the "MTA") proposes to construct a new 16.2-mile light rail line extending from Bethesda in Montgomery County to New Carrollton in Prince George's County known as the Maryland-National Capital Purple Line (the "Purple Line Project"); and

WHEREAS, on May 15, 2014, the Commission's Prince George's County Planning Board (the "Board") reviewed Mandatory Referral 1402F for the Purple Line Light Rail Transit Line and provided comments to MTA dated June 5, 2014; and

WHEREAS, the Commission holds certain property interests described in more detail in Exhibit A, attached, which is recorded among the Land Records of Prince George's County (collectively, the "Commission Property"); and

WHEREAS, the MTA communicated to the Commission's Prince George's County Department of Parks and Recreation (Department), MTA's need for the Commission Property to complete the Purple Line Project; and

WHEREAS, the Department staff ("Staff") negotiated with MTA to produce a Memorandum of Agreement (MOA) and have presented the draft form of that MOA to the Board during a closed session held on January 28, 2016, for the Board's consideration; and

WHEREAS, the Staff presented a memorandum to the Board, dated February 19, 2016 setting forth its analysis and recommendation for approval of the MOA, subject to certain conditions ("Staff Report"); and

PGCPB No. 16-25
MNCPPC No. 16-03

WHEREAS, the Commission has determined that it is in the best interests of the residents of Prince Georges County to enter into a MOA with the MTA that will facilitate the conveyance of certain property interests to the MTA to facilitate the construction of the Purple Line; and

WHEREAS, on February 25, 2016, the Board held a public hearing to consider the approval of the MOA and recommendation of conveyance of the Commission Property to the Commission, subject to certain conditions;

NOW, THEREFORE, BE IT RESOLVED that, the Board has determined that the terms of the MOA is satisfactory and the MOA is hereby approved, subject to the Commission's approval of conveyance of the Commission Property; and

BE IT FURTHER RESOLVED that, the Board hereby recommends the Commission approve conveyance of the Commission Property to MTA, as listed in the MOA, conditioned on MTA accepting title thereto subject to any obligations imposed as a consequence of the Program Open Space funding; and

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 agreements, 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 implement the intended purposes of the foregoing resolution without limitation, and the taking of such actions shall be deemed conclusively to be authorized thereby.

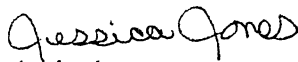
* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted 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, Geraldo and Shoaff voting in favor of the motion, at its regular meeting held on Thursday, February 25, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of February, 2016.

Elizabeth M. Hewlett
Chairman

By: 
Jessica Jones
Planning Board Administrator

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPO Legal Department

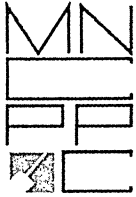
Date 2/26/16

PGCPB No. 16-25
MNCPPC No. 16-03

Exhibit A

**Commission Property in Prince George's County needed for
Construction of the Purple Line Project**

1. Part of Anacostia Stream Valley Park, consisting of approximately 4.3 acres of land (from the following properties: Parcels B, C, and D and Parcels 4, 15, 26, and 27 located on Tax Map 42, Grids E2 and F3)
2. Part of Northwest Branch Stream Valley Park, Adelphi Manor Park and University Hills Park, consisting of approximately 4.3 acres of land (from the following properties: Parcels 106, 107, 108 and 109, located on Tax Map 32, Grid F3)
3. Part of West Lanham Hill Park Building Park, consisting of approximately 0.15 acres of land (from the following properties: Parcel A located on Tax Map 51, Grids E1 and the Residue of Lot 22, Block 115, West Lanham Hills Subdivision, located on Tax Map 51, Grid E2)
4. Part of Glenridge Park and the Northern Area Maintenance Facility at Glenridge, consisting of approximately 14.84 acres of land (from the following properties: Parcel 73, located on Tax Map 43, Grid D4 and Parcel 6, located on Tax Map 51, Grid D1)



Agenda Item No: 5b

M-NCPPC: 16-03

Purple Line Project:

- Approval of conveyance and exchange of Commission real property interests to MTA

Date of Hearing: March 16, 2016

RESOLUTION

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

WHEREAS, the Commission is further authorized under Land Use Article § 17-206(b) to exchange land held by it for any other land held by any other public body or agency, which the Commission determines to be more suitable for its statutory purposes; and

WHEREAS, the Maryland Transit Administration of the Maryland Department of Transportation (the "**MTA**") proposes to construct a new 16.2-mile light rail line extending from Bethesda in Montgomery County to New Carrollton in Prince George's County known as the Maryland-National Capital Purple Line (the "**Purple Line Project**"); and

WHEREAS, the Commission holds certain real property interests described in more detail in Exhibits A and B, attached, which are recorded among the Land Records of Montgomery and Prince George's Counties (collectively, the "**Commission Property**"); and

WHEREAS, the MTA has communicated to the Commission's Montgomery County Departments of Parks and Planning and Prince George's County Department of Parks and Recreation (collectively, the "**Departments**") of MTA's need for the Commission Property to complete the Purple Line Project; and

WHEREAS, the MTA and the Commission have agreed to enter into two memoranda of agreement (each a "**MOA**") - one with the Commission's Montgomery County Departments of Parks and Planning and the other with the Commission's Prince George's County Department of Parks and Recreation, each of which sets forth the parties' obligations concerning the disposition/exchange of Commission Property; and

WHEREAS, the Departments' staff submitted a staff report to their respective Boards, dated February 18, 2016 to the Montgomery County Planning Board, and February 19, 2016 to the Prince George's County Planning Board, setting forth their analysis and recommendation concerning their respective MOAs and the disposition/exchange of Commission Property to MTA, and certain conditions (collectively, "**Staff Report**"); and

WHEREAS, the Montgomery County Planning Board and Prince George's County Planning Board (collective, "**Planning Boards**"), in conjunction with their approval of the respective MOAs dated February 25, 2016, recommended that the Commission approve conveyance of the Commission Property to MTA (MCPB No. 16-30 and PGCPB 16-25); and

WHEREAS, on March 16, 2016, the Commission held a public hearing to consider the recommendations of the Planning Boards for approval of conveyance of Commission Property to MTA, subject to the conditions set forth in the MOAs; and

WHEREAS, the Commission voted to approve conveyance and/or exchange of the Commission Property to MTA, subject to the terms of the MOAs and MTA accepting title thereto and subject to any obligations imposed as a consequences of the Program Open Space funding, on March 16, 2016, on motion of Commissioner _____, seconded by Commissioner _____, with a vote of __-__; Commissioners _____ and _____ voting in favor.

NOW, THEREFORE, BE IT RESOLVED that, the Commission hereby adopts the findings of the Montgomery County Planning Board and Prince George's County Planning Board; accepts both Planning Board's recommendations; and hereby approves the conveyance and/or exchange of the Commission Property interests to MTA, conditioned on the terms of the MOAs and MTA accepting title to the Commission Property subject to any obligations imposed as a consequence of the Program Open Space funding.

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 agreements, 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.

* * * * *

Commission Certification

This is to certify the foregoing is a true and correct copy of a resolution adopted by the Maryland-National Capital Park and Planning Commission on motion of Commissioner _____, seconded by Commissioner _____, with Commissioners (LIST) _____, voting in favor of the motion, with Commissioners (LIST)

_____, dissenting, Commissioners (LIST) _____, abstaining,
Commissioners (LIST) _____ (being absent) at its regular meeting held on
March 16, 2016 in (Riverdale / Silver Spring), Maryland.

Patricia C. Barney,
Executive Director

EXHIBIT A

Commission's Montgomery County Property Disposition List

EXHIBIT B

Commission's Prince George's County Property Disposition List

RESOLUTION NO. 16-04

**\$21,000,000
Montgomery County
General Obligation Bonds**

RECITALS

The Maryland-National Capital Park and Planning Commission (the “Commission”) has determined to authorize the issuance in one or more series of its Montgomery County General Obligation Bonds in an aggregate amount not to exceed \$21,000,000 (collectively, the “Bonds”), pursuant to Sections 18-201 through 18-211, inclusive, of the Land Use Article of the Annotated Code of Maryland (2012 Replacement Volume and 2015 Supplement) (the “Land Use Article”). The Commission is authorizing the issuance of the Bonds (1) to finance and refinance the cost of certain park acquisition and development projects in Montgomery County, Maryland (the “Projects”), (2) to refund all or a portion of certain outstanding principal maturities of certain series of its outstanding Montgomery County Park Acquisition and Development General Obligation Bonds and Montgomery County Advance Land Acquisition General Obligation Bonds, as described in Exhibit C to this Resolution (the “Refunded Bonds”), for the purpose of refinancing the cost of certain park acquisition and development projects in Montgomery County, Maryland, and (3) to pay the costs of issuance related to the Bonds.

The Commission has determined that the interest rates for municipal obligations are currently favorable and that there is the potential to realize a savings on the cost of borrowing to the Commission by refunding the Refunded Bonds with proceeds from the Bonds.

The Bonds may be issued in the form of serial bonds, term bonds, commercial paper, variable rate demand bonds or such other form as the Commission or its authorized designee may determine is advisable in consultation with the financial advisor to the Commission and its bond counsel.

BE IT RESOLVED BY THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION:

Section 1: Authorization of Bonds. Acting pursuant to the authority of Sections 18-201 through 18-211, inclusive, of the Land Use Article, the Commission hereby authorizes the borrowing of a sum not to exceed \$21,000,000 and the evidencing of such borrowing by the issuance of three series of its bonds as follows: (1) a series of bonds to be designated “Montgomery County General Obligation Park Acquisition and Development Project Bonds, Series MC-2016A” (the “Series 2016A Bonds”), (2) a series of bonds to be designated “Montgomery County General Obligation Park Acquisition and Development Refunding Bonds, Series MC-2016B” (the “Series 2016B Bonds”) and (3) a series of bonds to be designated “Montgomery County General Obligation Advance Land Acquisition Refunding Bonds, Series MC-2016C” (the “Series 2016C Bonds” and, together with the Series 2016A Bonds and the Series 2016B Bonds, the “Bonds”), or as further designated by the Secretary-Treasurer. The Bonds are being issued in order to provide funds (i) to pay the costs of the Projects, (ii) to pay the principal of and interest and premium, if any, on all or a portion of certain maturities of certain series of its outstanding Montgomery County Park Acquisition and Development General Obligation Bonds and Montgomery County Advance Land Acquisition Bonds, as described in Exhibit C to this Resolution (the “Refunded Bonds”), and (iii) to pay, at the discretion of the Secretary-Treasurer, all or a portion of the costs of issuance of the Bonds.

Notwithstanding the foregoing, (1) the Chairman or the Vice Chairman and the Secretary-Treasurer of the Commission may determine, in consultation with its bond counsel and financial advisor, to refund all, some or none of the Refunded Bonds and (2) the Bonds may be issued in such number of series as the Chairman or the Vice Chairman and the Secretary-Treasurer of the Commission may determine, in consultation with its bond counsel and financial advisor.

Section 2: Terms of the Bonds.

(a) General Provisions. The Bonds shall be issued as fully registered bonds. The Commission hereby authorizes the Chairman, or Vice Chairman and the Secretary-Treasurer of the Commission, in consultation with its bond counsel and financial advisor, to determine and approve on behalf of the Commission the denominations, the form, terms and conditions, the method of determining the interest rates (variable or fixed), the aggregate principal amount of the Bonds of each series to be issued, the maturity schedule, the redemption provisions, if any, the amount of the good faith deposit, if any, the dates and the terms and conditions of the sale and delivery of the Bonds, and all other terms, conditions and provisions relating to the issuance, sale and delivery of the Bonds, in accordance with the provisions of this Resolution.

The Bonds of each series shall be numbered from No. R-1 upward, shall be dated and mature (subject to the right of prior redemption, if any) as determined by the Secretary-Treasurer, in the principal amounts approved by the Chairman or Vice Chairman and the Secretary-Treasurer of the Commission, at or prior to the sale of the Bonds; provided however, that (1) in no event shall the Series 2016A Bonds mature later than 50 years from the date of issue as required by Section 18-203(e) of the Land Use Article and (2) in no event shall the Series 2016B Bonds and the Series 2016C Bonds mature later than 60 years from the earliest of the respective dates of issue of the applicable Refunded Bonds as required by Section 18-207(c)(3) of the Land Use Article.

(b) Book-Entry. The Bonds shall initially be maintained under a book-entry system with The Depository Trust Company, New York, New York, or other securities depository, and shall be registered in the name of the nominee of such securities depository, all as more fully set forth in an official statement or offering memorandum with respect to the issuance and sale of the Bonds, *provided* the Secretary-Treasurer does not determine that it is in the best interest of the Commission to initially maintain the Bonds under a system other than the book-entry system. The Secretary-Treasurer is hereby authorized to take all action necessary or appropriate to provide for the issuance of the Bonds in book-entry form, including (without limitation)

execution of letters of representations with The Depository Trust Company, or such other securities depository. If in the judgment of the Secretary-Treasurer it is in the best interests of the Commission to maintain the Bonds or any series of the Bonds under a system other than the book-entry system or to discontinue the maintenance of the Bonds or any series of the Bonds under a book-entry system, the Secretary-Treasurer is hereby authorized to provide for the termination of the book-entry system, if necessary, and the delivery of printed certificates for such Bonds in lieu thereof. The Secretary-Treasurer may designate a different securities depository.

(c) County Guarantee. The Bonds shall be guaranteed as to payment of principal and interest by Montgomery County, Maryland (“Montgomery County”), as required by Sections 18-204(d) and 18-207(e) of the Land Use Article, and such guaranty shall be endorsed on each bond certificate in the manner hereinafter provided as required by Sections 18-204(d) and 18-207(e) of the Land Use Article.

(d) Interest Provisions. The Chairman or Vice Chairman and the Secretary-Treasurer shall determine and approve the method for setting the rates of interest for the Bonds. The rates of interest for the Bonds shall be as determined and approved by the Chairman or Vice Chairman and the Secretary-Treasurer to be in the best interest of the Commission. If the Bonds are competitively sold, the Bonds shall bear interest at the rate or rates for each maturity of each series named by the successful bidder for the Bonds, in accordance with the terms of the Notice of Sale hereinafter adopted. Interest shall be payable on the dates (each an “Interest Payment Date”) and in the manner determined by the Secretary-Treasurer. The Bonds shall bear interest from the most recent Interest Payment Date to which interest has been paid or duly provided for, or from their date if no interest has been paid on the Bonds.

(e) Redemption Provisions. The Bonds may be subject to redemption at the times, upon the terms and conditions and at the redemption prices approved by the Chairman or Vice Chairman and the Secretary-Treasurer in consultation with the Commission’s financial advisor and bond counsel, at or prior to the sale of the Bonds.

Section 3: Execution. The Bonds shall be signed by the manual or facsimile signature of the Chairman of the Commission and shall be attested by the manual or facsimile signature of the Secretary-Treasurer of the Commission. There shall be printed on each of the Bonds a facsimile of the seal of the Commission. In case any officer of the Commission whose manual or facsimile signature shall appear on any Bond shall cease to be such officer before the delivery of such Bond, or in the case that any such officer shall take office subsequent to the date of issue of any such Bond, such signature or facsimile shall nevertheless be valid and sufficient for the purposes herein intended.

Section 4: Authentication. No Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until a certificate of authentication of such Bond substantially in the forms hereinafter adopted shall have been duly executed by the Registrar (hereinafter defined) and such executed certificate of the Registrar on such Bond shall be conclusive evidence that such Bond has been authenticated and delivered under this Resolution. The Registrar's certificate of authentication on any Bond shall be deemed to have been executed by it if signed by an authorized officer or signatory of the Registrar. It shall not be necessary that the same officer or signatory of the Registrar sign the certificate of authentication for all the Bonds issued hereunder.

Section 5: Payment of Bonds. The principal of, premium, if any, and interest on the Bonds shall be payable in lawful money of the United States of America at the time of payment. So long as the Bonds or any series of the Bonds are maintained under a book-entry system with The Depository Trust Company, principal of and premium, if any, and interest on such Bonds shall be payable to Cede & Co., as nominee of The Depository Trust Company, all as described in an official statement or offering memorandum related to such Bonds. If the book-entry system for the Bonds or any series of the Bonds shall be discontinued in accordance with this Resolution, the principal of and premium, if any, on such Bonds shall be payable upon presentation thereof at a designated corporate trust office of a bank or other entity hereafter to be determined by the Secretary-Treasurer, which bank or other entity, or any successor thereof,

shall be designated as paying agent for such Bonds (the "Paying Agent"). Interest on such Bonds shall be payable by wire transfer, check or draft mailed by the Paying Agent to the registered owners thereof as of the record date immediately preceding each Interest Payment Date (the "Record Date") at their addresses as they appear on the Bond Register (hereinafter defined) or to such other address as is furnished to the Paying Agent by a registered owner. The Secretary-Treasurer may determine that the Office of the Secretary-Treasurer of the Commission will act as the Paying Agent or designate a Paying Agent as provided in this Resolution. Such designation by the Secretary-Treasurer may be done at any time and from time to time.

When there is no existing default in the payment of interest on the Bonds, the person in whose name any Bond is registered on the Record Date with respect to an Interest Payment Date shall be entitled to receive the interest payable on such Interest Payment Date (unless such Bond has been called for redemption on a redemption date which is prior to such Interest Payment Date) notwithstanding the cancellation of such Bond upon any registration of transfer or exchange thereof subsequent to such Record Date and prior to such Interest Payment Date.

Any interest on any Bond which is payable, but is not punctually paid or duly provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner of the Bond on the relevant Record Date by virtue of having been such owner; and such Defaulted Interest shall be paid by the Paying Agent to the person in whose name the Bond is registered at the close of business on a date (the "Special Record Date") which shall be fixed by the Secretary-Treasurer in consultation with the Paying Agent and bond counsel. Defaulted Interest shall be paid to the persons in whose names the Bonds are registered on such Special Record Date.

Subject to the foregoing provisions of this Section, each Bond delivered under this Resolution upon transfer of or in exchange for or in lieu of any other Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

Section 6: Registration, Transfer or Exchange of Bonds. The Commission shall cause to be kept at a designated corporate trust office of a bank or another designated entity

hereafter to be determined by the Secretary-Treasurer, which shall be appointed the Registrar for the Bonds (the “Registrar”), a register (the “Bond Register”) for the registration of the transfer or exchange of any Bonds. The Secretary-Treasurer may determine that the Office of the Secretary-Treasurer of the Commission will serve as the Registrar or the Secretary-Treasurer may appoint a Registrar as provided in this Resolution. Such designation by the Secretary-Treasurer may be done at any time and from time to time. Each Bond shall be registered and transferred or exchanged in accordance with the terms and conditions with respect thereto set forth on the face of such Bond, the form of which is hereinafter adopted.

Section 7: Cancellation of Bonds. The Bonds paid at maturity or upon prior redemption shall be canceled and destroyed by the Bond Registrar in accordance with practices that are commonly used in the marketplace at that time and certificates of such action shall be transmitted to the Commission.

Section 8: Forms of Bonds. The Bonds of each series hereby authorized shall be in substantially the forms attached hereto as Exhibit A-1, Exhibit A-2 and Exhibit A-3, respectively, with appropriate insertions as therein set forth, which are hereby adopted by the Commission as the approved forms of the obligations to be incurred by it, and all the covenants, conditions and representations contained in said forms are hereby declared to be binding on the Commission and to constitute contracts between the Commission and the holders from time to time of the Bonds, said contracts to become binding when the Bonds are executed and delivered as herein authorized. Such forms may be modified by the Secretary-Treasurer in accordance with the provisions of this Resolution, including but not limited to, modifications for the issuance of bonds in the form of serial bonds, term bonds, commercial paper, variable rate demand bonds or such other form as the Secretary-Treasurer may determine advisable in consultation with the financial advisor to the Commission and its bond counsel and modifications to reflect the maintenance of the Bonds under a book-entry system or the termination of a book-entry system as provided herein.

Section 9: Negotiated Sale. The Secretary-Treasurer is hereby authorized to sell the Bonds or any series of the Bonds by private negotiated sale on behalf of the Commission as authorized by Sections 18-203(f) and 18-207(c)(2)(ii) of the Land Use Article. The Chairman or Vice Chairman and the Secretary-Treasurer of the Commission, in consultation with bond counsel and the financial advisor to the Commission, are hereby authorized to determine on behalf of the Commission the method for conducting such private negotiated sale. The Secretary-Treasurer is hereby authorized to solicit and accept proposals for the sale of such Bonds on a private, negotiated basis. The Secretary-Treasurer of the Commission is hereby authorized to negotiate an agreement for the purchase of such Bonds (the “Bond Purchase Agreement”), to be approved by the Secretary-Treasurer in consultation with the Planning Board of Montgomery County, in accordance with the limitations set forth in this Resolution.

Section 10: Public Sale; Notice of Sale. The Secretary-Treasurer is hereby authorized to sell the Bonds or any series of the Bonds by public competitive sale. In the event of a public sale, the Secretary-Treasurer is hereby authorized to advertise such sale by any electronic medium or financial journal or to publish a notice of sale or a summary thereof calling for bids for such Bonds in such other manner as the Secretary-Treasurer shall deem appropriate, such publication to be at least five days before the date for the receipt of bids. The Secretary-Treasurer is authorized to offer the Bonds or any series of the Bonds for sale by competitive bid and accept bids, including but not limited to electronic bids via such service provider as the Secretary-Treasurer deems appropriate and is approved by bond counsel to the Commission or the financial advisor to the Commission. Said notice of sale shall be substantially in the form of Exhibit B attached hereto, subject to such changes (including without limitation, changes to allow any series of bonds to be sold pursuant to a separate notice of sale), insertions (including without limitation the insertion of the appropriate amounts and dates in the respective spaces provided therefor in such form and receipt of bids) and amendments as the Secretary-Treasurer deems necessary and approves upon the advice of bond counsel and the financial advisor to the Commission, the Secretary-Treasurer’s publication of such notice to constitute conclusive

evidence of the approval of the Secretary-Treasurer of all changes from the form set forth in Exhibit B. In lieu of publishing the entire notice of sale as set forth in Exhibit B in a financial journal or by electronic medium as above specified, the Secretary-Treasurer, upon the advice of the financial advisor to the Commission, may determine to publish a summary of said notice of sale.

Section 11: Official Statement; Guaranty.

(a) The Secretary-Treasurer may prepare a private placement memorandum, a preliminary official statement, a final official statement or another form of offering memorandum (collectively, the “Official Statement”) with respect to the issuance and sale of any series of the Bonds, including any financial and other information about the Commission, Montgomery County and Prince George’s County, Maryland deemed appropriate by the Secretary-Treasurer.

(b) The Secretary-Treasurer is hereby authorized and directed to make all arrangements for the printing, execution and delivery of the Official Statement and certificates for any series of the Bonds.

(c) The Secretary-Treasurer is hereby authorized and directed to arrange with the County Executive of Montgomery County for the endorsement on the Bonds of the guarantee of the payment of the principal thereof and interest thereon, as herein outlined and as required by law. The Bonds shall not be delivered until after the endorsement of such guaranty thereon.

Section 12: Use of Bond Proceeds. The proceeds of the sale of the Bonds (i) shall be used to pay the costs of the Projects and the principal of and interest and premium, if any, on the Refunded Bonds, and (ii) may be used to pay all or a portion of the issuance costs of the Bonds.

Section 13: Tax Pledge. The Commission hereby pledges its full faith and credit and the proceeds of the taxes required to be levied and collected for the Commission by Montgomery County under Section 18-304 of the Land Use Article, to the payment of the principal of and premium and interest on the Bonds as they become due.

The Commission covenants with each and every holder, from time to time, of the Bonds issued hereunder to allocate the proceeds of said taxes, as received, *pari passu*, to debt service on all outstanding bonds and notes issued by it, including this issue of Bonds, payable from said taxes, subject only to the prior rights of the holders of bonds of the Commission which are secured by a pledge of a specific portion of said tax. The Commission further covenants not to issue any additional bonds or notes payable from said taxes in excess of the limits prescribed, from time to time, by Section 18-203(d) of the Land Use Article.

With respect to the Bonds hereby authorized, the Commission covenants with the holders thereof annually to submit to Montgomery County a budget requesting the imposition of said taxes to produce the revenues to pay the debt service to which the revenues from said taxes is pledged hereby, and to take all action it legally can take to compel Montgomery County to impose taxes at rates sufficient for the purpose and to fulfill and perform its guarantee of the payment, when due, of the principal of and interest on the Bonds.

Section 14: Tax and Arbitrage Covenants. The Chairman or the Vice Chairman and the Secretary-Treasurer shall be the officers of the Commission responsible for the issuance of the Bonds within the meaning of the Arbitrage Regulations (defined herein). The Chairman or the Vice Chairman and the Secretary-Treasurer shall also be the officers of the Commission responsible for the execution and delivery (on the date of issuance of the Bonds) of a certificate of the Commission (the "Section 148 Certificate") which complies with the requirements of Section 148 of the Internal Revenue Code of 1986, as amended ("Section 148"), and the

applicable regulations thereunder (the “Arbitrage Regulations”), and such officials are hereby directed to execute the Section 148 Certificate and to deliver the same to bond counsel on the date of the issuance of the Bonds.

The Commission shall set forth in the Section 148 Certificate its reasonable expectations as to relevant facts, estimates and circumstances relating to the use of the proceeds of the Bonds, or of any moneys, securities or other obligations to the credit of any account of the Commission which may be deemed to be proceeds of the Bonds pursuant to Section 148 or the Arbitrage Regulations (collectively, “Bond Proceeds”). The Commission covenants that the facts, estimates and circumstances set forth in the Section 148 Certificate will be based on the Commission’s reasonable expectations on the date of issuance of the Bonds and will be, to the best of the certifying officials’ knowledge, true and correct as of that date.

The Commission covenants and agrees with each of the holders of any of the Bonds that it will not make, or (to the extent that it exercises control or direction) permit to be made, any use of the Bond Proceeds which would cause the Bonds to be “arbitrage bonds” within the meaning of Section 148 and the Arbitrage Regulations. The Commission further covenants that it will comply with Section 148 and the regulations thereunder which are applicable to the Bonds on the date of issuance of the Bonds and which may subsequently lawfully be made applicable to the Bonds.

The Commission further covenants that it shall make such use of the proceeds of the Bonds, regulate the investment of the proceeds thereof, and take such other and further actions as may be required to maintain the excludability from gross income for federal income tax purposes of interest on the Bonds. All officers, employees and agents of the Commission are hereby authorized and directed to take such actions, and to provide such certifications of facts and estimates regarding the amount and use of the proceeds of the Bonds, as may be necessary or appropriate from time to time to comply with, or to evidence the Commission’s compliance with, the covenants set forth in this Section.

The Chairman or Vice Chairman and the Secretary-Treasurer, on behalf of the Commission, may make such covenants or agreements in connection with the issuance of the Bonds issued hereunder as such official shall deem advisable in order to assure the registered owners of the Bonds that interest thereon shall be and remain excludable from gross income for federal income tax purposes, and such covenants or agreements shall be binding on the Commission so long as the observance by the Commission of any such covenants or agreements is necessary in connection with the maintenance of the exclusion of the interest on the Bonds from gross income for federal income tax purposes. The foregoing covenants and agreements may include such covenants or agreements on behalf of the Commission regarding compliance with the provisions of the Internal Revenue Code of 1986, as amended, as the Chairman or Vice Chairman and the Secretary-Treasurer shall deem advisable in order to assure the registered owners of the Bonds that the interest thereon shall be and remain excludable from gross income for federal income tax purposes, including (without limitation) covenants or agreements relating to the investment of the proceeds of the Bonds, the payment of rebate (or payments in lieu of rebate) to the United States, limitations on the times within which, and the purpose for which, such proceeds may be expended, or the use of specified procedures for accounting for and segregating such proceeds.

Section 15: Appointment of Trustee and other Service Providers. The Secretary-Treasurer is hereby authorized to engage the services of a trustee, a registrar, a paying agent, an escrow deposit agent, a credit facility provider, a broker-dealer, a placement agent, a remarketing agent, an underwriter, a verification agent, a liquidity facility provider and such other service providers as the Secretary-Treasurer deems appropriate from time to time with respect to the Bonds.

Section 16: Approval, Execution and Delivery of Documents. The Secretary-Treasurer may prepare, as appropriate and shall submit for the approval of the Chairman or the Vice Chairman any agreement with a registrar, a paying agent, a trustee, an escrow deposit agent, a credit facility provider, a placement agent, a broker-dealer, a remarketing agent, an

underwriter, a verification agent, a liquidity facility provider and such other service providers as the Secretary-Treasurer deems appropriate from time to time with respect to the Bonds or any series of the Bonds (collectively, the "Transaction Documents"). The Chairman or Vice Chairman is hereby authorized to execute and deliver, as appropriate, such Transaction Documents. The Chairman, Vice Chairman, Secretary-Treasurer and all other authorized officers of the Commission are hereby authorized to execute and deliver such other and further documents, certifications and forms as may be necessary, appropriate or advisable in order to effectuate the transactions authorized by this Resolution.

Section 17: Continuing Disclosure Agreement. The Secretary-Treasurer is expressly authorized to approve the form of, and execute and deliver on behalf of the Commission, a continuing disclosure agreement or certificate to assist bidders and/or underwriters in complying with the requirements of Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

Section 18: Award of Bonds. The Chairman or the Vice Chairman with prior consultation with the Planning Board of Montgomery County, and the Secretary-Treasurer are hereby authorized with respect to the Bonds or any series of the Bonds to accept the best bid for such Bonds, reject all other bids for such Bonds, set the interest rates of such Bonds and set the aggregate principal amount, the maturity schedule and terms of redemption of the Bonds, in accordance with the limitations set forth in this Resolution.

Section 19: Effective Date. This Resolution shall take effect from the date of its passage.

I, JOSEPH C. ZIMMERMAN, the duly appointed, qualified Secretary-Treasurer of The Maryland-National Capital Park and Planning Commission, do hereby certify that the foregoing is a true copy of Resolution No. 16-___, adopted by said Commission at a regular meeting thereof duly called and held on March 16, 2016.

I do further certify that Commissioners Anderson, Bailey, Dreyfuss, Fani-Gonzalez, Geraldo, Hewlett, Presley, Shoaff, Washington and Wells-Harley were present. A motion to adopt was made and seconded. The Resolution was adopted unanimously.

I do further certify that said Resolution has not been amended and is still in force and effect on the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of The Maryland-National Capital Park and Planning Commission, this 16th day of March, 2016.

Secretary-Treasurer

This is to certify that the foregoing is a true and correct copy of Resolution No. 16-___, adopted by The Maryland-National Capital Park and Planning Commission on motion of Commissioner _____, seconded by Commissioner _____, with Commissioners Anderson, Bailey, Dreyfuss, Fani-Gonzalez, Geraldo, Hewlett, Presley, Shoaff, Washington and Wells-Harley voting in favor of the motion, and Commissioners _____, _____ and _____ absent during the vote, at its meeting held on Wednesday, March 16, 2016, in Silver Spring, Maryland.

Patricia Colihan Barney
Executive Director

Exhibit A-1

UNITED STATES OF AMERICA

STATE OF MARYLAND

No. R- _____

\$ _____

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Montgomery County
General Obligation
Park Acquisition and Development Project Bond,
Series MC-2016A

<u>Dated Date</u>	<u>Interest Rate</u>	<u>Maturity Date</u>	<u>CUSIP</u>
_____, 2016	___% per annum	_____, 20__	_____

Registered Owner: Cede & Co.

Principal Amount: _____ DOLLARS

The Maryland-National Capital Park and Planning Commission (the "Commission"), a public body corporate, organized and existing under the laws of the State of Maryland, hereby acknowledges itself indebted for value received and, upon presentation and surrender hereof, promises to pay to the Registered Owner shown above, or his registered assigns, on the Maturity Date shown above, unless this bond shall have been called for prior redemption and payment of the redemption price made or provided for, the Principal Amount shown above, and to pay interest on the outstanding principal amount hereof from the most recent Interest Payment Date (as hereinafter defined) to which interest has been paid or duly provided for, or, if no interest has been paid on this bond, from the date of this bond, at the annual rate of interest set forth above, payable semi-annually on _____ and _____ each year, beginning _____, 201__ (each an "Interest Payment Date") until payment of such Principal Amount shall be discharged as provided in the Resolution (hereinafter defined), by wire transfer or check mailed by the Commission or banking institution or other entity designated as paying agent by the

Commission (the “Paying Agent”), or any successor thereto, to the person in whose name this bond is registered on the registration books maintained by the Registrar (identified herein) at the close of business on the [first day of the month in which such Interest Payment Date occurs] [fifteenth day of the month immediately preceding such Interest Payment Date] (the “Record Date”). Notwithstanding the preceding sentence, interest on this bond which is payable, but is not punctually paid or duly provided for, on any Interest Payment Date shall forthwith cease to be payable to the owner of this bond on the relevant Record Date by virtue of having been such owner and such interest shall be paid by the Paying Agent to the person in whose name this bond is registered at the close of business on a Special Record Date for the payment of such interest, which shall be fixed as provided in the Resolution.

Principal of, premium, if any, and interest on this bond are payable in lawful money of the United States of America, at the time of payment. Principal and premium, if any, hereon will be payable upon presentation and surrender of this bond by the registered owner hereof in person or by his duly authorized attorney, at the designated office of the Paying Agent.

This bond is a general obligation of the Commission and of Montgomery County, Maryland (the “County”), to the payment, in accordance with its terms, of the principal of and interest on which the Commission and the County hereby each pledge their respective full faith and credit and taxing power.

The principal of and premium and interest on this bond are payable in the first instance from mandatory limited annual ad valorem property taxes which the County is required by Section 18-304 of the Land Use Article of the Annotated Code of Maryland (2012 Replacement Volume and 2015 Supplement) (the “Land Use Article”) to impose at a fixed rate against all property assessed for the purposes of county taxation in the portion of the Maryland-Washington Metropolitan District (the “District”) established by Title 19 of the Land Use Article located in the County. Section 18-209 of the Land Use Article provides that, if said mandatory tax is insufficient to pay the principal of and interest on this bond, the County shall impose an additional tax upon all assessable property within the portion of the District in the County, and, if

the proceeds of such additional tax are still inadequate for such purposes, upon all assessable property within the corporate limits of the County, to pay such deficiency. By the guaranty endorsed hereon, the full faith and credit of the County is pledged to the payment, when due, of the principal of and interest on this bond.

This bond is one of an issue of bonds in the aggregate principal amount of \$_____ (the "Bonds") each of a par value of \$5,000 or an integral multiple thereof, numbered from No. R-1 upwards, all dated as of the Dated Date and all known as: "The Maryland-National Capital Park and Planning Commission Montgomery County General Obligation Park Acquisition and Development Project Bonds, Series MC-2016A". Unless previously redeemed as herein provided, the Bonds mature and are payable in consecutive annual installments on _____ in each of the years _____ through _____, and bear interest payable on each _____ and _____, commencing _____, 201__, until their respective maturities or prior redemption. The Bonds are issued pursuant to the authority of Sections 18-201 through 18-211, inclusive, of the Land Use Article and in accordance with the Resolution of the Commission duly adopted on _____, 2016 (the "Resolution").

The Bonds which mature on or after _____, 20__, are subject to redemption prior to their respective maturities at any time on or after _____, 20__, at the option of the Commission, in whole or in part in any order of their maturities, at the redemption price of the principal amount of the Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption.

If less than all of the Bonds are called for redemption, the particular maturities to be redeemed shall be selected by the Commission. If less than all of the Bonds of any one maturity are called for redemption, the particular Bonds to be redeemed from such maturity shall be selected by lot or other random means by the Paying Agent in such manner as the Paying Agent in its discretion may determine, provided that each \$5,000 of the principal amount of any Bond shall be treated as a separate Bond for this purpose.

Notice of call for redemption shall be delivered to the Depository (as defined herein) prior to the date fixed for redemption in accordance with the Depository's procedures. If the book-entry system is discontinued for the Bonds, a notice calling for redemption of the Bonds to be redeemed shall be mailed by the Commission as Paying Agent, postage prepaid, at least thirty (30) days prior to the date fixed for redemption (the "Redemption Date"), to all registered owners of Bonds to be redeemed, at their last addresses appearing on the registration books kept by the Registrar. Failure to deliver or mail any such notice, or any defect in such notice, or in the delivery or mailing thereof, shall not affect the validity of any redemption proceedings. Such notice shall specify the issue, the numbers and the maturities of the Bonds to be redeemed, which statement of numbers may be from one number to another, inclusive, the Redemption Date and the redemption price, any conditions to such redemption, and shall further state that on such date the Bonds called for redemption will be due and become payable at the offices of the Paying Agent, and that, from and after such date, interest thereon shall cease to accrue.

From and after the date fixed for redemption, if the funds sufficient for payment of the redemption price and accrued interest shall be available therefore on such date, the Bonds so designated for redemption shall cease to bear interest. Upon presentation and surrender in compliance with such notice, the Bonds so called for redemption shall be paid by the Paying Agent at the redemption price. If not so paid on presentation thereof, such Bonds so called shall continue to bear interest at the rates expressed therein until paid.

This bond shall be registered as to principal and interest in the owner's name on the registration books kept for that purpose at the office of the Secretary-Treasurer or a designated office of the banking institution or other entity, or any successor thereto, designated by the Secretary-Treasurer (the "Registrar").

The transfer of this bond is registerable by the registered owner hereof in person or by his attorney or legal representative at the designated office of the Registrar upon surrender and cancellation of this bond together with a duly executed assignment in the form attached hereto and satisfactory to the Registrar. Upon any such registration of transfer the Registrar shall

authenticate and deliver in exchange for this bond a registered Bond or Bonds registered in the name of the transferee of authorized denomination or denominations, in the aggregate principal amount equal to the principal amount of this bond or the unredeemed portion hereof, of the same maturity and bearing interest at the same rate. Bonds may be exchanged for an equal aggregate principal amount of Bonds of the same maturity, bearing interest at the same rate, of other authorized denominations, at the designated office of the Registrar. The Commission and the Registrar may make a charge for every such exchange or transfer sufficient to reimburse it for any tax, fee, or other governmental charge, shipping charges and insurance required to be paid with respect to such exchange or transfer, and in addition, may charge a sum sufficient to reimburse them for expenses incurred in connection with such exchange or transfer. All Bonds surrendered in such exchange or registration of transfer shall forthwith be canceled by the Registrar. The Registrar shall not be required to register the transfer of this bond or make any such exchange of this bond after the mailing of notice calling this bond or any portion hereof for redemption.

So long as all of the Bonds shall be maintained in Book-Entry Form with The Depository Trust Company or another securities depository (the "Depository"): (1) in the event that fewer than all Bonds of any one maturity shall be called for redemption, the Depository, and not the Registrar, will select the particular accounts from which Bonds or portions thereof will be redeemed in accordance with the Depository's standard procedures for redemption of obligations such as the Bonds; (2) in the event that part, but not all, of this bond shall be called for redemption, the holder of this bond may elect not to surrender this bond in exchange for a new bond in accordance with the provisions hereof and in such event shall make a notation indicating the principal amount of such redemption and the date thereof on the Payment Grid attached hereto; and (3) payments of principal or redemption price of and interest on this bond shall be payable to the Depository or its assigns in accordance with the provisions of the Resolution. For all purposes, the principal amount of this bond outstanding at any time shall be equal to the lesser of (A) the principal sum shown on the face hereof and (B) such principal sum reduced by the

principal amount of any partial redemption of this bond following which the holder of this bond has elected not to surrender this bond in accordance with the provisions hereof. The failure of the holder hereof to note the principal amount of any partial redemption on the Payment Grid attached hereto, or any inaccuracy therein, shall not affect the payment obligation of the Commission hereunder. THEREFORE, IT CANNOT BE DETERMINED FROM THE FACE OF THIS BOND WHETHER A PART OF THE PRINCIPAL OF THIS BOND HAS BEEN PAID.

It is hereby certified and recited that each and every act, condition and thing required to exist, to be done, to have happened and to be performed precedent to and in the issuance of this bond, does exist, has been done, has happened and has been performed, in full and strict compliance with the Constitution and laws of the State of Maryland and the proceedings of the Commission and of the County, and that the issue of bonds of which this bond is one, together with all other indebtedness of said Commission, and of the County, is within every debt and other limit prescribed by the Constitution and laws of said State.

IN WITNESS WHEREOF, The Maryland-National Capital Park and Planning Commission, in the State of Maryland, has caused this bond to be signed in its name by the signature of its Chairman and attested by the signature of its Secretary-Treasurer and has caused the facsimile of its corporate seal to be imprinted hereon, all as of Dated Date set forth above.

ATTEST:

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Secretary-Treasurer

By: _____
Chairman

(CORPORATE SEAL)

GUARANTY

The payment of interest when due, and of the principal on maturity, is guaranteed by Montgomery County, Maryland.

ATTEST:

MONTGOMERY COUNTY,
MARYLAND

Clerk

By: _____
County Executive

(CORPORATE SEAL)

CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds issued under the provisions of and described in the within mentioned Resolution of The Maryland-National Capital Park and Planning Commission.

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Registrar

By: _____
Authorized Officer

Date of Authentication: _____

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto
(Please Insert Social Security or Other Identifying Number of Assignee) _____

(Print or Type Name and Address, Including Zip Code of Assignee)

the within bond and all rights thereunder, and does hereby constitute and appoint _____
_____ attorney to transfer the within bond on the books kept for the registration thereof,
with full power of substitution in the premises.

NOTICE: Signature must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

(Signature of registered owner)
NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

PAYMENT GRID

Date of Payment	Principal Amount Paid	Principal Amount Outstanding	Holder Signature

Exhibit A-2

UNITED STATES OF AMERICA

STATE OF MARYLAND

No. R-_____ \$_____

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Montgomery County
General Obligation
Park Acquisition and Development Refunding Bond,
Series MC-2016B

<u>Dated Date</u>	<u>Interest Rate</u>	<u>Maturity Date</u>	<u>CUSIP</u>
_____, 2016	___% per annum	_____, 20__	_____

Registered Owner: Cede & Co.

Principal Amount: _____ DOLLARS

The Maryland-National Capital Park and Planning Commission (the "Commission"), a public body corporate, organized and existing under the laws of the State of Maryland, hereby acknowledges itself indebted for value received and, upon presentation and surrender hereof, promises to pay to the Registered Owner shown above, or his registered assigns, on the Maturity Date shown above, unless this bond shall have been called for prior redemption and payment of the redemption price made or provided for, the Principal Amount shown above, and to pay interest on the outstanding principal amount hereof from the most recent Interest Payment Date (as hereinafter defined) to which interest has been paid or duly provided for, or, if no interest has been paid on this bond, from the date of this bond, at the annual rate of interest set forth above, payable semi-annually on _____ and _____ each year, beginning _____, 201__ (each an "Interest Payment Date") until payment of such Principal Amount shall be discharged as provided in the Resolution (hereinafter defined), by wire transfer or check mailed by the Commission or banking institution or other entity designated as paying agent by the

Commission (the "Paying Agent"), or any successor thereto, to the person in whose name this bond is registered on the registration books maintained by the Registrar (identified herein) at the close of business on the [first day of the month in which such Interest Payment Date occurs] [fifteenth day of the month immediately preceding such Interest Payment Date] (the "Record Date"). Notwithstanding the preceding sentence, interest on this bond which is payable, but is not punctually paid or duly provided for, on any Interest Payment Date shall forthwith cease to be payable to the owner of this bond on the relevant Record Date by virtue of having been such owner and such interest shall be paid by the Paying Agent to the person in whose name this bond is registered at the close of business on a Special Record Date for the payment of such interest, which shall be fixed as provided in the Resolution.

Principal of, premium, if any, and interest on this bond are payable in lawful money of the United States of America, at the time of payment. Principal and premium, if any, hereon will be payable upon presentation and surrender of this bond by the registered owner hereof in person or by his duly authorized attorney, at the designated office of the Paying Agent.

This bond is a general obligation of the Commission and of Montgomery County, Maryland (the "County"), to the payment, in accordance with its terms, of the principal of and interest on which the Commission and the County hereby each pledge their respective full faith and credit and taxing power.

The principal of and premium and interest on this bond are payable in the first instance from mandatory limited annual ad valorem property taxes which the County is required by Section 18-304 of the Land Use Article of the Annotated Code of Maryland (2012 Replacement Volume and 2015 Supplement) (the "Land Use Article") to impose at a fixed rate against all property assessed for the purposes of county taxation in the portion of the Maryland-Washington Metropolitan District (the "District") established by Title 19 of the Land Use Article located in the County. Section 18-209 of the Land Use Article provides that, if said mandatory tax is insufficient to pay the principal of and interest on this bond, the County shall impose an additional tax upon all assessable property within the portion of the District in the County, and, if

the proceeds of such additional tax are still inadequate for such purposes, upon all assessable property within the corporate limits of the County, to pay such deficiency. By the guaranty endorsed hereon, the full faith and credit of the County is pledged to the payment, when due, of the principal of and interest on this bond.

This bond is one of an issue of bonds in the aggregate principal amount of \$_____ (the "Bonds") each of a par value of \$5,000 or an integral multiple thereof, numbered from No. R-1 upwards, all dated as of the Dated Date and all known as: "The Maryland-National Capital Park and Planning Commission Montgomery County General Obligation Park Acquisition and Development Refunding Bonds, Series MC-2016B". Unless previously redeemed as herein provided, the Bonds mature and are payable in consecutive annual installments on _____ in each of the years _____ through _____, and bear interest payable on each _____ and _____, commencing _____, 201____, until their respective maturities or prior redemption. The Bonds are issued pursuant to the authority of Sections 18-201 through 18-211, inclusive, of the Land Use Article and in accordance with the Resolution of the Commission duly adopted on _____, 2016 (the "Resolution").

The Bonds which mature on or after _____, 20____, are subject to redemption prior to their respective maturities at any time on or after _____, 20____, at the option of the Commission, in whole or in part in any order of their maturities, at the redemption price of the principal amount of the Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption.

If less than all of the Bonds are called for redemption, the particular maturities to be redeemed shall be selected by the Commission. If less than all of the Bonds of any one maturity are called for redemption, the particular Bonds to be redeemed from such maturity shall be selected by lot or other random means by the Paying Agent in such manner as the Paying Agent in its discretion may determine, provided that each \$5,000 of the principal amount of any Bond shall be treated as a separate Bond for this purpose.

Notice of call for redemption shall be delivered to the Depository (as defined herein) prior to the date fixed for redemption in accordance with the Depository's procedures. If the book-entry system is discontinued for the Bonds, a notice calling for redemption of the Bonds to be redeemed shall be mailed by the Commission as Paying Agent, postage prepaid, at least thirty (30) days prior to the date fixed for redemption (the "Redemption Date"), to all registered owners of Bonds to be redeemed, at their last addresses appearing on the registration books kept by the Registrar. Failure to deliver or mail any such notice, or any defect in such notice, or in the delivery or mailing thereof, shall not affect the validity of any redemption proceedings. Such notice shall specify the issue, the numbers and the maturities of the Bonds to be redeemed, which statement of numbers may be from one number to another, inclusive, the Redemption Date and the redemption price, any conditions to such redemption, and shall further state that on such date the Bonds called for redemption will be due and become payable at the offices of the Paying Agent, and that, from and after such date, interest thereon shall cease to accrue.

From and after the date fixed for redemption, if the funds sufficient for payment of the redemption price and accrued interest shall be available therefore on such date, the Bonds so designated for redemption shall cease to bear interest. Upon presentation and surrender in compliance with such notice, the Bonds so called for redemption shall be paid by the Paying Agent at the redemption price. If not so paid on presentation thereof, such Bonds so called shall continue to bear interest at the rates expressed therein until paid.

This bond shall be registered as to principal and interest in the owner's name on the registration books kept for that purpose at the office of the Secretary-Treasurer or a designated office of the banking institution or other entity, or any successor thereto, designated by the Secretary-Treasurer (the "Registrar").

The transfer of this bond is registerable by the registered owner hereof in person or by his attorney or legal representative at the designated office of the Registrar upon surrender and cancellation of this bond together with a duly executed assignment in the form attached hereto and satisfactory to the Registrar. Upon any such registration of transfer the Registrar shall

authenticate and deliver in exchange for this bond a registered Bond or Bonds registered in the name of the transferee of authorized denomination or denominations, in the aggregate principal amount equal to the principal amount of this bond or the unredeemed portion hereof, of the same maturity and bearing interest at the same rate. Bonds may be exchanged for an equal aggregate principal amount of Bonds of the same maturity, bearing interest at the same rate, of other authorized denominations, at the designated office of the Registrar. The Commission and the Registrar may make a charge for every such exchange or transfer sufficient to reimburse it for any tax, fee, or other governmental charge, shipping charges and insurance required to be paid with respect to such exchange or transfer, and in addition, may charge a sum sufficient to reimburse them for expenses incurred in connection with such exchange or transfer. All Bonds surrendered in such exchange or registration of transfer shall forthwith be canceled by the Registrar. The Registrar shall not be required to register the transfer of this bond or make any such exchange of this bond after the mailing of notice calling this bond or any portion hereof for redemption.

So long as all of the Bonds shall be maintained in Book-Entry Form with The Depository Trust Company or another securities depository (the "Depository"): (1) in the event that fewer than all Bonds of any one maturity shall be called for redemption, the Depository, and not the Registrar, will select the particular accounts from which Bonds or portions thereof will be redeemed in accordance with the Depository's standard procedures for redemption of obligations such as the Bonds; (2) in the event that part, but not all, of this bond shall be called for redemption, the holder of this bond may elect not to surrender this bond in exchange for a new bond in accordance with the provisions hereof and in such event shall make a notation indicating the principal amount of such redemption and the date thereof on the Payment Grid attached hereto; and (3) payments of principal or redemption price of and interest on this bond shall be payable to the Depository or its assigns in accordance with the provisions of the Resolution. For all purposes, the principal amount of this bond outstanding at any time shall be equal to the lesser of (A) the principal sum shown on the face hereof and (B) such principal sum reduced by the

principal amount of any partial redemption of this bond following which the holder of this bond has elected not to surrender this bond in accordance with the provisions hereof. The failure of the holder hereof to note the principal amount of any partial redemption on the Payment Grid attached hereto, or any inaccuracy therein, shall not affect the payment obligation of the Commission hereunder. THEREFORE, IT CANNOT BE DETERMINED FROM THE FACE OF THIS BOND WHETHER A PART OF THE PRINCIPAL OF THIS BOND HAS BEEN PAID.

It is hereby certified and recited that each and every act, condition and thing required to exist, to be done, to have happened and to be performed precedent to and in the issuance of this bond, does exist, has been done, has happened and has been performed, in full and strict compliance with the Constitution and laws of the State of Maryland and the proceedings of the Commission and of the County, and that the issue of bonds of which this bond is one, together with all other indebtedness of said Commission, and of the County, is within every debt and other limit prescribed by the Constitution and laws of said State.

IN WITNESS WHEREOF, The Maryland-National Capital Park and Planning Commission, in the State of Maryland, has caused this bond to be signed in its name by the signature of its Chairman and attested by the signature of its Secretary-Treasurer and has caused the facsimile of its corporate seal to be imprinted hereon, all as of Dated Date set forth above.

ATTEST:

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Secretary-Treasurer

By: _____
Chairman

(CORPORATE SEAL)

GUARANTY

The payment of interest when due, and of the principal on maturity, is guaranteed by Montgomery County, Maryland.

ATTEST:

MONTGOMERY COUNTY,
MARYLAND

Clerk

By: _____
County Executive

(CORPORATE SEAL)

CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds issued under the provisions of and described in the within mentioned Resolution of The Maryland-National Capital Park and Planning Commission.

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Registrar

By: _____
Authorized Officer

Date of Authentication: _____

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto
(Please Insert Social Security or Other Identifying Number of Assignee) _____

(Print or Type Name and Address, Including Zip Code of Assignee)

the within bond and all rights thereunder, and does hereby constitute and appoint _____
_____ attorney to transfer the within bond on the books kept for the registration thereof,
with full power of substitution in the premises.

NOTICE: Signature must be
guaranteed by a member firm of
the New York Stock Exchange
or a commercial bank or trust
company.

(Signature of registered owner)
NOTICE: The signature to this assignment
must correspond with the name as it appears
upon the face of the within bond in every
particular, without alteration or enlargement
or any change whatever.

Exhibit A-3

UNITED STATES OF AMERICA

STATE OF MARYLAND

No. R-_____

\$_____

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Montgomery County
General Obligation
Advance Land Acquisition Refunding Bond,
Series MC-2016C

<u>Dated Date</u>	<u>Interest Rate</u>	<u>Maturity Date</u>	<u>CUSIP</u>
_____, 2016	___% per annum	_____, 20__	_____

Registered Owner: Cede & Co.

Principal Amount: _____ DOLLARS

The Maryland-National Capital Park and Planning Commission (the "Commission"), a public body corporate, organized and existing under the laws of the State of Maryland, hereby acknowledges itself indebted for value received and, upon presentation and surrender hereof, promises to pay to the Registered Owner shown above, or his registered assigns, on the Maturity Date shown above, unless this bond shall have been called for prior redemption and payment of the redemption price made or provided for, the Principal Amount shown above, and to pay interest on the outstanding principal amount hereof from the most recent Interest Payment Date (as hereinafter defined) to which interest has been paid or duly provided for, or, if no interest has been paid on this bond, from the date of this bond, at the annual rate of interest set forth above, payable semi-annually on _____ and _____ each year, beginning _____, 201__ (each an "Interest Payment Date") until payment of such Principal Amount shall be discharged as provided in the Resolution (hereinafter defined), by wire transfer or check mailed by the Commission or banking institution or other entity designated as paying agent by the

Commission (the “Paying Agent”), or any successor thereto, to the person in whose name this bond is registered on the registration books maintained by the Registrar (identified herein) at the close of business on the [first day of the month in which such Interest Payment Date occurs] [fifteenth day of the month immediately preceding such Interest Payment Date] (the “Record Date”). Notwithstanding the preceding sentence, interest on this bond which is payable, but is not punctually paid or duly provided for, on any Interest Payment Date shall forthwith cease to be payable to the owner of this bond on the relevant Record Date by virtue of having been such owner and such interest shall be paid by the Paying Agent to the person in whose name this bond is registered at the close of business on a Special Record Date for the payment of such interest, which shall be fixed as provided in the Resolution.

Principal of, premium, if any, and interest on this bond are payable in lawful money of the United States of America, at the time of payment. Principal and premium, if any, hereon will be payable upon presentation and surrender of this bond by the registered owner hereof in person or by his duly authorized attorney, at the designated office of the Paying Agent.

This bond is a general obligation of the Commission and of Montgomery County, Maryland (the “County”), to the payment, in accordance with its terms, of the principal of and interest on which the Commission and the County hereby each pledge their respective full faith and credit and taxing power.

The principal of and premium and interest on this bond are payable in the first instance from mandatory limited annual ad valorem property taxes which the County is required by Section 18-308 of the Land Use Article of the Annotated Code of Maryland (2012 Replacement Volume and 2015 Supplement) (the “Land Use Article”) to impose at a fixed rate against all property assessed for the purposes of county taxation. By the guaranty endorsed hereon, the full faith and credit of the County is pledged to the payment, when due, of the principal of and interest on this bond.

This bond is one of an issue of bonds in the aggregate principal amount of \$_____ (the “Bonds”) each of a par value of \$5,000 or an integral multiple thereof, numbered from No.

R-1 upwards, all dated as of the Dated Date and all known as: “The Maryland-National Capital Park and Planning Commission Montgomery County General Obligation Advance Land Acquisition Refunding Bonds, Series MC-2016C”. Unless previously redeemed as herein provided, the Bonds mature and are payable in consecutive annual installments on _____ in each of the years _____ through _____, and bear interest payable on each _____ and _____, commencing _____, 201__, until their respective maturities or prior redemption. The Bonds are issued pursuant to the authority of Sections 18-201 through 18-211, inclusive, and Section 18-308 of the Land Use Article and in accordance with the Resolution of the Commission duly adopted on _____, 2016 (the “Resolution”).

The Bonds which mature on or after _____, 20__, are subject to redemption prior to their respective maturities at any time on or after _____, 20__, at the option of the Commission, in whole or in part in any order of their maturities, at the redemption price of the principal amount of the Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption.

If less than all of the Bonds are called for redemption, the particular maturities to be redeemed shall be selected by the Commission. If less than all of the Bonds of any one maturity are called for redemption, the particular Bonds to be redeemed from such maturity shall be selected by lot or other random means by the Paying Agent in such manner as the Paying Agent in its discretion may determine, provided that each \$5,000 of the principal amount of any Bond shall be treated as a separate Bond for this purpose.

Notice of call for redemption shall be delivered to the Depository (as defined herein) prior to the date fixed for redemption in accordance with the Depository’s procedures. If the book-entry system is discontinued for the Bonds, a notice calling for redemption of the Bonds to be redeemed shall be mailed by the Commission as Paying Agent, postage prepaid, at least thirty (30) days prior to the date fixed for redemption (the “Redemption Date”), to all registered owners of Bonds to be redeemed, at their last addresses appearing on the registration books kept

by the Registrar. Failure to deliver or mail any such notice, or any defect in such notice, or in the delivery or mailing thereof, shall not affect the validity of any redemption proceedings. Such notice shall specify the issue, the numbers and the maturities of the Bonds to be redeemed, which statement of numbers may be from one number to another, inclusive, the Redemption Date and the redemption price, any conditions to such redemption, and shall further state that on such date the Bonds called for redemption will be due and become payable at the offices of the Paying Agent, and that, from and after such date, interest thereon shall cease to accrue.

From and after the date fixed for redemption, if the funds sufficient for payment of the redemption price and accrued interest shall be available therefore on such date, the Bonds so designated for redemption shall cease to bear interest. Upon presentation and surrender in compliance with such notice, the Bonds so called for redemption shall be paid by the Paying Agent at the redemption price. If not so paid on presentation thereof, such Bonds so called shall continue to bear interest at the rates expressed therein until paid.

This bond shall be registered as to principal and interest in the owner's name on the registration books kept for that purpose at the office of the Secretary-Treasurer or a designated office of the banking institution or other entity, or any successor thereto, designated by the Secretary-Treasurer (the "Registrar").

The transfer of this bond is registerable by the registered owner hereof in person or by his attorney or legal representative at the designated office of the Registrar upon surrender and cancellation of this bond together with a duly executed assignment in the form attached hereto and satisfactory to the Registrar. Upon any such registration of transfer the Registrar shall authenticate and deliver in exchange for this bond a registered Bond or Bonds registered in the name of the transferee of authorized denomination or denominations, in the aggregate principal amount equal to the principal amount of this bond or the unredeemed portion hereof, of the same maturity and bearing interest at the same rate. Bonds may be exchanged for an equal aggregate principal amount of Bonds of the same maturity, bearing interest at the same rate, of other authorized denominations, at the designated office of the Registrar. The Commission and the

Registrar may make a charge for every such exchange or transfer sufficient to reimburse it for any tax, fee, or other governmental charge, shipping charges and insurance required to be paid with respect to such exchange or transfer, and in addition, may charge a sum sufficient to reimburse them for expenses incurred in connection with such exchange or transfer. All Bonds surrendered in such exchange or registration of transfer shall forthwith be canceled by the Registrar. The Registrar shall not be required to register the transfer of this bond or make any such exchange of this bond after the mailing of notice calling this bond or any portion hereof for redemption.

So long as all of the Bonds shall be maintained in Book-Entry Form with The Depository Trust Company or another securities depository (the "Depository"): (1) in the event that fewer than all Bonds of any one maturity shall be called for redemption, the Depository, and not the Registrar, will select the particular accounts from which Bonds or portions thereof will be redeemed in accordance with the Depository's standard procedures for redemption of obligations such as the Bonds; (2) in the event that part, but not all, of this bond shall be called for redemption, the holder of this bond may elect not to surrender this bond in exchange for a new bond in accordance with the provisions hereof and in such event shall make a notation indicating the principal amount of such redemption and the date thereof on the Payment Grid attached hereto; and (3) payments of principal or redemption price of and interest on this bond shall be payable to the Depository or its assigns in accordance with the provisions of the Resolution. For all purposes, the principal amount of this bond outstanding at any time shall be equal to the lesser of (A) the principal sum shown on the face hereof and (B) such principal sum reduced by the principal amount of any partial redemption of this bond following which the holder of this bond has elected not to surrender this bond in accordance with the provisions hereof. The failure of the holder hereof to note the principal amount of any partial redemption on the Payment Grid attached hereto, or any inaccuracy therein, shall not affect the payment obligation of the Commission hereunder. THEREFORE, IT CANNOT BE DETERMINED FROM THE FACE

OF THIS BOND WHETHER A PART OF THE PRINCIPAL OF THIS BOND HAS BEEN PAID.

It is hereby certified and recited that each and every act, condition and thing required to exist, to be done, to have happened and to be performed precedent to and in the issuance of this bond, does exist, has been done, has happened and has been performed, in full and strict compliance with the Constitution and laws of the State of Maryland and the proceedings of the Commission and of the County, and that the issue of bonds of which this bond is one, together with all other indebtedness of said Commission, and of the County, is within every debt and other limit prescribed by the Constitution and laws of said State.

IN WITNESS WHEREOF, The Maryland-National Capital Park and Planning Commission, in the State of Maryland, has caused this bond to be signed in its name by the signature of its Chairman and attested by the signature of its Secretary-Treasurer and has caused the facsimile of its corporate seal to be imprinted hereon, all as of Dated Date set forth above.

ATTEST:

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Secretary-Treasurer

By: _____
Chairman

(CORPORATE SEAL)

GUARANTY

The payment of interest when due, and of the principal on maturity, is guaranteed by Montgomery County, Maryland.

ATTEST:

MONTGOMERY COUNTY,
MARYLAND

Clerk

By: _____
County Executive

(CORPORATE SEAL)

CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds issued under the provisions of and described in the within mentioned Resolution of The Maryland-National Capital Park and Planning Commission.

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Registrar

By: _____
Authorized Officer

Date of Authentication: _____

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto
(Please Insert Social Security or Other Identifying Number of Assignee) _____

(Print or Type Name and Address, Including Zip Code of Assignee)

the within bond and all rights thereunder, and does hereby constitute and appoint _____
_____ attorney to transfer the within bond on the books kept for the registration thereof,
with full power of substitution in the premises.

NOTICE: Signature must be
guaranteed by a member firm of
the New York Stock Exchange
or a commercial bank or trust
company.

(Signature of registered owner)
NOTICE: The signature to this assignment
must correspond with the name as it appears
upon the face of the within bond in every
particular, without alteration or enlargement
or any change whatever.

NOTICE OF SALE

§ _____
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Montgomery County
General Obligation
Park Acquisition and Development Project Bonds, Series MC-2016A
Park Acquisition and Development Refunding Bonds, Series MC-2016B
Advance Land Acquisition Refunding Bonds, Series MC-2016C

**Electronic Bids only will be received until 11:00 a.m.,
 Local Baltimore, Maryland Time, on _____, 2016**

by The Maryland-National Capital Park and Planning Commission (the “Commission”), for the purchase of the above-named issue of bonds (the “Bonds”) of the Commission, to be dated as of the date of their delivery and to be issued pursuant to the authority of Sections 18-201 through 18-211, inclusive, and 18-304 of the Land Use Article of the Annotated Code of Maryland (2012 Replacement Volume and 2015 Supplement) (the “Land Use Article”) and a Resolution of the Commission adopted on _____, 2016. The Bonds will bear interest from the date of their delivery payable on each _____ and _____, commencing _____, 201__ until maturity or prior redemption.

The payment of the principal of and interest on all of the Bonds will be unconditionally guaranteed by Montgomery County, Maryland (the “County”).

Maturities: The Bonds of each series will be separately numbered from No. R-1 upward, and will mature, subject to prior redemption, in consecutive annual installments in the amounts and years set forth in the following tables:

Park Acquisition and Development Project Bonds, Series MC-2016A
(the “Series 2016A Bonds”)
Maturity Schedule

<u>Year of Maturity</u>	<u>Principal Amount*</u>	<u>Year of Maturity</u>	<u>Principal Amount*</u>
	\$		\$

*Preliminary, subject to adjustment as provided herein.

Park Acquisition and Development Refunding Bonds, Series MC-2016B
(the “Series 2016B Bonds”)
Maturity Schedule

<u>Year of</u> <u>Maturity</u>	<u>Principal</u> <u>Amount*</u>	<u>Year of</u> <u>Maturity</u>	<u>Principal</u> <u>Amount*</u>
	\$		\$

*Preliminary, subject to adjustment as provided herein.

Advance Land Acquisition Refunding Bonds, Series MC-2016C
(the “Series 2016C Bonds”)
Maturity Schedule

<u>Year of</u> <u>Maturity</u>	<u>Principal</u> <u>Amount*</u>	<u>Year of</u> <u>Maturity</u>	<u>Principal</u> <u>Amount*</u>
	\$		\$

*Preliminary, subject to adjustment as provided herein.

Adjustments. The aggregate principal amount and the principal amount of each maturity of the Bonds are subject to adjustment by the Commission, both before and after the receipt of bids for their purchase. Changes to be made prior to the sale will be announced through TM3 News Service not later than 9:30 a.m. local time on the date of sale (or as soon thereafter as is reasonably practical) and will be used to compare bids and select a winning bidder. Changes to

be made after the sale and the maturity schedule for the Bonds will be communicated to the successful bidder by 5:00 p.m. local time on the date of the sale, will be made only as necessary to effect the refunding, and will not reduce or increase the aggregate principal amount of the Bonds by more than ___% from the amount bid upon. The dollar amount bid for principal and any amount bid for premium by the successful bidder will be adjusted proportionately to reflect any reduction or increase in the aggregate principal amount of the Bonds, but the interest rates specified by the successful bidder for all maturities will not change. The successful bidder may not withdraw its bid as a result of any changes made within these limits.

Book-Entry System: The Bonds shall be issued only in fully registered form without coupons. One bond certificate representing each maturity will be issued to and registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York (“DTC”), as registered owner of the Bonds and each such bond certificate shall be immobilized in the custody of DTC. DTC will act as securities depository for the Bonds. Individual purchases will be made in book-entry form only, in the principal amount of \$5,000 or any integral multiple thereof. Purchasers will not receive physical delivery of certificates representing their interest in the Bonds purchased. The successful bidder, as a condition to delivery of the Bonds, will be required to deposit the bond certificates representing each maturity with DTC.

Registrar and Paying Agent: The Maryland-National Capital Park and Planning Commission will act as Registrar and Paying Agent for the Bonds.

Security:

General. All of the Bonds will be general obligations of the Commission and of the County for the payment, in accordance with their terms, of the principal of and interest on which the Commission and the County will each pledge their respective full faith and credit and taxing power.

Series 2016A and 2016B Bonds. The Series 2016A and 2016B Bonds will be payable as to both principal and interest first from limited ad valorem property taxes which the County is required by law to impose in the portion of the Maryland-Washington Metropolitan District (the “District”) established by Title 19 of the Land Use Article located in the County and remit to the Commission. By its guarantee of the Series 2016A and 2016B Bonds, the full faith and credit of the County is pledged, as required by law, for the payment of the principal thereof and interest thereon. To the extent that the aforesaid taxes imposed for the benefit of the Commission are inadequate in any year for the payment of such principal and interest, Section 18-209 of the Land Use Article provides that the County shall impose an additional tax upon all assessable property within the portion of the District in the County, and, if the proceeds of such additional tax are still inadequate for such purposes, upon all assessable property within the corporate limits of the County, to pay such deficiency.

Series 2016C Bonds. The Series 2016C Bonds will be payable as to both principal and interest first from limited ad valorem property taxes which the County is authorized by Section 18-308 of the Land Use Article to levy at a fixed rate against all property assessed for purposes of County taxation. By its guarantee of the Series 2016C Bonds, the full faith and credit of the

County is pledged, as required by law, for the payment of the principal thereof and interest thereon.

Redemption: The Bonds which mature on or after _____, 20__, are subject to redemption prior to their respective maturities at any time on or after _____, 20__, at the option of the Commission, in whole or in part in any order of maturities, at a redemption price of the principal amount of the Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption.

Electronic Bids: Notice is hereby given that electronic proposals will be received via *[PARITY]*, in the manner described below, until 11:00 a.m., local Baltimore, Maryland time, on _____, 2016.

Bids may be submitted electronically pursuant to this Notice until 11:00 a.m., local Baltimore, Maryland time, on _____, 2016, but no bid will be received after the time for receiving bids specified above. To the extent any instructions or directions set forth in *[PARITY]* conflict with this Notice, the terms of this Notice shall control. For further information about *[PARITY]*, potential bidders may contact *[PARITY]* at (212) 849-5021.

As promptly as reasonably possible after the bids are received, the Chairman, the Vice Chairman or Secretary-Treasurer of the Commission will notify the bidder to whom the Bonds will be awarded, if and when such award is made, and such bidder, upon such notice, shall advise the Chairman or the Vice Chairman or the Secretary-Treasurer of the Commission of the initial reoffering prices to the public of each maturity of the Bonds (the "Initial Reoffering Prices"). THE SUCCESSFUL BIDDER SHALL MAKE A BONA FIDE PUBLIC OFFERING OF THE BONDS AT THE INITIAL OFFERING PRICES AND SHALL PROVIDE THE RELATED CERTIFICATION DESCRIBED BELOW.

Disclaimer: Each prospective electronic bidder shall be solely responsible to submit its bid via *[PARITY]* as described above. Each prospective electronic bidder shall be solely responsible to make necessary arrangements to access *[PARITY]* for the purpose of submitting its bid in a timely manner and in compliance with the requirements of the Notice of Sale. Neither the Commission nor *[PARITY]* shall have any duty or obligation to provide or assure access to *[PARITY]* to any prospective bidder, and neither the Commission nor *[PARITY]* shall be responsible for proper operation of, or have any liability for any delays or interruptions of, or any damages caused by, *[PARITY]*. The Commission is using *[PARITY]* as a communication mechanism, and not as the Commission's agent, to conduct the electronic bidding for the Bonds. The Commission is not bound by any advice and determination of *[PARITY]* to the effect that any particular bid complies with the terms of this Notice of Sale and in particular the "Bid Specifications" hereinafter set forth. All costs and expenses incurred by prospective bidders in connection with their submission of bids via *[PARITY]* are the sole responsibility of the bidders; and the Commission is not responsible, directly or indirectly, for any of such costs or expenses. If a prospective bidder encounters any difficulty in submitting, modifying, or withdrawing a bid for the Bonds, the prospective bidder should telephone *[PARITY]* at (212) 849-5021 and notify the Commission's Financial Advisor, Davenport & Company LLC, by facsimile at (866) 932-6660.

Electronic Bidding Procedures: Electronic bids must be submitted for the purchase of the Bonds (all or none) via *[PARITY]*. Bids will be communicated electronically to the Commission at 11:00 a.m. local Baltimore, Maryland time, on _____, 2016. Prior to that time, a prospective bidder may (1) submit the proposed terms of its bid via *[PARITY]*, (2) modify the proposed terms of its bid, in which event the proposed terms as last modified will (unless the bid is withdrawn as described herein) constitute its bid for the Bonds or (3) withdraw its proposed bid. Once the bids are communicated electronically via *[PARITY]* to the Commission, each bid will constitute an irrevocable offer to purchase the Bonds on the terms therein provided. For purposes of the electronic bidding process, the time as maintained on *[PARITY]* shall constitute the official time.

Bid Specifications: Proposals for purchase of the Bonds must be for all of the Bonds herein described and must be submitted electronically pursuant to this Notice until 11:00 a.m., local Baltimore, Maryland time on _____, 2016. Bidders must pay not less than par and not more than ____% of par. In their proposals, bidders are requested to specify the annual rate or rates of interest to be borne by the Bonds. Bidders are requested to name the interest rate or rates in multiples of 1/8 or 1/20 of 1%. Bidders may specify more than one rate of interest to be borne by the Bonds, but all Bonds maturing on the same date must bear interest at the same rate. Bonds on successive maturity dates may bear the same interest rate. No Bond shall bear more than one rate of interest, which rate shall be uniform for the life of the Bond and no interest rate may be named that exceeds ____%. The difference between the highest and lowest interest rates may not exceed ____%.

Award of Bid: The successful bidder will be determined based on the lowest interest cost to the Commission. The lowest interest cost shall be determined in accordance with the true interest cost (TIC) method by doubling the semi-annual interest rate, compounded semi-annually, necessary to discount the debt service payments from the payment dates to the date of the Bonds, and to the price bid. Where the proposals of two or more bidders result in the same lowest interest cost, the Bonds may be apportioned between such bidders, but if this shall not be acceptable, the Commission shall have the right to award all of the Bonds to one bidder. The Commission reserves the right to reject any or all proposals and to waive any irregularities in any of the proposals. The Secretary-Treasurer's judgment shall be final and binding upon all bidders with respect to the form and adequacy of any proposal received and as to its conformity to the terms of this Notice of Sale. Any award of the Bonds may be made as late as 4:00 p.m. on the sale date. All bids shall remain firm until an award is made.

No proposal to purchase the Bonds at a price less than par will be entertained.

Good Faith Deposit: A good faith deposit in the amount of \$_____ (the "Good Faith Deposit") is required of the successful bidder. The successful bidder for the Bonds is required to submit such Good Faith Deposit payable to the order of the Commission in the form of a wire transfer in federal funds as instructed by the Commission. The successful bidder shall submit the Good Faith Deposit not more than two hours after the verbal award is made. The successful bidder should provide as quickly as it is available, evidence of wire transfer by providing the Commission the federal funds reference number. If the Good Faith Deposit is not received in the time allotted, the bid of the successful bidder may be rejected and the Commission may direct the next lowest bidder to submit a Good Faith Deposit and thereafter

may award the sale of the Bonds to the same. If the successful bidder fails to comply with the Good Faith Deposit requirement as described herein, that bidder is nonetheless obligated to pay to the Commission the sum of \$_____ as liquidated damages due to the failure of the successful bidder to timely deposit the Good Faith Deposit.

Submission of a bid to purchase the Bonds serves as acknowledgement and acceptance of the terms of the Good Faith Deposit requirement.

The Good Faith Deposit so wired will be retained by the Commission until the delivery of the Bonds, at which time the Good Faith Deposit will be applied against the purchase price of the Bonds or the Good Faith Deposit will be retained by the Commission as partial liquidated damages in the event of the failure of the successful bidder to take up and pay for such Bonds in compliance with the terms of this Notice of Sale and of its bid. No interest on the Good Faith Deposit will be paid by the Commission. The balance of the purchase price must be wired in federal funds to the account detailed in the closing memorandum, simultaneously with delivery of the Bonds.

CUSIP Numbers; Expenses of the Bidder: It is anticipated that CUSIP numbers will be assigned to each maturity of each series of the Bonds, but neither the failure to type or print such numbers on any of the Bonds nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for the Bonds. The policies of the CUSIP Service Bureau will govern the assignment of specific numbers to the Bonds. The successful bidder will be responsible for applying for and obtaining, subject to the CUSIP Service Bureau policy and procedures, CUSIP numbers for the Bonds promptly upon award of the bid. All expenses of typing or printing CUSIP numbers for the Bonds will be paid for by the Commission; provided the CUSIP Service Bureau charges for the assignment of the numbers shall be the responsibility of and shall be paid for by the successful bidder.

All charges of DTC and all other expenses of the successful bidder will be the responsibility of the successful bidder for the Bonds.

Official Statement: Not later than seven (7) business days after the date of sale, the Commission will deliver to the successful bidder an Official Statement, which is expected to be substantially in the form of the Preliminary Official Statement referred to below. If so requested by the successful bidder for the Bonds at or before the close of business on the date of the sale, the Commission will include in the Official Statement such pricing and other information with respect to the terms of the reoffering of the Bonds by the successful bidder therefor, if any, as may be specified and furnished in writing by such bidder (the "Reoffering Information"). If no such information is specified and furnished by the successful bidder, the Official Statement will include the interest rate or rates on the Bonds resulting from the bid of such successful bidder. The successful bidder shall be responsible to the Commission and its officials for such Reoffering Information furnished by such bidder, and for all decisions made by such bidder with respect to the use or omission of the Reoffering Information in any reoffering of the Bonds. The successful bidder will also be furnished, without cost, with a reasonable number of copies of the Official Statement as determined by the Secretary-Treasurer (and any amendments or supplements thereto).

Legal Opinions: The Bonds described above will be issued and sold subject to approval as to legality by McGuireWoods LLP, Bond Counsel, whose approving opinions will be delivered, upon request, to the successful bidder for the Bonds without charge. Such opinions will be substantially in the form included in Appendix ___ to the Preliminary Official Statement referred to below.

Continuing Disclosure: In order to assist bidders in complying with SEC Rule 15c2-12, the Commission will execute and deliver a continuing disclosure certificate on or before the date of issuance of the Bonds pursuant to which the Commission will undertake to provide certain information annually and notices of certain events. A description of this certificate is set forth in the Preliminary Official Statement and will also be set forth in the Official Statement.

Delivery and Payment: It shall be a condition of the obligation of the successful bidder to accept delivery of and pay for the Bonds, that, simultaneously with or before delivery and payment for the Bonds, said bidder shall be furnished, without cost, with a certificate of the Secretary-Treasurer of the Commission to the effect that, to the best of his knowledge, the Official Statement and any amendment or supplement thereto (except for the Reoffering Information provided by the successful bidder, as to which no view will be expressed) does not contain, as of the date of sale and as of the date of delivery of the Bonds, any untrue statement of a material fact, required to be stated or necessary to be stated, to make such statements, in light of the circumstances under which they were made, not misleading.

SIMULTANEOUSLY WITH OR BEFORE DELIVERY OF THE BONDS, THE SUCCESSFUL BIDDER SHALL FURNISH TO THE COMMISSION A CERTIFICATE ACCEPTABLE TO BOND COUNSEL TO THE EFFECT THAT (I) THE SUCCESSFUL BIDDER HAS MADE A BONA FIDE PUBLIC OFFERING OF THE BONDS AT THE INITIAL REOFFERING PRICES, (II) AS OF THE DATE OF THE SALE OF THE BONDS, THE SUCCESSFUL BIDDER REASONABLY EXPECTED TO SELL A SUBSTANTIAL AMOUNT OF EACH MATURITY OF EACH SERIES OF THE BONDS AT THE APPLICABLE INITIAL REOFFERING PRICES, AND (III) A SUBSTANTIAL PORTION OF EACH MATURITY OF EACH SERIES OF THE BONDS WERE SOLD TO THE PUBLIC (EXCLUDING BOND HOUSES, BROKERS AND OTHER INTERMEDIARIES) AT SUCH INITIAL REOFFERING PRICES. Bond Counsel advises that (i) such certifications shall be made based on actual facts known to the successful bidder as of the sale date and (ii) a substantial portion of the Bonds is at least 10% in par amount of each maturity of each series of the Bonds. If the successful bidder cannot deliver the certificate as described above, the County's bond counsel will be required to evaluate the facts and circumstances of the offering and sale of the Bonds to confirm compliance with statutory requirements of avoiding the establishment of an artificial price for the Bonds.

Delivery of the Bonds, without expense, will be made by the Commission to the purchaser within thirty (30) days from the date of sale, or as soon as practicable thereafter, through the facilities of DTC in New York, New York, and, thereupon, said purchaser will be required to accept delivery of the Bonds purchased and pay the balance of the purchase price thereon in federal or other immediately available funds. The Bonds will be accompanied by the

customary closing documents including a no-litigation certificate effective as of the date of delivery.

Contacts: A preliminary official statement, which is in a form “deemed final” as of its date by the Commission for purposes of SEC Rule 15c2-12 (the “Preliminary Official Statement”) but is subject to revision, amendment and completion in the final official statement (the “Official Statement”), together with this Notice of Sale, may be obtained from Joseph C. Zimmerman, Secretary-Treasurer, The Maryland-National Capital Park and Planning Commission, 6611 Kenilworth Avenue, Riverdale, Maryland 20737, (301) 454-1540 or Davenport & Company LLC, 8600 LaSalle Road, Suite 324, Towson, Maryland 21286-2011, (410) 296-9426.

Right to Change Notice of Sale and Postpone Offering: The Commission reserves the right to change this Notice of Sale and to postpone, from time to time, the date established for the receipt of bids. In the event of a postponement, the new date and time of sale will be announced via TM3 News Service at least 24 hours prior to the time proposals are to be submitted. On any such alternative sale date, bidders may submit electronic bids for the purchase of the Bonds in conformity with the provision of this Notice of Sale, as modified, including the change of the date of sale and the changes described in the next sentence. If the date fixed for receipt of bids is postponed, the expected date of delivery of the Bonds and the date of the Bonds also may be postponed. Such changes, if any, will be announced via TM3 News Service at the time any alternative sale date is announced.

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

By: Elizabeth M. Hewlett
Chairman

Refunded BondsMontgomery County Advance Land Acquisition
General Obligation Bonds of 2004

<u>Maturity Date</u>	<u>Principal</u>	<u>Interest Rate</u>	<u>Redemption Price</u>
12/1/2016	\$120,000	3.625%	100%
12/1/2017	120,000	3.750	100
12/1/2018	120,000	3.875	100
12/1/2019	120,000	3.875	100
12/1/2020	120,000	4.000	100
12/1/2021	120,000	4.000	100
12/1/2022	120,000	4.100	100
12/1/2023	120,000	4.125	100
12/1/2024	120,000	4.200	100

Montgomery County Park Acquisition and Development
General Obligation Bonds, Series FF-2

<u>Maturity Date</u>	<u>Principal</u>	<u>Interest Rate</u>	<u>Redemption Price</u>
12/1/2023	\$240,000	4.125%	100%
12/1/2024	240,000	4.200	100

Montgomery County Park Acquisition and Development
General Obligation Bonds, Series II-2

<u>Maturity Date</u>	<u>Principal</u>	<u>Interest Rate</u>	<u>Redemption Price</u>
4/1/2017	\$185,000	4.000%	N/A
4/1/2018	285,000	3.750	100%
4/1/2019	285,000	3.750	100
4/1/2020	285,000	3.875	100
4/1/2021	285,000	3.875	100
4/1/2022	285,000	4.000	100
4/1/2023	285,000	4.000	100
4/1/2024	285,000	4.000	100
4/1/2025	285,000	4.000	100
4/1/2026	285,000	4.000	100
4/1/2027	285,000	4.000	100

Montgomery County Park Acquisition and Development
General Obligation Bonds, Series MM-2

<u>Maturity Date</u>	<u>Principal</u>	<u>Interest Rate</u>	<u>Redemption Price</u>
11/1/2020	\$315,000	3.125%	100%
11/1/2021	315,000	3.500	100
11/1/2022	315,000	3.500	100
11/1/2023	315,000	3.500	100
11/1/2024	315,000	4.000	100
11/1/2025	315,000	3.800	100
11/1/2026	315,000	4.000	100
11/1/2027	315,000	4.000	100
11/1/2028	315,000	4.000	100

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M-NCPPC

Employee Wellness Program
Update

Juanita Hawkins, CWWS

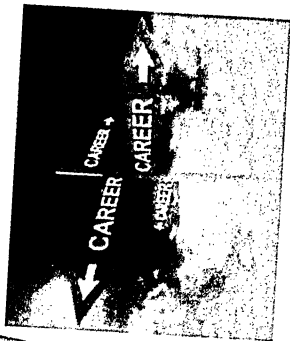
Health Promotion Specialist

March 2016

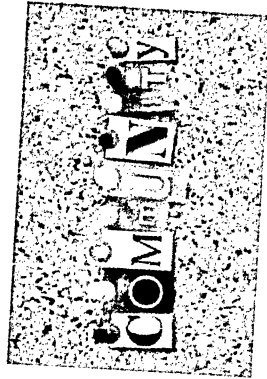
Program Purpose/Goals

- Help improve the well-being of all M-NCPPC employees
- Help reduce health issues affecting employee health and work productivity through awareness and education
- Manage health care costs/trends
- Use a holistic approach to increase awareness of positive health behaviors
- Motivate employees to voluntarily adopt healthier behaviors
- Provide a supportive environment to foster positive lifestyle changes

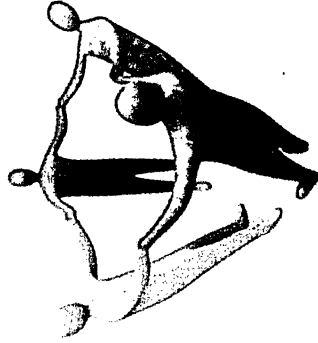
Health Promotions Framework



Career



Community



Social



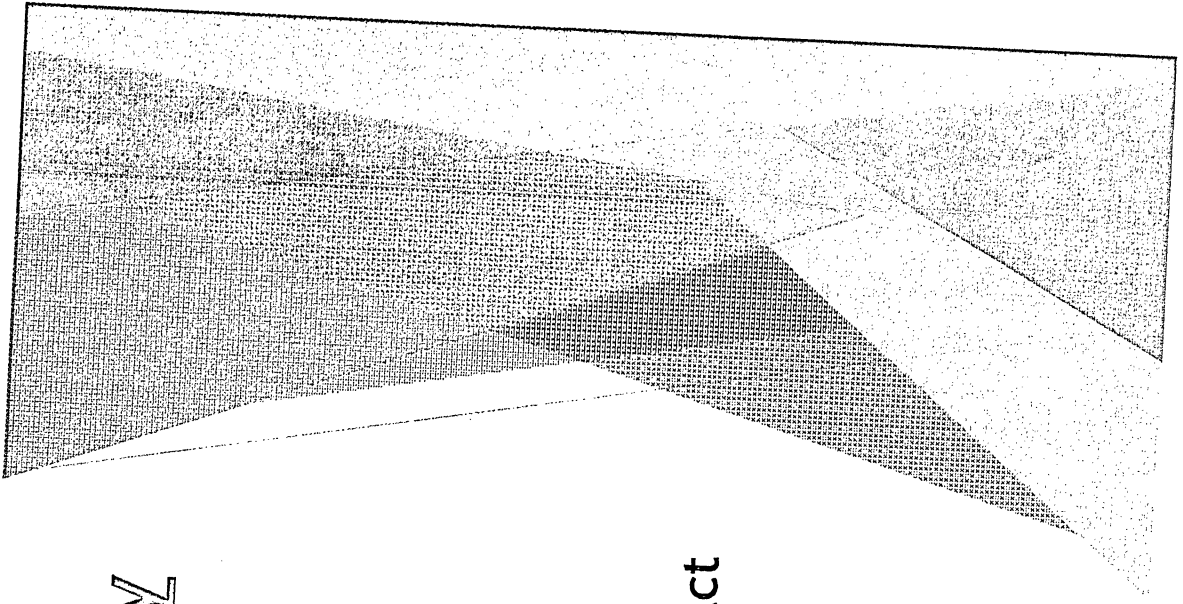
Financial



Physical

Health Promotions Strategy

- Presentation of business case
- Secured senior level endorsement
- Explored employees needs - employee wellness interest survey, department meetings, etc.
- Implemented strategy and promoted through communication and education
- Continually evaluate goals and measure the impact of well-being activities to assess successes and opportunities for improvement



Major Program Activities/Accomplishments

May - December 2015

- Developed strategic plan and business case for wellness program
- Administered Employee Wellness Interest Survey
- Planned Open Enrollment kick-off/health and wellness event; engaged Tom Rath as keynote speaker
- Conducted 21 lunch and learns on various well-being topics
- Launched Onsite Smoking Cessation Program - Beat the Pack
- Plan Q - mobile app smoking cessation support
- Facilitated two Lose and Win programs (8 weeks each)
- Immunization clinics
- Launched team of wellness champions across the Commission
- Program recognition in Healthiest MD Business e-newsletter

2016 Program Focus

- Increasing awareness of healthy eating and physical activity
- Improving stress management and mental health knowledge
- Increasing awareness/use of preventive screenings and services
- Making well-being opportunities accessible to all employees



✓ Get Checked



Blood Pressure
Cholesterol
Glucose

2016 Wellness Programs/Activities

Financial

Education/promoting and leveraging existing educational tools/resources

Workshops: credit, debt, spending; will/estate planning; retirement planning, etc.

Individual financial counseling sessions with certified planner

Physical

Lose and Win (4 programs)

Workshops: nutrition, sleep, stress management, mental health, physical activity

Physical activity: yoga, cardio, strength training

Seated massage therapy

Ask the expert: personal trainers, medical professionals

2016 Wellness Programs/Activities

Career

Ask the expert: Career coach

Workshops: increasing engagement, professional goals, etc.

Social

Move more campaign, walking meetings,

Department teambuilding sessions/challenges

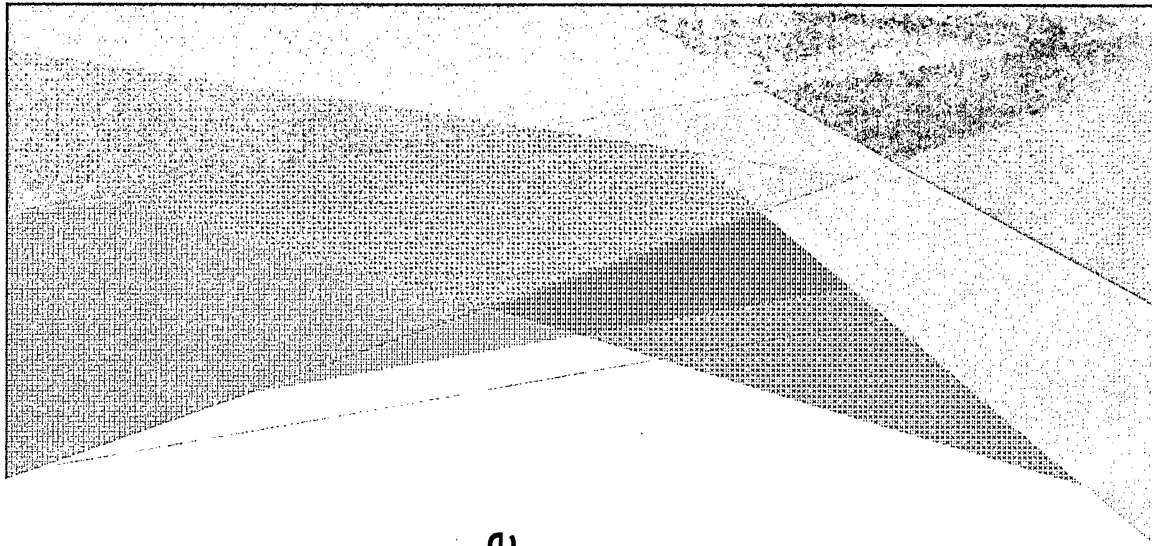
Community

Local community walk/run (both Prince Georges' and Montgomery Counties)


Dissemination of local volunteer opportunities

Other Activities

- Development of mission/logo and branding for wellness program
- Creation of “wellness norms” within our culture
- Wellness intranet site implementation
- Implement Employee Wellness Platform




Sample Employee Engagement Platform



Welcome, **REBECCA**

★ 248 Rising Star this week: 12




MY GOALS

- Actionplan title is this long Preventing and Controlling Depression (Ages 12-17)
- Actionplan title is this long is this long
- Preventing and Controlling Depression (Ages 5-7)

Go Gluten-Free

Learn what it means to be gluten-free and get all the tips and tricks you'll need to maintain the lifestyle!



HOT NEWS & ARTICLES

HEART
the story


Title
Vestibulum ligula augue, laculis ac ele laculis aculis aac, lacu-
lis ac electhe..


Title
Vestibulum ligula augue, laculis ac ele laculis aculis aac, lacu-
lis ac electhe..

Title
Vestibulum ligula augue, laculis ac ele laculis aculis aac, lacu-
lis ac electhe..

PEOPLE I MOTIVATE (4)

Dov Biran

 Preventing and Controlling Depression (Ages 12-17)
Last report: 8/12/2013










 John Smith

RECENT ACTIVITY

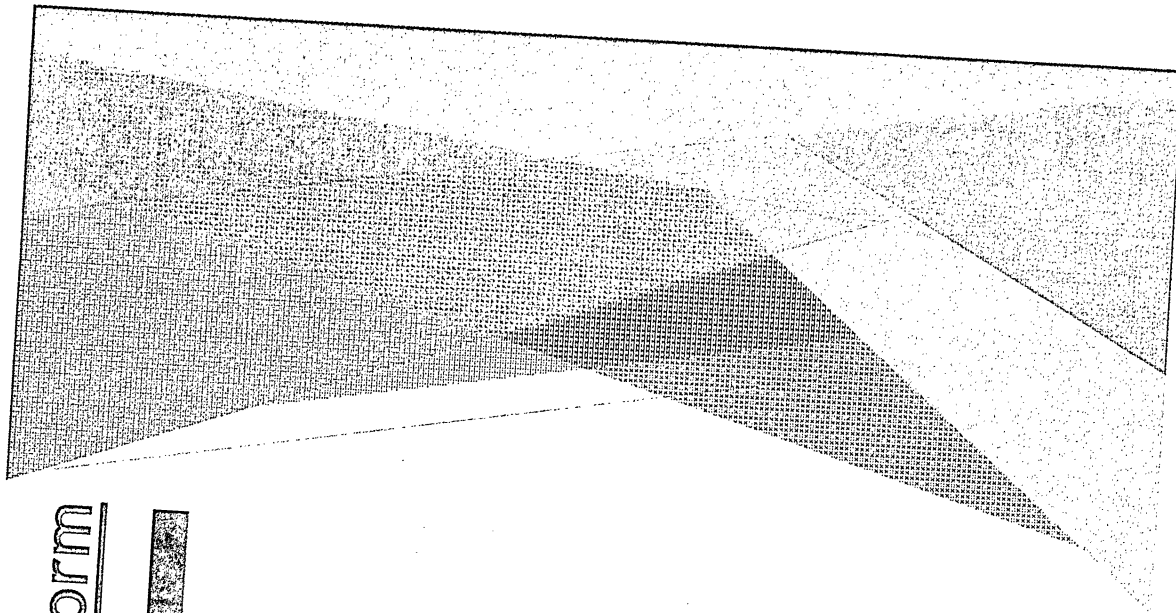
- 8/12/13 | Tracked 2 miles
The 21-day skipping experiment
- 8/12/13 | Received a Boost from Al-
Pillarsion: "You can do it!"
The 21-day skipping experiment
- 8/12/13 | Tracked 2 miles
The 21-day skipping experiment
- 8/12/13 | Goal Completed!
Preventing and Controlling Depression...

Show More

FRIENDS (103) · Invite

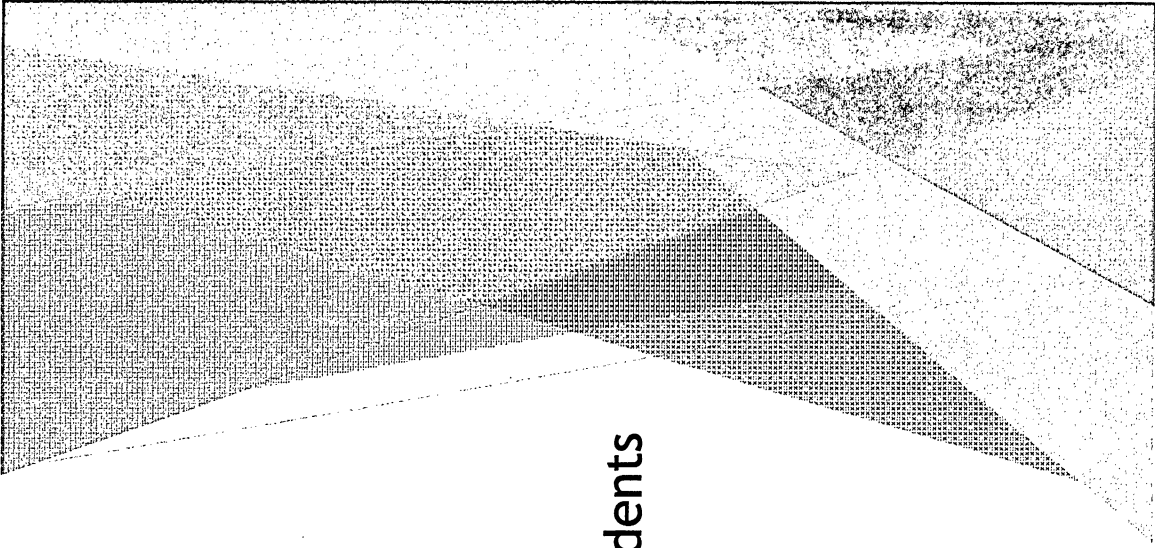










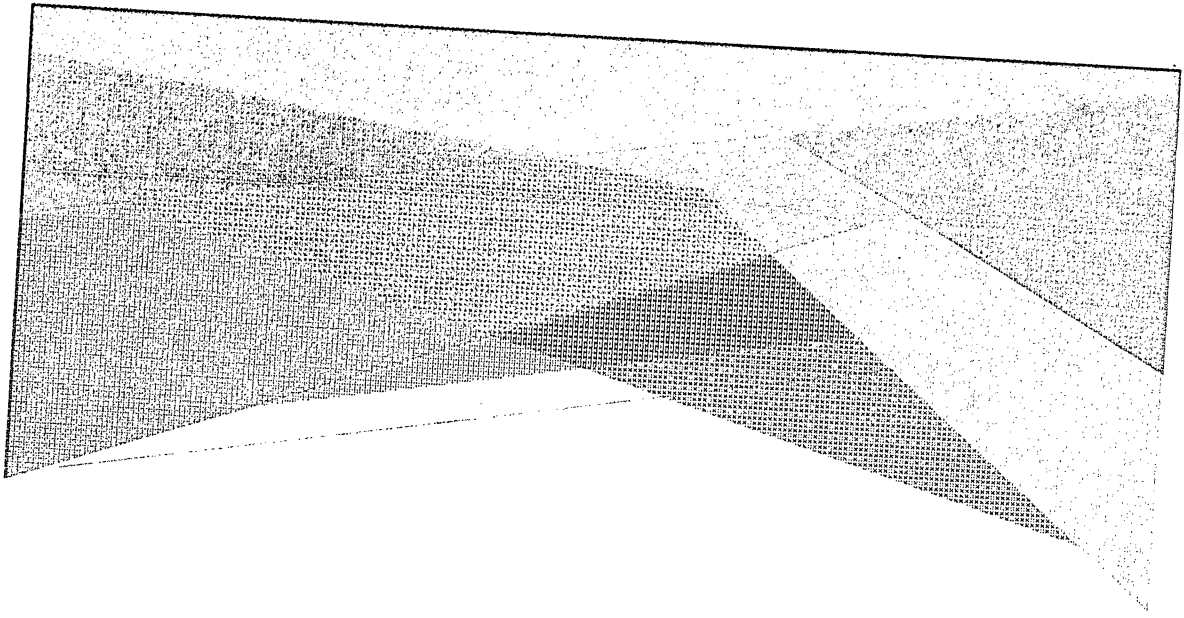
Show More



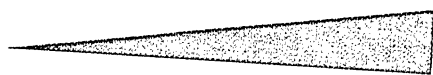
Looking Ahead

- Diabetes Prevention Program: lifestyle change program
- 'Real Appeal' Program kick-off/launch
- Participatory wellness program
- Expansion of wellness program to include dependents and retirees





Thank You!



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
BY DEPARTMENT AS OF FEBRUARY 2016

	31 - 60 DAYS		61 - 90 DAYS		91 + DAYS		DEPARTMENT TOTALS	
	01/16	02/16	01/16	02/16	01/16	02/16	01/16	02/16
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	1	0	0	0	1
CHAIRMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	0	0	0	0	0	0	0
INTERNAL AUDIT	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	1	0	0	0	0	0	1	0
LEGAL DEPARTMENT	1	0	1	2	0	0	2	2
FINANCE DEPARTMENT	4	2	0	2	1	0	5	4
PRINCE GEORGE'S PLANNING	1	2	1	1	0	0	2	3
PRINCE GEORGE'S PARKS & RECREATION	3	4	0	0	0	0	3	4
MONTGOMERY COUNTY PARKS	1	3	0	0	0	0	1	3
MONTGOMERY COUNTY PLANNING	1	2	0	1	0	0	1	3
DEPARTMENT TOTAL BY DAYS LATE	12	13	2	7	1	0	---	---
COMMISSION WIDE TOTAL:							15	20

*DEPARTMENTS WITH RATINGS MORE THAN 60 DAYS LATE HAVE BEEN CONTACTED.




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

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

March 3, 2016

TO: Commissioners

VIA: Patricia C. Barney, Executive Director 

FROM: Joseph C. Zimmerman, Secretary/Treasurer

SUBJECT: MFD Purchasing Statistics— First Quarter FY16

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

Some of the observations of this FY16 report include:

- Attachment A indicates that through the first quarter of FY16, the Commission procured approximately \$23 million in goods, professional services, construction and miscellaneous services. Approximately 17.5% or \$4 million was spent with minority, female and disabled (MFD) owned firms.
- Attachment B indicates that in the first quarter MFD utilization was 17.5%. The MFD utilization is lower than normal and we will be working with the Departments to increase outreach efforts.
- Attachment C represents the MFD participation by type of procurement. The MFD participation for construction through the first quarter of FY16 was 27.9%. Attachment C also indicates that the largest consumers of goods and services in the Commission are the Prince George's County Department of Parks and Recreation and the Montgomery County Department of Parks. These programs significantly impact the Commission's utilization of MFD firms. The MFD cumulative utilization numbers for these departments through the first quarter are 21.3% and 12.6%, respectively.
- Attachment D presents the FY16 activity for the Purchase Card program totaling approximately \$3.4 million of which 5.3 % was spent with minority, female and disabled (MFD) firms. The amount of procurement card activity represents approximately 14.8%

of the Commission's total procurement dollars. One reason for lower MFD participation on the purchase card is that the cards are used with national retail corporations when a quick purchase for a maintenance job is needed. The purchase cards are also used for training registration in order to guarantee attendance.

- Attachment E portrays the historic MFD participation rates, and the total procurement from FY 1991 to first quarter FY16.
- Attachments F & G shows the MFD participation in procurements at various bid levels to determine if MFD vendors are successful in obtaining opportunities in procurements that require informal bidding and formal bidding. Based on the department analysis, MFD vendors do appear to be participating, at an overall rate of 18.7% in informal (under \$30,000) and 16.7% in the formal (over \$30,000) procurements. For transactions under \$10k, MFD participation is 17.2%. MFD vendors are participating at an overall rate of 13.4% in transactions over \$250,000.
- Attachment H presents the total amount of procurements and the number of vendors by location. Of the \$23 million in total procurement, \$15.7 million was procured from Maryland vendors. Of the \$4 million in procurement from MFD vendors, \$3.7 million was procured from MFD vendors located in Maryland.
- Attachment I compares the utilization of MFD vendors by the Commission with the availability of MFD vendors. The results show under-utilization in the following categories: African American, Asian, Native American and Females. The amount and percentage of procurement from MFD vendors is broken out by categories as defined by the Commission's Anti-Discrimination Policy. The availability percentages are taken from the most recent State of Maryland disparity study dated July 5, 2013.
- Attachments J and K are prepared by the Department of Human Resources and Management and show the amount and number of waivers of the procurement policy by department and by reason for waiver. Total waivers were approximately 1.2% of total procurement.

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

Attachments

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
FY 2016
FOR THREE MONTHS ENDED SEPTEMBER 30, 2015

Attachment A

	<u>Procurement</u>		<u>Waivers</u>		<u>Procurement</u>	
	<u>Total \$</u>		<u>Total \$</u>	<u>Total #</u>	<u>MFD \$</u>	<u>%</u>
<u>Prince George's County</u>						
Commissioners' Office	\$ 37,825	\$	-	-	\$ 2,902	7.7%
Planning Department	168,245		-	-	21,891	13.0%
Parks and Recreation Department	13,595,698		192,789	6	2,901,444	21.3%
Total	<u>13,801,768</u>		<u>192,789</u>	<u>6</u>	<u>2,926,237</u>	<u>21.2%</u>
<u>Montgomery County</u>						
Commissioners' Office	870		-	-	55	6.3%
Planning Department	1,042,959		9,872	1	6,155	0.6%
Parks Department	7,777,741		41,626	1	980,502	12.6%
Total	<u>8,821,570</u>		<u>51,498</u>	<u>2</u>	<u>986,712</u>	<u>11.2%</u>
<u>Central Administrative Services</u>						
Dept. of Human Resources and Mgt.	152,185		-	-	82,256	54.1%
Finance Department	197,462		37,796	1	26,307	13.3%
Legal Department	18,271		-	-	7,187	39.3%
Merit Board	-		-	-	-	0.0%
Office of Chief Information Officer	-		-	-	-	0.0%
Office of Internal Auditor	7,985		-	-	131	1.6%
Total	<u>375,903</u>		<u>37,796</u>	<u>1</u>	<u>115,881</u>	<u>30.8%</u>
Grand Total	<u>\$ 22,999,241</u>	<u>\$</u>	<u>282,083</u>	<u>9</u>	<u>\$ 4,028,830</u>	<u>17.5%</u>

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

Prepared by Finance Department
February 10, 2016

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT STATISTICS

FY 2016

MFD STATISTICS - CUMULATIVE AND ACTIVITY BY QUARTER

Attachment B

CUMULATIVE BY QUARTER

	SEPTEMBER	DECEMBER	MARCH	JUNE
<u>Prince George's County</u>				
Commissioners' Office	7.7%			
Planning Department	13.0%			
Parks and Recreation Department	21.3%			
Total	21.2%			
<u>Montgomery County</u>				
Commissioners' Office	6.3%			
Planning Department	0.6%			
Parks Department	12.6%			
Total	11.2%			
<u>Central Administrative Services</u>				
Dept. of Human Resources and Mgt.	54.1%			
Finance Department	13.3%			
Legal Department	39.3%			
Merit Board	0.0%			
Office of Chief Information Officer	0.0%			
Office of Internal Auditor	1.6%			
Total	30.8%			
Grand Total	17.5%			

ACTIVITY BY QUARTER

	FIRST QUARTER	SECOND QUARTER	THIRD QUARTER	FOURTH QUARTER	TOTAL
<u>Prince George's County</u>					
Commissioners' Office	7.7%				7.7%
Planning Department	13.0%				13.0%
Parks and Recreation Department	21.3%				21.3%
Total	21.2%				21.2%
<u>Montgomery County</u>					
Commissioners' Office	6.3%				6.3%
Planning Department	0.6%				0.6%
Parks Department	12.6%				12.6%
Total	11.2%				11.2%
<u>Central Administrative Services</u>					
Dept. of Human Resources and Mgt.	54.1%				54.1%
Finance Department	13.3%				13.3%
Legal Department	39.3%				39.3%
Merit Board	0.0%				0.0%
Office of Chief Information Officer	0.0%				0.0%
Office of Internal Auditor	1.6%				1.6%
Total	30.8%				30.8%
Grand Total	17.5%				17.5%

Prepared by Finance Department
February 10, 2016

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
BY MAJOR PROCUREMENT CATEGORY
FY 2016

FOR THREE MONTHS ENDED SEPTEMBER 30, 2015

ATTACHMENT C

	Grand Total	Montgomery Planning	Montgomery Parks	Pr. Geo. Parks & Recreation	Pr. Geo. Planning	Dept. of Human Res. & Mgt.	Legal Department	Finance Department
Goods:								
Total \$	\$ 9,216,145	\$ 761,792	\$ 3,311,979	\$ 4,991,305	\$ 27,829	\$ 55,480	\$ 5,392	\$ 62,368
MFD\$	\$ 479,789	\$ 155	\$ 88,837	\$ 312,771	\$ 13,804	\$ 35,668	\$ 5,187	\$ 23,367
Percentage	5.2%	0.0%	2.7%	6.3%	49.6%	64.3%	96.2%	37.5%
Miscellaneous Services:								
Total \$	\$ 3,909,661	\$ 267,396	\$ 867,399	\$ 2,473,573	\$ 139,656	\$ 87,525	\$ 12,279	\$ 61,833
MFD\$	\$ 923,173	\$ 6,000	\$ 175,393	\$ 685,105	\$ 8,087	\$ 46,588	\$ 2,000	\$ 0
Percentage	23.6%	2.2%	20.2%	27.7%	5.8%	53.2%	16.3%	0.0%
Professional Services:								
Total \$	\$ 527,432	\$ 5,137	\$ 176,210	\$ 271,769	\$ 0	\$ 1,180	\$ 600	\$ 72,536
MFD\$	\$ 30,955	\$ 0	\$ 11,750	\$ 16,265	\$ 0	\$ 0	\$ 0	\$ 2,940
Percentage	5.9%	0.0%	6.7%	6.0%	0.0%	0.0%	0.0%	4.1%
Construction:								
Total \$	\$ 9,299,323	\$ 8,634	\$ 3,422,153	\$ 5,859,051	\$ 760	\$ 8,000	\$ 0	\$ 725
MFD\$	\$ 2,591,825	\$ 0	\$ 704,522	\$ 1,887,303	\$ 0	\$ 0	\$ 0	\$ 0
Percentage	27.9%	0.0%	20.6%	32.2%	0.0%	0.0%	0.0%	0.0%
SUBTOTAL								
Total \$	\$ 22,952,561	\$ 1,042,959	\$ 7,777,741	\$ 13,595,698	\$ 168,245	\$ 152,185	\$ 18,271	\$ 197,462
MFD\$	\$ 4,025,742	\$ 6,155	\$ 980,502	\$ 2,901,444	\$ 21,891	\$ 82,256	\$ 7,187	\$ 26,307
Percentage	17.5%	0.6%	12.6%	21.3%	13.0%	54.1%	39.3%	13.3%
Pr. Geo. Commissioners' Office								
Total \$	\$ 37,825							
MFD\$	\$ 2,902							
Percentage	7.7%							
Mont. Commissioners' Office								
Total \$	\$ 870							
MFD\$	\$ 55							
Percentage	6.3%							
Merit Board								
Total \$	\$ 0							
MFD\$	\$ 0							
Percentage	0.0%							
Office of Chief Information Officer								
Total \$	\$ 0							
MFD\$	\$ 0							
Percentage	0.0%							
Office of Internal Auditor								
Total \$	\$ 7,985							
MFD\$	\$ 131							
Percentage	1.6%							
GRAND TOTAL \$	\$ 22,999,241							
MFD\$	\$ 4,028,830							
Percentage	17.5%							

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
Comparison of MFD % for Total Procurement and Purchase Card Procurement
FY 2016
FOR THREE MONTHS ENDED SEPTEMBER 30, 2015

Attachment D

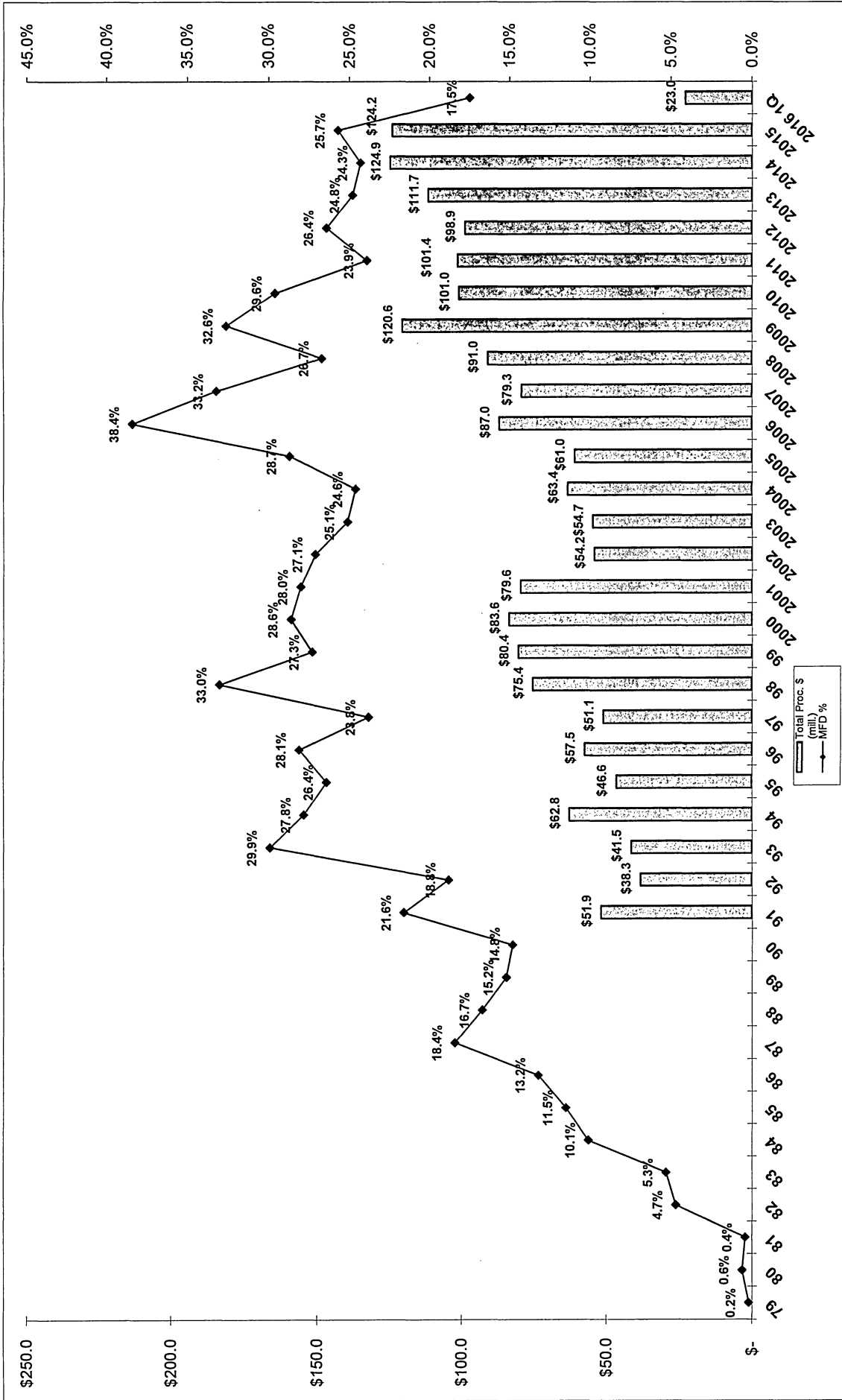
	Total Procurement		Purchase Card Procurement	
	Total \$	MFD %	Total \$	MFD %
<u>Prince George's County</u>				
Commissioners' Office	\$ 37,825	7.7%	\$ 9,583	27.1%
Planning Department	168,245	13.0%	20,099	8.0%
Parks and Recreation Department	13,595,698	21.3%	1,842,697	5.9%
Total	<u>13,801,768</u>	<u>21.2%</u>	<u>1,872,379</u>	<u>6.1%</u>
<u>Montgomery County</u>				
Commissioners' Office	870	6.3%	870	6.3%
Planning Department	1,042,959	0.6%	58,820	0.3%
Parks Department	7,777,741	12.6%	1,423,953	3.9%
Total	<u>8,821,570</u>	<u>11.2%</u>	<u>1,483,643</u>	<u>3.7%</u>
<u>Central Administrative Services</u>				
Dept. of Human Resources and Mgt.	152,185	54.1%	8,552	0.0%
Finance Department	197,462	13.3%	29,613	33.1%
Legal Department	18,271	39.3%	631	0.0%
Merit Board	-	0.0%	-	0.0%
Office of Chief Information Officer	-	0.0%	-	0.0%
Office of Internal Auditor	7,985	1.6%	1,228	10.7%
Total	<u>375,903</u>	<u>30.8%</u>	<u>40,024</u>	<u>24.8%</u>
Grand Total	<u>\$ 22,999,241</u>	<u>17.5%</u>	<u>\$ 3,396,046</u>	<u>5.3%</u>

Percentage of Purchase Card Procurement to Total Procurement 14.8%

Prepared by Finance Department
February 10, 2016

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

Attachment E



Prepared by Finance Department
 February 10, 2016

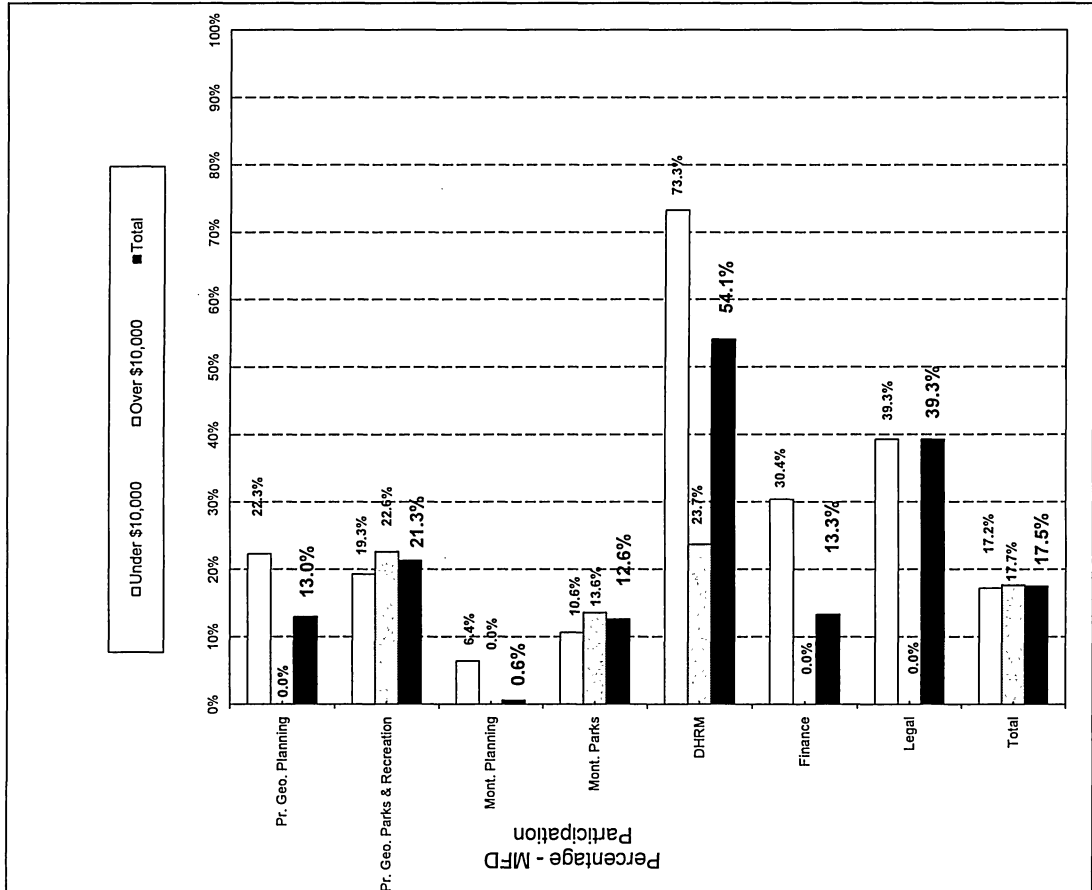
Attachment F

The Maryland-National Capital Park and Planning Commission

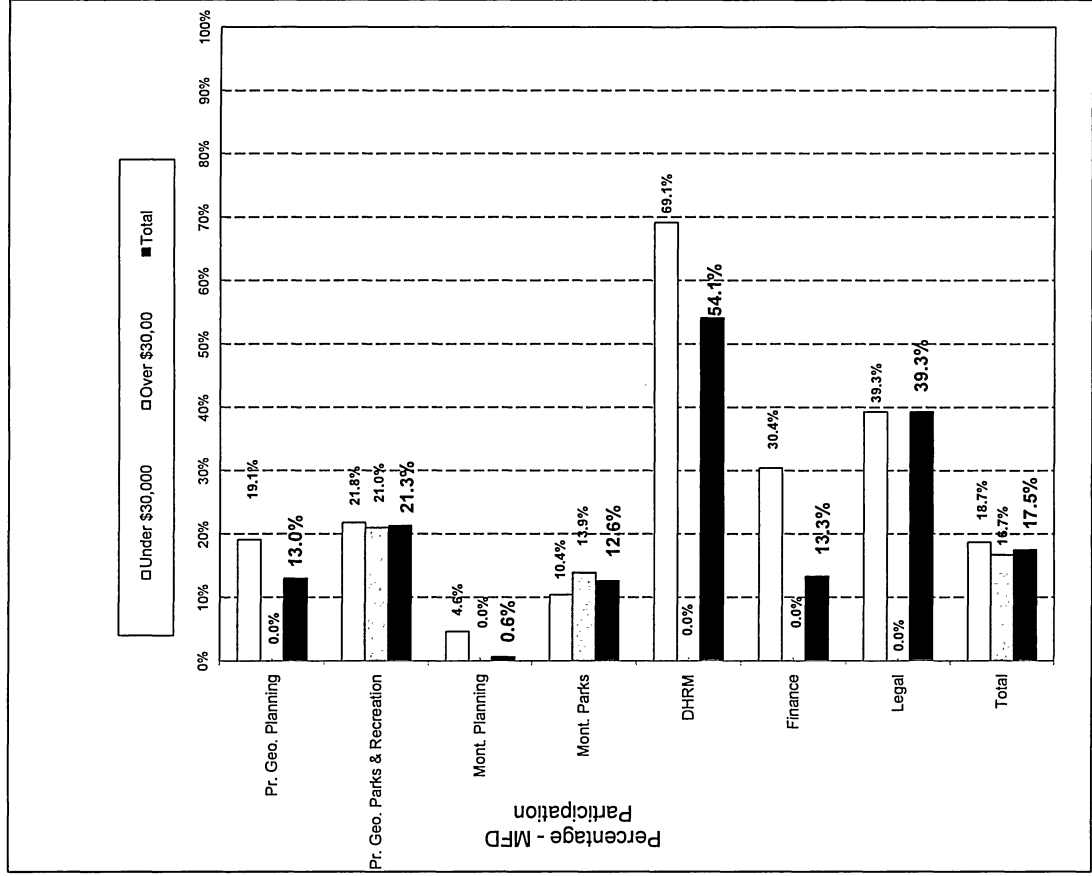
MFD Procurement Statistics - Transactions Under/Over \$10,000 & \$30,000 plus Total %

FY 2016

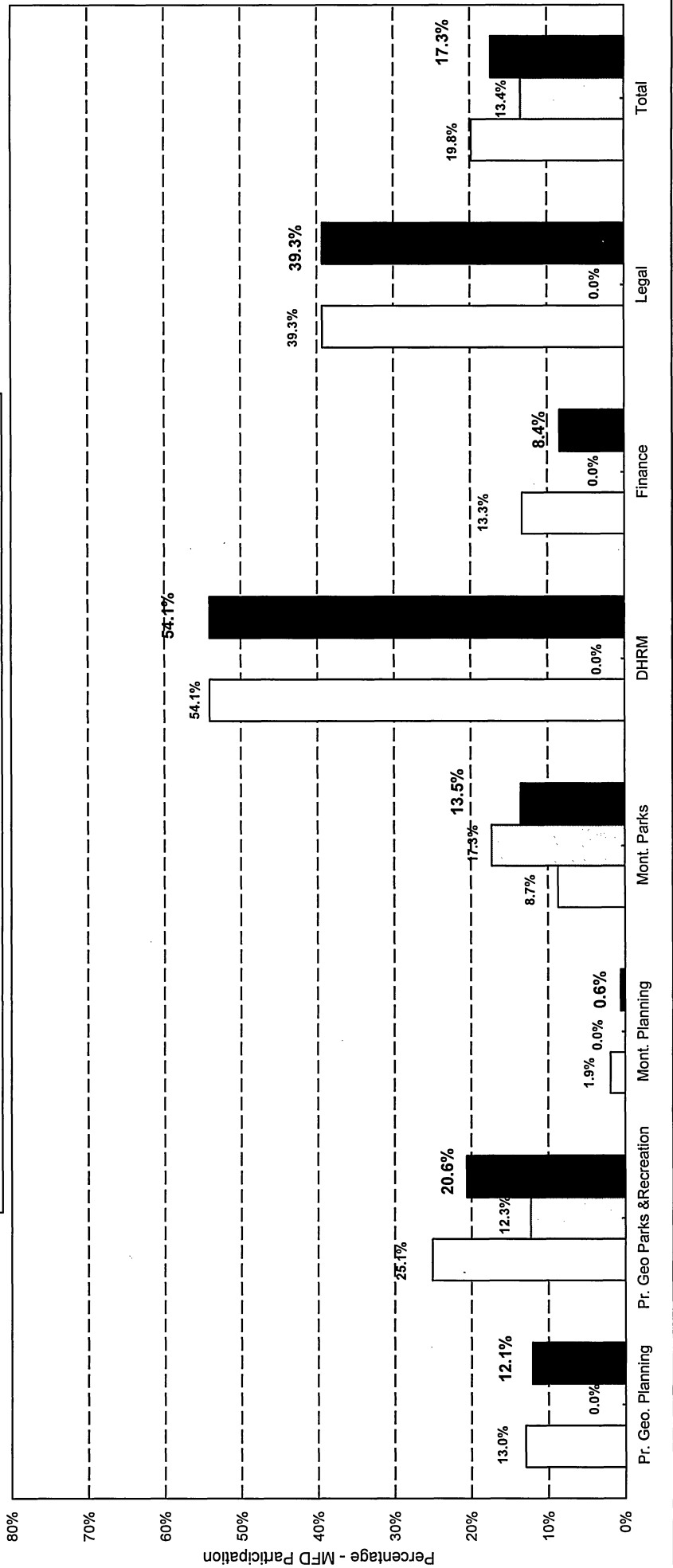
Under/Over \$10,000



Under/Over \$30,000



The Maryland-National Capital Park and Planning Commission
 MFD Procurement Statistics - Transactions Under /Over \$250,000 and Total %
 FY 2016 1Q



Prepared by Finance Department
 February 10, 2016

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Amount of Procurement and Number of Vendors by Location
FY 2016
FOR THREE MONTHS ENDED SEPTEMBER 30, 2015

Attachment H

TOTAL of ALL VENDORS

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Montgomery County	\$ 3,550,397	15.4%	145	15.1%
Prince George's County	3,379,682	14.7%	317	33.0%
Subtotal	6,930,079	30.1%	462	48.1%
Maryland - other locations	8,771,388	38.2%	176	18.3%
Total Maryland	15,701,467	68.3%	638	66.4%
District of Columbia	285,761	1.2%	50	5.2%
Virginia	823,765	3.6%	63	6.5%
Other Locations	6,188,248	26.9%	211	21.9%
Total	\$ 22,999,241	100.0%	962	100.0%

TOTAL of Non-MFD Vendors

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Montgomery County	\$ 2,265,707	11.9%	96	14.2%
Prince George's County	2,431,070	12.8%	185	27.3%
Subtotal	4,696,777	24.7%	281	41.5%
Maryland - other locations	7,259,424	38.3%	139	20.5%
Total Maryland	11,956,201	63.0%	420	62.0%
District of Columbia	210,416	1.1%	30	4.4%
Virginia	742,671	3.9%	41	6.1%
Other Locations	6,061,123	32.0%	186	27.5%
Total	\$ 18,970,411	100.0%	677	100.0%

TOTAL of MFD Vendors

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Montgomery County	\$ 1,284,690	31.9%	49	17.2%
Prince George's County	948,612	23.5%	132	46.3%
Subtotal	2,233,302	55.4%	181	63.5%
Maryland - other locations	1,511,964	37.5%	37	13.0%
Total Maryland	3,745,266	92.9%	218	76.5%
District of Columbia	75,345	1.9%	20	7.0%
Virginia	81,094	2.0%	22	7.7%
Other Locations	127,125	3.2%	25	8.8%
Total	\$ 4,028,830	100.0%	285	100.0%

Note: The following shows the amounts and percentages of procurement by the location of the department. The bi-county departments' activity is divided equally between the two Counties.

	<u>Total Procurement</u>		<u>MFD Procurement</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Amount</u>	<u>Percentage</u>
Prince George's County	\$ 13,989,720	60.8%	\$ 2,984,177	74.1%
Montgomery County	9,009,521	39.2%	1,044,653	25.9%
Total	\$ 22,999,241	100.0%	\$ 4,028,830	100.0%

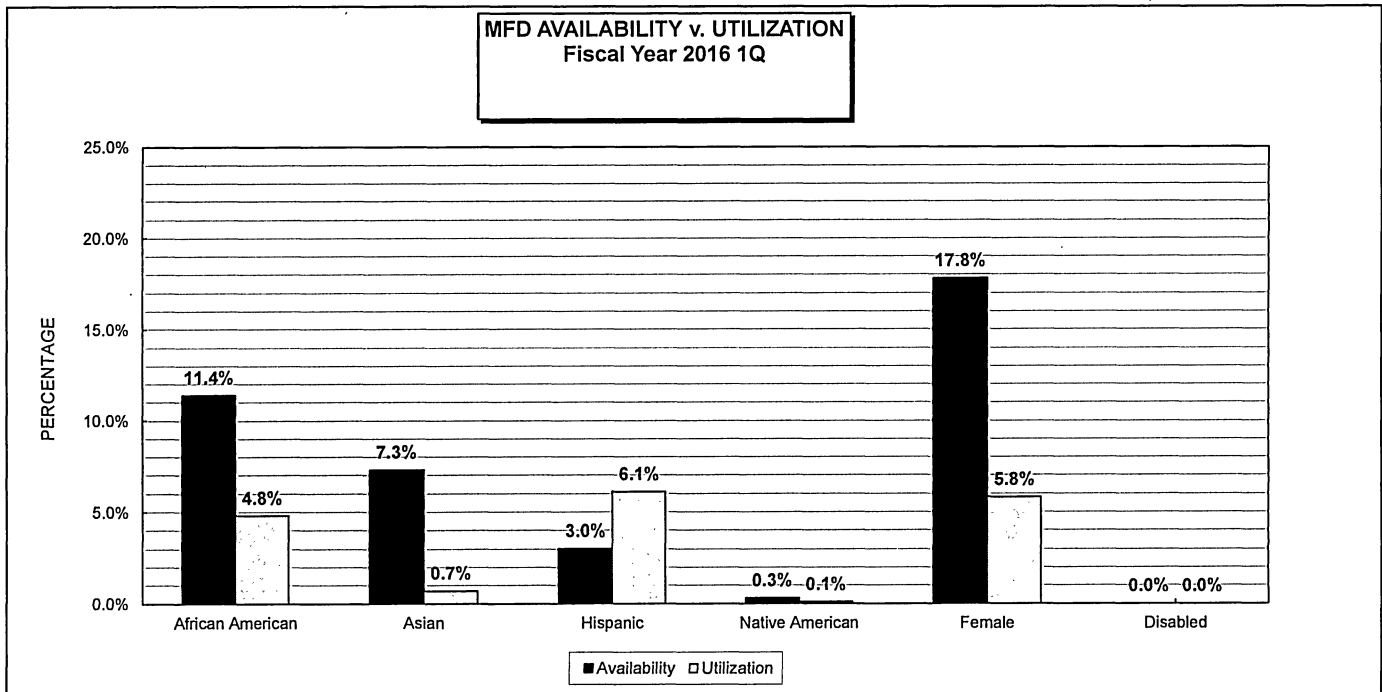
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT RESULTS
FY 2016
FOR THREE MONTHS ENDED SEPTEMBER 30, 2015

Attachment I

Total Amount of Procurement \$ 22,999,241

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

	Procurement		Availability
	Amount	%	%
Minority Owned Firms			
African American	\$ 1,113,693	4.8%	11.4%
Asian	149,499	0.7%	7.3%
Hispanic	1,392,935	6.1%	3.0%
Native American	30,219	0.1%	0.3%
Total Minority Owned Firms	2,686,346	11.7%	22.0%
Female Owned Firms	1,340,969	5.8%	17.8%
Disabled Owned Firms	1,515	0.0%	n/a
Total Minority, Female, and Disabled Owned Firms	\$ 4,028,830	17.5%	39.8%



Note: (1) Availability percentages are taken from State of Maryland study titled "Disadvantaged Business Enterprise Disparity Study: Volume 1", dated July 5, 2013, table 2.23 on page 84.

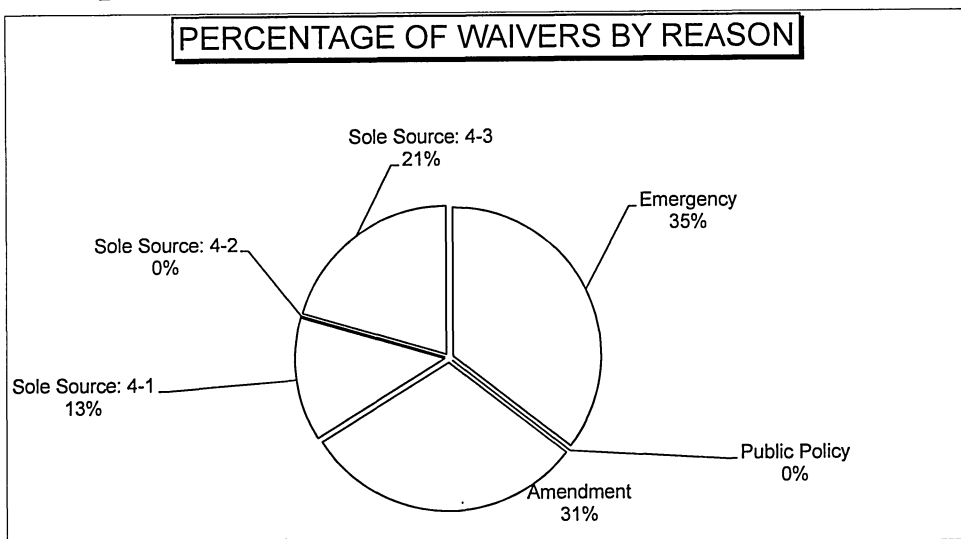
(2) n/a = not available

Prepared by Finance Department
 February 10, 2016

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
REASONS FOR WAIVERS
CUMULATIVE DOLLAR AMOUNT & NUMBER OF WAIVERS
FY 2016
FOR THREE MONTHS ENDED SEPTEMBER 30, 2015**

Attachment J

	NUMBER	AMOUNT	PERCENTAGE
Emergency	4	\$ 100,043	35%
Public Policy	0	\$ -	0%
Amendment	3	\$ 86,424	31%
Sole Source: 4-1	1	\$ 37,796	13%
Sole Source: 4-2	0	\$ -	0%
Sole Source: 4-3	1	\$ 57,820	21%
Total	9	\$ 282,083	100%



Waiver Reason Definitions:

Emergency:

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

Required by Law or Grant:

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

Amendment:

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

Sole Source 4:

It has been determined that:

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

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
TOTAL WAIVERS, MFD WAIVERS, AND SOLE SOURCE WAIVERS BY DEPARTMENT
 PROCESSED FY 2016
 FOR THE THREE MONTHS ENDED SEPTEMBER 30, 2015

Attachment K

	Total Waivers	MFD/Waivers	% of MFD	Sole Source 4-1 Waivers	Sole Source 4-2 Waivers	Sole Source 4-3 Waivers	% Sole Source
	Number	Number	%	Number	Number	Number	%
	\$	\$		\$	\$	\$	
Prince George's County							
Commissioners' Office	0	0	0.0%	0	0	0	0.0%
Planning Department	0	0	0.0%	0	0	0	0.0%
Parks and Recreation Department	192,789	0	0.0%	0	0	57,820	30.0%
Total	192,789	0	0.0%	0	0	57,820	30.0%
Montgomery County							
Commissioners' Office	0	0	0.0%	0	0	0	0.0%
Planning Department	9,872	0	0.0%	0	0	0	0.0%
Parks Department	41,626	0	0.0%	0	0	0	0.0%
Total	51,498	0	0.0%	0	0	0	0.0%
Central Administrative Services							
Dept. of Human Resources and Mgt.	0	0	0.0%	0	0	0	0.0%
Finance Department	37,796	0	0.0%	37,796	0	0	100.0%
Legal Department	0	0	0.0%	0	0	0	0.0%
Merit Board	0	0	0.0%	0	0	0	0.0%
Total	37,796	0	0.0%	37,796	0	0	100.0%
Grand Total	\$ 282,083	\$ -	0.0%	\$ 37,796	\$ -	\$ 57,820	33.9%

Purpose of Summary of Waiver Report:

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

Sole Source: 4

It has been determined that:

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

Prepared by Department of Human Resources and Management
 February 8, 2016




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

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

March 3, 2016

TO: Commissioners

VIA: Patricia C. Barney, Executive Director 

FROM: Joseph C. Zimmerman, Secretary/Treasurer

SUBJECT: MFD Purchasing Statistics— Second Quarter FY16

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

Some of the observations of this FY16 report include:

- Attachment A indicates that through the second quarter of FY16, the Commission procured approximately \$44.8 million in goods, professional services, construction and miscellaneous services. Approximately 18.8% or \$8.4 million was spent with minority, female and disabled (MFD) owned firms.
- Attachment B indicates that in the second quarter MFD utilization was 20.1%. The MFD utilization is lower than normal and we will be working with the Departments to increase outreach efforts.
- Attachment C represents the MFD participation by type of procurement. The MFD participation for construction through the second quarter of FY16 was 31.1%. Attachment C also indicates that the largest consumers of goods and services in the Commission are the Prince George's County Department of Parks and Recreation and the Montgomery County Department of Parks. These programs significantly impact the Commission's utilization of MFD firms. The MFD cumulative utilization numbers for these departments through the second quarter are 21.6% and 11.8%, respectively.
- Attachment D presents the FY16 activity for the Purchase Card program totaling approximately \$6.3 million of which 5.2 % was spent with minority, female and disabled (MFD) firms. The amount of procurement card activity represents approximately 14.2%

of the Commission's total procurement dollars. One reason for lower MFD participation on the purchase card is that the cards are used with national retail corporations when a quick purchase for a maintenance job is needed. The purchase cards are also used for training registration in order to guarantee attendance.

- Attachment E portrays the historic MFD participation rates, and the total procurement from FY 1991 to second quarter FY16.
- Attachments F & G shows the MFD participation in procurements at various bid levels to determine if MFD vendors are successful in obtaining opportunities in procurements that require informal bidding and formal bidding. Based on the department analysis, MFD vendors do appear to be participating, at an overall rate of 18.1% in informal (under \$30,000) and 19.3% in the formal (over \$30,000) procurements. In the newest delegation for transactions under \$10k, MFD participation is 17.4%. MFD vendors are participating at an overall rate of 23.1 % in transactions over \$250,000.00
- Attachment H presents the total amount of procurements and the number of vendors by location. Of the \$44.8 million in total procurement, approximately \$31.4 million was procured from Maryland vendors. Of the \$8.4 million in procurement from MFD vendors, \$7.9 million was procured from MFD vendors located in Maryland.
- Attachment I compares the utilization of MFD vendors by the Commission with the availability of MFD vendors. The results show under-utilization in the following categories: African American, Asian, Native American and Females. The amount and percentage of procurement from MFD vendors is broken out by categories as defined by the Commission's Anti-Discrimination Policy. The availability percentages are taken from the most recent State of Maryland disparity study dated July 5, 2013.
- Attachments J and K are prepared by the Department of Human Resources and Management and show the amount and number of waivers of the procurement policy by department and by reason for waiver. Total waivers were approximately 1.4% of total procurement.

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

Attachments

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
FY 2016
FOR SIX MONTHS ENDED DECEMBER 31, 2015

Attachment A

	<u>Procurement</u>		<u>Waivers</u>		<u>Procurement</u>	
	<u>Total \$</u>		<u>Total \$</u>	<u>Total #</u>	<u>MFD \$</u>	<u>%</u>
<u>Prince George's County</u>						
Commissioners' Office	\$ 102,994	\$ -	-	-	\$ 11,882	11.5%
Planning Department	726,801	-	-	-	44,121	6.1%
Parks and Recreation Department	33,011,232	335,787	11		7,118,134	21.6%
Total	<u>33,841,027</u>	<u>335,787</u>	<u>11</u>		<u>7,174,137</u>	<u>21.2%</u>
<u>Montgomery County</u>						
Commissioners' Office	6,554	-	-	-	455	6.9%
Planning Department	1,108,599	57,872	2		6,155	0.6%
Parks Department	9,262,836	41,626	1		1,091,068	11.8%
Total	<u>10,377,989</u>	<u>99,498</u>	<u>3</u>		<u>1,097,678</u>	<u>10.6%</u>
<u>Central Administrative Services</u>						
Dept. of Human Resources and Mgt.	307,590	-	-	-	99,018	32.2%
Finance Department	232,326	174,429	2		31,739	13.7%
Legal Department	32,875	7,500	1		9,219	28.0%
Merit Board	0	-	-	-	-	0.0%
Office of Chief Information Officer	1,306	-	-	-	-	0.0%
Office of Internal Auditor	10,800	-	-	-	451	4.2%
Total	<u>584,897</u>	<u>181,929</u>	<u>3</u>		<u>140,427</u>	<u>24.0%</u>
Grand Total	<u>\$ 44,803,913</u>	<u>\$ 617,214</u>	<u>17</u>		<u>\$ 8,412,242</u>	<u>18.8%</u>

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

Prepared by Finance Department
February 17, 2016

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT STATISTICS

FY 2016

MFD STATISTICS - CUMULATIVE AND ACTIVITY BY QUARTER

Attachment B

CUMULATIVE BY QUARTER

	SEPTEMBER	DECEMBER	MARCH	JUNE
<u>Prince George's County</u>				
Commissioners' Office	7.7%	11.5%		
Planning Department	13.0%	6.1%		
Parks and Recreation Department	21.3%	21.6%		
Total	21.2%	21.2%		
<u>Montgomery County</u>				
Commissioners' Office	6.3%	6.9%		
Planning Department	0.6%	0.6%		
Parks Department	12.6%	11.8%		
Total	11.2%	10.6%		
<u>Central Administrative Services</u>				
Dept. of Human Resources and Mgt.	54.1%	32.2%		
Finance Department	13.3%	13.7%		
Legal Department	39.3%	28.0%		
Merit Board	0.0%	0.0%		
Office of Chief Information Officer	0.0%	0.0%		
Office of Internal Auditor	1.6%	4.2%		
Total	30.8%	24.0%		
Grand Total	17.5%	18.8%		

ACTIVITY BY QUARTER

	FIRST QUARTER	SECOND QUARTER	THIRD QUARTER	FOURTH QUARTER	TOTAL
<u>Prince George's County</u>					
Commissioners' Office	7.7%	13.8%			11.5%
Planning Department	13.0%	4.0%			6.1%
Parks and Recreation Department	21.3%	21.7%			21.6%
Total	21.2%	21.2%			21.2%
<u>Montgomery County</u>					
Commissioners' Office	6.3%	7.0%			6.9%
Planning Department	0.6%	0.0%			0.6%
Parks Department	12.6%	7.4%			11.8%
Total	11.2%	7.1%			10.6%
<u>Central Administrative Services</u>					
Dept. of Human Resources and Mgt.	54.1%	10.8%			32.2%
Finance Department	13.3%	15.6%			13.7%
Legal Department	39.3%	13.9%			28.0%
Merit Board	0.0%	0.0%			0.0%
Office of Chief Information Officer	0.0%	0.0%			0.0%
Office of Internal Auditor	1.6%	11.4%			4.2%
Total	30.8%	11.7%			24.0%
Grand Total	17.5%	20.1%			18.8%

Prepared by Finance Department
February 17, 2016

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
BY MAJOR PROCUREMENT CATEGORY
FY 2016
FOR SIX MONTHS ENDED DECEMBER 31, 2015

ATTACHMENT C

	Grand Total	Montgomery Planning	Montgomery Parks	Pr. Geo. Parks & Recreation	Pr. Geo. Planning	Dept. of Human Res. & Mgt.	Legal Department	Finance Department
Goods:								
Total \$	\$ 16,490,524	\$ 796,882	\$ 4,449,157	\$ 11,021,409	\$ 73,913	\$ 66,475	\$ 9,105	\$ 73,583
MFD\$	\$ 1,100,293	\$ 155	\$ 144,413	\$ 860,659	\$ 23,594	\$ 36,786	\$ 7,220	\$ 27,466
Percentage	6.7%	0.0%	3.2%	7.8%	31.9%	55.3%	79.3%	37.3%
Miscellaneous Services:								
Total \$	\$ 8,331,383	\$ 294,494	\$ 1,192,625	\$ 6,096,066	\$ 526,030	\$ 122,004	\$ 22,915	\$ 77,249
MFD\$	\$ 1,775,944	\$ 6,000	\$ 230,383	\$ 1,454,803	\$ 20,527	\$ 62,232	\$ 1,999	\$ 0
Percentage	21.3%	2.0%	19.3%	23.9%	3.9%	51.0%	8.7%	0.0%
Professional Services:								
Total \$	\$ 2,557,722	\$ 8,589	\$ 191,539	\$ 2,049,659	\$ 115,200	\$ 111,111	\$ 855	\$ 80,769
MFD\$	\$ 141,909	\$ 0	\$ 11,750	\$ 125,886	\$ 0	\$ 0	\$ 0	\$ 4,273
Percentage	5.5%	0.0%	6.1%	6.1%	0.0%	0.0%	0.0%	5.3%
Construction:								
Total \$	\$ 17,302,630	\$ 8,634	\$ 3,429,515	\$ 13,844,098	\$ 11,658	\$ 8,000	\$ 0	\$ 725
MFD\$	\$ 5,381,308	\$ 0	\$ 704,522	\$ 4,676,786	\$ 0	\$ 0	\$ 0	\$ 0
Percentage	31.1%	0.0%	20.5%	33.8%	0.0%	0.0%	0.0%	0.0%
SUBTOTAL								
Total \$	\$ 44,682,259	\$ 1,108,599	\$ 9,262,836	\$ 33,011,232	\$ 726,801	\$ 307,590	\$ 32,875	\$ 232,326
MFD\$	\$ 8,399,454	\$ 6,155	\$ 1,091,068	\$ 7,118,134	\$ 44,121	\$ 99,018	\$ 9,219	\$ 31,739
Percentage	18.8%	0.6%	11.8%	21.6%	6.1%	32.2%	28.0%	13.7%
Pr. Geo. Commissioners' Office								
Total \$	\$ 102,994							
MFD\$	\$ 11,882							
Percentage	11.5%							
Mont. Commissioners' Office								
Total \$	\$ 6,554							
MFD\$	\$ 455							
Percentage	6.9%							
Merit Board								
Total \$	\$ 0							
MFD\$	\$ 0							
Percentage	0.0%							
Office of Chief Information Officer								
Total \$	\$ 1,306							
MFD\$	\$ 0							
Percentage	0.0%							
Office of Internal Auditor								
Total \$	\$ 10,800							
MFD\$	\$ 451							
Percentage	4.2%							
GRAND TOTAL \$	\$ 44,803,913							
MFD\$	\$ 8,412,242							
Percentage	18.8%							

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
Comparison of MFD % for Total Procurement and Purchase Card Procurement
FY 2016
FOR SIX MONTHS ENDED DECEMBER 31, 2015

Attachment D

	Total Procurement		Purchase Card Procurement	
	Total \$	MFD %	Total \$	MFD %
<u>Prince George's County</u>				
Commissioners' Office	\$ 102,994	11.5%	\$ 31,031	23.6%
Planning Department	726,801	6.1%	46,560	7.4%
Parks and Recreation Department	33,011,232	21.6%	3,358,320	5.8%
Total	33,841,027	21.2%	3,435,911	6.0%
<u>Montgomery County</u>				
Commissioners' Office	6,554	6.9%	6,154	0.9%
Planning Department	1,108,599	0.6%	119,460	0.1%
Parks Department	9,262,836	11.8%	2,690,011	4.2%
Total	10,377,989	10.6%	2,815,625	4.0%
<u>Central Administrative Services</u>				
Dept. of Human Resources and Mgt.	307,590	32.2%	29,648	1.3%
Finance Department	232,326	13.7%	51,720	24.9%
Legal Department	32,875	28.0%	2,870	0.0%
Merit Board	-	0.0%	-	0.0%
Office of Chief Information Officer	1,306	0.0%	-	0.0%
Office of Internal Auditor	10,800	4.2%	4,042	11.2%
Total	584,897	24.0%	88,280	15.6%
Grand Total	\$ 44,803,913	18.8%	\$ 6,339,816	5.2%

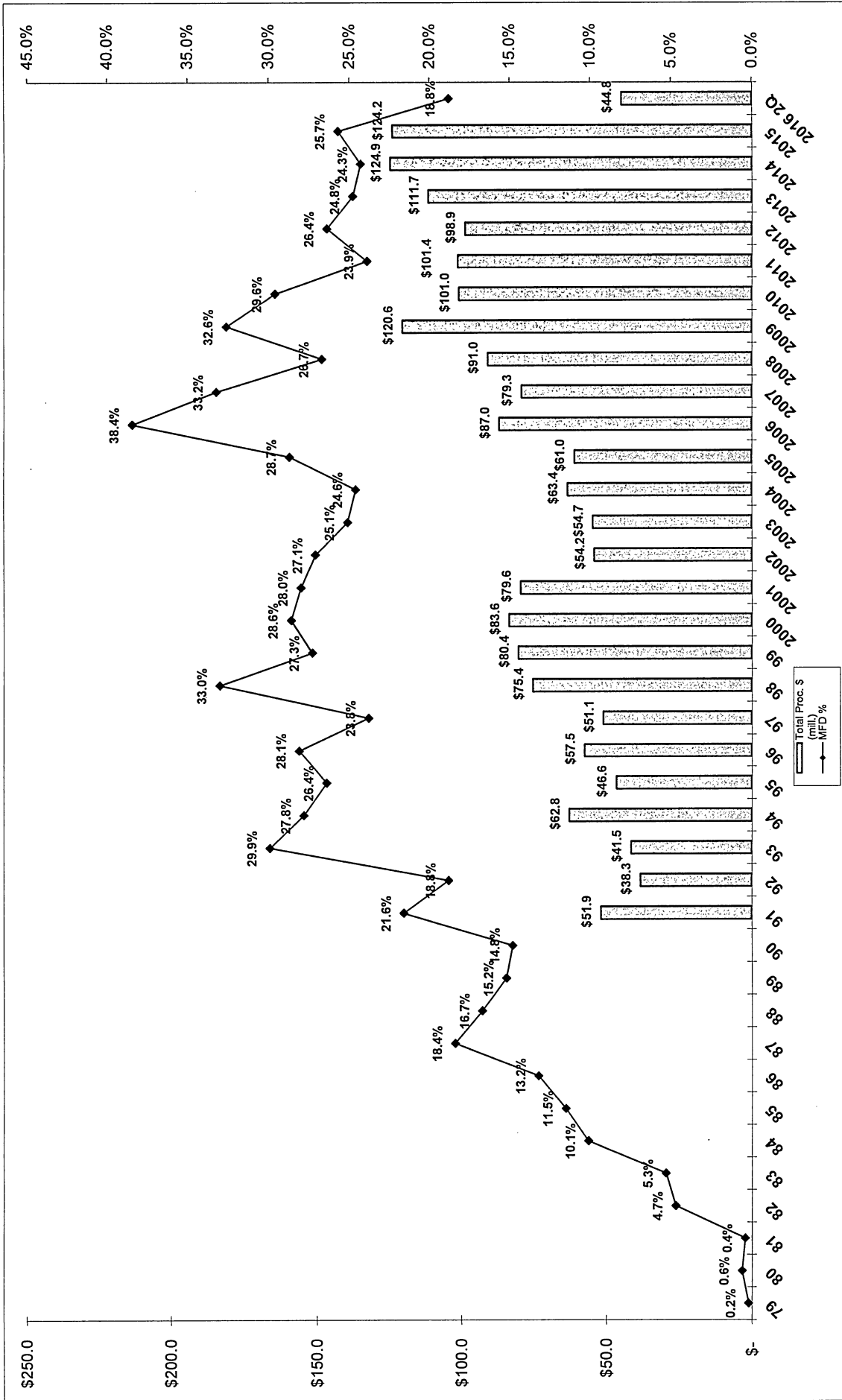
Percentage of Purchase Card Procurement to Total Procurement 14.2%

Prepared by Finance Department
February 17, 2016

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT RESULTS and TOTAL PROCUREMENT (millions)

Attachment E



Prepared by Finance Department
February 17, 2016

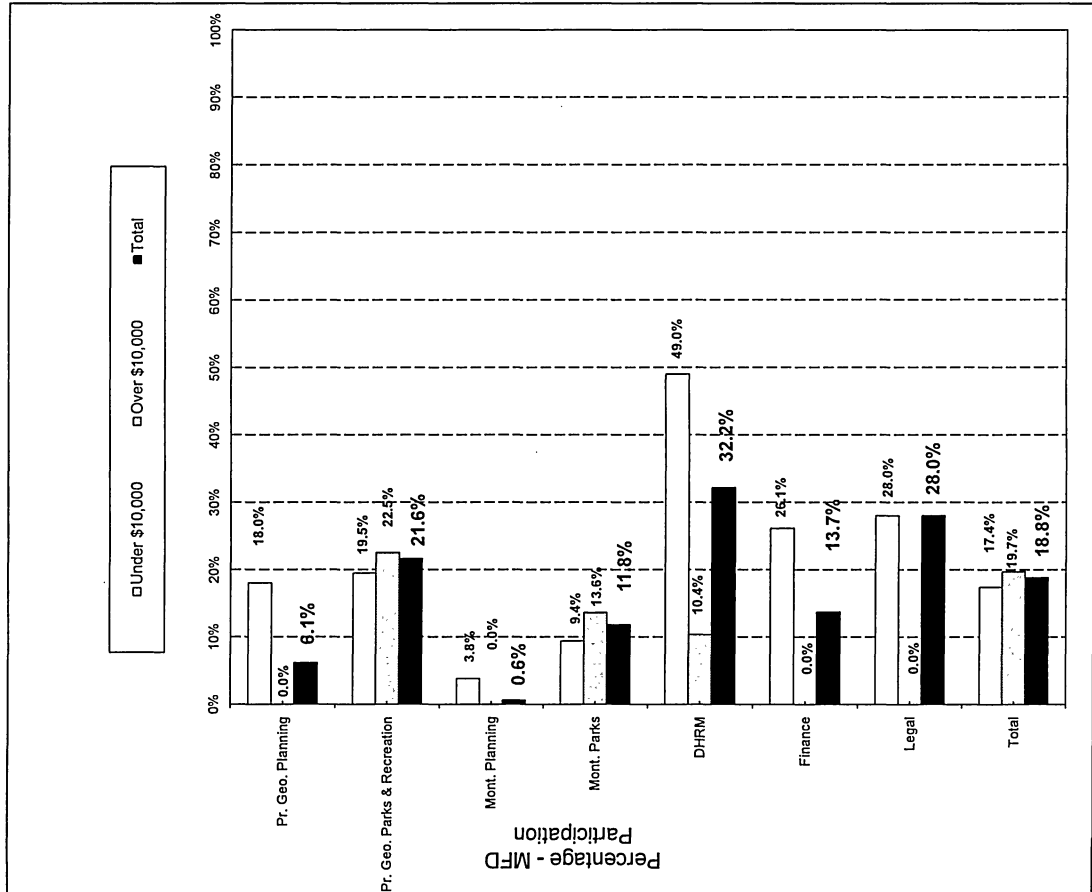
Attachment F

The Maryland-National Capital Park and Planning Commission

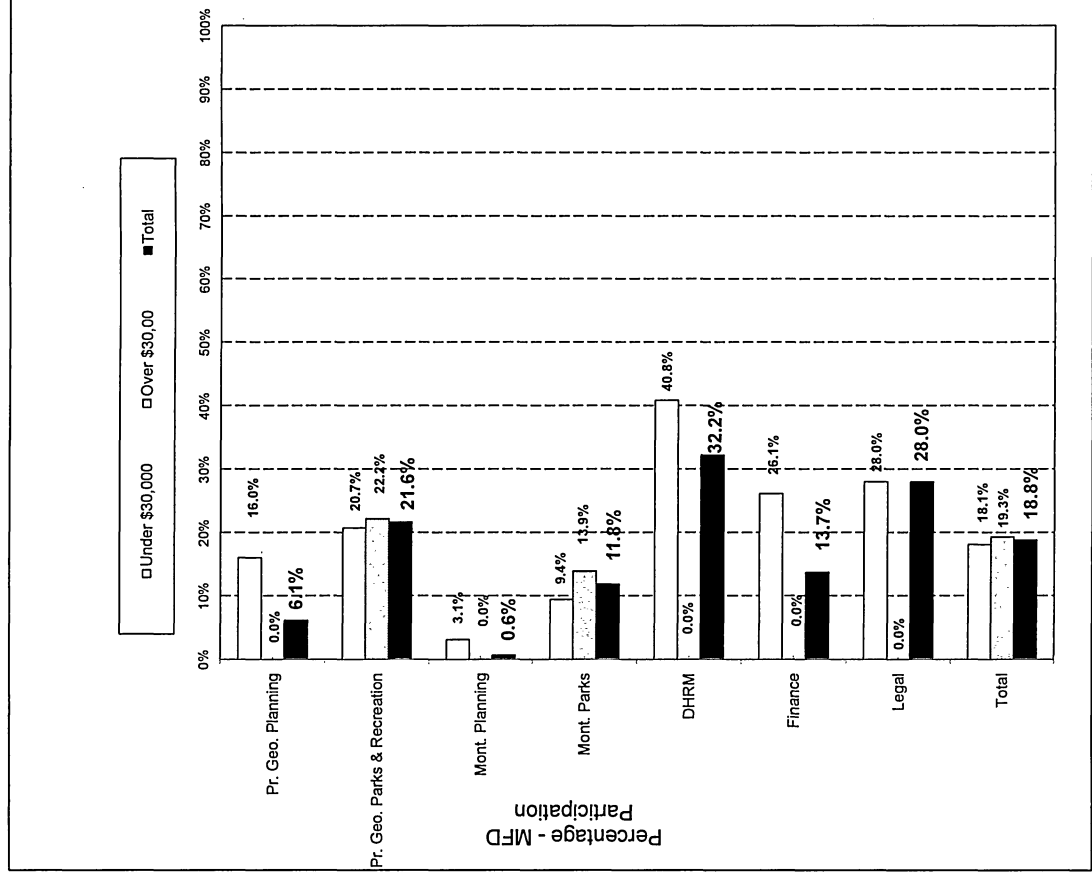
MFD Procurement Statistics - Transactions Under/Over \$10,000 & \$30,000 plus Total %

FY 2016 2Q

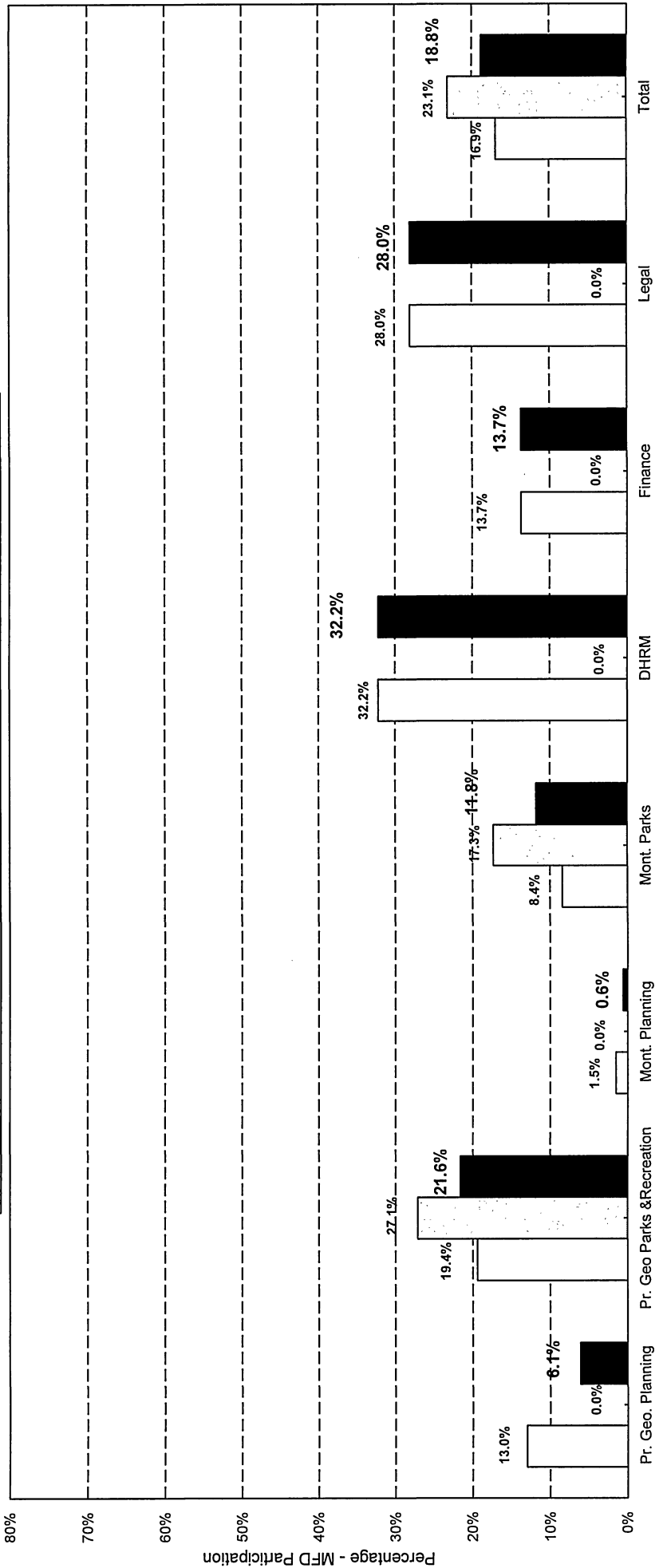
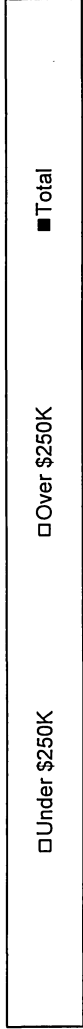
Under/Over \$10,000



Under/Over \$30,000



The Maryland-National Capital Park and Planning Commission
 MFD Procurement Statistics - Transactions Under /Over \$250,000 and Total %
 FY 2016 2Q



Prepared by Finance Department
 February 17, 2016

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Amount of Procurement and Number of Vendors by Location
FY 2016
FOR SIX MONTHS ENDED DECEMBER 31, 2015

Attachment H

TOTAL of ALL VENDORS

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Montgomery County	\$ 6,934,748	15.5%	219	15.5%
Prince George's County	7,144,739	15.9%	458	32.3%
Subtotal	14,079,487	31.4%	677	47.8%
Maryland - other locations	17,366,032	38.8%	254	17.9%
Total Maryland	31,445,519	70.2%	931	65.7%
District of Columbia	541,784	1.2%	73	5.2%
Virginia	1,392,914	3.1%	99	7.0%
Other Locations	11,423,696	25.5%	313	22.1%
Total	\$ 44,803,913	100.0%	1,416	100.0%

TOTAL of Non-MFD Vendors

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Montgomery County	\$ 4,997,444	13.7%	153	15.0%
Prince George's County	5,359,988	14.7%	276	26.9%
Subtotal	10,357,432	28.4%	429	41.9%
Maryland - other locations	13,193,078	36.3%	204	20.0%
Total Maryland	23,550,510	64.7%	633	61.9%
District of Columbia	416,294	1.1%	45	4.4%
Virginia	1,260,624	3.5%	66	6.5%
Other Locations	11,164,243	30.7%	278	27.2%
Total	\$ 36,391,671	100.0%	1,022	100.0%

TOTAL of MFD Vendors

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Montgomery County	\$ 1,937,304	23.0%	66	16.8%
Prince George's County	1,784,751	21.2%	182	46.1%
Subtotal	3,722,055	44.2%	248	62.9%
Maryland - other locations	4,172,954	49.6%	50	12.7%
Total Maryland	7,895,009	93.8%	298	75.6%
District of Columbia	125,490	1.5%	28	7.1%
Virginia	132,290	1.6%	33	8.4%
Other Locations	259,453	3.1%	35	8.9%
Total	\$ 8,412,242	100.0%	394	100.0%

Note: The following shows the amounts and percentages of procurement by the location of the department. The bi-county departments' activity is divided equally between the two Counties.

	<u>Total Procurement</u>		<u>MFD Procurement</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Amount</u>	<u>Percentage</u>
Prince George's County	\$ 34,133,476	76.2%	\$ 7,244,350	86.1%
Montgomery County	10,670,437	23.8%	1,167,892	13.9%
Total	\$ 44,803,913	100.0%	\$ 8,412,242	100.0%

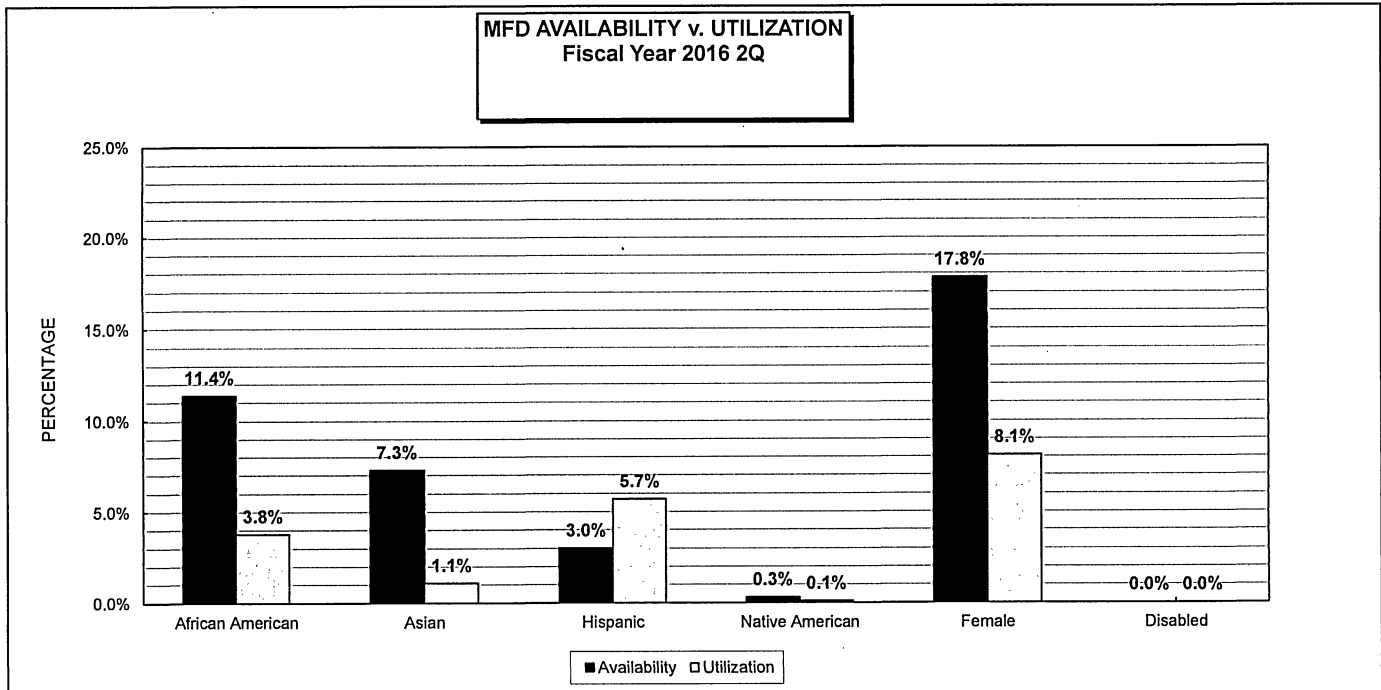
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT RESULTS
FY 2016
FOR SIX MONTHS ENDED DECEMBER 31, 2015

Attachment I

Total Amount of Procurement \$ **44,803,913**

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

	Procurement		Availability
	Amount	%	%
Minority Owned Firms			
African American	\$ 1,699,158	3.8%	11.4%
Asian	476,796	1.1%	7.3%
Hispanic	2,560,855	5.7%	3.0%
Native American	60,443	0.1%	0.3%
Total Minority Owned Firms	4,797,252	10.7%	22.0%
Female Owned Firms	3,611,947	8.1%	17.8%
Disabled Owned Firms	3,043	0.0%	n/a
Total Minority, Female, and Disabled Owned Firms	\$ 8,412,242	18.8%	39.8%



Note: (1) Availability percentages are taken from State of Maryland study titled "Disadvantaged Business Enterprise Disparity Study: Volume 1", dated July 5, 2013, table 2.23 on page 84.

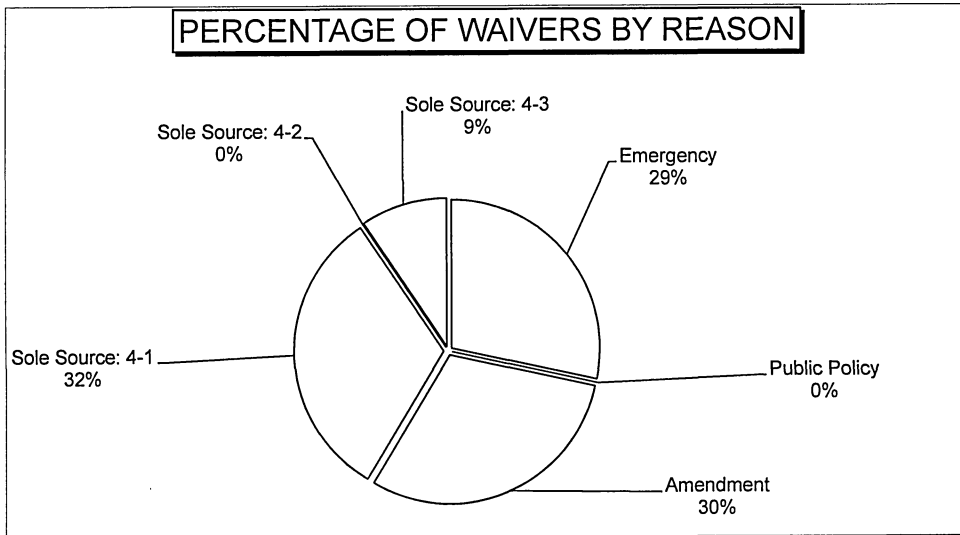
(2) n/a = not available

Prepared by Finance Department
February 17, 2016

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
REASONS FOR WAIVERS
CUMULATIVE DOLLAR AMOUNT & NUMBER OF WAIVERS
FY 2016
FOR SIX MONTHS ENDED DECEMBER 31, 2015

Attachment J

	NUMBER	AMOUNT	PERCENTAGE
Emergency	6	\$ 175,197	29%
Public Policy	0	\$ -	0%
Amendment	7	\$ 186,260	30%
Sole Source: 4-1	3	\$ 197,937	32%
Sole Source: 4-2	0	\$ -	0%
Sole Source: 4-3	1	\$ 57,820	9%
Total	17	\$ 617,214	100%



Waiver Reason Definitions:

Emergency:

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

Required by Law or Grant:

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

Amendment:

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

Sole Source 4:

It has been determined that:

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

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
TOTAL WAIVERS, MFD WAIVERS, AND SOLE SOURCE WAIVERS BY DEPARTMENT
PROCESSED FY 2016
FOR THE SIX MONTHS ENDED DECEMBER 31, 2015**

Attachment K

	Total Waivers	MFD/Waivers	% of MFD	Sole Source 4-1 Waivers	Sole Source 4-2 Waivers	Sole Source 4-3 Waivers	% Sole Source
	Number	Number	%	Number	Number	Number	%
	\$	\$		\$	\$	\$	
Prince George's County							
Commissioners' Office	0	-	0.0%	-	-	-	0.0%
Planning Department	0	-	0.0%	-	-	-	0.0%
Parks and Recreation Department	11	44,336	13.2%	23,508	-	57,820	24.2%
Total	11	44,336	13.2%	23,508	-	57,820	24.2%
Montgomery County							
Commissioners' Office	0	-	0.0%	-	-	-	0.0%
Planning Department	2	-	0.0%	-	-	-	0.0%
Parks Department	1	-	0.0%	-	-	-	0.0%
Total	3	-	0.0%	-	-	-	0.0%
Central Administrative Services							
Dept. of Human Resources and Mgt.	0	-	0.0%	-	-	-	0.0%
Finance Department	2	-	0.0%	174,429	-	-	100.0%
Legal Department	1	-	0.0%	-	-	-	0.0%
Merit Board	0	-	0.0%	-	-	-	0.0%
Total	3	-	0.0%	174,429	-	-	95.9%
Grand Total	17	\$ 44,336	7.2%	\$ 197,937	3	\$ 57,820	41.4%

Purpose of Summary of Waiver Report:

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

Sole Source: 4

It has been determined that:

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

Prepared by Department of Human Resources and Management
February 12, 2016

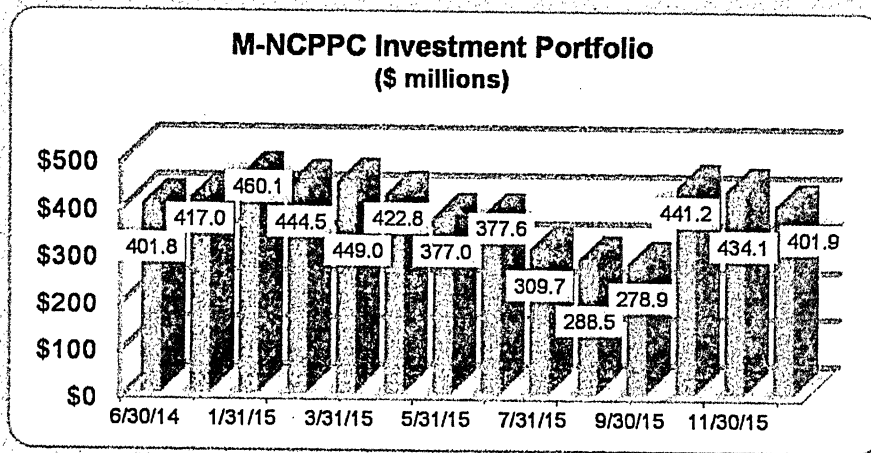


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 TREASURY OPERATIONS, FINANCE DEPARTMENT
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737
 Telephone (301) 454-1541 / Fax (301) 209-0413

MEMO

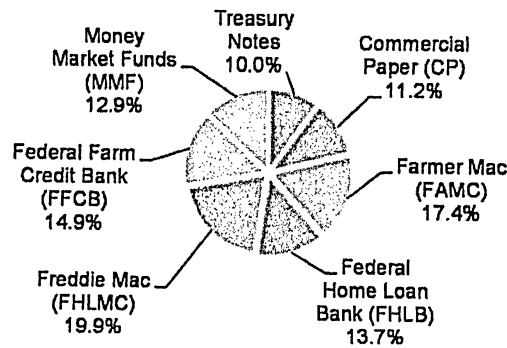
TO: Commissioners
 VIA: Joseph Zimmerman, Secretary-Treasurer
 FROM: Abbey Rodman, Investment & Treasury Operations Manager *AR*
 DATE: 2/22/2016
 SUBJECT: Investment Report – December 2015

The Commission's pooled cash investment portfolio totaled \$401.9 million as of December 31, 2015, with a 44.1% increase from September 30, 2015. Details are as follows:



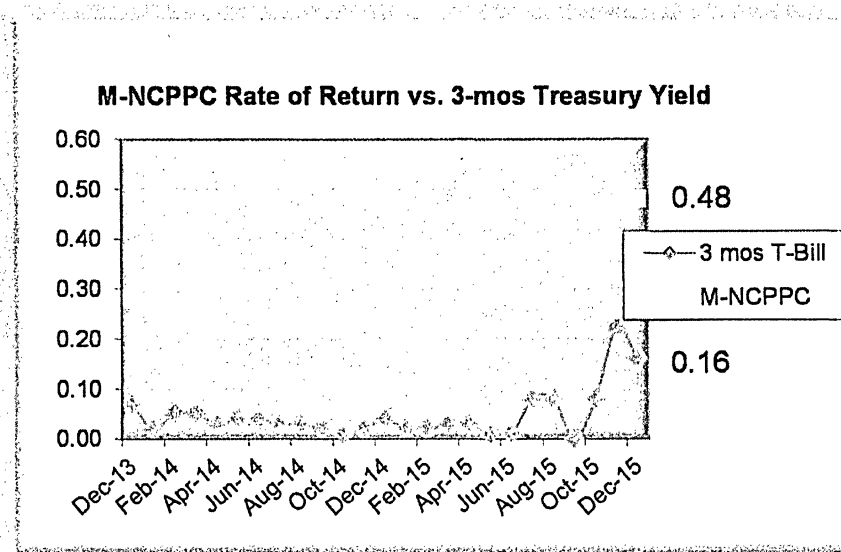
The composition of the pooled cash portfolio as of December 31, 2015 is summarized below:

Portfolio Composition as of 12/31/15

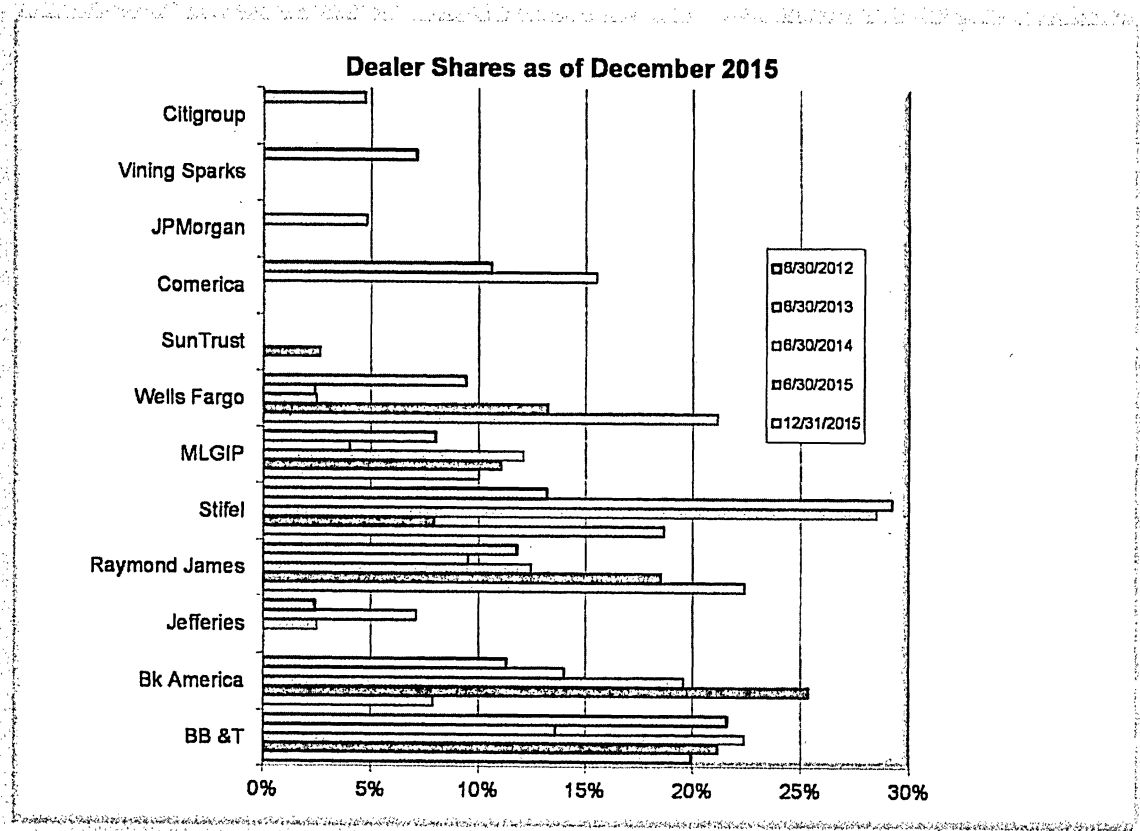


Current Investment Portfolio - December 2015				
Instrument	Policy Limit	Actual	Par Value	Wtd. Avg. Return (B/E)
Freddie Mac	20%	20%	\$ 80,000,000	0.81%
Farmer Mac	20%	17%	70,000,000	0.53%
Federal Farm Credit Bureau	20%	15%	60,000,000	0.38%
Federal Home Loan Banks	20%	14%	55,000,000	0.31%
Money Funds	25%	13%	51,873,809	n/a
Commercial Paper	10%	11%	45,000,000	0.66%
Treasury Notes	100%	10%	40,000,000	0.68%
Certificates of Deposit	50%	0%	-	
Fannie Mae	20%	0%	-	
Bankers Acceptances	50%	0%	-	
Repurchase Agreements	60%	0%	-	
			\$ 401,873,809	0.54%

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



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- 12/31/15	
Prince George's County (PGC-2015A)	\$ 21,088,477
Prince George's County (PGC-2014A)	9,221,166
Montgomery County (MC-2014A)	1,540,635
	\$ 31,850,278

The Commission had debt service payments during the quarter totaling \$3,772,897, of which \$2,680,000 was principal and \$1,092,897 was interest.

Details by issue of debt outstanding as of December 31, 2015 appear below:

Debt Balances -December 2015					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
KK-2 (Refunded AA-2)	17,300,000	5,481,298	32%	Apr-08	May-18
NN-2 (Refunded Z-2)	14,080,000	8,080,000	57%	Mar-10	May-21
EE-2	37,525,000	9,240,000	25%	Mar-04	Jan-17
PG-2012A	11,420,000	8,000,000	70%	Jun-12	Jun-24
JJ-2	8,900,000	355,000	4%	May-07	May-17
PGC-2014A	26,565,000	25,295,000	95%	May-14	Jan-34
PGC-2015A (New)	24,820,000	24,820,000	100%	Oct-15	Jan-25
Total Prince George's County	\$ 140,610,000	\$ 81,271,298	58%		
Montgomery County					
LL-2	8,405,000	3,555,000	42%	May-09	Nov-20
FF-2 (ALA)	2,000,000	1,080,000	54%	Nov-04	Dec-24
FF-2	4,000,000	480,000	12%	Nov-04	Dec-24
II-2	4,700,000	3,220,000	69%	Mar-07	Apr-27
MM-2	5,250,000	3,780,000	72%	May-09	Nov-28
MC-2012A	12,505,000	10,900,000	87%	Apr-12	Dec-32
MC-2012B	3,000,000	2,630,000	88%	Apr-12	Dec-32
MC-2014A	14,000,000	13,005,000	93%	Jun-14	Jun-34
Total Montgomery County	\$ 53,860,000	\$ 38,650,000	72%		
Total	\$ 194,470,000	\$ 119,921,298	62%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012
 FISCAL YEAR 2016 - December 31, 2015

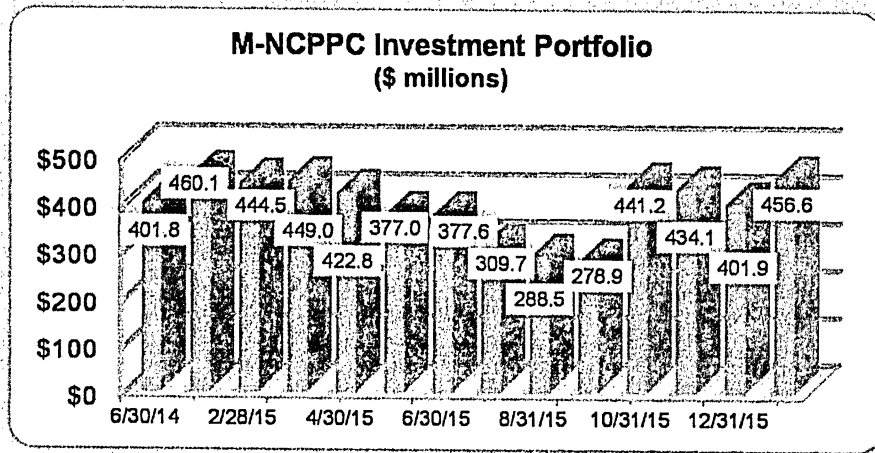
OBJECTIVES			Met Objective	Within Limits	Comments
Protection of principal			Yes		
Limiting types and amounts of securities	Limit			Yes	
US Government	100%				All securities purchases were within the limits established by the Investment Policy at the time of purchase of the investments. This monthly report is prepared for the Secretary-Treasurer to demonstrate compliance with investment policy objectives and limitations.
US Federal Agencies - combined	60%				
US Federal Agencies - each	20%				
Repurchase Agreements	60%				
CD's and Time Deposits	50%				
Commercial Paper	10%				
Money Market Mutual Funds	25%				
MD Local Gov't Investment Pool	25%				
Investing Bond Proceeds:					
State and local agency securities	100%				
Money Market Mutual Funds	10%				
Bond Proceeds:					T. Rowe Price managed all funds within limits
Highly-rated state / local agency securities					
Highly-rated money market mutual funds (Max. 10% in lower-rated funds)					
Pre-qualify financial institutions, broker/dealers, intermediaries and advisers				Yes	All firms must meet defined capital levels and be approved by the Secretary-Treasurer
Ensure competition among participants	30%			Yes	No dealer share exceeded 30%
Competitive Bidding				Yes	All purchases awarded competitively.
Diversification of Maturities					All maturities within limits
Majority of investments shall be a maximum maturity of one (1) year. A portion may be as long as two years.					
Require third-party collateral and safekeeping, and delivery-versus-payment settlement				Yes	M&T Investments serves as custodian, monitoring compliance daily
Maintain sufficient liquidity			Yes		Sufficient funds available for all cash requirements during period
Attain a market rate of return			Yes		Exceeded by 32 basis points.
					The pro-rated rates of return for the portfolio and T-bills were 0.48% and 0.16%, respectively.



MEMO

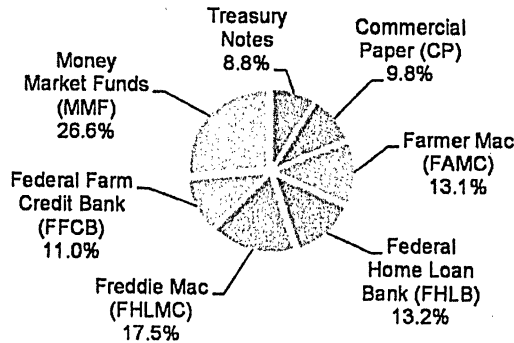
TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Abbey Rodman, Investment & Treasury Operations Manager *AR*
DATE: 2/24/2016
SUBJECT: Investment Report – January 2016

The Commission’s pooled cash investment portfolio totaled \$456.6 million as of January 31, 2016, with a 13.6% increase from December 31, 2015. Details are as follows:



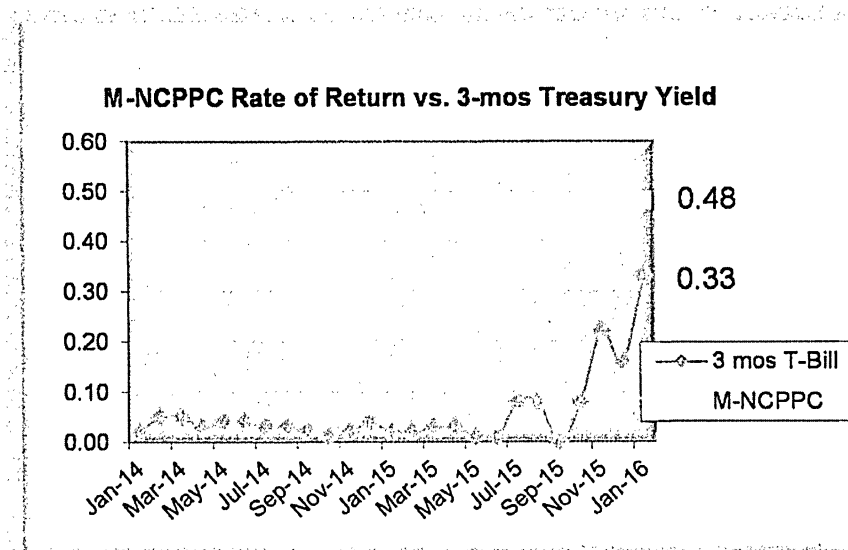
The composition of the pooled cash portfolio as of January 31, 2016 is summarized below:

Portfolio Composition as of 01/31/16

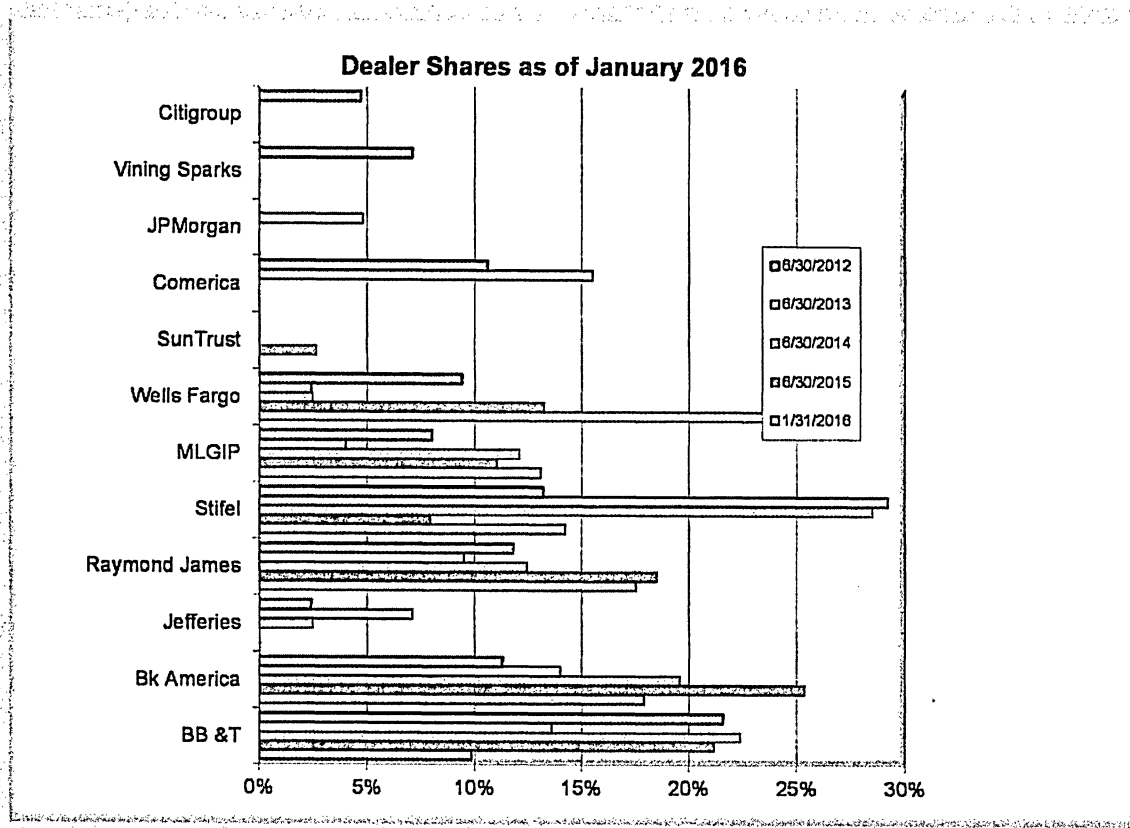


Current Investment Portfolio - January 2016				
Instrument	Policy		Par Value	Wtd. Avg. Return (B/E)
	Limit	Actual		
Money Funds	25%	27%	\$ 121,598,945	n/a
Freddie Mac	20%	18%	80,000,000	0.81%
Farmer Mac	20%	13%	60,000,000	0.54%
Federal Home Loan Banks	20%	13%	60,000,000	0.44%
Federal Farm Credit Bureau	20%	11%	50,000,000	0.41%
Commercial Paper	10%	10%	45,000,000	0.66%
Treasury Notes	100%	9%	40,000,000	0.68%
Certificates of Deposit	50%	0%	-	
Fannie Mae	20%	0%	-	
Bankers Acceptances	50%	0%	-	
Repurchase Agreements	60%	0%	-	
			\$ 456,598,945	0.60%

The pooled cash portfolio complied with all policy limits with regard 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- 01/31/16	
Prince George's County (PGC-2015A)	\$ 21,107,639
Prince George's County (PGC-2014A)	9,223,585
Montgomery County (MC-2014A)	1,541,258
	<u>\$ 31,872,482</u>

The Commission had debt service payments during the month totaling \$4,921,319, of which \$4,200,000 was principal and \$721,319 was interest.

Details by issue of debt outstanding as of January 31, 2016 appear below:

Debt Balances -January 2016					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
KK-2 (Refunded AA-2)	17,300,000	5,481,298	32%	Apr-08	May-18
NN-2 (Refunded Z-2)	14,080,000	8,080,000	57%	Mar-10	May-21
EE-2	37,525,000	4,610,000	12%	Mar-04	Jan-17
PG-2012A	11,420,000	7,060,000	62%	Jun-12	Jun-24
JJ-2	8,900,000	355,000	4%	May-07	May-17
PGC-2014A	26,565,000	24,350,000	92%	May-14	Jan-34
PGC-2015A	24,820,000	24,820,000	100%	Oct-15	Jan-25
Total Prince George's County	\$ 140,610,000	\$ 74,756,298	53%		
Montgomery County					
LL-2	8,405,000	3,555,000	42%	May-09	Nov-20
FF-2 (ALA)	2,000,000	1,080,000	54%	Nov-04	Dec-24
FF-2	4,000,000	480,000	12%	Nov-04	Dec-24
II-2	4,700,000	3,220,000	69%	Mar-07	Apr-27
MM-2	5,250,000	3,780,000	72%	May-09	Nov-28
MC-2012A	12,505,000	10,900,000	87%	Apr-12	Dec-32
MC-2012B	3,000,000	2,630,000	88%	Apr-12	Dec-32
MC-2014A	14,000,000	13,005,000	93%	Jun-14	Jun-34
Total Montgomery County	\$ 53,860,000	\$ 38,650,000	72%		
Total	\$ 194,470,000	\$ 113,406,298	58%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012
 FISCAL YEAR 2016 - January 31, 2016

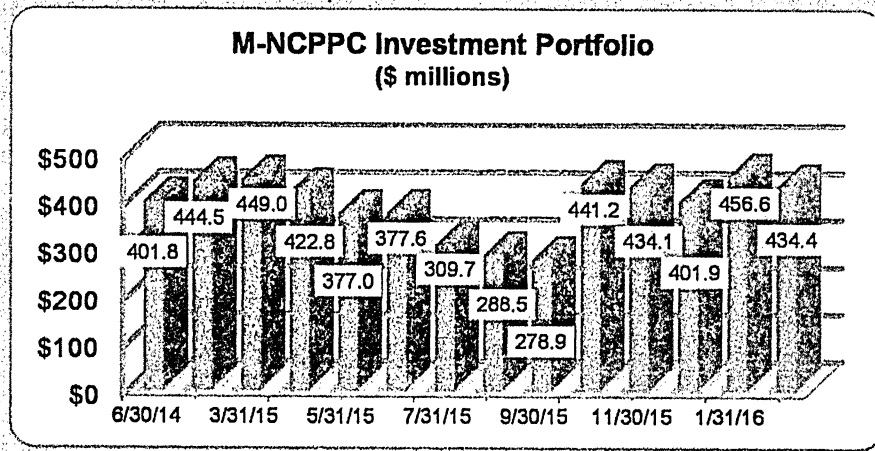
OBJECTIVES			Met Objective	Within Limits	Comments
Protection of principal			Yes		
Limiting types and amounts of securities	Limit			Yes	
US Government		100%			
US Federal Agencies - combined		60%			
US Federal Agencies - each		20%			
Repurchase Agreements		60%			



MEMO

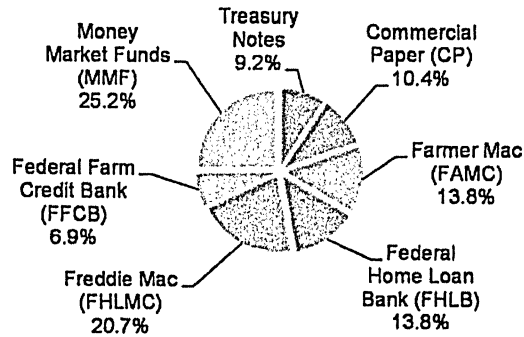
TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Abbey Rodman, Investment & Treasury Operations Manager *AR*
DATE: 3/9/2016
SUBJECT: Investment Report – February 2016

The Commission's pooled cash investment portfolio totaled \$434.4 million as of February 29, 2016, with a 4.86% decrease from January 31, 2016. Details are as follows:



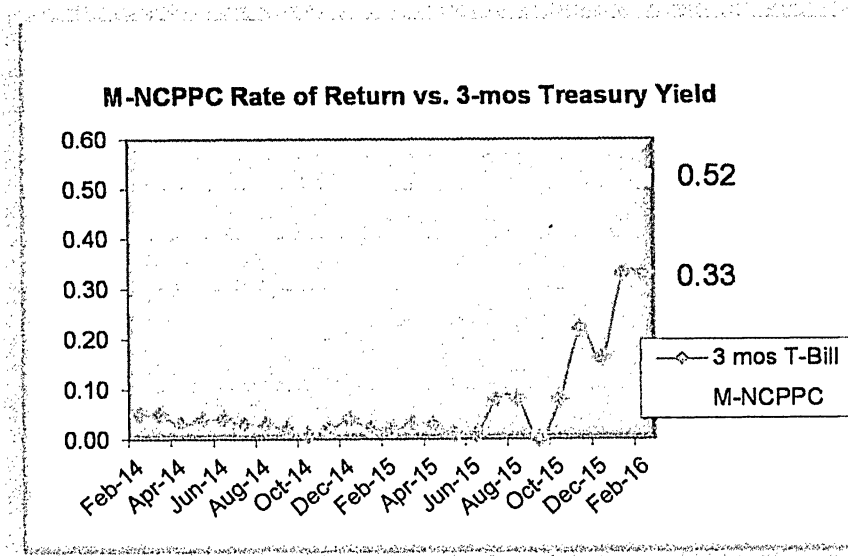
The composition of the pooled cash portfolio as of February 29, 2016 is summarized below:

Portfolio Composition as of 02/29/16

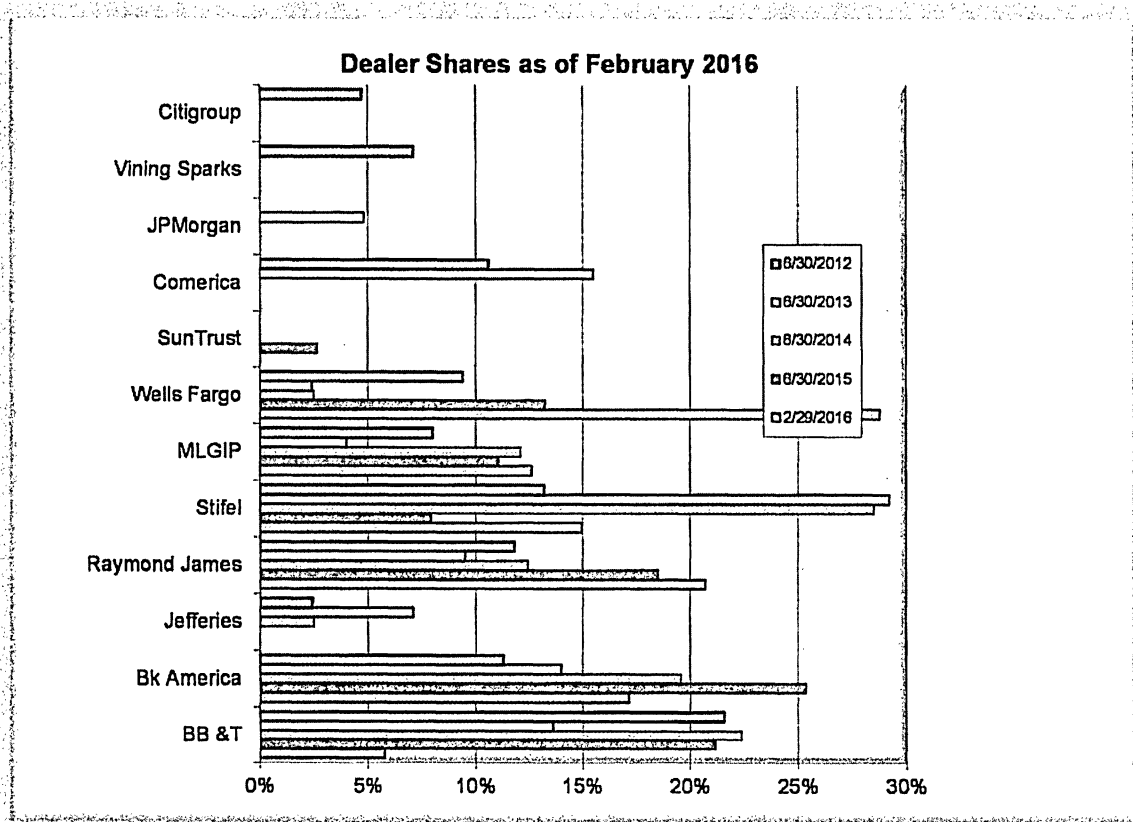


Current Investment Portfolio - February 2016				
Instrument	Policy Limit	Actual	Par Value	Wtd. Avg. Return (B/E)
Money Funds	25%	25%	\$ 109,394,086	n/a
Freddie Mac	20%	21%	90,000,000	0.85%
Farmer Mac	20%	14%	60,000,000	0.54%
Federal Home Loan Banks	20%	14%	60,000,000	0.44%
Commercial Paper	10%	10%	45,000,000	0.66%
Treasury Notes	100%	9%	40,000,000	0.68%
Federal Farm Credit Bureau	20%	7%	30,000,000	0.45%
Certificates of Deposit	50%	0%	-	
Fannie Mae	20%	0%	-	
Bankers Acceptances	50%	0%	-	
Repurchase Agreements	60%	0%	-	
			\$ 434,394,086	0.63%

The pooled cash portfolio complied with all policy limits with regard 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- 02/29/16	
Prince George's County (PGC-2015A)	\$ 21,109,953
Prince George's County (PGC-2014A)	9,166,883
Montgomery County (MC-2014A)	1,541,874
	\$ 31,818,710

The Commission had no debt service payments during the month.

Details by issue of debt outstanding as of February 29, 2016 appear below:

Debt Balances -February 2016					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
KK-2 (Refunded AA-2)	17,300,000	5,481,298	32%	Apr-08	May-18
NN-2 (Refunded Z-2)	14,080,000	8,080,000	57%	Mar-10	May-21
EE-2	37,525,000	4,610,000	12%	Mar-04	Jan-17
PG-2012A	11,420,000	7,060,000	62%	Jun-12	Jun-24
JJ-2	8,900,000	355,000	4%	May-07	May-17
PGC-2014A	26,565,000	24,350,000	92%	May-14	Jan-34
PGC-2015A	24,820,000	24,820,000	100%	Oct-15	Jan-25
Total Prince George's County	\$ 140,610,000	\$ 74,756,298	53%		
Montgomery County					
LL-2	8,405,000	3,555,000	42%	May-09	Nov-20
FF-2 (ALA)	2,000,000	1,080,000	54%	Nov-04	Dec-24
FF-2	4,000,000	480,000	12%	Nov-04	Dec-24
II-2	4,700,000	3,220,000	69%	Mar-07	Apr-27
MM-2	5,250,000	3,780,000	72%	May-09	Nov-28
MC-2012A	12,505,000	10,900,000	87%	Apr-12	Dec-32
MC-2012B	3,000,000	2,630,000	88%	Apr-12	Dec-32
MC-2014A	14,000,000	13,005,000	93%	Jun-14	Jun-34
Total Montgomery County	\$ 53,860,000	\$ 38,650,000	72%		
Total	\$ 194,470,000	\$ 113,406,298	58%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012
 FISCAL YEAR 2016 - February 29, 2016

OBJECTIVES			Met Objective	Within Limits	Comments
Protection of principal			Yes		
Limiting types and amounts of securities	Limit			Yes	
US Government	100%				All securities purchases were within the limits established by the Investment Policy at the time of purchase of the investments. This monthly report is prepared for the Secretary-Treasurer to demonstrate compliance with investment policy objectives and limitations.
US Federal Agencies - combined	60%				
US Federal Agencies - each	20%				
Repurchase Agreements	60%				
CD's and Time Deposits	50%				
Commercial Paper	10%				
Money Market Mutual Funds	25%				
MD Local Gov't Investment Pool	25%				
Investing Bond Proceeds:					
State and local agency securities	100%				
Money Market Mutual Funds	10%				
Bond Proceeds:					T. Rowe Price managed all funds within limits
Highly-rated state / local agency securities					
Highly-rated money market mutual funds (Max. 10% in lower-rated funds)					
Pre-qualify financial institutions, broker/dealers, intermediaries and advisers				Yes	All firms must meet defined capital levels and be approved by the Secretary-Treasurer
Ensure competition among participants	30%			Yes	No dealer share exceeded 30%
Competitive Bidding				Yes	All purchases awarded competitively.
Diversification of Maturities					All maturities within limits
Majority of investments shall be a maximum maturity of one (1) year. A portion may be as long as two years.					
Require third-party collateral and safekeeping, and delivery-versus-payment settlement				Yes	M&T Investments serves as custodian, monitoring compliance daily
Maintain sufficient liquidity			Yes		Sufficient funds available for all cash requirements during period
Attain a market rate of return			Yes		Exceeded by 19 basis points.
					The pro-rated rates of return for the portfolio and T-bills were 0.52% and 0.33%, respectively.



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

Reply To

March 4, 2016

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 the Month of February, 2016

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, March 16, 2016. 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.

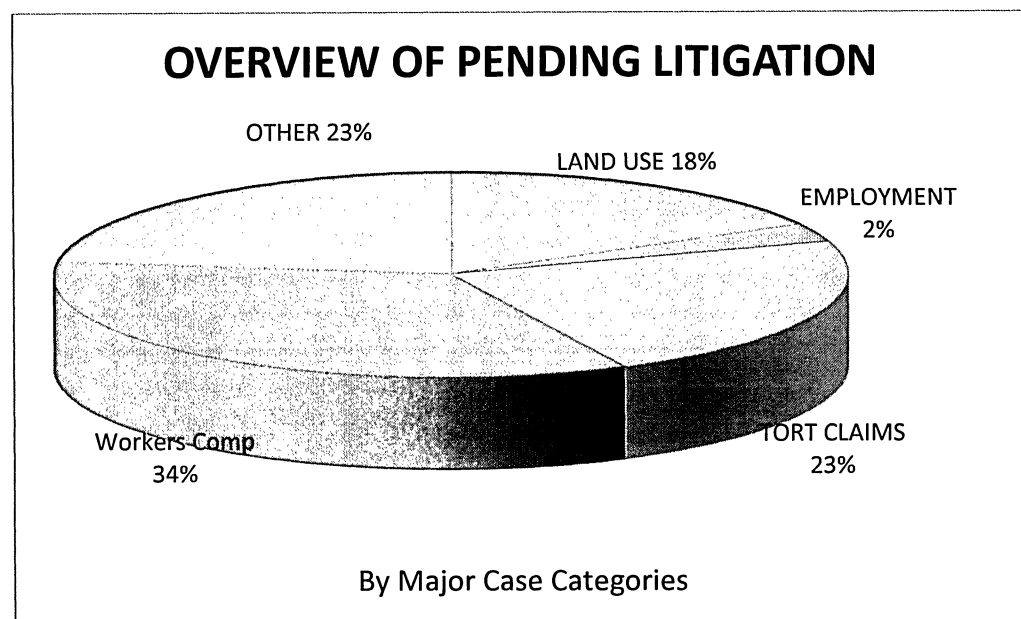
Table of Contents – February Report

Composition of Pending Litigation	Page 01
Overview of Pending Litigation (Chart).....	Page 01
Litigation Activity Summary.....	Page 02
Index of New YTD Cases (FY16)	Page 03
Index of Resolved YTD Cases (FY16)	Page 04
Disposition of FY16 Closed Cases Sorted by Department	Page 05
Index of Reported Cases Sorted by Jurisdiction.....	Page 09
Litigation Report Ordered By Court Jurisdiction	Page 11

February 2016 Composition of Pending Litigation

(Sorted By Subject Matter and Forum)

	State Trial Court	Federal Trial Court	Maryland COSA	Maryland Court of Appeals	Federal Appeals Court	U.S. Supreme Court	Subject Matter Totals
Admin Appeal: Land Use	1		1				2
Admin Appeal: Other							0
Land Use Dispute		1					1
Tort Claim	7	1					8
Employment Dispute			1				1
Contract Dispute	1	1	1				3
Property Dispute	3						3
Civil Enforcement	1						1
Workers' Compensation	12						12
Debt Collection							0
Bankruptcy							0
Miscellaneous	2		1		1		4
Per Forum Totals	27	3	4	0	1	0	35



February 2016 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2016			
	Pending In Jan/15	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	2			9	3	4	2
Admin Appeal: Other (AAO)	0			-			0
Land Use Disputes (LD)	1			1	1	1	1
Tort Claims (T)	8			10	7	10	8
Employment Disputes (ED)	1			1	1	3	1
Contract Disputes (CD)	3			4			3
Property Disputes (PD)	2	1		4	2	1	3
Civil Enforcement (CE)	1			1		1	1
Workers' Compensation (WC)	10	2		10	9	5	12
Debt Collection (D)	0			-			
Bankruptcy (B)	0			-			
Miscellaneous (M)	4	1	1	1	4	2	4
Totals	32	4	1	41	27	27	35

**INDEX OF YTD NEW CASES
(7/1/2015 TO 6/30/16)**

<u>A. New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Suggs v. Commission	PG	Tort	Aug 2015
Bell, et al v. Commission	MCPB	LD	Aug 2015
White v. Commission	PG	Tort	Aug 2015
Starks v. Kellogg, et al	MCPP	Tort	Aug 2015
Keeler v. Commission	MC	WC	Aug 2015
Giuffrida v. Commission	MC	WC	Sept 2015
Cohhn v. Commission	MC	Misc	Sept 2015
Commission v. Landover Polk Street Property, LLC	PG	PD	Sept 2015
Sutton v. Commission	PGPR	Tort	Nov 2015
Berry v. Volk-Lopez	MC	Tort	Nov 2015
Smith v. Commission	MC	WC	Nov 2015
Commission v. Guzman	MC	WC	Nov 2015
Shipe v. Louketis, et al	MC	Tort	Nov 2015
Tugwell v. Louketis, et al	MC	Tort	Nov 2015
Watkins v. Commission	PG	WC	Dec 2015
Town of Riverdale Park, et al v. Commission	PGPB	AALU	Dec 2015
Commission v. Morgan	MC	WC	Jan 2016
Belt v. Commission	PG	WC	Jan 2016
Commission v. 2005 Toyota Camry	MC	Misc	Jan 2016
Commission v. Ford	PG	WC	Feb 2016
Commission v. Fulwood	PG	WC	Feb 2016
Commission v. DeReggi	MC	PD	Feb 2016

<u>B. New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Commission v. Hill	PG	ED	Sept 2015
Smith v. MCPB	MCPB	AALU	Sept 2015
American Humanists Association, et al v. Commission	PG	Misc	Dec 2015
Friends of Croom Civil Assoc., et al v. Commission	PGPB	AALU	Dec 2015
Town of Forest Heights v. Commission	PG	Misc	Feb 2016

**INDEX OF YTD RESOLVED CASES
(7/1/2015 TO 6/30/16)**

<u>C. Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Anderson v. Commission	PGPR	Tort	July 2015
Armstrong v. Commission	PG	ED	July 2015
Quick v. Gathers	PGPR	Tort	July 2015
Quick v. Commission	PGPR	Tort	July 2015
Jang v. Commission	MC	Tort	Sept 2015
A. Jackson v. Commission	MC	Tort	Sept 2015
Commission v. Fleming	PG	Tort	Sept 2015
Hill v. Commission	PG	ED	Sept 2015
Moore v. Perry, et al	PG	Tort	Sept 2015
Bell, et al v. Commission	MC	LD	Sept 2015
Corsetti-Barczy v. Commission	PGPR	WCC	Oct 2015
Hawkins v. Commission	PGPR	Tort	Oct 2015
Jones v. Commission	PGPR	Tort	Oct 2015
Bell, et al v. Commission	MC	LD	Oct 2015
Commission v. McDonnell	PG	WCC	Nov 2015
Friends of Croom Civic Assoc., et al v. Commission	PG	AALU	Nov 2015
Commission v. Pirtle	MC	CE	Nov 2015
White v. Commission	PG	Tort	Dec 2015
American Humanist Association, et al v. Commission	PG	MISC	Dec 2015
Armstrong v. Commission	PG	ED	Dec 2015
L. Jackson v. Commission	PG	WCC	Jan 2016
L. Jackson v. Commission	PG	WCC	Jan 2016
Commission, et al v. Town of Forest Heights	PG	MISC	Feb 2016

D. Appellate Court Cases Resolved.

Rounds v. Commission	MC	PD	Sept 2015
Smith v. MCPB (COSA)	MCPB	AALU	Oct 2015
Smith v. MCPB (COA)	MCPB	AALU	Oct 2015
Kaviani v. Mont. County Planning Board	MCPB	AALU	Nov 2015

Disposition of FY16 Closed Cases Sorted By Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources and Management		
Montgomery County Department of Planning		
Bell, et al v. Commission	Plaintiffs filed complaint for Declaratory Judgment to declare invalid a Conservation Easement Agreement (407517-V)	08/28/15- Plaintiffs filed Notice of Dismissal without Prejudice.
Bell, et al v. Commission	Plaintiffs filed complaint for Declaratory Judgment to declare invalid a Conservation Easement Agreement (401282-V)	09/04/15-Case dismissed.
Commission v. Pirtle	Commission filed Petition for Judicial enforcement of Administrative Decision by the Planning Board Concerning Forest Conservation Easement violation	10/20/15- Complaint dismissed in open court.
Rounds v. Commission	Defense of claim for violations of the Maryland Constitution and declaratory relief concerning alleged Farm Road easement.	Mandate from Court of Appeals affirming in part and reversing in part; remanding to Court of Special Appeals directing that they remand case to Montgomery County for further proceeding; Circuit Court enters Order dismissing remaining count against . Commission on 06/25/15
Montgomery County Department of Parks		
Jang v. Commission, et al	Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.	07/29/15: Trial-judgment entered in the amount of \$9,080 and \$88 costs
A. Jackson v. Commission	Defense of tort claim for claimed slip and fall alleged broken sidewalk at Jessup Blair Park in Silver Spring, Maryland.	08/10/15: Jury Trial; verdict for Commission

Montgomery County Park Police			
Montgomery County Planning Board			
Kaviani v. Montgomery County Planning Board	Appeal filed from the Circuit Court ruling in the case of Montgomery County Planning Board's enforcement order in MCPB No. 13-118, regarding Citation number EPD000007	07/29/15- Court affirms judgment of the Circuit Court.	
Smith v. Montgomery County Planning Board	Commission appealed Circuit Court ruling for forest conservation violations at 21627 Ripplemead Drive.	06/02/15- Court of Special Appeals affirms decision by Montgomery County Planning Board	
Smith v. Montgomery County Planning Board	Commission appealed Circuit Court ruling for forest conservation violations at 21627 Ripplemead Drive.	09/21/15-Court of Appeals denies Writ of Certiorari	

Prince George's County Department of Parks and Recreation			
American Humanist Association, et al v. Commission	Defense of claim alleging violation of establishment clause of Constitution.	Motion for Summary Judgment filed by Commission granted on 11/30/15-ownership, maintenance and display of Monument does not violate Establishment clause of the First Amendment	
Anderson v. Commission	Defense of claim seeking damages for injuries to a minor sustained in an altercation while attending Rollingcrest/Chillum Community Center Park.	07/27/15-Case settled and complaint dismissed.	
Armstrong v. Commission	Defense of employment-related claim alleging discrimination, filed in Prince George's County, Md.	06/26/15-Notice of Removal to U. S. District Court; case dismissed	

Armstrong v. Commission	Defense of employment-related claim alleging discrimination	10/30/15-U. S. District Court grants Commission's Motion to Dismiss; order signed on 11/16/15.
Commission v. Fleming	Commission filed a lawsuit seeking subrogation recovery for amount due for personal injuries sustained by Commission employee.	08/04/15- Insurer settled and paid Commission for subrogated claim.
Commission v. McDonnell	Petitioner/Employer appealed WCC's decision for medical treatment to Claimant for her right shoulder injury	10/19/15-Dismissed and remanded back to WCC.
Corsetti-Barczy v. Commission	Claimant/employee is appealing the WCC's permanency award.	09/28/15 - Order of Court dismissing and remanding case back to WCC.
Hawkins v. Commission	Defense of tort claim for claimed near drowning while taking swimming lessons at Prince George's Sports and Learning Center in Landover, Maryland.	10/02/15-Motion for Summary Judgment granted, case dismissed.
Hill v. Commission	Employee is seeking judicial review of the Merit Board's dismissal of her appeal.	08/14/15- Oral Argument held, Court reversed and remanded to Merit System Board
Jones v. Commission	Defense of claim for trip and fall on alleged broken concrete and loose gravel at Tucker Road Community Center.	10/02/15-Case dismissed.
L. Jackson v. Commission	Claimant/employee is appealing the WCC's decision regarding low back not causally related to the accidental injury and denial of medical treatment and other benefits.	12/01/15-Case dismissed pursuant to Court stay
L. Jackson v. Commission	Claimant/employee is appealing the WCC's decision regarding low back exclusion from claim arising from 5/27/14 accidental injury	12/01/-15- Case dismissed pursuant to Court stay
Moore v. Perry, et al	Defense of claim for personal injury involving vehicle allegedly operated by Commission employee.	08/14/15- Case settled, line of dismissal filed.
Quick v. Commission	Defense of claim for alleged violations of the Americans with Disabilities Act.	06/18/15-Complaint dismissed by Court.
Quick v. Gathers	Defense of claim for alleged violations of the Americans with Disabilities Act.	06/18/15-Complaint dismissed by Court.

White v. Commission	Defense of claim for personal injuries involving a vehicle owned by Commission and operated by Commission employee.	11/24/15-Case settled, Line of Dismissal filed.
Prince George's County Planning Department		
Commission, et al v. The Town of Forest Heights	Commission filed lawsuit to stop the unlawful attempt by the Town of Forest Heights, Maryland to expand its geographical boundaries by annexing properties without the required consent of any affected property owner or popular vote.	01/29/16- Court declares 6 th and 7 th annexation null and void.
Friends of Croom Civic Association, et al. v. Commission	Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-11004 in Stephen's Crossing at Brandywine.	10/26/15- Judgment of Prince George's County Planning Board affirmed.
Prince George's County Planning Board		
Prince George's Park Police		
Office of Internal Audit		

INDEX OF CASES

DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND.....	11
Commission v. DeReggi.....	11
DISTRICT COURT FOR PRINCE GEORGE’S COUNTY, MARYLAND	11
Suggs v. Jones, et al.....	11
CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND	12
Belt v. Commission.....	12
CIRCUIT COURT FOR CARROLL COUNTY, MARYLAND.....	13
Shipe v. Louketis, et al	13
Tugwell v. Louketis, et al.....	13
CIRCUIT COURT FOR PRINCE GEORGE’S COUNTY, MARYLAND	14
Burnette v. Commission.....	14
Commission v. Ford	14
Commission v. Fulwood	14
Commission v. Landover Polk Street Properties, LLC.....	15
Glessner v. Commission	15
Leeks v. Commission	16
Newell v. Commission	16
Pollard v. Commission.....	16
Town of Riverdale Park, et al v. Commission	17
Watkins v. Commission	17
CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND.....	18
Berry v. Volk-Lopez, et al	18
Cohhn v. Commission	18
Commission v. 2005 Toyota Camry.....	18
Commission v. Guzman	19
Commission v. Johnson	19
Commission v. Morgan.....	20
Fort Myer Construction Corporation v. Commission	20
Giuffrida v. Commission	20
Keeler v. Commission	21
Rounds v. Commission.....	21
Smith v. Commission.....	22
Stark v. Kellogg, et al.....	22

MARYLAND COURT OF SPECIAL APPEALS	23
Commission v. Hill	23
Fort Myer Construction Corporation v. Commission, et al	23
Friends of Croom Civic Association, et al v. Commission	23
Town of Forest Heights v. Commission	24
MARYLAND COURT OF APPEALS	24
U.S. DISTRICT COURT OF MARYLAND	25
Hartford Casualty Insurance Company v. Commission	25
Pulte Home Corp, et al v. Montgomery County, et al.....	25
Sutton v. Commission	26
U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT	27
American Humanists Association, et al v. Commission	27

DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

Commission v. DeReggi
No. 601-0001203-2016 (PD)

Lead Counsel: Harvin/Adams
Other Counsel:

Abstract: Complaint for tenant holding over on Commission property located in Montgomery County.

Status: Complaint filed

Docket:

01/29/16	Complaint filed
03/16/16	Trial

DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Suggs v. Jones, et al
No. 0502-0016592-2015 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for personal injuries involving a vehicle allegedly owned by Commission and operated by Commission employee.

Status: Case settled.

Docket:

07/20/15	Complaint filed
08/18/15	Notice of Intention to Defend filed by Commission
01/27/16	Case settled.

CIRCUIT COURT FOR ANNE ARUNDEL, MARYLAND

Belt v. Commission

Case No. C-02-CV-16-000324 (WC- B75076)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision regarding permanent partial disability benefits.

Status: Pending trial.

Docket:

01/26/16	Petition filed
02/05/16	Court grants Order Extending Time for Record Transmittal
02/23/16	Response to Petition filed by Commission

CIRCUIT COURT FOR CARROLL COUNTY, MARYLAND

Shipe v. Louketis, et al

Case No. 06-C-15-070021 (Tort)

Lead Counsel: Adams
Other Counsel: Dickerson

Abstract: Defense of claim for assault & battery, intentional infliction of emotional distress, negligence, negligent hiring.

Status: Complaint filed.

Docket:

10/26/15	Complaint filed
11/20/15	Commission served
12/18/15	Motion to Dismiss and Memorandum filed by Commission
01/04/16	Partial Motion to Dismiss filed by Louketis
01/22/16	Opposition to Motion to Dismiss & Request for Hearing filed

Tugwell v. Louketis, et al

Case No. 06-C-15-069996 (Tort)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Defense of claim for assault & battery, intentional infliction of emotional distress, negligence, negligent hiring.

Status: Complaint filed.

Docket:

10/21/15	Complaint filed
11/20/15	Commission served
12/16/15	Motion to Dismiss and supporting Memorandum, Motion for Protective Order filed by Commission
01/04/16	Partial Motion to Dismiss filed by Louketis
01/22/16	Amended Complaint filed by Plaintiff
01/27/16	Second Amended Complaint filed by Plaintiff
02/17/16	Line filed by Commission responsive to Second Amended Complaint and renewing previous Motion to Dismiss

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Burnette v. Commission
CAL15-18263 (WC #W050308)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision regarding permanent partial disability benefits.

Status: Pending trial.

Docket:

02/24/15	Petition filed
06/03/15	Case transferred from Charles County
11/06/15	Pre-trial conference.
09/06/16	Trial Date

Commission v. Ford
CAL16-02123 (WC W070371)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision for de novo judicial review regarding determination that injury occurred during course of employment.

Status: Complaint filed.

Docket:

02/12/16	Petition for Judicial Review filed
----------	------------------------------------

Commission v. Fulwood
CAL16-02193 (WC W070371)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Commission is appealing the WCC's finding that she had an occupational disease.

Status: Complaint filed.

Docket:

02/26/16	Petition for Judicial Review filed
----------	------------------------------------

Commission v. Landover Polk Street Property, LLC
CAL 15-25609 (PD)

Lead Counsel: Gardner
Other Counsel: Chagrin

Abstract: Commission filed a condemnation action to acquire property for use by the Department of Parks and Recreation.

Status: Complaint filed.

Docket:

09/28/15	Complaint filed
11/03/15	Defendant served via private process.
11/18/15	Commission filed Motion to serve unknown Defendants.
11/30/15	Joint Motion to Extend Time to Answer Complaint filed.
12/30/15	Court grants Motion
05/03/16	Pre-trial Hearing

Glessner v. Surratt House
CAL 14-17158 (T)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Defense of tort claim against a Commission employee and facility based on the alleged slander of authenticity regarding a photograph the plaintiff purports to be of Abraham Lincoln.

Status: Case dismissed.

Docket:

07/02/14	Complaint filed; no summons issued for service on Commission.
08/06/14	Motion to Enter Judgment filed by Plaintiff, despite lack of service
10/21/14	Complaint filed; Court orders Request for Waiver of fees granted
11/14/14	Complaint filed.
05/12/15	Court dismisses case without prejudice
06/01/15	Court rescinds Order of Dismissal and finds service defective
08/14/15	Status hearing; counsel enters appearance for Plaintiff
10/05/15	Commission served with complaint
10/30/15	Status conference.
10/30/15	Commission files Motion to Dismiss
01/29/16	Court grants Commission's Motion to Dismiss, case dismissed

Leeks v. Commission

CAL15-09048 (WC W060284)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision denying occupational hypertension disease as causally related to his course of employment.

Status: Pending trial.
Docket:

05/06/15	Petition for Judicial Review filed
05/21/15	Answer filed.
09/30/15	Pre-trial conference.
12/18/15	Opposition to Motion for Summary Judgment filed by Commission
06/27/16	Trial date

Newell v. Commission
CAL15-05386 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for trip and fall on alleged wire hanging from the light display at Watkins Regional Park.

Status: In discovery.

Docket:

03/11/15	Complaint filed
12/16/15	Pre-trial conference
06/07/16	Trial date

Pollard v. Commission
CAL15-00392 (WC-B629257)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision denying the left hip surgery is causally related to his workers' compensation claim.

Status: Pending Trial.

Docket:

01/20/15	Petition filed
05/01/15	Motions Hearing; Motion to Dismiss denied.
03/08/16	Trial

Town of Riverdale Park, et al. v. M-NCPPC
CAL-15-32787 (AALU)

Lead Counsel: Mills
Other Counsel: Borden

Abstract: Defense against Administrative Appeal of decision by the Planning Board to approve Special Permit SP-150003 in 7-Eleven, Inc.

Status: Awaiting oral argument.

Docket:

11/05/15	Petition for Judicial Review Filed
11/17/15	Commission filed Response to Petition, Certificate of Compliance and Notice of Appeal
12/21/15	Record and Transcript Filed
03/04/16	Oral Argument Scheduled

Watkins v. Commission
CAL15-40296 (WC W050003)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Claimant/employee is appealing seeking de novo judicial review of the WCC's decision regarding need for IME for consideration as to causal relationship.

Status: Complaint filed.

Docket:

12/30/15	Petition for Judicial Review filed
06/08/16	Pre-trial conference

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Berry v. Lopez, et al

Case No. 414115-V (Tort)

NOTE-Case Venue Transferred from Prince George's County

Lead Counsel: Adams
Other Counsel: Dickerson

Abstract: Defense of police liability claim for alleged false imprisonment and wrongful detention arising from an incident in Montgomery County

Status: In discovery.

Docket:

01/21/16	Original Record from Prince George's County-CAL15-25864 transferred to Montgomery County
02/11/16	Commission files Motion to Dismiss and Memorandum
04/22/16	Scheduling Hearing
11/03/16	Pre-trial/Settlement Conference

Cohhn, et al v. Commission

Case No. 409148-V (M)

Lead Counsel: Dickerson
Other Counsel: Harvin

Abstract: Plaintiff filed complaint attempting to restrain Commission from implementing Archery Managed Deer Hunting Program in Montgomery County.

Status: In discovery.

Docket:

09/10/15	Complaint for Declaratory Judgment, A Temporary Restraining Order and Preliminary and Permanent Injunctive Relief filed.
09/11/15	Hearing: Court denies Temporary Restraining Order.
10/09/15	Answer filed by Commission.

Commission v. 2005 Toyota Camry

Case No. 412626-V (M)

Lead Counsel: Adams
Other Counsel:

Abstract: Commission filed motor vehicle forfeiture incident to drug related arrest.

Status: Pending hearing.

Docket:

12/14/15	Petition filed.
02/23/16	Court grants Commission's Motion to Dismiss Co-Defendant, Tsalta Financial Co, LLC with prejudice; reissue of service for Defendant Ashford

Commission v. Guzman
Case No. 411685-V (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Commission appealed WCC order authorizing medical treatment.

Status: Pending trial.

Docket:

11/17/15	Petition filed.
04/22/16	Status/Pre-trial hearing

Commission v. Johnson
Case No. 366677-V (CE)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Commission requesting finding of contempt in case in which the Court already granted the Commission's Petition for Judicial enforcement of Administrative Decision by the Planning Board Concerning Forest Conservation Easement violation.

Status: Further collection action and attempts to seek compliance by foreclosing bank.

Docket:

11/22/13	Petition for Issuance of Show Cause Order Filed
01/16/14	Contempt Hearing held and Judicial Order issued
01/22/14	Order-Defendant must respond to Plaintiff's Interrogatories by 2/17/14

Commission v. Morgan
Case No. 414111-V (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Commission appealed WCC Order finding that employee sustained an accidental injury arising out of and in the course of employment.

Status: Pending trial.

Docket:

01/21/16	Petition filed.
06/30/16	Status/Pre-trial hearing

Fort Myer Construction Corporation v. Commission
Case No. 399804-V (CD)

Lead Counsel: MarcusBonsib, LLC (Bruce L. Marcus)
Other Counsel: Dickerson

Abstract: Plaintiff filed complaint for alleged delays and damages associated with the erection of a steel girder pedestrian bridge in Montgomery County.

Status: Case stayed.

Docket:

01/23/15	Complaint filed
04/27/15	Motion for Appropriate Relief (Motion to Stay) filed by Commission
05/19/15	Plaintiff's Response to Commission's Motion for Appropriate Relief
10/27/15	Court grants Commission's Motion to Stay pending decisions from Court of Special Appeals
10/27/15	Commission's Motion for Stay granted.

Giuffrida v. Commission
Case No. 408754-V (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision.

Status: Pending trial.

Docket:

09/08/15	Petition filed.
05/18/16	Trial

Keeler v. Commission
Case No. 405704-V (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision regarding permanency.

Status: Pending trial.

Docket:

06/08/15	Petition filed.
02/23/16	Joint Motion to Remand filed
02/26/16	Order staying case for 30 days

Rounds v. Commission
Case #350954-V (PD)

Lead Counsel: Gardner
Other Counsel: Dickerson
Harvin

Abstract: Defense of claim for violations of the Maryland Constitution and declaratory relief concerning alleged Farm Road easement.

Status: Second Amended Complaint filed.

Docket:

04/30/15	Mandate returned from Court of Appeals; judgment affirmed in part and reversed in part; case remanded.
05/14/15	Commission's renewal of Motion to Dismiss
06/01/15	Plaintiff's Response to Commission's renewal of Motion to Dismiss
06/25/15	Court grants Commission's Motion to Dismiss Plaintiff's Amended Complaint
07/27/15	Court grants Plaintiffs sixty days to amend complaint
09/21/15	Second Amended Complaint filed
10/23/15	Commission's Motion to Dismiss for failure to join necessary parties filed
12/28/15	Motion to Stay Discovery filed by Commission
01/15/16	Commission's Motion to Stay denied
01/29/16	Status Hearing held
02/17/16	Motion to Compel Discovery filed
02/19/16	Motions Hearing held; Court takes matters under advisement
07/19/16	Status Hearing

Smith v. Commission
Case No. 411259-V (WC B717488)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's award of permanent partial disability under "other cases".

Status: Pending trial.

Docket:

11/02/15	Petition filed.
04/07/16	Pre-trial conference.

Starks v. Kellogg, et al
Case No. 407554-V (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee .

Status: Pending Trial.

Docket:

08/04/15	Complaint filed.
11/06/15	Scheduling Hearing
05/19/16	Pre-trial/Settlement conference.

MARYLAND COURT OF SPECIAL APPEALS

Commission v. Hill

September Term 2015, No. 01516 (ED)
(Originally filed under CAL15-04057)

Lead Counsel: Dickerson
Other Counsel: Adams

Abstract: Commission appealed Circuit Court ruling reversing and remanding employee termination to Merit Board System.

Status: Appeal filed.

Docket:

09/11/15	Notice of Appeal filed
09/2016	Argument

Fort Myer Construction Corporation v. Commission
Commission v. URS Corporation (Third Party claim by Commission)
2015 Term, No. 16 (CD)

Lead Counsel: MarcusBonsib, LLC (Bruce L. Marcus)
Other Counsel: Dickerson

Abstract: Fort Myer Construction Corporation appeals award of sanctions against it. Commission notes cross appeal, as does URS Corporation.

Status: Awaiting oral argument.

Docket:

03/09/15	Notice of Appeal filed by Plaintiff.
03/19/15	Notice of Appeal filed by Commission
03/20/15	Notice of Appeal filed by URS Corporation
06/17/15	Mediation held
03/02/16	Oral Argument held

Friends of Croom Civic Association, et al. v. Commission

Case No. 02177, September Term 2015 (AALU)
(Originally filed under CAL14-32333)

Lead Counsel: Mills
Other Counsel: Borden

Abstract: Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-11004 in Stephen's Crossing at Brandywine.

Status: Appeal Filed.

Docket:

12/07/15	Notice of Appeal
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The Town of Forest Heights v. Commission

Case #02711, September Term 2015 (M)
(Originally filed under CAL 15-04255)

Lead Counsel: Borden
Other Counsel: Mills

Abstract: Commission filed lawsuit to stop the unlawful attempt by the Town of Forest Heights, Maryland to expand its geographical boundaries by annexing properties without the required consent of any affected property owner or popular vote.

Status: Appeal Filed.

Docket:

01/16/16	Notice of Appeal
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MARYLAND COURT OF APPEALS

No Current Pending Cases

U.S. DISTRICT COURT OF MARYLAND

Hartford Casualty Insurance Company v. Commission

Case No. 8:13-cv-01765 (CD)

Lead Counsel: Ober, Kaler, Grimes & Shriver (Michael A. Schollaert)
Other Counsel: Dickerson, Chagrin

Abstract: Plaintiff bonding company filed complaint seeking alleged damages associated with surety work after taking over Fort Washington Forest Park and the North Forestville Projects in Prince George's County.

Status: Pending mediation.

Docket:

06/18/13	Complaint filed
05/27/14	Plaintiff filed Consent Motion to Stay
05/28/14	Court stays case
09/25/14	Joint Status Report filed.
09/26/14	Court extends stay through 01/23/15.
01/26/15	Court extends stay for 120 days
05/11/15	Mediation
05/26/15	Order granting Consent Motion to Stay
10/26/15	Settlement negotiations in progress

Pulte Home Corporation, et al v. Montgomery County, et al

Case No. 8:14-cv-03955 (LD)

(Originally filed under Case No. 397601V-Mont. Cty)

Lead Counsel: Gardner/Dickerson
Other Counsel: Adams

Abstract: Plaintiff filed complaint for alleged delays and damages associated with the construction of a residential development in Clarksburg, Maryland.

Status: Awaiting decision on pending motions.

Docket:

12/18/14	Notice of Removal and Complaint filed
01/02/15	Commission files Motion to Dismiss or in the Alternative for Summary Judgment and Supporting Memorandum
01/09/15	Plaintiffs file Motion to Remand.
02/05/15	Defendant Montgomery County's Opposition to Motion to Remand
02/06/15	Commission's Opposition to Plaintiff's Motion to Remand
02/06/15	Plaintiff's Opposition to Defendant M-NCPPC's Motion to Dismiss
02/23/15	Plaintiff's Reply in Support of Motion to Remand

02/23/15	Commission's Reply to Opposition to Motion to Dismiss
07/17/15	Order denying Pulte's Motion to Remand; Order denying MNCPPC's Motion to Dismiss with leave to respond to complaint with 14 days
07/31/15	Commission's Answer to Complaint
07/31/15	Commission's Motion for Reconsideration
08/26/15	Plaintiffs' Opposition to Commission's Motion for Reconsideration filed
09/24/15	Commission's Reply to Plaintiff's Opposition to Reconsideration of the Court's Denial of the Commission's Motion to Dismiss filed
12/29/15	Court denies Commission Motion for Reconsideration of Denial of Motion to Dismiss
01/07/16	Chambers Conference Call
02/19/16	E-Discovery Conference

Sutton v. Commission
Case No. 1:15-cv-01996-CCB(Tort)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Defense of employment-related claim alleging discrimination.

Status: In discovery.

Docket:

07/23/15	Complaint filed.
11/20/15	Answer to Complaint filed by Commission.
12/18/15	Court grants dismissal of case against State of Maryland
05/16/16	Motions deadline

U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT

American Humanist Association, et al v. Commission

No. 15-2597 Case #8:14-cv550-DKC (M)

Lead Counsel: Dickerson
Other Counsel: Gardner
Adams

Abstract: Defense of claim alleging violation of establishment clause of Constitution.

Status: Appeal filed

Docket:

12/30/15	Notice of Appeal filed
02/29/16	Appellant's brief due
04/04/16	Response brief due by Appellees