



THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

COMMISSION MEETING

April 21, 2021

10:00 a.m. – 12:00 noon

via teleconference

and live-streamed by

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

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**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING AGENDA
Wednesday, April 21, 2021**

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

10:00 a.m. – 12 noon

		<u>ACTION</u>	
		Motion	Second
1.	Approval of Commission Agenda (10:00 a.m.)	(+*)	Page 1
2.	Approval of Commission Minutes (10:05 a.m.)		
	a) Open Session – March 17, 2021	(+*)	Page 3
	b) Closed Session – March 17, 2021	(++*)	
3.	General Announcements (10:05 a.m.)		
	a) Stress Awareness Month		
	b) Autism Awareness Month		
	c) Alcohol Awareness Month		
	d) Arab-American Heritage month		
	e) Upcoming National Prevention Week (Mental and/or Substance Use Disorders) May 9-15		
4.	Committee Minutes/Board Reports (For Information Only) (10:10 a.m.)		
	a) Executive Committee Meeting – Open Session – April 7, 2021	(+)	Page 7
	b) Employees’ Retirement System Board of Trustees Regular Meeting – March 2, 2021	(+)	Page 11
5.	Action and Presentation Items (10:10 a.m.)		
	a) Resolution 21-06 Temporary Extension of Annual Leave Carryover for Merit Employees (Chiang-Smith/Zimmerman)	(+*)	Page 15
	b) Personnel Management Review (Spencer/King)	(+)	Page 17
	c) Commission’s Response to I-495 / I-270 Managed Lanes Study – Selection of Alternative 9 as the Recommended Preferred Alternative (Rubin/Borden)	(+)	LD
6.	Officers’ Reports (11:10 a.m.)		
	<u>Executive Director’s Report</u>		
	a) Late Evaluation Report, March 2021 (For Information Only)	(+)	Page 93
	<u>Secretary Treasurer</u>		
	b) 3 rd Quarter Investment Report (March 2021) (For Information Only)	(+)	Page 95
	<u>General Counsel</u>		
	d) Litigation Report (For Information Only)	(+)	Page 101
<i>Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (7) & (9), a closed session is proposed to consult with counsel for legal advice and consider matters that relate to negotiation.</i>			
7.	Closed Session (11:10 a.m.)		
	a) Collective Bargaining Update (discussion item) (Chiang-Smith)	(++)	
	b) COVID Cases Update and Trends (discussion item) (Bennett)	(++)	

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

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Commission Meeting
Open Session Minutes
March 17, 2021

The Maryland-National Capital Park and Planning Commission met via videoconference with the Chair initiating the meeting at the Wheaton Headquarters Auditorium in Wheaton, Maryland. The meeting was broadcast by the Montgomery Planning Department.

PRESENT

Prince George's County Commissioners

Elizabeth M. Hewlett, Chair
Dorothy Bailey
William Doerner (arrived 10:13)
Manuel Geraldo
A. Shuanise Washington

Montgomery County Commissioners

Casey Anderson, Vice-Chair
Gerald Cichy
Natali Fani-Gonzalez
Tina Patterson
Partap Verma

Chair Hewlett called meeting to order at 10:05 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

No modifications

ACTION: Motion of Commissioner Geraldo to approve the agenda
Seconded by Commissioner Bailey
9 approved the motion
Doerner absent for vote

ITEM 2 APPROVAL OF COMMISSION MINUTES

Open Session – February 17, 2021

Closed Session – February 17, 2021

ACTION: Motion of Commissioner Geraldo to approve the minutes
Seconded by Vice Chair Anderson
8 approved the motion
Patterson abstain
Doerner absent for vote

ITEM 3 GENERAL ANNOUNCEMENTS

- a) Colo-rectal Cancer Awareness Month
- b) Multiple Sclerosis Education and Awareness Month
- c) Developmental Disabilities Awareness Month
- d) National Nutrition Month
- e) Worldwide Home Schooling Awareness Month
- f) Irish-American Heritage Month/St. Patrick's Day
- g) Chair Hewlett recognized Women's History Month, and the strong women who lead and support this agency, and gave thanks to the good men who support and work with them.
- h) Stress Awareness Month and Alcohol Awareness Month Coming in April
- i) Financial Disclosure Filing Requirement April 30 (State and M-NCPPC)
- j) Chair Hewlett asked those attending the meeting to think about the victims of the recent Georgia murders. She said we cannot tolerate the increasing violence against Asian-

Americans, just as we cannot condone violence against our black and brown people. America is welcoming, and we should strive to welcome everyone to this country and be targeting any groups of people. She encouraged all to be cognizant of those issues and to speak up against discrimination against anybody.

- k) Chair Hewlett Congratulated Wanda Ramos, named Deputy Director, Department of Parks and Recreation, Prince George's County.
- l) World Down Syndrome Day March 21, which raises awareness Downs Syndrome, people with Downs Syndrome, and the vital role they play in the lives of the friends, family, and people around them. Commissioner Doerner thanked Chair Hewlett for recognizing the day, provided details on Downs Syndrome, acknowledged the challenges in caring for a child with Downs, thanked his wife for her partnership in the care of his daughter. He thanked his fellow Commissioners for their support, and said he has a greater awareness and appreciation for the programs and resources the M-NCPPC offers for all children. Chair Hewlett said the dedication Commissioner Doerner has provided to his family has been inspiring.

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

- a) *No Executive Committee held in March 2021*
- b) Employees' Retirement System Board of Trustees Regular Meeting, February 5, 2021

ITEM 5 ACTION AND PRESENTATION ITEMS

- a) Resolution 21-04 PEPCO Easement (Sun)

ACTION: Motion of Commissioner Geraldo to adopt Resolution 21-04
Seconded by Commissioner Bailey
10 approved the motion

After the vote, Vice-Chair Anderson said any staff dealing with PEPCO needs to know the agency needs cooperation with the utility corridor between Bethesda and Germantown. Cooperation is needed in both directions. He asked Prince George's Parks and Recreation Director Tyler to have his land acquisition staff to speak with Montgomery Trails Planner Flusche about working with PEPCO.

- b) Update to of Preliminary FY22 Spending Affordability Guidelines for Montgomery County (Kroll) (information item)

Corporate Budget Director Kroll spoke to the packet item, in which he had provided corrections to a memo presented to the Commission February on the FY22 Spending Affordability Guidelines for Montgomery County.

He noted that the corrected memo has now been superseded by a more recent update from the Montgomery County Executive's budget. The update, released on Monday, now calls for a 2.8% or \$4.3M reduction, which is a substantially better position than at the Spending Affordability Guidelines stage.

- c) Legislative Update (Gardner)

General Counsel Gardner requested Commissioners to consider positions on three bills in front of the state legislature:

HB991 modifies the Forest Conservation Plan to allow tree mitigation banks that include existing forest. Anticipates a favorable vote with minor technical amendments.

HB980 relates to Ethics Act in Prince George's County. General Counsel Gardner is optimistic that the bill will proceed with the Countywide Map Amendment.

The Mandatory Referral bill has not passed the House yet. General Counsel Gardner is trying to determine the cause of the delay and will report later.

Commissioner Geraldo asked about the status of the police reform bill in relation to the Law Enforcement Bill of Rights and what position the M-NCPPC is taking with it. General Counsel Gardner noted these are two competing bills and said the most likely be resolved through the conference committee. The Senate and House are taking very different approaches. The M-NCPPC has not taken a position on the Police Reform bill, adding the agency is not a driver, as our park police have not experienced the same kind of issues many other agencies have faced.

No action required.

ITEM 6

OFFICERS' REPORTS

Executive Director's Report

a) Late Evaluation Report (March 2021) (For information only)

Secretary Treasurer Report


b) 2nd Quarter MFD Report (For information only)

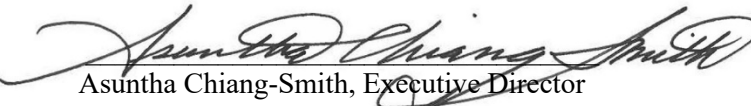
General Counsel Report

c) Litigation Report (For information only)

Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (7) & (9), a closed session is proposed to consult with counsel for legal advice, discuss public security issues related to the agency's information systems and consider matters that relate to negotiation.

Chair Hewlett asked for a motion to move to closed session. Commissioner Geraldo moved, Commissioner Patterson seconded. All Commissioners in attendance voted for the measure and the meeting moved to closed session at 10:34 a.m. There being no further business in open session Chair Hewlett adjourned the meeting from closed session at 11:29 a.m.


James F. Adams, Senior Technical Writer


Asuntha Chiang-Smith, Executive Director

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

**EXECUTIVE COMMITTEE MEETING MINUTES
April 7, 2021**

On April 7, 2021, the Maryland-National Capital Park and Planning Commission’s Executive Committee met via teleconference. Present were Chair Elizabeth M. Hewlett, Vice Chair Casey Anderson, and Executive Director Asuntha Chiang-Smith. Also present were:

Department Heads

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

Presenters/Staff

- Anju Bennett, Corporate Policy and Management Operations Director
- Mazen Chilet, Chief Information Officer
- Boni King, Classification and Compensation Manager
- John Kroll, Corporate Budget Director
- William Spencer, Corporate Human Resource Director
- Paulette Stewart, Classification and Compensation Specialist

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

ITEM 1a – APPROVAL OF EXECUTIVE COMMITTEE AGENDA

Discussion	No discussion
ACTION	Motion of Chair Hewlett, second by Executive Director Chiang-Smith. Agenda approved unanimously.

ITEM 1b – APPROVAL OF COMMISSION MEETING AGENDA for April 21, 2021

Discussion	Modification to the February Commission Meeting agenda: Legislative agenda will be an information brief – no voting items.
ACTION/Follow-up	Remove voting notation from item.

ITEM 1c – ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS

Discussion	Modification to Rolling Agenda: Annual Legislative Update will be moved to June.
ACTION/Follow-up	Move Legislative Update to June 2021

ITEM 2 – February 3, 2020 EXECUTIVE COMMITTEE MEETING MINUTES

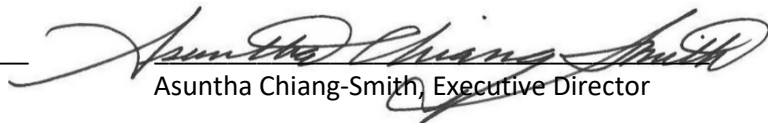
Discussion	February 3, 2021 Open Session
ACTION	Motion of Chair Hewlett, second by Vice-Chair Anderson. Minutes approved unanimously.

ITEM 3 – DISCUSSION/PRESENTATION ITEMS	
Discussion	<p><u>3a. 2020 Personnel Management Review (Spencer/King)</u></p> <p>Corporate HR Director Spencer introduced Ms. King, Classification and Compensation Manager, who briefed the Executive Committee on the 2020 Personnel Management Review, an analysis and review of the agency’s workforce demographics.</p> <p>She covered the total workforce statistics, career workforce highlights and trends. The report also covered statistics on the agency’s non-permanent workforce and departmental workforce Information.</p> <p>Ms. King thanked Ms. Stewart, CHR Director Spencer and Executive Director Chiang-Smith for their help and support. She noted the importance of reviewing this information, which helps shape the agency’s future projects to develop a more inclusive workforce.</p> <p>After the presentation, Ms. King asked if the agency should produce hard copies of the report for 2020, go all digital, or just print on request. Chair Hewlett and Vice-Chair Anderson both supported the idea of an electronic-only distribution.</p>
ACTION/follow-up	2020 PMR will be distributed digitally. If there are specific requests for hard copies, they will be fulfilled.
Discussion	<p><u>3b. 2020 Financial Disclosure Statement Update/Reminder (Chiang-Smith/Adams)</u></p> <p>Mr. Adams briefed the Executive Committee on the completion of the required Financial Disclosure Statements for calendar 2020. He indicated which Disclosures remained outstanding and asked Directors to encourage their senior staff to complete their statements.</p>
ACTION/Follow-up	
Discussion	<p><u>3c. Eighth COVID MOU for MCGEO and FOP Bargaining Groups and Passthrough for Command Staff (Chiang-Smith/Bennett)</u></p> <p>The Executive Committee was asked to approve COVID MOUs with the MCGEO and FOP bargaining units. They were also asked to authorize a passthrough for Park Police command staff, similar to the terms of the FOP MOU. The Executive Committee was briefed on the terms, which were included in the packet.</p>
Action/Follow up	Chair Hewlett moved approval of the MOUs and pass through. Vice-Chair Anderson seconded. Unanimous approval.
Discussion	<p><u>3d. Investment Report February 2021 (information item only)</u></p> <p>No discussion.</p>

With no further business to discuss, the meeting adjourned at 10:30 a.m.



James F. Adams, Senior Technical Writer



Asuntha Chiang-Smith, Executive Director

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

**BOARD OF TRUSTEES MEETING
MINUTES
Tuesday, March 2, 2021; 10:00 a.m.
via Microsoft Teams**

Due to COVID-19, the Maryland-National Capital Park and Planning Commission (“Commission”) Employees’ Retirement System (“ERS”) Board of Trustees (“Board”) met virtually through Microsoft Teams with CHAIRMAN HEWLETT leading the call from the County Administration Building in Upper Marlboro, Maryland on Tuesday, March 2, 2021. The meeting was called to order at 10:00 a.m. by CHAIRMAN HEWLETT.

Board Members Present

- Elizabeth M. Hewlett, Board of Trustees Chairman, Prince George’s County Commissioner
- Gerald R. Cichy, Board of Trustees Vice Chairman, Montgomery County Commissioner
- Asuntha Chiang-Smith, M-NCPPC Executive Director, Ex-Officio
- Melissa D. Ford, Prince George’s County Open Trustee
- Pamela F. Gogol, Montgomery County Public Member
- Caroline McCarthy, Montgomery County Open Trustee
- Amy Millar, MCGEO Represented Trustee
- Sheila Morgan-Johnson, Prince George’s County Public Member
- Elaine A. Stookey, Bi-County Open Trustee
- Joseph C. Zimmerman, CPA, M-NCPPC Secretary-Treasurer, Ex-Officio

ERS Staff Present

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

Presentation

Wilshire Associates’ Bradley A. Baker, Managing Director, and Martell McDuffy, Senior Analyst

Others Present

M-NCPPC Legal Department – William C. Dickerson, Principal Counsel

ITEM 1 APPROVAL OF THE MARCH 2, 2021 CONSENT AGENDA

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. MILLAR to approve the Consent Agenda. The motion PASSED unanimously (10-0). (Motion #21-16)

ITEM 2 CHAIRMAN’S ITEMS

No items reported.

ITEM 3 MISCELLANEOUS

No items reported.

ITEM 4 MANAGER REPORTS/PRESENTATIONS

A. Wilshire Associates

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

Wilshire Associates' Brad Baker provided a Quarterly Investment Summary for the quarter ending December 31, 2020 which included a capital market review and the fund's performance. The ERS' total fund return was 8.9% (net of fees) for the quarter, outperforming the target policy index return of 8.1%. For the one, three, five, and ten-years ended December 31, 2020 the ERS fund return was 8.1%, 7.1%, 9.4%, and 7.7%, respectively, compared to the target policy return of 10.1%, 7.5%, 9.1%, and 7.5%, respectively. The total market value through December 31, 2020 was \$1.1 billion.

The Added Value History summary reflected not only the more conservative nature of the ERS' portfolio to protect in down markets, but the portfolio's ability to participate in up markets. In terms of peer comparisons, the ERS ranked well below peers with respect to returns. This was not unexpected given that asset allocation drives a plan's return and peers have much higher allocations to equities. Although the ERS had 3rd quartile returns, the ERS' Sharpe ratio was greater than 90% of peers with risk less than 90% of other pension plans.

Overall, Wilshire was pleased with the ERS portfolio's response in 2020. The investment managers did a really good job of navigating the markets. Wilshire did not recommend any changes to strategy or underlying investment managers. The last asset/liability study was performed in 2019 with the next one planned for late 2021 or early 2022.

ITEM 5 REPORT OF ADMINISTRATOR

Presentation by Andrea L. Rose, Administrator Administrator's Report dated February 19, 2021

Andrea Rose presented the Administrator's Report dated February 19, 2021.

In accordance with the Pension Funding Policy, at least every 5 years the actuary performs an Experience Study and reviews the Pension Funding Policy (the "Policy") for any necessary modifications. One of the primary funding objectives of the Policy, is to minimize the volatility of the employer's annual contribution rate as a percentage of covered pay by smoothing investment gains and losses over a period of five years.

In conversations with the Administrator, Cheiron recommended exploring alternative methods to dampen contribution volatility as part of the Experience Study and estimated a fee of \$2,500. Cheiron plans to explore a corridor approach for the contribution rate, amortizing future unfunded liability gains and losses in new layers each year, and a combination of the two methods. Cheiron's projection model has the ability to review various future investment returns to in order to see how the contribution and funded status is impacted by the changes.

While the scope of work was not included in the FY2021 Operating Budget, staff anticipate savings and recommend exploring alternative methods to dampening contribution volatility as part of the Experience Study.

ACTION: MS. GOGOL made a motion, seconded by VICE CHAIRMAN CICHY to approve exploring alternatives to dampening contribution volatility as part of the Experience Study. The motion PASSED unanimously (10-0). (Motion #21-17)

Ms. Rose requested Board approval for a 1.2% Cost-of-Living Adjustment (COLA) for retirees and beneficiaries effective July 1, 2021. In accordance with the Provisions of the Employees' Retirement System, the COLA was calculated using data from the Consumer Price Index for All Urban Consumers (CPI U) at December 2020. All retirees and beneficiaries receiving annuities for at least six months are eligible for the COLA.

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MR. ZIMMERMAN to approve a 1.2% Cost-of-Living Adjustment Effective July 1, 2021 for Eligible Retirees and Beneficiaries in Accordance with the Provisions of the Employees' Retirement System. The motion PASSED unanimously (10-0). (Motion #21-18)

ITEM 6

COMMITTEE REPORTS/PRESENTATIONS

A. Investment Monitoring Group

Presentation by Andrea L. Rose, Administrator

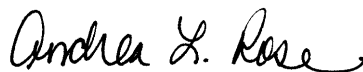
i. Regular Report of February 16, 2021

At the Investment Monitoring Group (IMG) meeting of February 16, 2021, the IMG met with Principal Global Investors' Meighan Phillips, Managing Director, Portfolio Management, and Greg Pittenger, Managing Director, Institutional Sales & Relationship Manager, for a performance review.

Principal Global Investors ("Principal") has \$88.1 billion in assets under management with \$34.6 billion in private equity assets as of December 31, 2020. There have been no changes to the U.S. Property account portfolio management team. The portfolio is well-diversified by property type, industrial, multifamily, office and retail. Principal remains an active core anchor for the ERS' private real assets allocation with high quality investments and predictable returns. Cumulative performance (net of fees) was 0.6%, 4.85%, and 6.31% for the one-year, three-year and five-year periods ending December 31, 2020 compared to the NCREIF ODCE Index returns of 1.56%, 5.26% and 6.9%, respectively.

The Board meeting of March 2, 2021 adjourned at 11:30 a.m.

Respectfully,



Andrea L. Rose
Administrator



M-NCPPC Resolution 21-06

Temporary Extension in Annual Leave Carryover

(Merit Employees)

WHEREAS, the Coronavirus (“COVID-19”) has presented an unforeseen set of events without any precedent in the agency’s history; and

WHEREAS, on March 5, 2020, Governor Larry Hogan declared that a “state of emergency and catastrophic health emergency exists within the State of Maryland” and this emergency status continues; and

WHEREAS, the M-NCPPC has not declared an emergency closing and its departments continue to operate; and

WHEREAS, the agency recognizes that our Merit System employees and leaders have diligently responded to the unprecedented circumstances caused by the pandemic, often without the ability to utilize their annual leave; and

WHEREAS, annual leave policies are covered in the agency’s personnel regulations, Section 1460 of the Merit System Rules and Regulations; and

WHEREAS, the agency recognizes that annual leave provides employees the ability to utilize this category to address COVID-19 related responsibilities; and

WHEREAS, the policy establishes limits on annual leave balances, and requires an automatic transfer of annual leave to sick leave no later than April 30, 2021; and

WHEREAS, the Commission’s finance department has reported that employee use of annual leave has been significantly reduced during pandemic response as compared to prior years.

NOW THEREFORE, BE IT RESOLVED, that the Commission hereby authorizes a temporary modification of Section 1464.2 of the Merit System Rules and Regulations by allowing an extension in the carryover of annual leave such that:

- a. Employees may continue to maintain their annual balance until December 31, 2021, at which time the excess annual rollover will be managed consistent with the provisions of the Merit System Rules and Regulations.
- b. This extension will be automatically applied to all Merit System positions unless written notification is made by an employee to the Department of Finance no later than April 30, 2021.

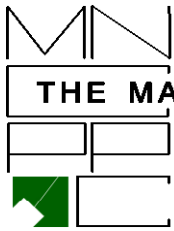
BE IT FURTHER RESOLVED, that the M-NCPPC does hereby authorize the Secretary-Treasurer to take action as may be necessary to implement this Resolution.

APPROVED FOR LEGAL SUFFICIENCY:

Tracey Harvin

M-NCPPC Legal Department

April 14, 2021



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

TO: Commissioners

FROM: Asuntha Chiang-Smith, Executive Director

SUBJECT: Personnel Management Review (PMR), Fiscal Year 2020

I am pleased to submit the Commission's 27th edition of the Personnel Management Review (PMR) for fiscal year 2020. This document is a valuable tool for both workforce planning and budget work sessions with the County Councils. The PMR is organized into the following sections:

- ***M-NCPPC Workforce Snapshot*** section provides information on all career and non-permanent employees including gender, race/ethnicity, employment category, age and distribution of employees by department.
- ***Career Workforce Highlights*** section provides an overview on key information about our career workforce including gender, full and part time employees, race/ethnic identification, career workforce as compared to county workforce demographics, job category, age, length of service, union representation, and distribution of employees by department. Additionally, we have included details on our hires, promotions, average salary and top of grade statistics, tuition assistance program usage, language and literacy proficiency program participation, medical health plan participation by provider, retirement plan participation, cost of living adjustment comparisons, and turnover information.
- ***Trends in Career Employee Lifecycle*** section examines tendencies in our workplace and how we compare to external sources.
- ***Non-Permanent Workforce Profile*** section presents demographics on seasonal/intermittent, temporary, and term contract employees.
- ***Department and Bi-County Corporate Operations Demographics*** sections include career employee composition and length of service statistics.
- ***Appendix*** section includes a listing of race/ethnic identifications and job categories.

The PMR is available for internal review on Insite, and the public can access it on the Internet at www.mncppc.org. The Commission remains committed to delivering an informative report. We welcome your feedback! Please address comments/questions to Boni.King@mncppc.org or Paulette.Stewart@mncppc.org.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Personnel Management Review Fiscal Year 2020

Employee Demographic Profile



THE COMMISSION

Elizabeth M. Hewlett, Chair

Casey Anderson, Vice-Chair

MONTGOMERY COUNTY PLANNING BOARD

Casey Anderson, Chair

Gerald Cichy

Natali Fani-Gonzalez

Tina Patterson

Partap Verma

PRINCE GEORGE'S COUNTY PLANNING BOARD

Elizabeth M. Hewlett, Chair

Dorothy Bailey

William Doerner

Manuel Geraldo

A. Shuanise Washington

OFFICERS

Asuntha Chiang-Smith, Executive Director

Adrian R. Gardner, General Counsel

Joseph Zimmerman, Secretary-Treasurer

DIRECTORS

Andree Checkley, Prince George's County Planning Director

Billy Tyler, Prince George's County Parks and Recreation Director

Michael Riley, Montgomery County Parks Director

Gwen Wright, Montgomery County Planning Director

www.mncppc.org



M-NCPPC Personnel Management Review Fiscal Year 2020

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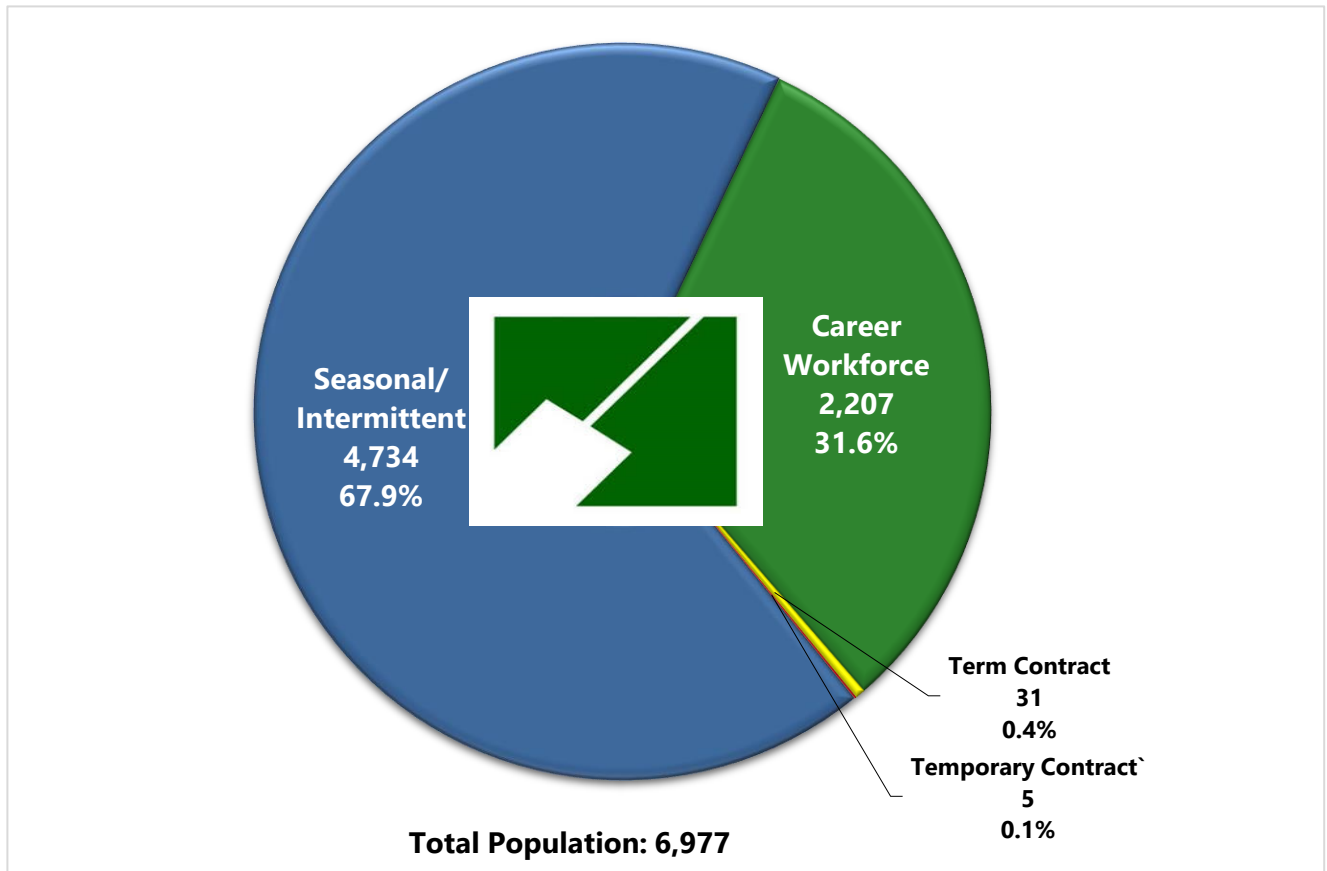
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M-NCPPC Workforce Snapshot

M-NCPPC WORKFORCE SNAPSHOT

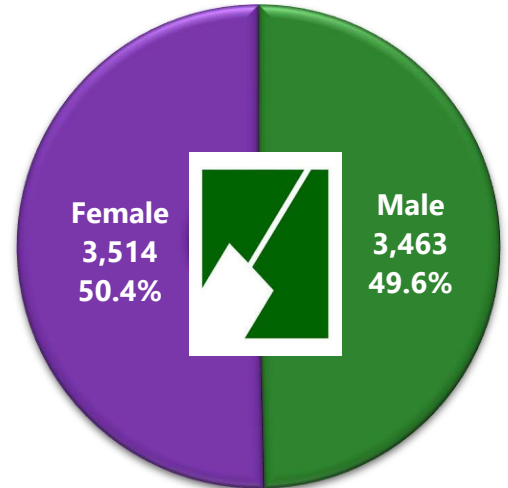


M-NCPPC WORKFORCE SNAPSHOT

The M-NCPPC Workforce Snapshot reflects the Agency’s entire workforce, both career and non-permanent employees. Additional information concerning the Agency’s career employees begins on page 5 and information concerning the Agency’s non-permanent employees begins on page 34.

All data reported is based on employees, not positions.

- The gender composition of the entire workforce in FY20 was 50.4% female and 49.6% male



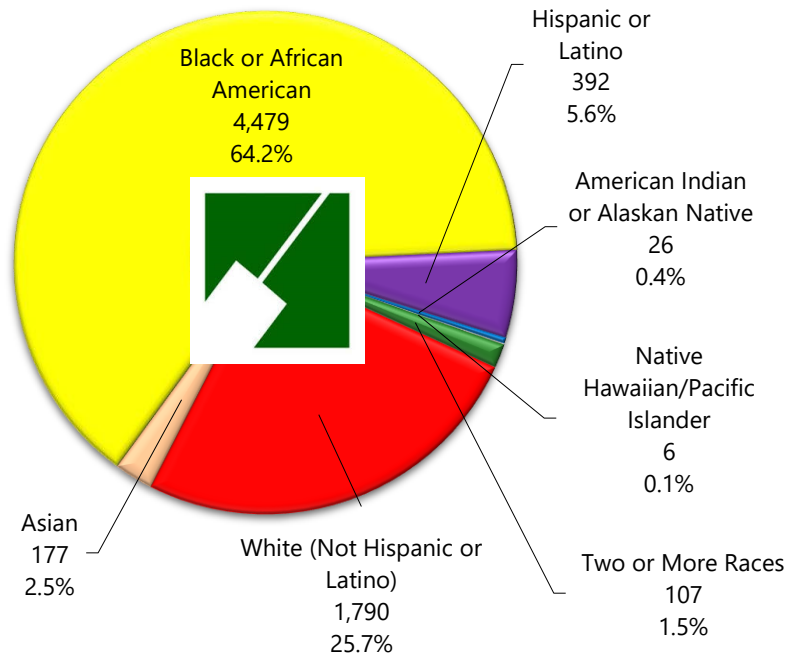
Total Population: 6,977

Distribution of All Employees by Department

Bi-County Corporate Operations	149	2.1%
Montgomery County Commissioners' Office	6	0.1%
Montgomery County Planning	149	2.1%
Montgomery County Parks	1,128	16.2%
Prince George's County Commissioners' Office	9	0.1%
Prince George's County Planning	171	2.5%
Prince George's County Parks and Recreation	5,365	76.9%
M-NCPPC Career Employees Total	6,977	100.0%

Note: Career employee totals exclude 13 employees defined as: 10 Appointed Commissioners (5 in Montgomery County and 5 in Prince George's County), and 3 Merit System Board Members.

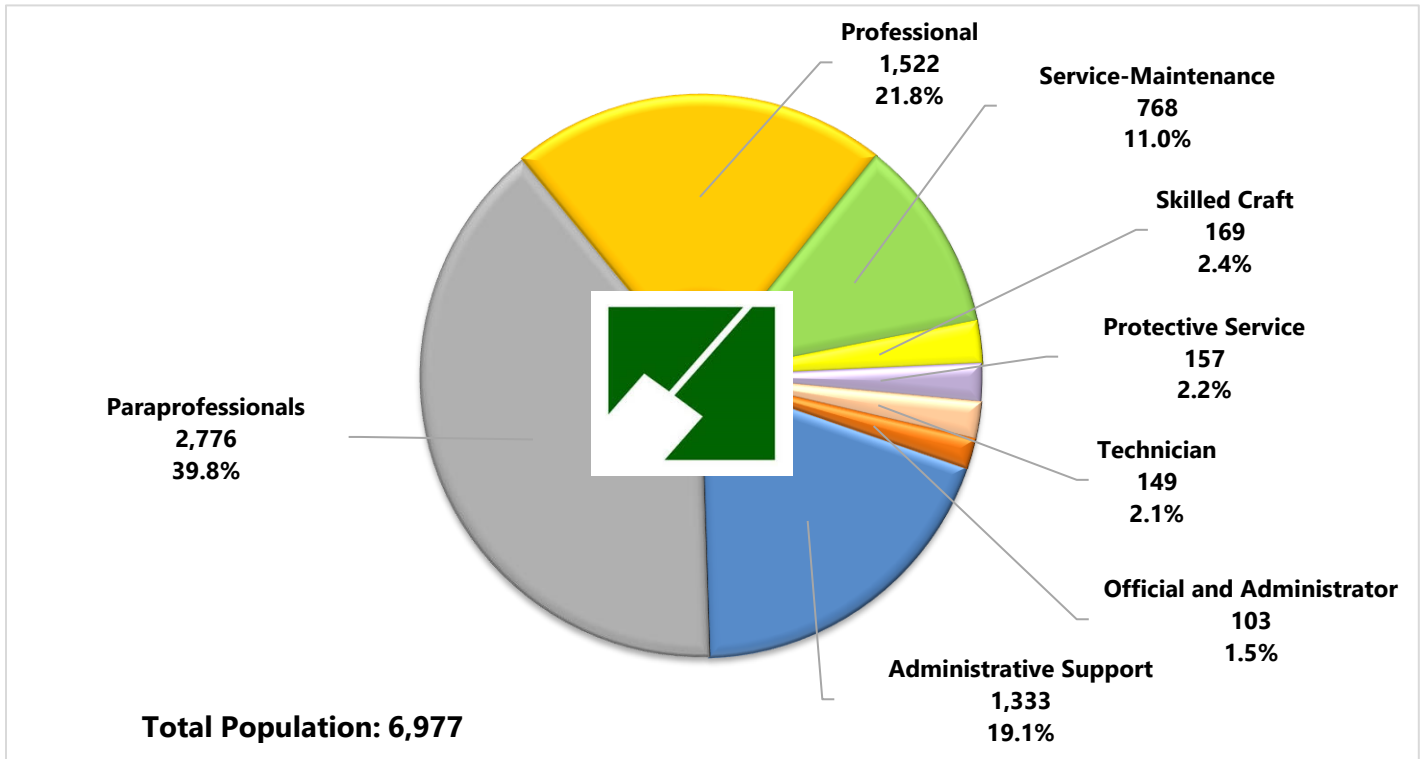
- The racial/ethnic composition of the entire workforce in FY20 was as follows:



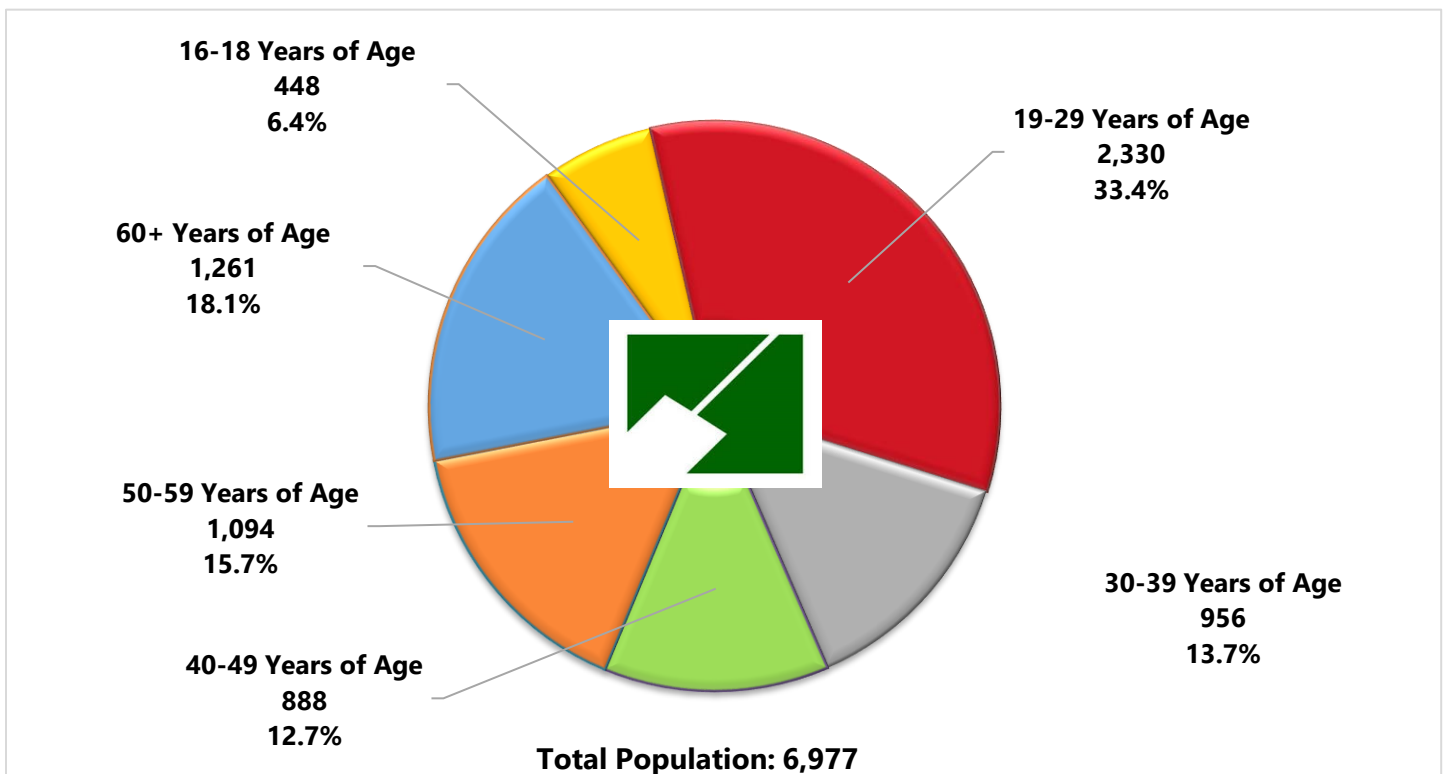
Total Population: 6,977

M-NCPPC WORKFORCE SNAPSHOT

- The EEO-4 Job Category composition of the entire workforce in FY20 was as follows:



- The age composition of the entire workforce in FY20 was as follows:



Career Workforce Highlights

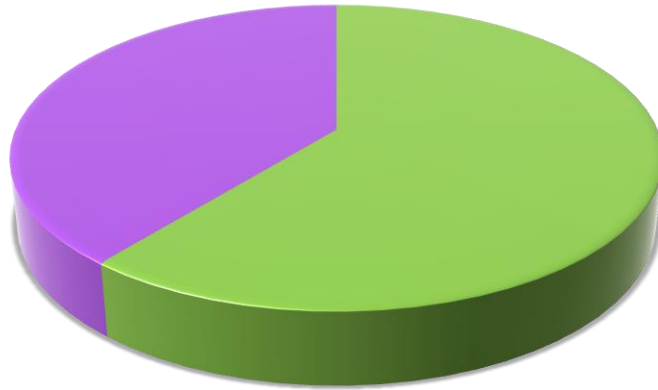
CAREER WORKFORCE HIGHLIGHTS:

Highlighting Career Employee Workforce Information and Statistics

Career Workforce Demographics

Career Employees by Gender

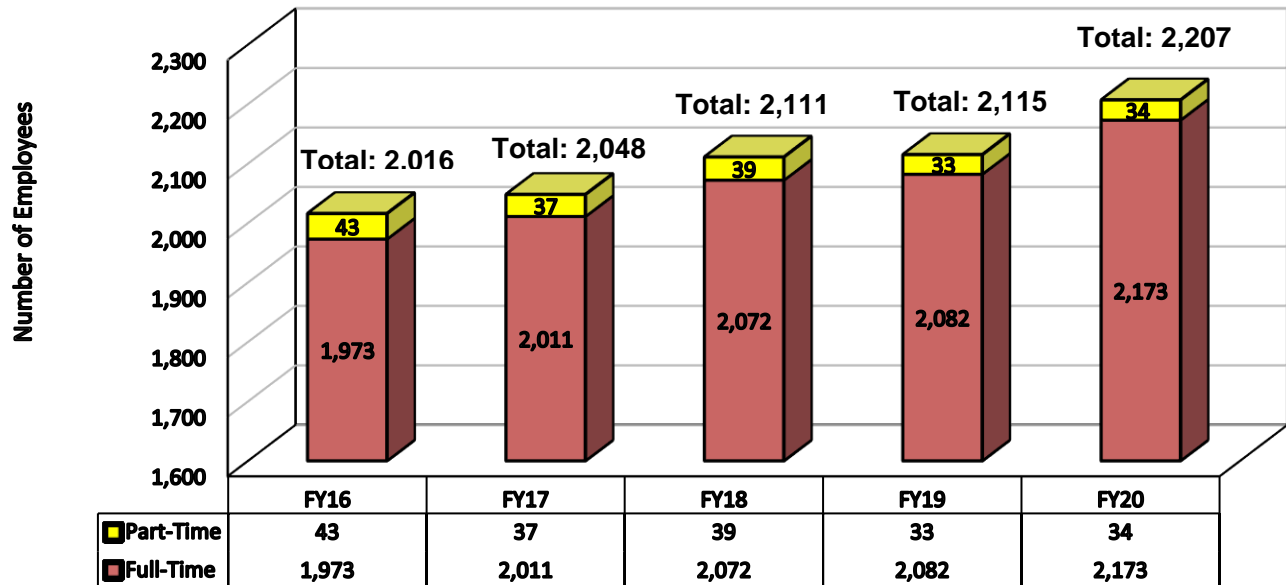
Female
864
39.1%



Male
1,343
60.9%

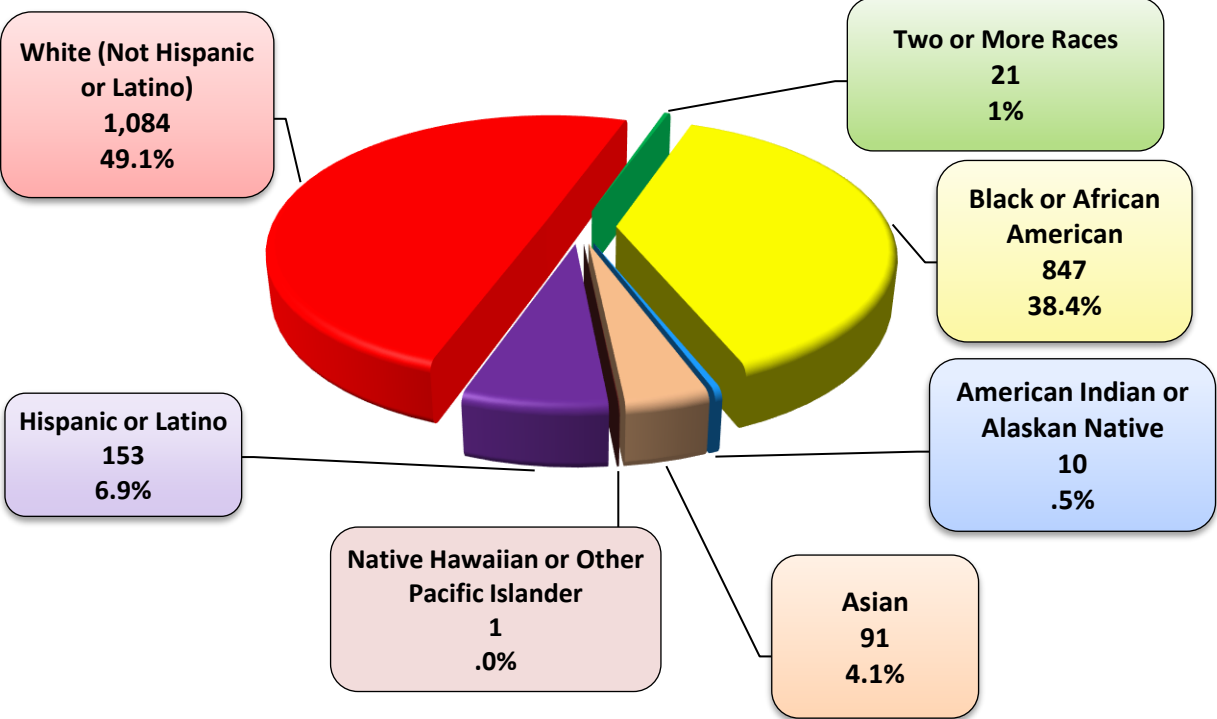
Total Career Employees: 2,207

Full-Time & Part-Time Career Employees



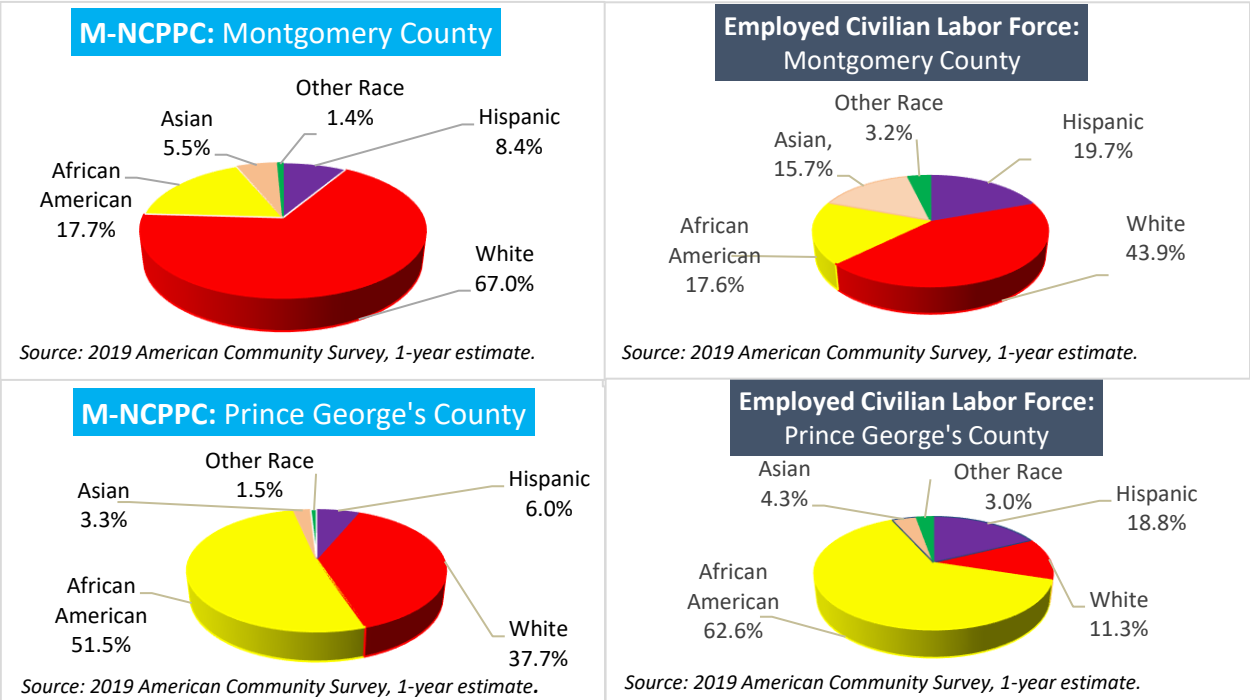
Total Employees: 2,207

Career Employees by EEO-4 Race/Ethnic Identification



Total Career Employees: 2,207

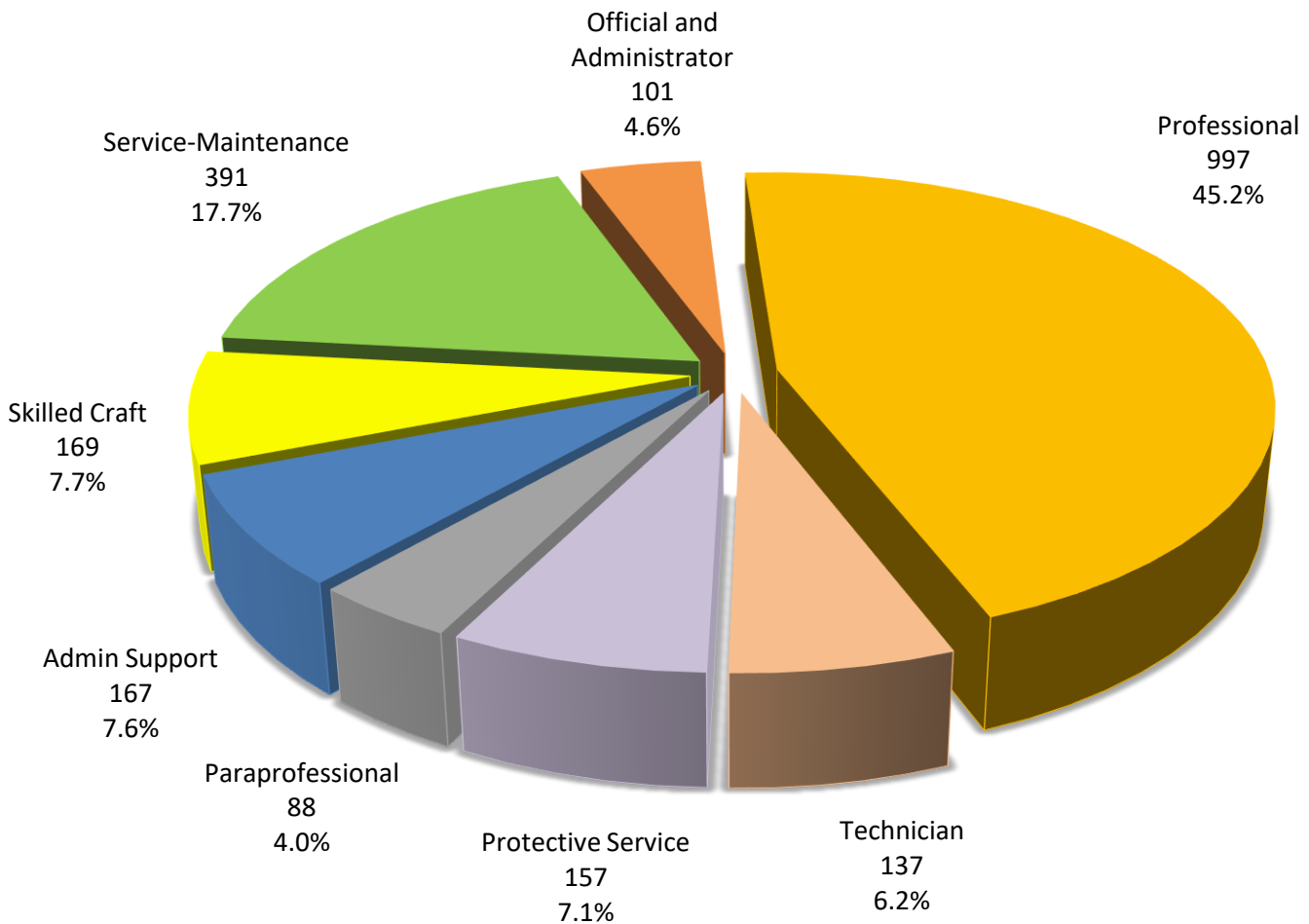
- The charts below reflect M-NCPPC career workforce distribution by race/ethnicity in Montgomery County and Prince George’s County, compared to the broader employed civilian labor force within the region.



Source for County Demographics: 2019 American Community Survey 1-year estimates. Tables S0201 and S2301 U.S. Census Bureau; Research & Special Projects, Montgomery County Planning Department (11/10/20). The charts represent the employed civilian labor by race and Hispanic origin, 2019. Prince George’s County includes CAS Departments.

- In FY20 the largest number and percent of employees at M-NCPPC fell into the Professional category with 997 employees or 45.2% of the workforce followed by the Service-Maintenance category with 391 employees or 17.7% of the workforce.

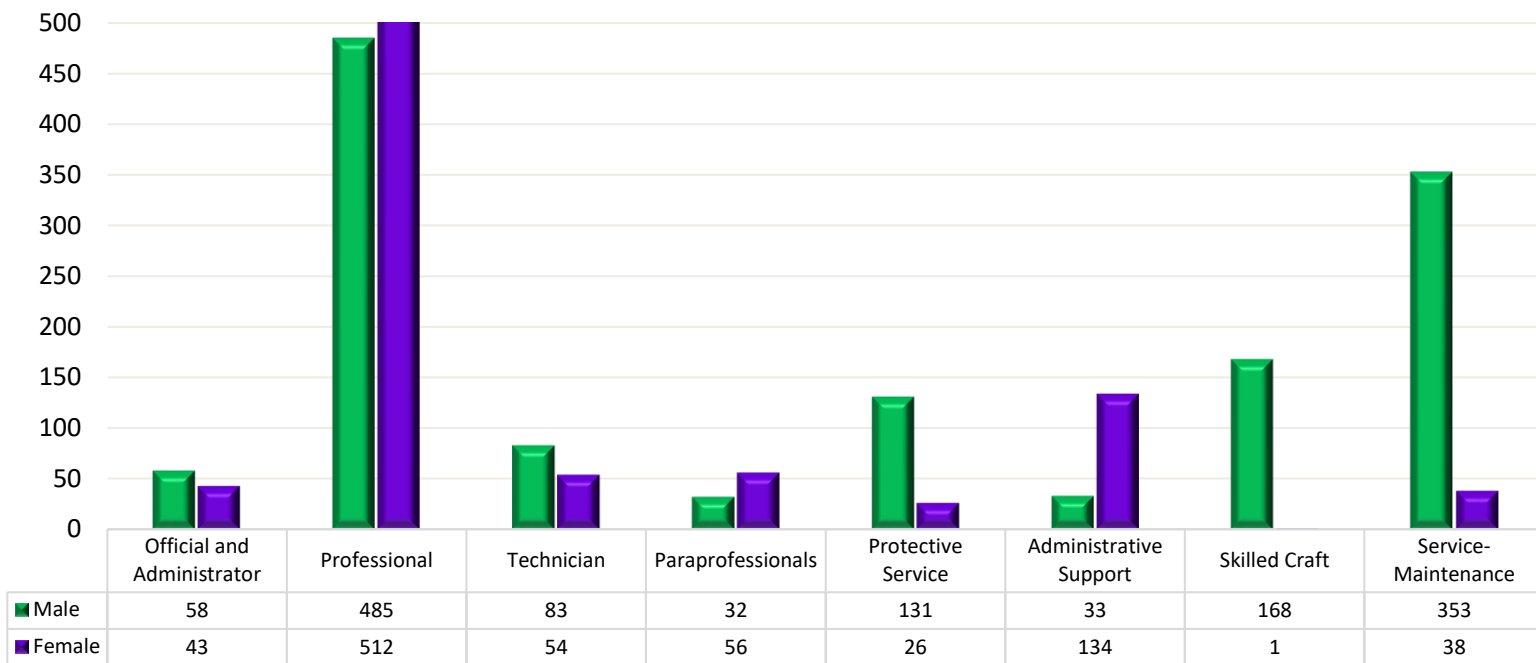
Career Employees by EEO-4 Job Category



Total Career Employees: 2,207

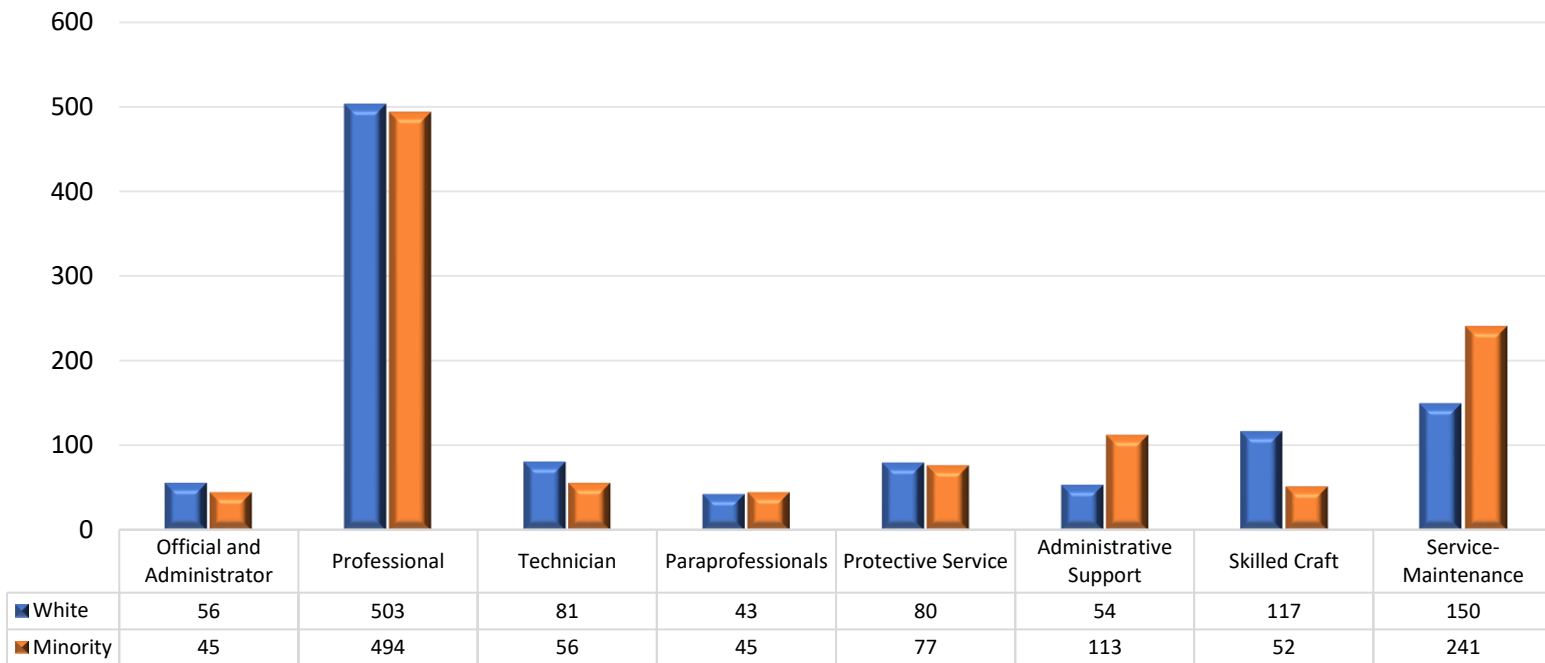
Career Employees by EEO-4 Job Category, Gender and Race/Ethnicity

Career Employees by EEO-4 Job Category and Gender



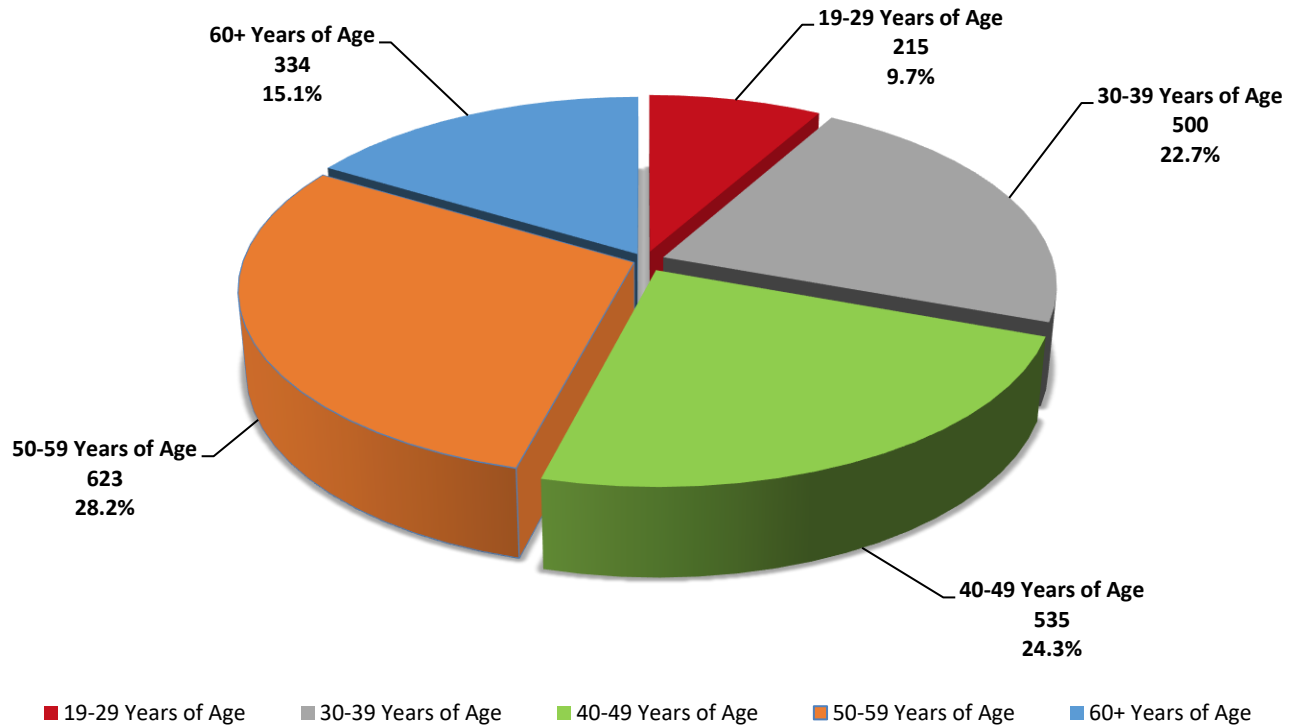
Total Career Employees: 2,207

Career Employees by EEO-4 Job Category and Race/Ethnicity



Total Career Employees: 2,207

Distribution of Career Employees by Age



Total Career Employees: 2,207

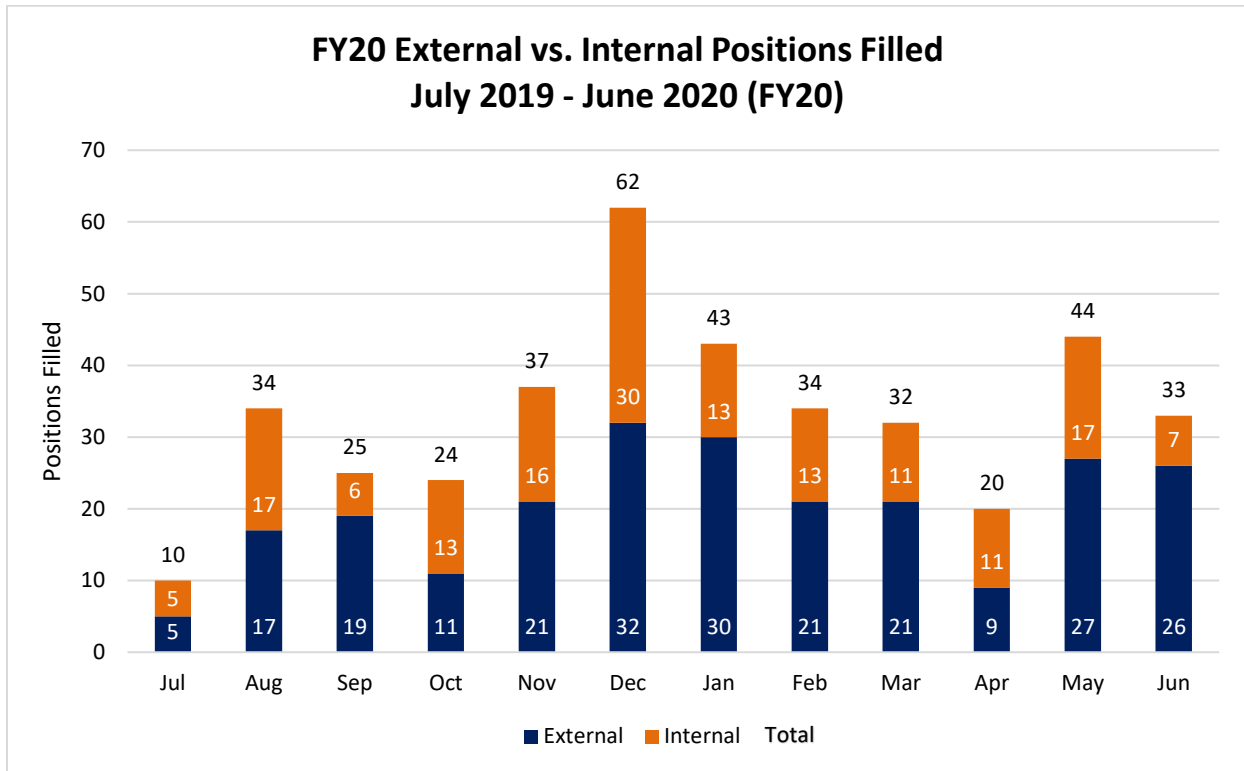
Distribution of Career Employees by Department

Bi-County Corporate Operations	136	6.2%
Montgomery County Commissioners' Office	5	0.2%
Montgomery County Planning	136	6.2%
Montgomery County Parks	717	32.5%
Prince George's County Commissioners' Office	9	0.4%
Prince George's County Planning	160	7.2%
Prince George's County Parks and Recreation	1,044	47.3%
M-NCPPC Career Employees Total	2,207	100.0%

Note: Career employee totals exclude 13 employees defined as: 10 Appointed Commissioners (5 in Montgomery County and 5 in Prince George's County), and 3 Merit System Board Members.

Recruitment of Career Employees

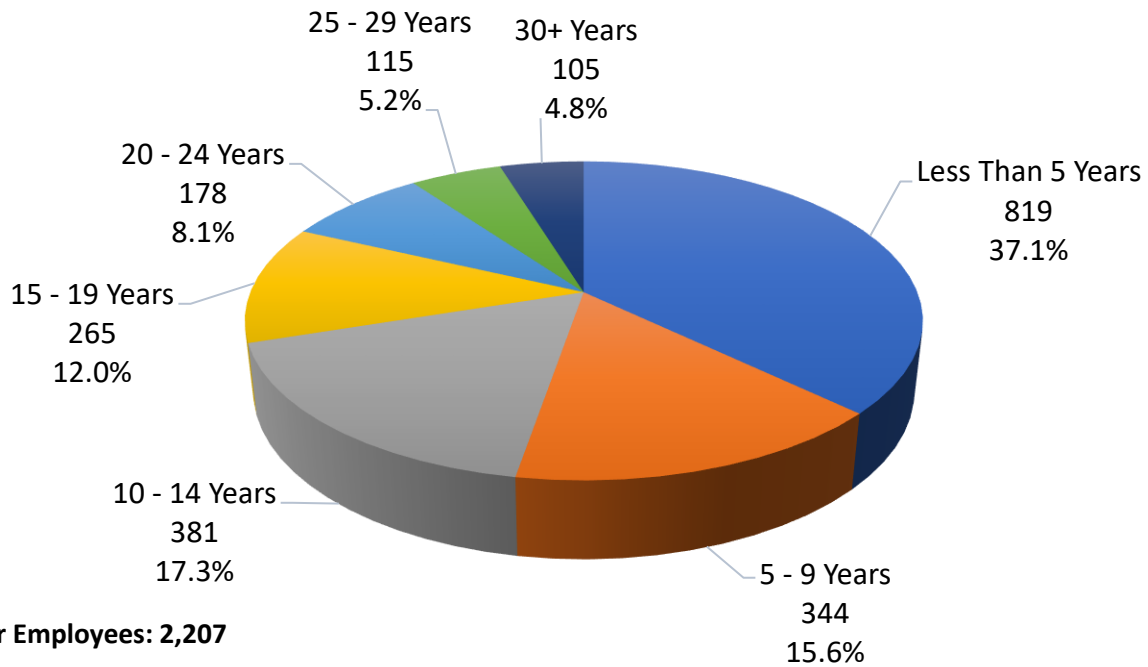
In FY20, the Recruitment and Selection Services Division filled 398 career positions. Of these 398 positions, 239 were filled by external candidates, and 159 positions were filled by internal candidates via promotion, demotion, or lateral reassignment (these figures do not include positions filled through reclassification, appointment, or the Park Police rank promotional process).



The average salary for a FY20 external career new hire was \$63,720, compared to a FY19 average of \$64,039.

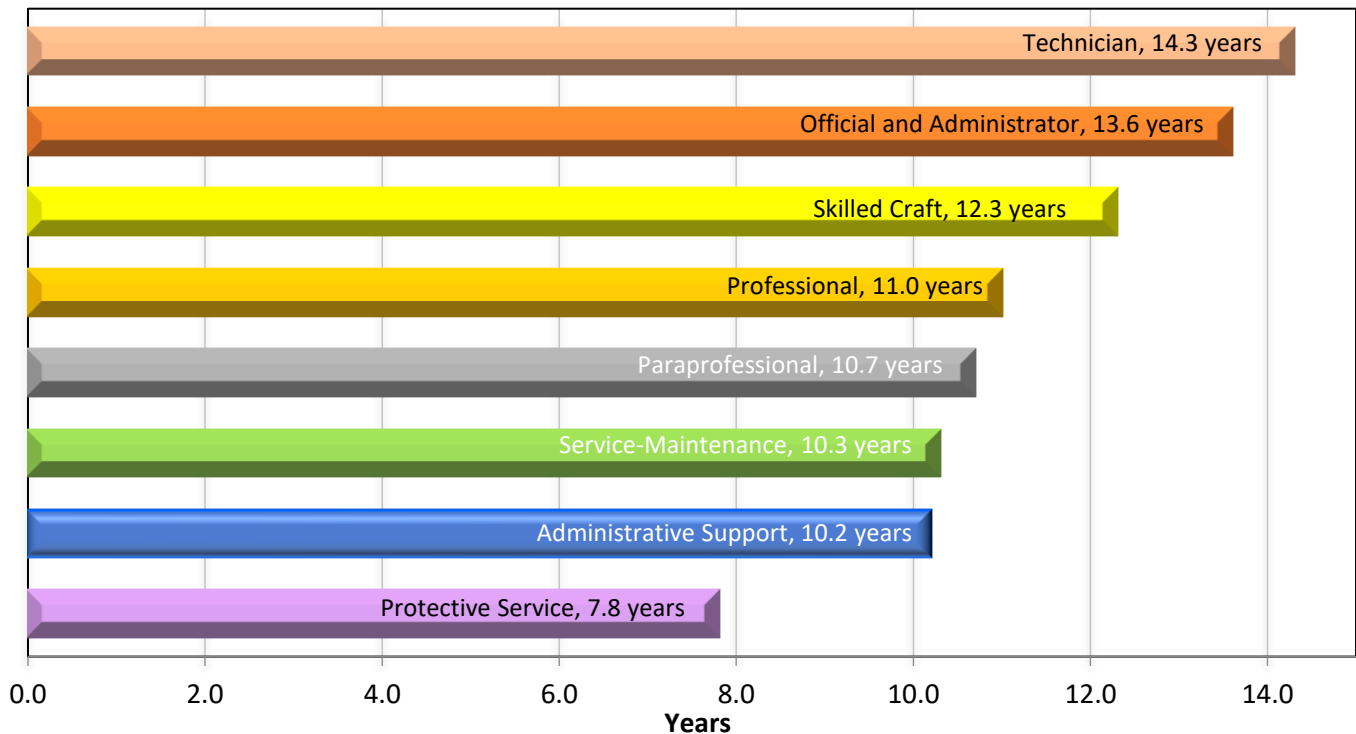
Length of Service for Career Employees

Career Employee Length of Service



The average length of service for females was 10.8 years; and 11.1 years for males.

Average Length of Service by EEO-4 Job Category



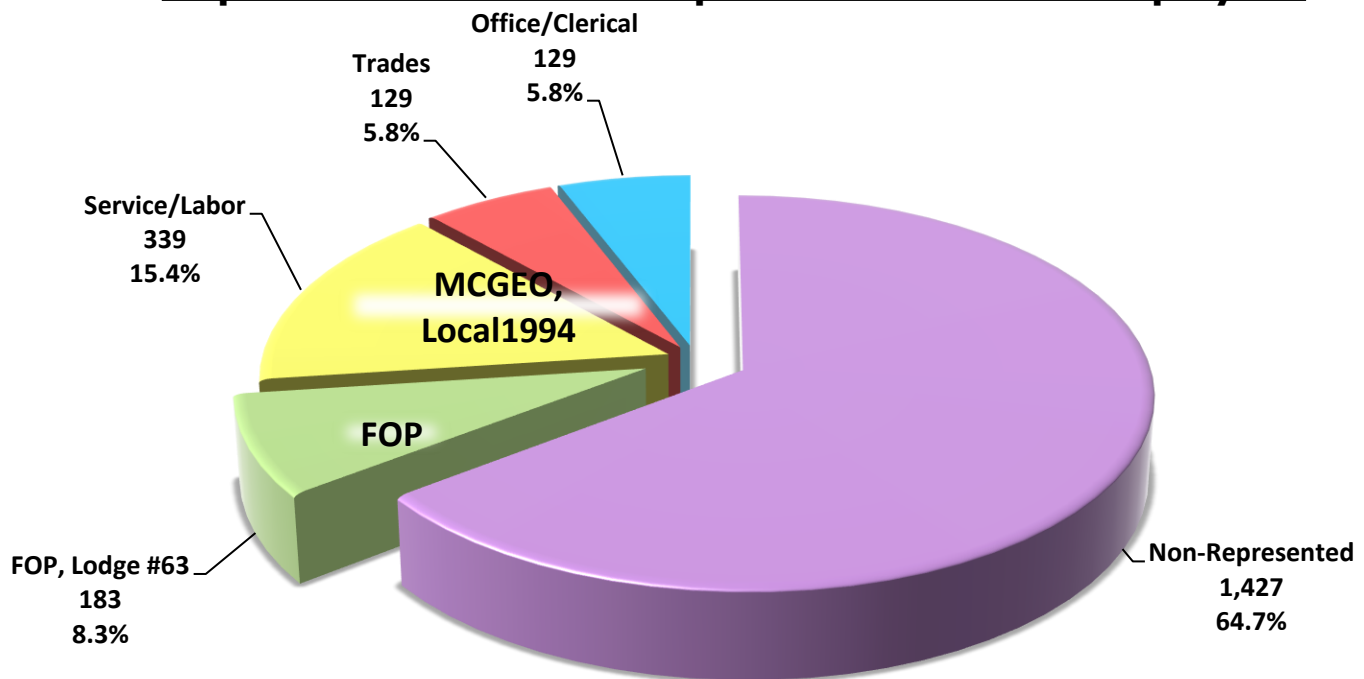
Average Length of Service for all Career Employees: 11.0 years

Collective Bargaining

In FY20, 35.3% of the Commission's career workforce was represented by a union.

Union	Number of Members FY20	% of Career Employees
United Food and Commercial Workers Union, Local 1994/Municipal and County Government Workers Union (MCGEO) representing service/ labor, trades, and office/clerical positions	597	27.1%
Fraternal Order of Police. Lodge #63 (FOP) representing police ranked sergeant and below	183	8.3%

Represented and Non-Represented Career Employees



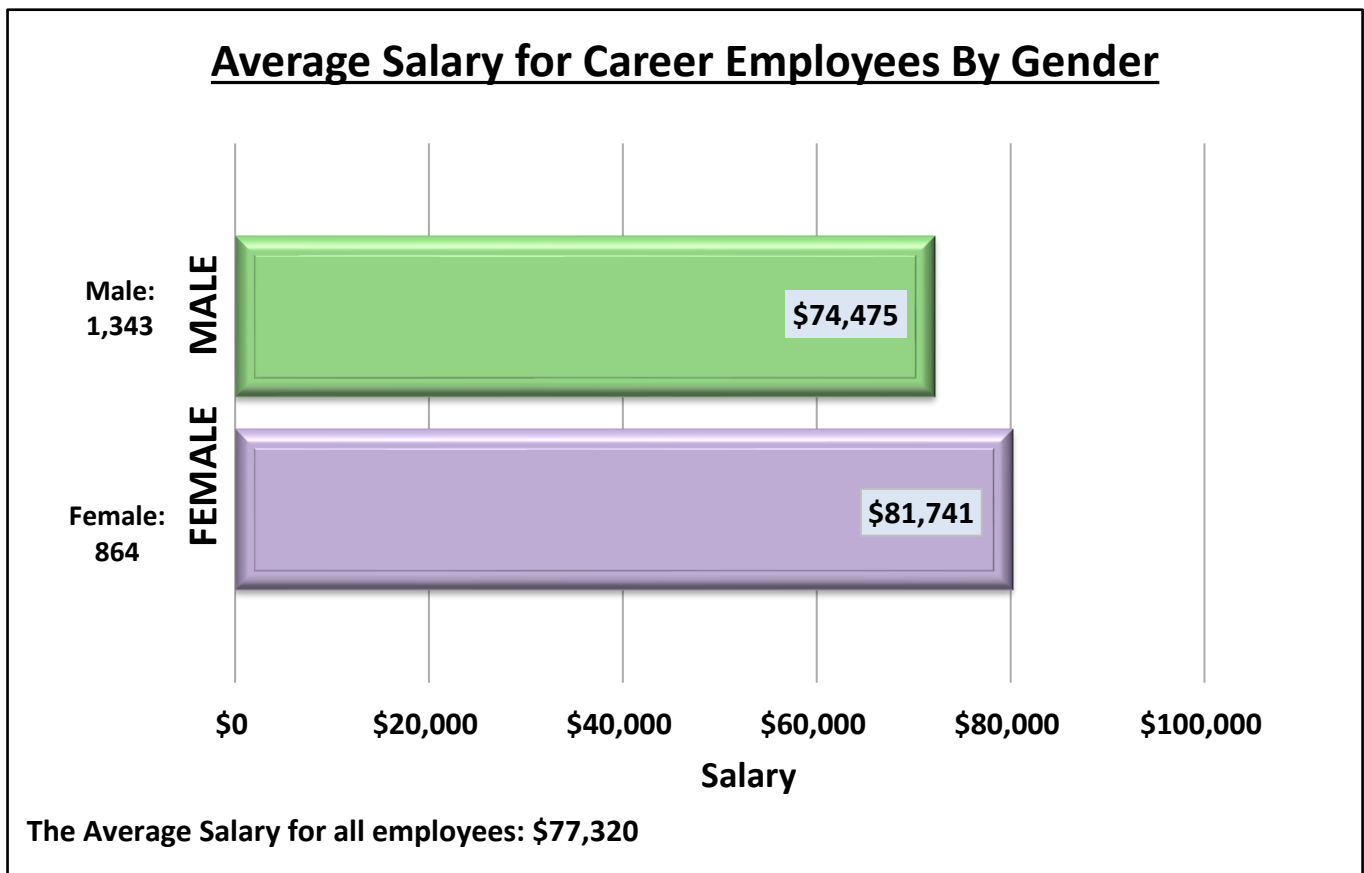
Park Police Officer Candidates and Command Officers included in the Non-Represented category: 7

According to the Bureau of Labor Statistics (BLS), 14.2% of employed workers in Maryland were in positions represented by unions. Additionally, BLS reports that 34.8% of state government workers are unionized. The higher numbers for union membership attributed to local government workers is the result of heavily unionized occupations such as teachers, police officers and firefighters.

Source: U.S. Department of Labor Bureau of Labor Statistics, Economic News Release, Table 5. "Union affiliation of employed wage and salary workers by state, 2018-2020 annual averages".

Compensation

- M-NCPPC compensates and rewards its employees utilizing either pay ranges or step pay schedules.
 - There are six separate pay range schedules for career employees, 3 for non-represented employees (General Service, IT, Command Staff) and 3 for represented employees (Service/Labor, Office/Clerical, Trades). Each range consists of a minimum, midpoint and maximum salary. Schedules for represented employees also have a longevity increment.
 - A step pay schedule is utilized to compensate employees in the FOP Bargaining Unit. This pay schedule includes two additional increments for longevity.
- The average salary for all career employees (full-time and part-time) was \$77,320. The average salary for male employees was \$74,475; female employees was \$81,741.



For career employee annual salary distribution by demographics and job categories, see pages 15-16.

Official/Administrator**Race/Ethnicity**

Gender	American Indian/ Alaska Native	Asian	Black/African American	Hispanic/ Latino	Native Hawaiian/Other	White (Non-Hispanic/Latino)	Two or More Races
Female	\$141,665	\$160,170	\$144,834	\$148,224	N/A	\$141,844	N/A
Male	N/A	N/A	\$143,048	\$127,871	N/A	\$140,776	\$110,360

Average Salary Official/Administrator: \$142,275

Average Official/Administrator New Hire Salary: \$143,113

Professional**Race/Ethnicity**

Gender	American Indian/ Alaska Native	Asian	Black/African American	Hispanic/ Latino	Native Hawaiian/Other	White (Non-Hispanic/Latino)	Two or More Races
Female	\$74,660	\$94,900	\$84,065	\$88,772	\$67,243	\$90,365	\$68,574
Male	\$96,014	\$99,591	\$84,832	\$85,211	N/A	\$89,941	\$62,805

Average Salary Professional: \$87,839

Average Professional New Hire Salary: \$72,202

Technician**Race/Ethnicity**

Gender	American Indian/ Alaska Native	Asian	Black/African American	Hispanic/ Latino	Native Hawaiian/Other	White (Non-Hispanic/Latino)	Two or More Races
Female	N/A	\$74,441	\$71,070	\$88,032	N/A	\$72,217	\$57,348
Male	\$81,606	\$104,813	\$77,558	\$66,180	N/A	\$79,496	N/A

Average Salary Technician: \$76,449

Average Technician New Hire Salary: \$54,750

Protective Service**Race/Ethnicity**

Gender	American Indian/ Alaska Native	Asian	Black/African American	Hispanic/ Latino	Native Hawaiian/Other	White (Non-Hispanic/Latino)	Two or More Races
Female	N/A	\$42,113	\$66,093	\$69,033	N/A	\$74,590	\$53,103
Male	\$82,591	\$80,426	\$72,504	\$77,425	N/A	\$77,617	\$53,840

Average Salary Protective Service: \$74,666

Average Protective Service New Hire Salary: \$55,976

Paraprofessional**Race/Ethnicity**

Gender	American Indian/ Alaska Native	Asian	Black/African American	Hispanic/ Latino	Native Hawaiian/Other	White (Non-Hispanic/Latino)	Two or More Races
Female	N/A	\$67,170	\$73,175	\$70,227	N/A	\$71,616	N/A
Male	N/A	\$45,112	\$60,051	\$53,034	N/A	\$62,139	N/A

Average Salary Paraprofessional: \$68,005

Average Paraprofessional New Hire Salary: \$51,667

Commission Career Salary Percentages are based on total number of employees: 2,207

Average Commission Career Salary (includes full-time and part-time salaries): \$77,320

Admin Support

Race/Ethnicity

Gender	American Indian/ Alaska Native	Asian	Black/African American	Hispanic/ Latino	Native Hawaiian/Other	White (Non- Hispanic/Latino)	Two or More Races
Female	N/A	\$61,595	\$59,980	\$57,544	N/A	\$61,072	\$46,392
Male	N/A	N/A	\$57,154	\$60,972	N/A	\$55,999	N/A

Average Salary Admin Support: \$59,403

Average Admin Support New Hire Salary: \$50,265

Skilled Craft

Race/Ethnicity

Gender	American Indian/ Alaska Native	Asian	Black/African American	Hispanic/ Latino	Native Hawaiian/Other	White (Non- Hispanic/Latino)	Two or More Races
Female	N/A	N/A	N/A	N/A	N/A	\$74,441	N/A
Male	\$75,322	\$62,580	\$64,774	\$66,512	N/A	\$67,514	N/A

Average Salary Skilled Craft: \$66,815

Average Skilled Craft New Hire Salary: \$52,589

Service-Maintenance

Race/Ethnicity

Gender	American Indian/ Alaska Native	Asian	Black/African American	Hispanic/ Latino	Native Hawaiian/Other	White (Non- Hispanic/Latino)	Two or More Races
Female	N/A	N/A	\$46,753	\$43,478	N/A	\$48,874	N/A
Male	\$44,716	\$55,928	\$49,264	\$49,660	N/A	\$50,031	\$38,469

Average Salary Service-Maintenance: \$49,378

Average Service-Maintenance New Hire Salary: \$37,969

Total Population

Race/Ethnicity

Gender	American Indian/ Alaska Native	Asian	Black/African American	Hispanic/ Latino	Native Hawaiian/Other	White (Non- Hispanic/Latino)	Two or More Races
Female	\$108,162	\$96,572	\$78,594	\$71,140	\$67,243	\$85,206	\$62,114
Male	\$64,300	\$84,962	\$71,275	\$64,006	N/A	\$77,744	\$59,107

Average Salary: \$77,325

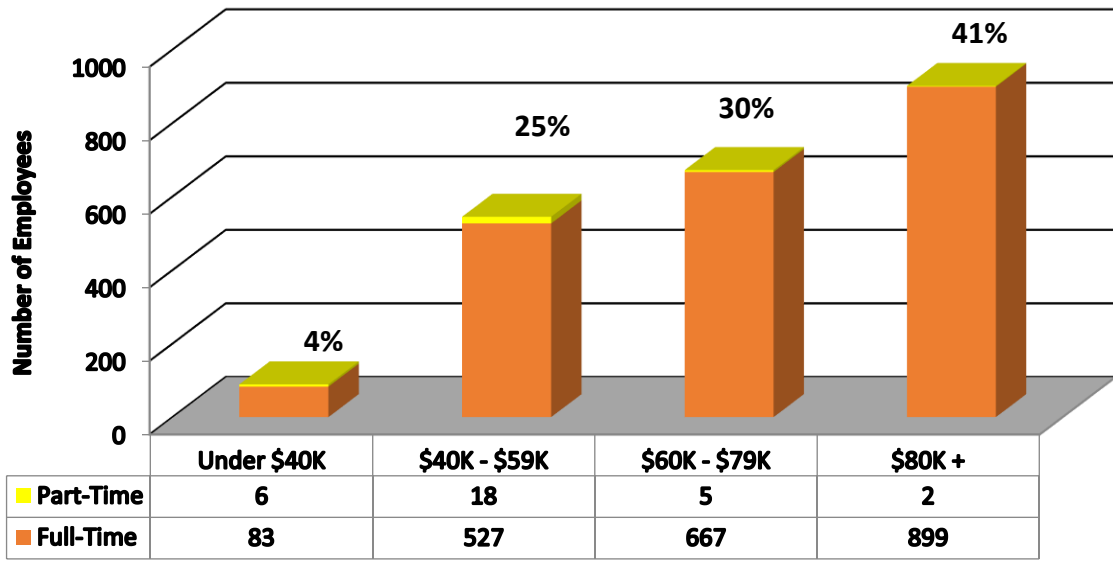
Average New Hire Salary: \$62,979

Commission Career Salary Percentages are based on total number of employees: 2,207

Average Commission Career Salary (includes full-time and part-time salaries): \$77,320

- The greatest number of employees are in the Professional EEO Job Category. The Official and Administrative and Professional categories also have the highest average annual salaries.
- Employee salaries and benefits (personnel services) represent 70.0% of the FY20 adopted budget expenditures.

Annual Salary Full-Time and Part-time Career Employees

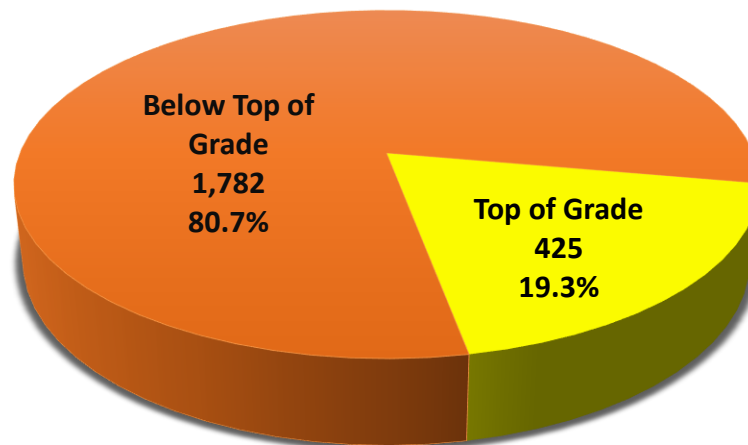


Total Full-Time Employees: 2,176

Total Part-Time Employees: 31

Average Salary for all Employees (2,207): \$77,320 (includes part-time salaries)

Career Employees at Top of Grade (TOG)



TOG is defined as the maximum salary (\$) of a position's grade salary range. Employees at TOG identified are within \$10.00 of their position's grade maximum.

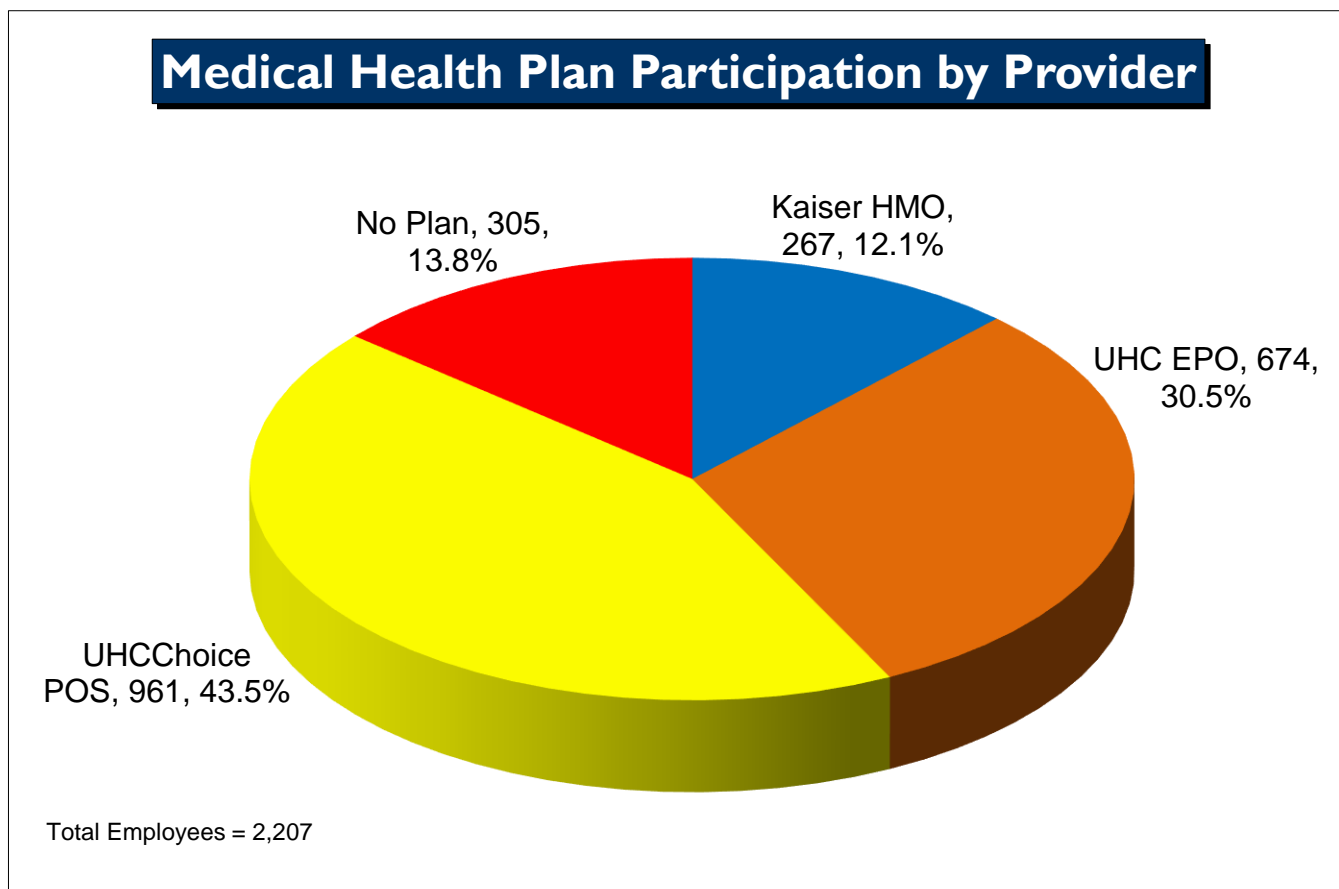
COLA, Merit Increase, and Lump Sum

- In FY20, **non-represented** and **MCGEO represented** career employees received a 1.5% COLA. Non-represented and MCGEO represented career employees received a 3.5% Merit increase. Employees not eligible to receive a Merit increase (or longevity increase for union employees) because they were at top of grade received a lump sum of one-half percent (0.5%) of base pay.
- **FOP, Park Police Command Staff** and **Candidates** received a 1.0% COLA. These career employees received a 3.5% Merit increase. For FOP effective July 1, 2019, additional service increments increased from 3.0% to 3.5% for ASI-1 and from 3.25% to 3.5% for ASI-2. Effective January 12, 2020, a new P-Step was added to the salary schedule P02, P03 and P04; a new Q-Step was added to the salary schedule for P05.

For COLA adjustments and county comparisons, see page19.

Health Benefits – Career Employees

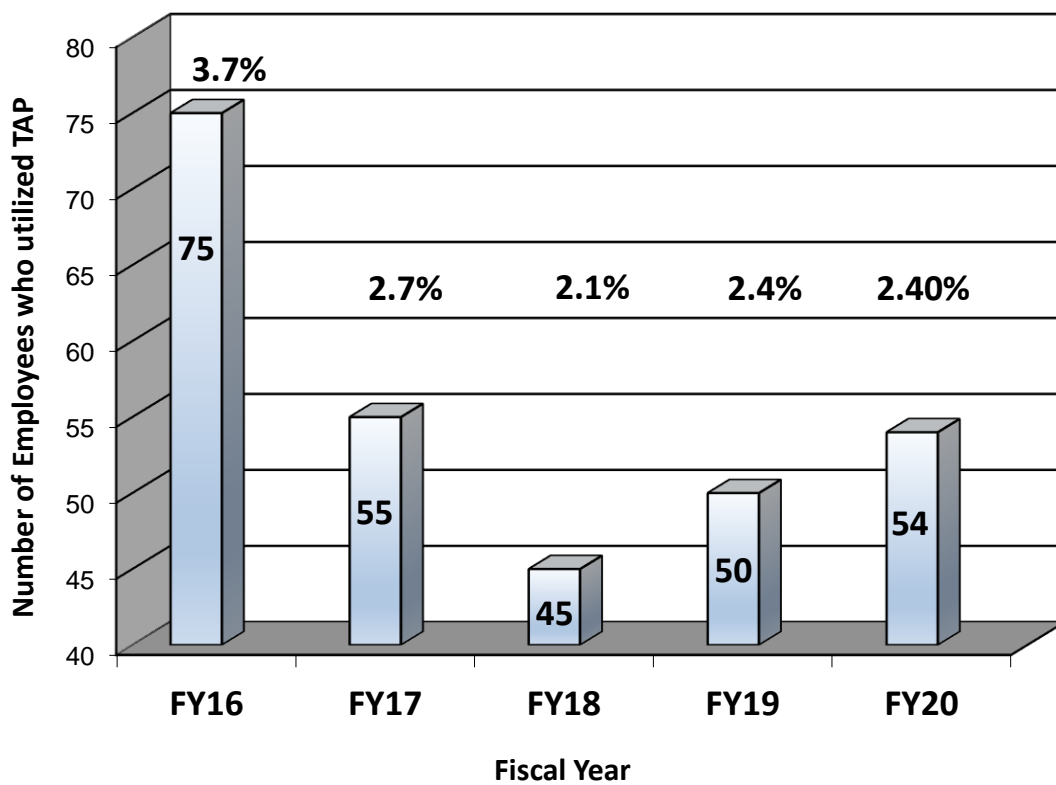
- The Commission offered career employees medical, vision, prescription, and dental plans; basic life and accidental death and dismemberment (AD&D) insurance, long term disability insurance (LTD), and employee assistance program (EAP); as well as fully employee-funded benefits such as spouse and dependent life insurance, 457 deferred compensation, legal services, flexible spending accounts, and long-term care benefits.
- Career Employees selected from three health plans for medical insurance coverage. These included a Point of Service (POS) plan, an Exclusive Provider Organization (EPO) plan, and a Health Maintenance Organization (HMO) plan.



Other Benefits

The agency offers career employees the opportunity to utilize the Tuition Assistance Program for professional development through funding for college and technical training. In FY20, 54 career employees utilized the Tuition Assistance Program.

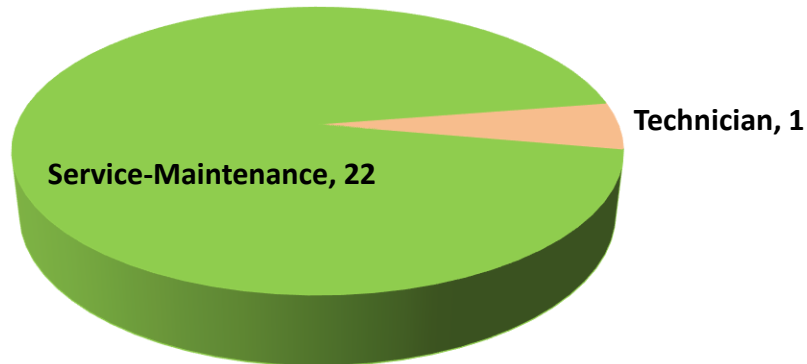
Tuition Assistance Program (TAP) Commission-Wide Participation



FY17-FY20 analysis based on number of *employees*, not requests. Previous years based on number of requests. TAP is available to all active Merit System employees who have successfully completed new hire probation and attained career status.

The Commission offered career employees the opportunity to participate in the Literacy and Language Program which teaches communication and job skills to native and non-native English-speaking employees, therefore advancing professional opportunities. In FY20, 23 employees utilized the Literacy and Language Proficiency Program.

Literacy Program Participants by Job Category



Department	Number of Participants
Montgomery County Parks	9
Prince George's County Parks and Recreation	13
Bi-County Corporate Operations	1
Total	23

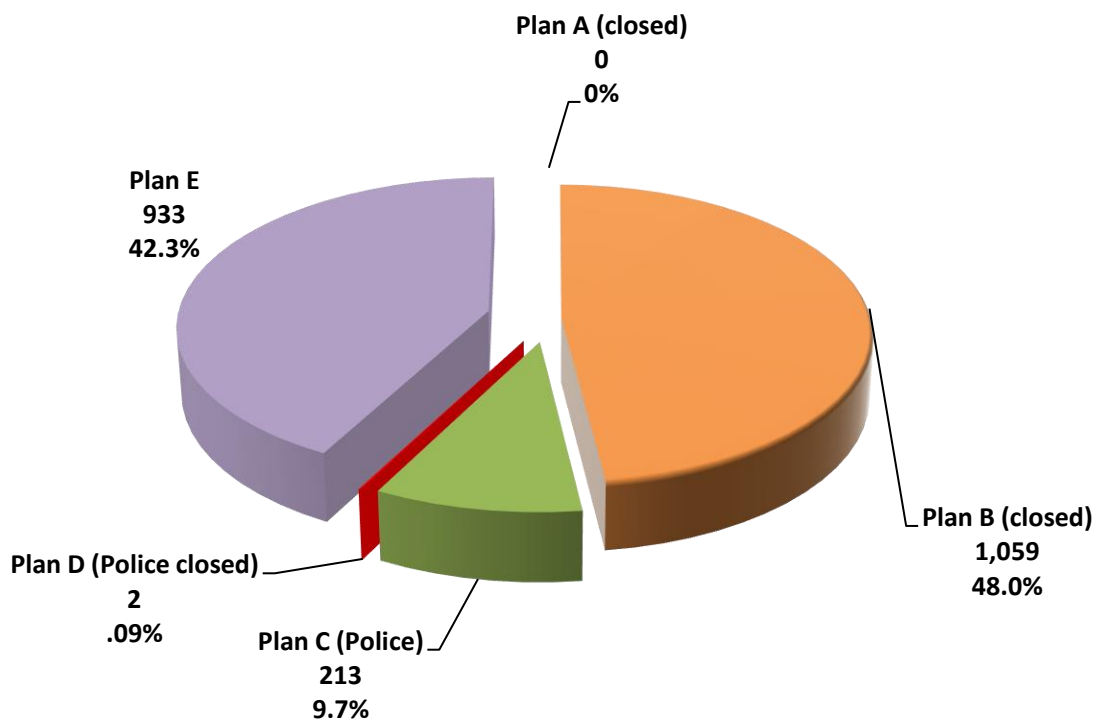
Retirement Benefits – Career

Since 1978, the Commission has offered a pension program to its career workforce. Enrollment is mandatory, and plans are jointly funded through employer and employee contributions. There are five defined benefit plans:

1. Plan A is non-integrated with Social Security and has been closed to new membership since December 31, 1978. There are no active career employees in Plan A.
2. Plan B is integrated with Social Security; 48.0% of the workforce, or 1,059 active employees are in Plan B. This plan was closed to new membership on December 31, 2012.

3. Normal retirement for employees in both Plan A and Plan B is age 60 with at least five years of credited service or 30 years of credited service regardless of age.
4. Plans C and D are the retirement plans for the Park Police and account for 9.7% of active employee retirement plan membership. Plan C has 9.7% or 213 members and Plan D has less than .09% or 2 members. Plan D was closed to new membership in July 1993.
5. Normal retirement for employees in Plan C is 25 years of credited service, or age 55 with at least five years of service.
6. Normal retirement for employees in Plan D is 22 years of credited service, or age 55 with at least five years of service.
7. Plan E is mandatory for all full-time and part-time Merit System employees (except Park Police), for individuals employed by Employees' Retirement System, Appointed Officials, and employees exempted from the Merit System who are employed or appointed on or after January 1, 2013. Plan E has 42.2% of the career workforce, or 932 members.
8. Normal retirement for employees in Plan E is age 62 with at least 10 years of credited service, or 30 years of credited service regardless of age.
9. Employees are eligible to convert accumulated sick leave into credited service at the time of retirement. Employees may use a maximum of 14 months of sick leave to qualify for early or normal retirement.

Participation in Employee Retirement Plans



Total Employees in the Retirement System: 2,207

Plan A (non-police), Plan B (non-police) and Plan D (police) are closed to new participants.

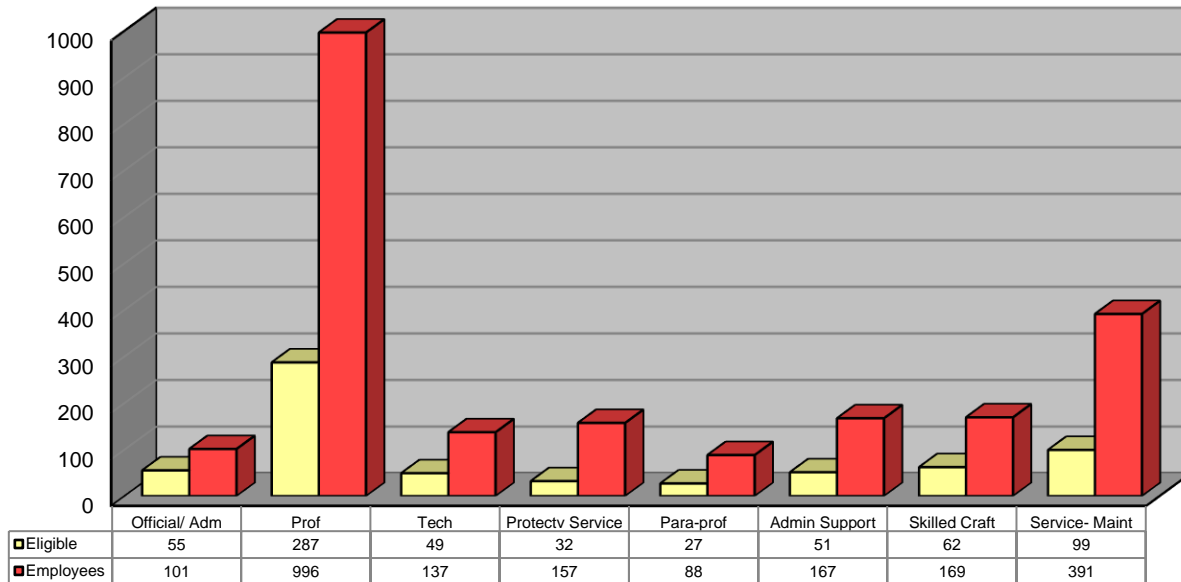
Plan C (police) and Plan E (non-police) remain open to new participants.

For retirement eligibility statistics see page 24.

Career Employees Eligible for Normal Retirement Between FY21 and FY25

	FY21	FY22	FY23	FY24	FY25	Total
PGC Commissioners' Ofc	7	1		1		9
PGC Parks and Recreation	180	28	44	31	41	324
PGC Planning	32	4	3	7	4	50
PGC Sub Total	219	33	47	39	45	383
CAS	35	1	3	3	6	48
MC Commissioners' Ofc	2					2
MC Parks	114	19	18	13	24	188
MC Planning	27	3	4	4	3	41
MC Sub Total	143	22	22	17	27	231
Commission Total	397	56	72	59	78	662

Career Employees Eligible for Retirement Between FY21 and FY25 (Commission-Wide)



FY21 through FY25, 662 out of 2,207 (30.0%) of current employees will reach normal retirement eligibility. This is an average of 133 employees for each of those years. Based on the current number of employees, by EEO category, this represents:

- 54.5% of the Official/Administrator category
 - 28.8% of the Professional category
 - 35.8% of the Technician category
 - 20.4% of the Protective Service category
 - 30.7% of the Paraprofessional category
 - 30.5% of the Administrative Support category
 - 36.7% of the Skilled Craft category
 - 25.3% of the Service-Maintenance category
- (Excludes Commissioners and employees in Long Term Disability status.)

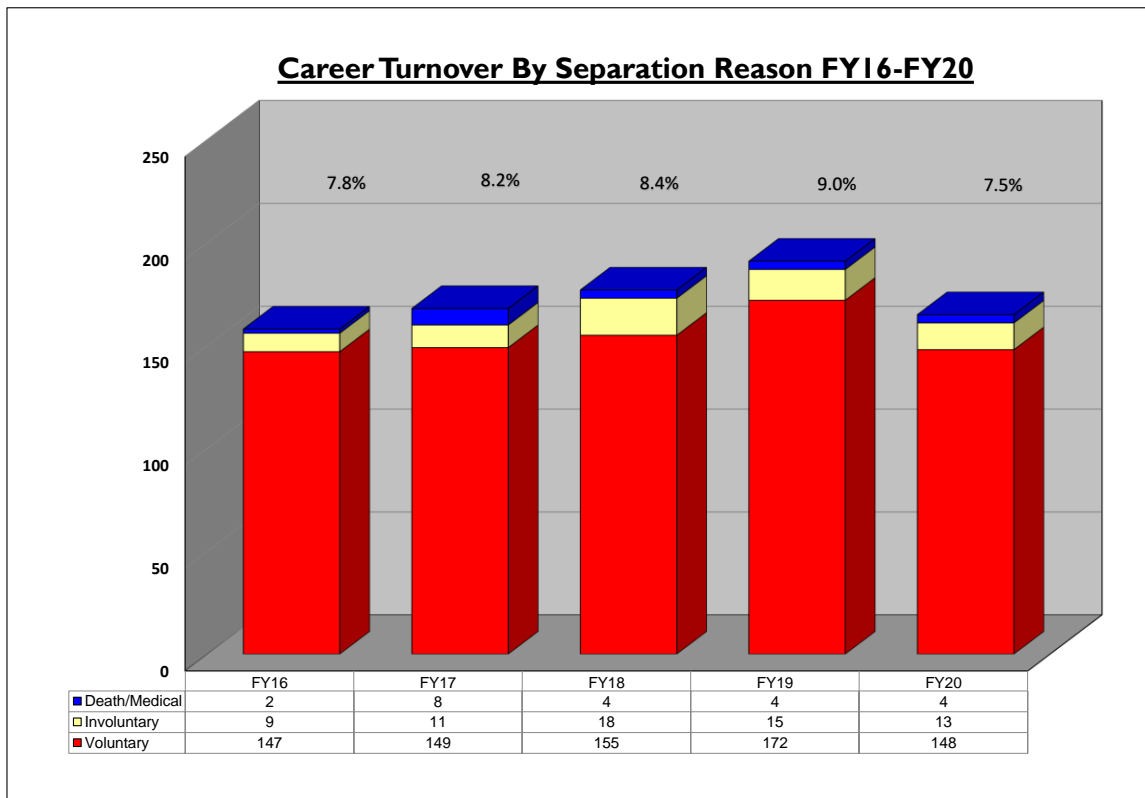
Turnover – Career

Turnover rate in FY20 was 7.5% or 165 employees. The average turnover rate for the past five fiscal years (FY16 – FY20) is 8.2%.

- In FY20, 62.7% of employees who separated employment were male and 37.3% were female.
- In FY20, the composition of separating employees was:
 - 50.3% White (Not Hispanic or Latino)
 - 39.4% Black or African American
 - 3.0% Asian
 - 7.3% Hispanic or Latino
- Of the 165 separated employees, the highest turnover percentage occurred in the Office and Clerical job category, with a turnover of 10.9% (18 separations of 167 total).
 - Office and Clerical turnover -10.7% (18 separation of 167)
 - Professional turnover - 8.0% (80 of 997 total)
 - Skilled Craft turnover - 7.7% (13 separations out of 169 total)
 - Service-Maintenance turnover - 7.4% (29 separations out of 391 total)
 - Protective Service turnover - 5.7% (9 separations out of 157 total)
 - Paraprofessional turnover -5.7% (5 separations out of 88 total)
 - Technician turnover - 5.1% (7 separations out of 137 total)
 - Official and Administrator turnover - 4.0% (4 separations of 101)
- In FY20, the three primary reasons for separations were normal retirement, a new job and personal reasons. For all separations statistics by reason see page 26.

Number of Separations by Reason and Fiscal Year

		FY16	FY17	FY18	FY19	FY20
Voluntary	New Job	45	41	41	32	35
	Relocation	11	7	3	8	7
	Personal Reasons	21	24	24	37	28
	Return to School	0	2	1	1	0
	Early Retirement	0	7	9	0	10
	Normal Retirement	67	67	74	88	64
	Quit Without Notice (No Show)	1	1	2	6	4
	Other	2	0	1	0	0
Involuntary	Violation of Rules	7	7	6	10	7
	Unsatisfactory Performance	2	4	10	5	4
	Reduction in Force (RIF)	0	0	0	0	0
	Dismissal/Job Abandonment	0	0	2	0	2
Other	Death	2	3	3	4	4
	Not Specified	0	0	0	0	0
	Disability Medical	0	0	0	0	0
	Resign Medical	0	5	1	0	0
Total Separations		158	168	177	191	165
Turnover Rate		7.8%	8.2%	8.4%	9.0%	7.5%



Trends in the Career Employee Lifecycle

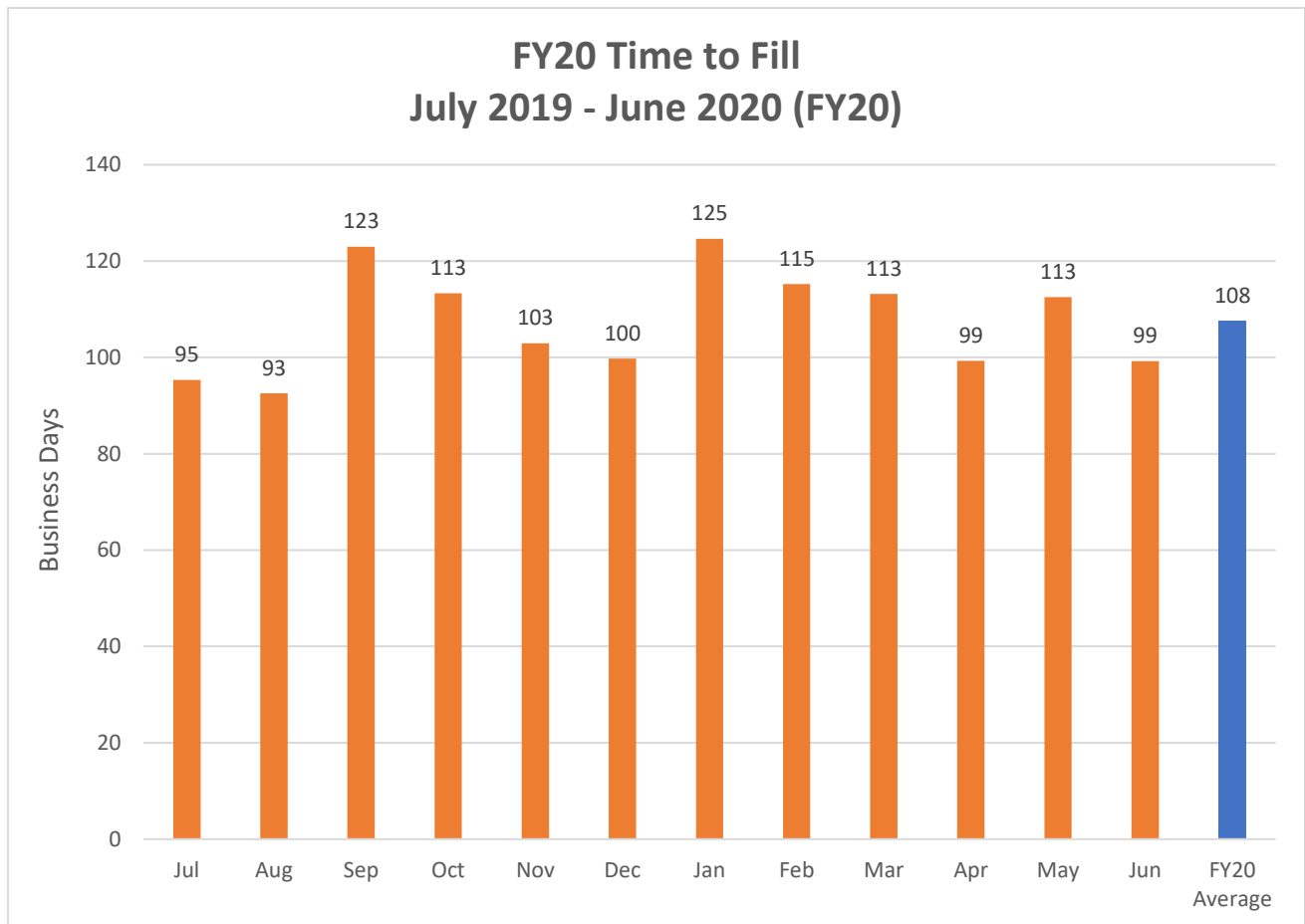
*Recruitment, Salary,
Demographics, Retirement,
and Turnover Trends*

TRENDS IN THE CAREER EMPLOYEE LIFECYCLE

FY20 PERSONNEL MANAGEMENT REVIEW:
TRENDS IN THE CAREER EMPLOYEE LIFECYCLE
Recruitment, Salary, Demographics, Retirement, and Turnover Trends

1. Recruitment Trends

The average number of days to fill a position indicates the time between the date a position is posted/advertised and the date of hire. In FY20, it took an average of 108 days to fill a position by these metrics. Many variables contribute to the average number of days it takes to fill positions. The chart includes positions filled by both internal employees and external candidates. The chart excludes appointed positions and Park Police selections which follow specific hiring and promotional requirements.



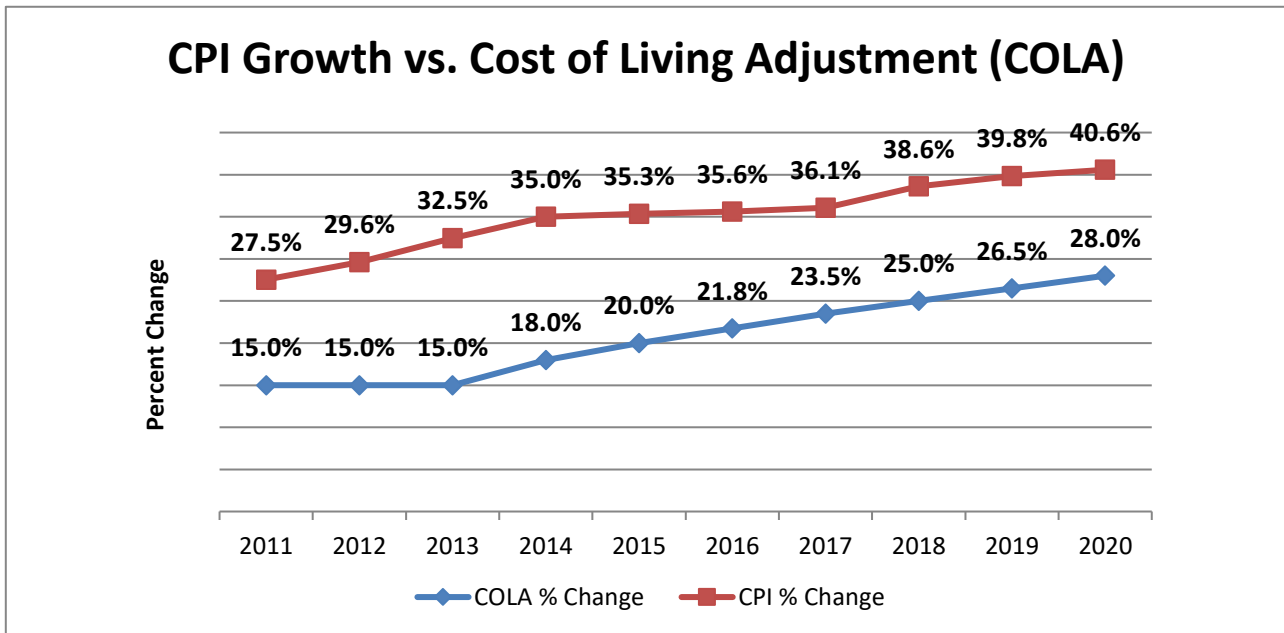
2. Cost of Living Adjustment and Merit Increase Trends

In FY20, career employees received a 1.5% or 1.0% cost of living adjustment and a 3.5% merit increment.

M-NCPPC Five-Year COLA and Merit Increases

	FY16	FY17	FY18	FY19	FY20
<u>Non-Represented</u>					
Increment (Merit)	1.75%	1.75%	3.50%	3.5%	3.5%
General Adjustment (COLA) (effective date)	1.75% 9/15	1.75% 9/16	1.50% 8/17	1.50% 10/18	1.50% 7/19
Lump-sum Payment	.5% for EEs at TOG and not eligible for merit or longevity	.5% for Ees at TOG and not eligible for merit or longevity	.5% for Ees at TOG and not eligible for merit or longevity		
<u>MC GEO Local 1994</u>					
Increment (Merit)	1.75%	1.75%	3.50%	3.5%	3.5%
General Adjustment (COLA) (effective date)	1.75% 9/15	1.75% 9/16	1.50% 8/17	1.5% 10/18	1.5% 7/19
Lump-sum Payment	.5% for Ees at TOG and not eligible for merit or longevity	.5% for Ees at TOG and not eligible for merit or longevity	.5% for Ees at TOG and not eligible for merit or longevity		
<u>FOP Lodge 30</u>					
Increment (Merit)	3.50%	3.50%	3.50%	3.5%	3.5%
General Adjustment (COLA) (effective date)	1.75% 7/15	.5% 7/16	1.5% 7/17	1.0% 7/18	1.0% 7/19
Lump-sum Payment					

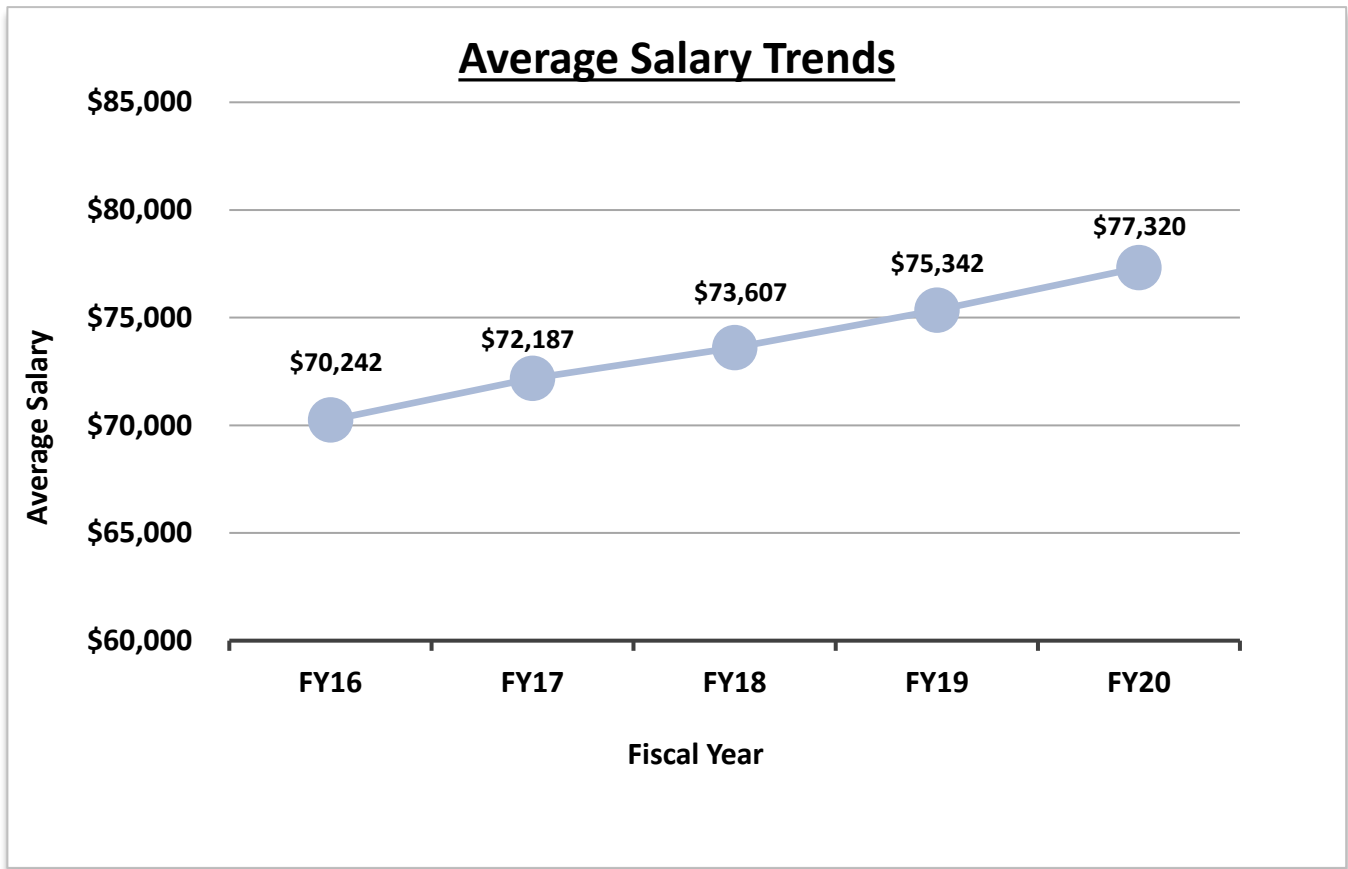
The red line on the chart below depicts the cumulative growth of the Consumer Price Index (CPI) over the last 10 years (FY11 – FY20). The blue line, in comparison represents the cumulative M-NCPPC career workforce cost of living adjustments over that period.



Source: U.S. Department of Labor Consumer Price Index for all Urban Consumers, Washington-Arlington-Alexandria, DC-MD-VA-WV. Note: In January 2018, BLS introduce a new geographic area for the Consumer Price Index (CPI). Washington DC and Baltimore now have separate indexes. Montgomery County and Prince George’s County now both fall in Washington-Arlington-Alexandria, DC-MD-VA-WV geographic sample area.

3. Employee Salary Trends

In FY20 the Commission’s average salary for all career employees increased by 2.6% from \$75,342 in FY19 to \$77,320.



4. Top of Grade Trends

Top of Grade means a salary is at the maximum of the pay grade. In FY20, the percentage of employees at top of grade was 19.3%. This is an increase from the percentage of employees at top of grade in FY19, 16.7%.

Five-Year Top of Grade Distribution Trends

Top of Grade	FY16	FY17	FY18	FY19	FY20
# of EEs	458	331	370	353	425
% of Total Populations	22.6%	16.2%	17.5%	16.7%	19.3%

5. Five-Year Demographic Trends

In the past five fiscal years, there have been incremental changes in the Commission’s career workforce demographics. The Hispanic or Latino category reflects a 21.4% increase between FY16 and FY20. The Asian category saw a 5.8% decrease over the same time period. The gender composition has increased 11.4% for females and 9.4% for males.

Five-Year Demographic Distribution by Race/Ethnicity and Gender: FY2016 – FY2020

	FY16	FY17	FY18	FY19	FY20	% Change over 5 years
Race/Ethnicity						
American Indian or Alaska Native	10	9	10	8	10	0.0%
Asian	86	87	90	87	91	5.8%
Black or African American	732	757	790	810	847	15.7%
Hispanic or Latino	126	134	150	149	153	21.4%
Native Hawaiian or Other Pacific Islander	0	1	1	1	1	100.0%
Two or More Races ¹	0	0	3	7	21	Footnote ¹
White	1,062	1,060	1,067	1,053	1,084	2.1%
Minority Combined Total	954	988	1,044	1,062	1,123	11.3%
Gender						
Women	775	779	804	805	864	11.5%
Men	1,241	1,269	1,307	1,310	1,343	8.2%
Total Career Workforce	2,016	2,048	2,111	2,115	2,207	9.5%

¹ This Ethnic/Race Identification Category has been added to Federal EEO-4 survey forms, to M-NCPPC ethnicity selection forms, and to the human capital management system (Lawson) in FY18.

6. Five-Year Age Distribution Trends

In the past five fiscal years, the percentage of employees in the 60+ age category has grown from 14.0% to 15.1% of the career workforce.

Five-Year Demographic Distribution by Age: FY2016 – FY2020

	FY16		FY17		FY18		FY19		FY20	
Age / % of Population										
60+ Years of Age	283	14.0%	292	14.3%	316	15.0%	347	16.4%	334	15.1%
50-59 Years of Age	660	32.7%	664	32.4%	664	31.5%	624	29.5%	623	28.2%
40-49 Years of Age	533	26.4%	519	25.3%	501	23.7%	498	23.5%	535	24.2%
30-39 Years of Age	393	19.5%	410	20.0%	443	21.0%	472	22.3%	500	22.7%
19-29 Years of Age	147	7.3%	163	8.0%	187	8.9%	174	8.2%	215	9.7%
Total Career Workforce	2,016		2,048		2,111		2,115		2,207	

7. Retirement Eligibility and Projection Trends

Over the past five fiscal years, the percentage of employees eligible for normal retirement has remained somewhat consistent, with slight increases and decreases in the percentage.

Fiscal Year	Five-Year Trend
FY20	30.0%
FY19	30.4%
FY18	31.9%
FY17	33.2%
FY16	34.4%

In FY21, 397 out of 2,207 employees (18% of the workforce) *will be* eligible for normal retirement. Between FY21 and FY25, 662 out of 2,207 employees, 30.0%, of all career employees (full-time and part-time) will be eligible for normal retirement.

Employees Reaching Normal Retirement Eligibility- Projections by EEO Job Category

EEO Job Category	FY2021	FY2022	FY2023	FY2024	FY2025	5-year total	% of EEO Category
Official and Administrator	34	8	6	3	4	55	54.4%
Professional	180	20	27	27	33	287	28.8%
Technician	30	2	6	5	6	49	35.7%
Protective Service	13	4	4	4	7	32	20.3%
Paraprofessional	15	3	2	5	2	27	30.68%
Admin Support	33	3	7	6	2	51	30.5%
Skilled Craft	40	6	3	4	9	62	36.69%
Service-Maintenance	52	10	17	5	15	99	25.3%
Total	397	56	72	59	78	662	30.0%

8. Retirement Trends

Five-Year Retirement Separations

Fiscal Year	Number Retired	% of Workforce Retired
FY20	74	3.4%
FY19	88	4.2%
FY18	83	3.9%
FY17	85	4.2%
FY16	67	3.6%
FY15	51	2.5%
FY14	45	2.0%
FY13	58	3.0%

9. Turnover Trends

The turnover rate for career employees in FY20 was 8.2%.

Five-Year Turnover Rates

FY16	FY17	FY18	FY19	FY20
7.8%	8.2%	8.4%	9.0%	8.2%

Turnover rates as reported by the Local Government Personnel Association for FY20. M-NCPPC is at the median for organizations that reported this data.

Organization	Turnover Rate
District of Columbia	14.9%
Alexandria City	12.5%
Arlington County	12.0%
Maryland State	10.0%
Charles County	10.0%
Prince George's County	9.9%
M-NCPPC	8.2%
Montgomery County	7.0%
Howard County	6.8%
Anne Arundel County	6.0%
City of College Park	6.0%
Baltimore County	4.7%
Fairfax County	4.2%

Non-Permanent Workforce Highlights

Non-Permanent (Seasonal/Intermittent, Temporary, and Term Contract) Workforce Composition, Demographics, & Benefits

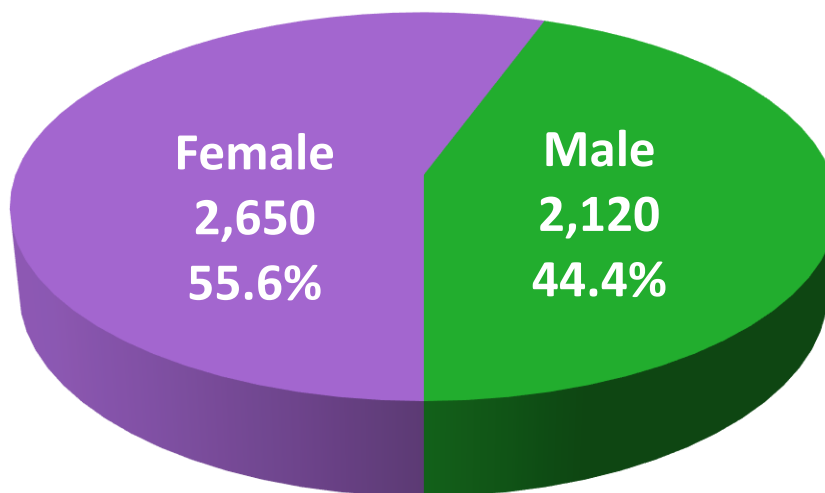
- In FY20, the non-career workforce totaled 4,770 employees (as of 6/30/2020). Of this number, 99.2% (4,734) were Seasonal/Intermittent Contract, .6% (31) were Term Contract and .1% (5) were Temporary Contract.
- Of non-permanent/seasonal employees, 90.6% worked in Prince George’s County Department of Parks and Recreation and 8.6% worked in Montgomery County Department of Parks.

Non-Permanent/Seasonal Employee Distribution by Department

Bi-County Corporate Operations	13	0.3%
Montgomery County Commissioners' Office	1	0.0%
Montgomery County Planning	13	0.3%
Montgomery County Parks	441	8.6%
Prince George's County Commissioners' Office	0	0.0%
Prince George's County Planning	11	0.2%
Prince George's County Parks and Recreation	4,321	90.6%
M-NCPPC Non-Permanent/Seasonal Employees Total	4,770	100.0%

- The gender composition of non-career employees in FY20 was 55.6% female and 44.4% male.

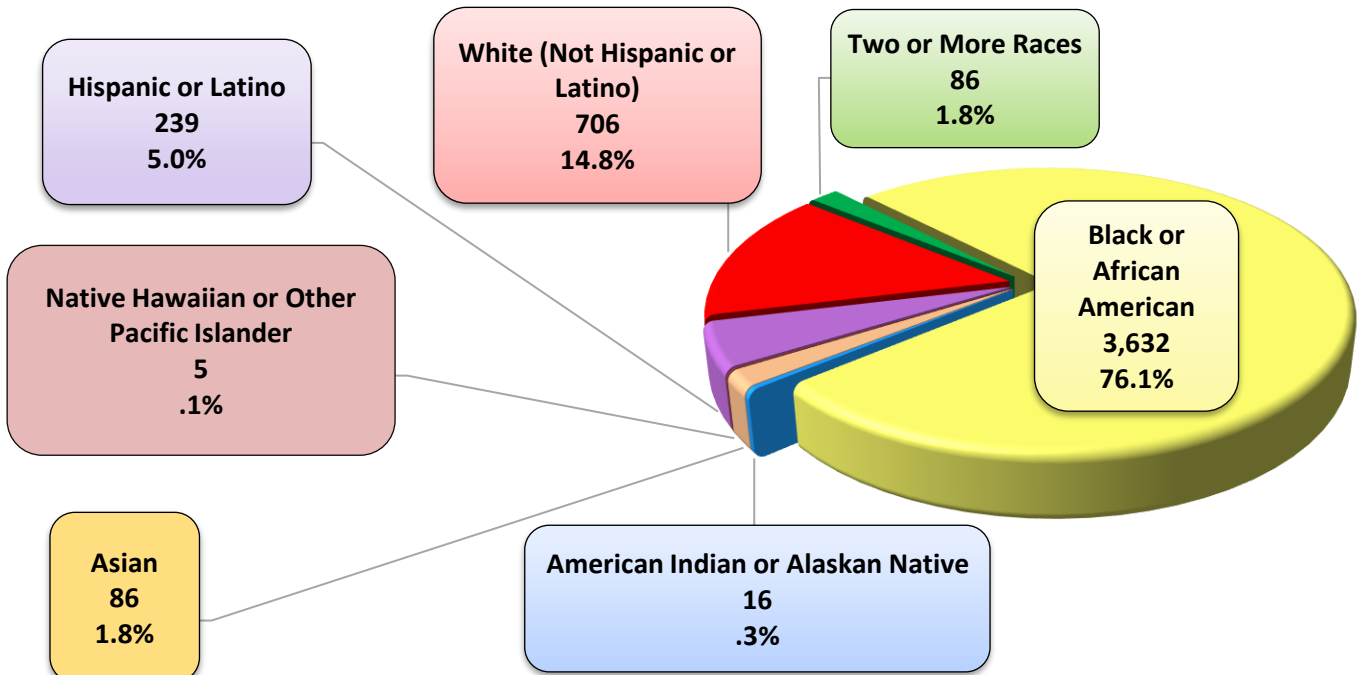
Non-Permanent/Seasonal Employees by Gender



Total Non-Career Employees: 4,770

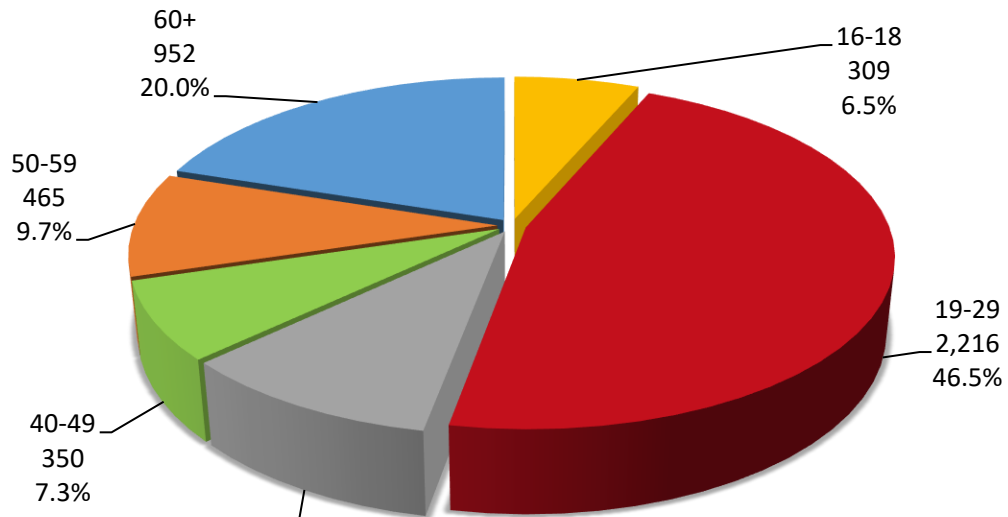
- In FY20, the racial/ethnic composition of non-career employees was as follows:

Non-Permanent/Seasonal Employees by EE0-4 Race/Ethnic Identification



Total Non-Permanent/Seasonal Employees: 4,770

Distribution of Non-Permanent/Seasonal Employees by Age



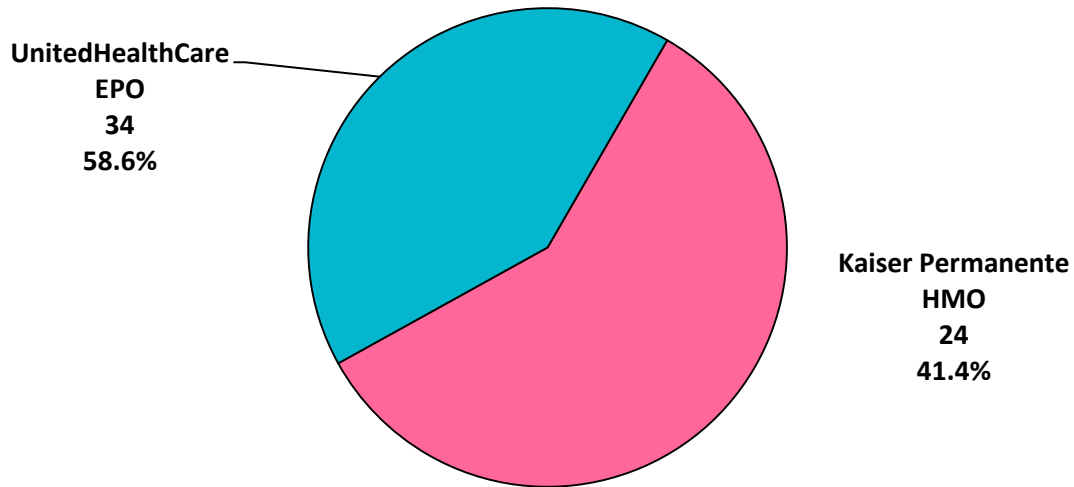
Average Age : 37 years old
Total Non-Permanent/Seasonal Employees: 4,770

- **Seasonal/Intermittent** Employees are eligible for:
 - FMLA (subject to meeting minimum service and work-hour requirements)
 - Leave without pay
 - Direct Deposit
 - Medical health benefits as long as they meet the requirements for the Affordable Care Act as they apply to M-NCPPC and the employee works, on average, a minimum of 30 hours per week over the course of a twelve (12) month period as defined by the Affordable Care Act.
 - In FY18, the passage of the Maryland Healthy Working Families Act employees who work at least 24 hours, per bi-weekly pay period, are eligible to earn up to 40 hours of sick leave each calendar year.
 - Seasonal/Intermittent employees are eligible for medical health benefits as long as they meet the requirements for the Affordable Care Act as they apply to M-NCPPC and the employee works, on average, a minimum of 30 hours per week over the course of a twelve (12) month period as defined by the Affordable Care Act.

- **Term Contract** Employees are eligible for:
 - Leave Benefits: Up to 2 weeks of paid generic leave, Paid holiday leave, Administrative leave, Holiday pay when working a holiday, FMLA (subject to meeting minimum service and work-hour requirements) and Leave without pay.
 - General Benefits: Direct deposit, Membership in Credit Union, Deferred Compensation Plan and workers' compensation benefits.
 - Medical Benefits: Medical Health Insurance, prescription plan, flexible spending accounts, and retirement programs including traditional and Roth IRA.
 - Term Contract Employees are eligible at time of hire for medical health insurance, prescription plan, flexible spending accounts, and retirement programs including Traditional and Roth IRA, Deferred Compensation IRC 457, flexible spending accounts

- **Temporary** Employees are eligible for:
 - FMLA (subject to meeting minimum service and work-hour requirements)
 - Leave without pay
 - Direct Deposit
 - In FY18, the passage of the Maryland Healthy Working Families Act employees who work at least 24 hours, per bi-weekly pay period, are eligible to earn up to 40 hours of sick leave each calendar year.
 - Temporary employees are not eligible for health benefits

Non-Permanent/Seasonal Employee Medical Health Plan Participation



Total Number of Non-Permanent/Seasonal Medical Health Plan Participants:

58 (1.22% of all Non-Permanent/Seasonal Employees)

38 Term Contract Medical Health Plan Participants

20 Seasonal/Intermittent Medical Health Plan Participants

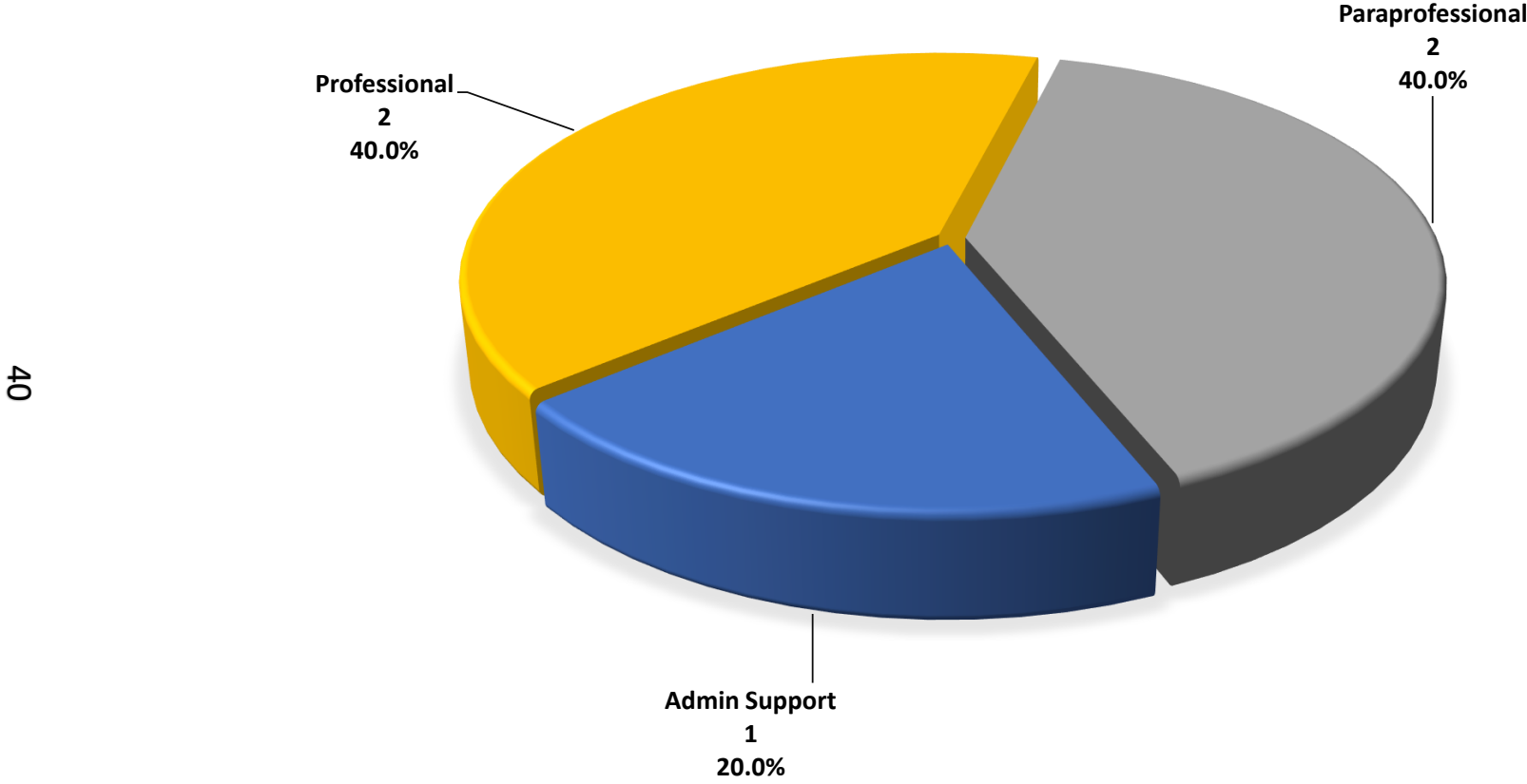
Note: In FY18 the passage of the Maryland Health Working Families Act made up to 40 hours of sick leave benefits available to Seasonal/Intermittent and Temporary Contract employees who work at least 24 hours in a bi-weekly pay period.

M-NCPPC Montgomery County

*Commissioners' Office
Department of Planning
Department of Parks*

M-NCPPC MONTGOMERY COUNTY

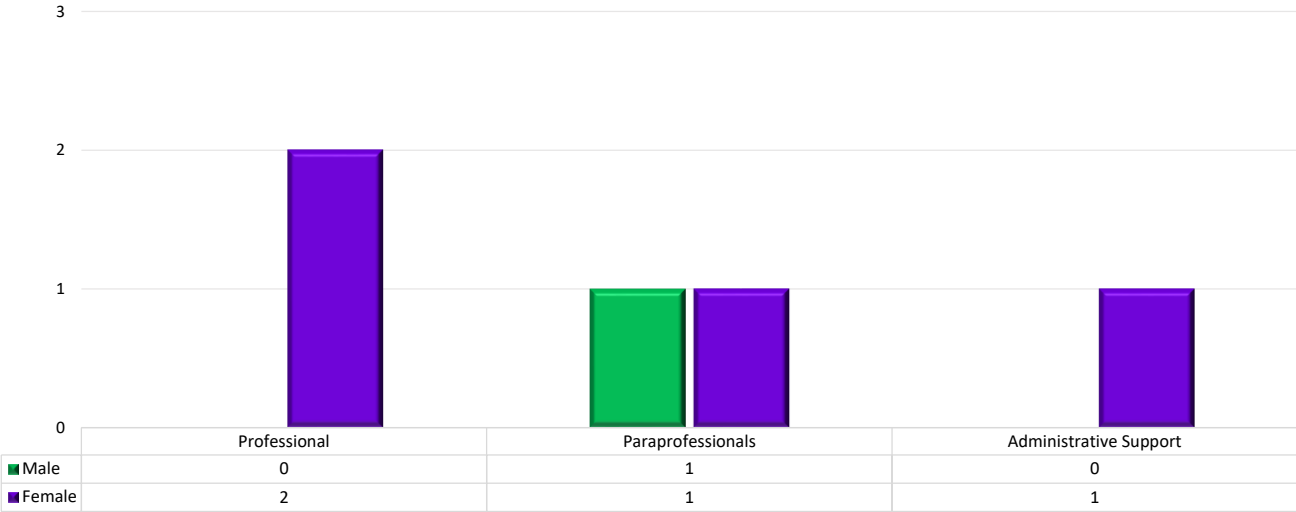
Career Employees by EEO-4 Job Category:
Montgomery County Commissioner's Office



Total Employees = 5

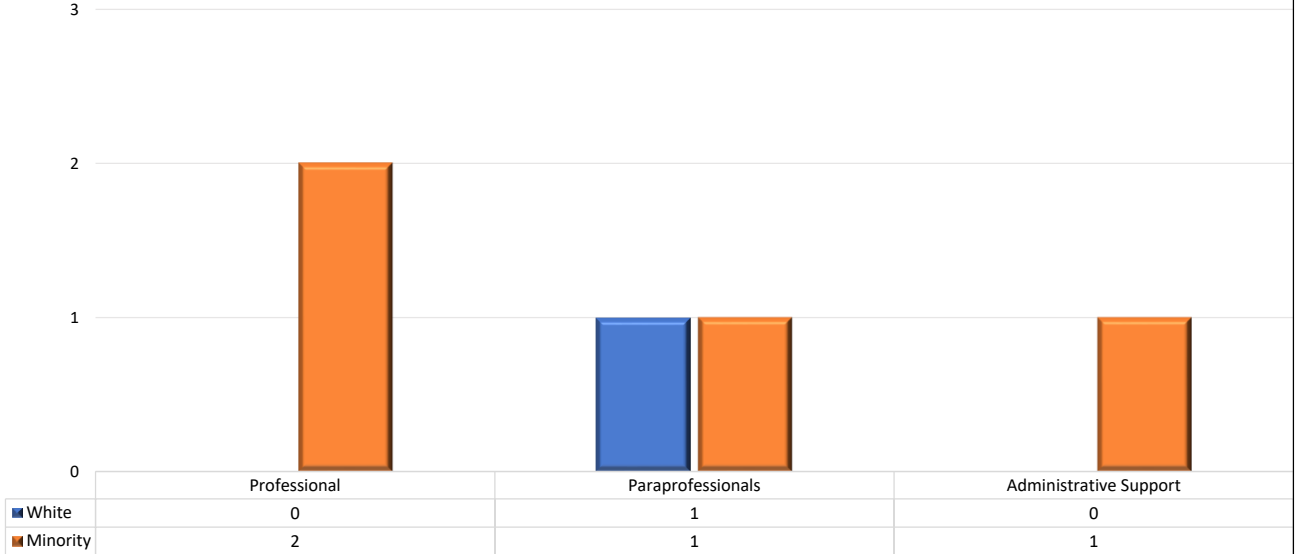
Career Employees by EEO-4 Job Category: Gender and Race/Ethnicity Montgomery County Commissioners' Office

Distribution by EEO-4 Job Category and Gender



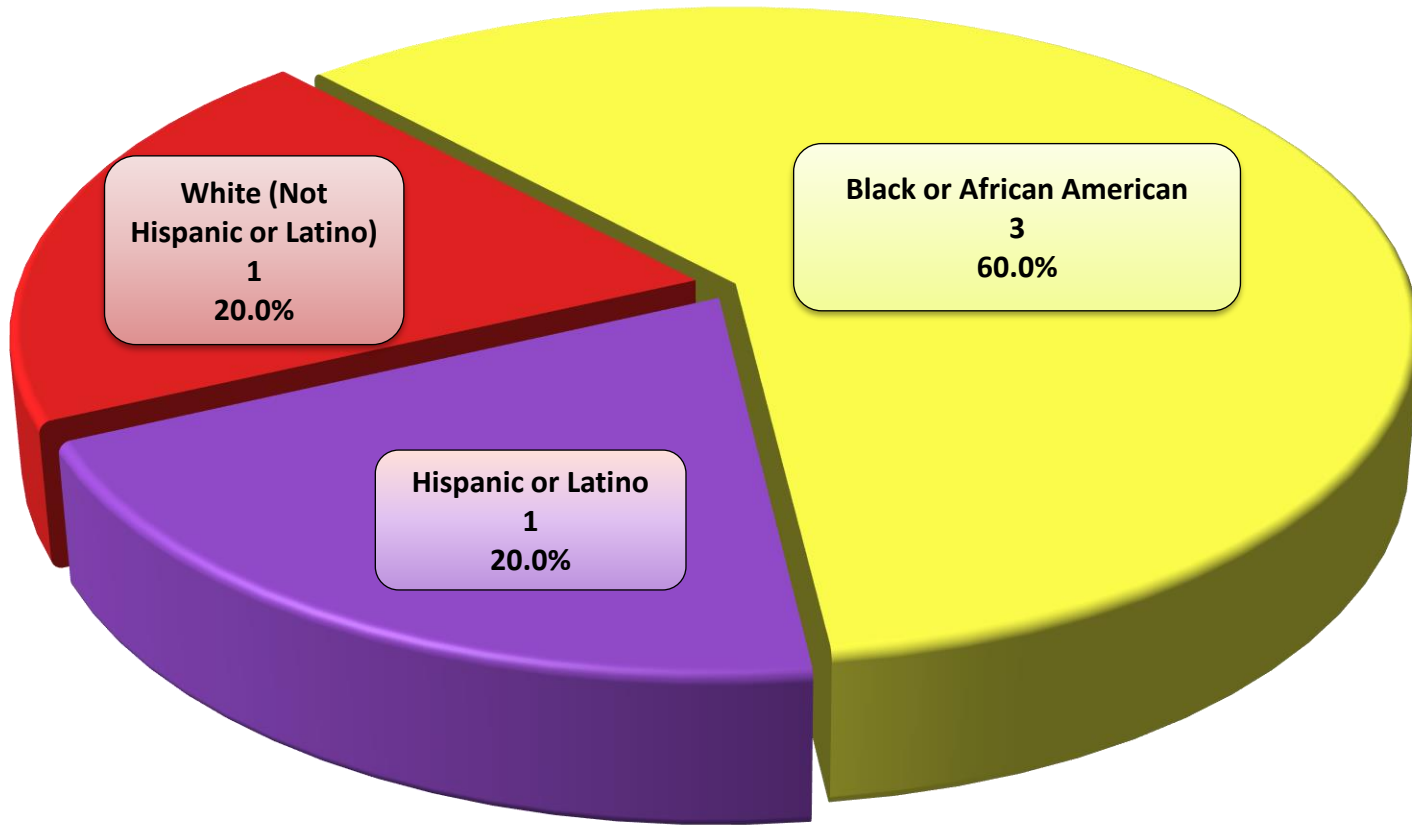
Total MCCO Employees: 5

Distribution by EEO-4 Job Category and Race/Ethnicity



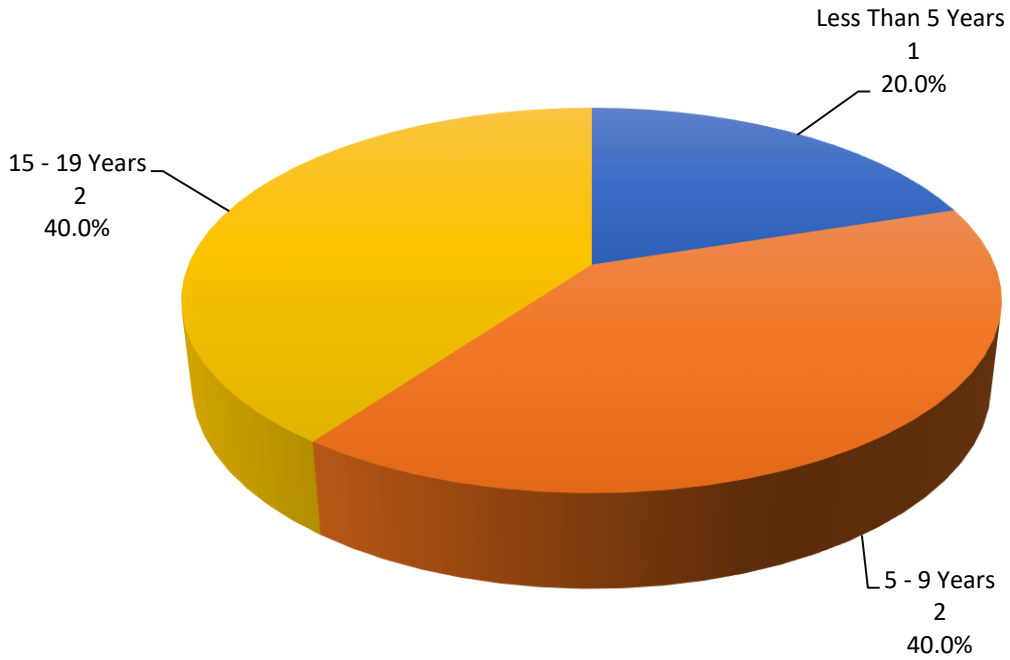
Total MCCO Employees: 5

**EE0-4 Race/Ethnic Identification, Career Employees
Montgomery County Commissioners' Office**



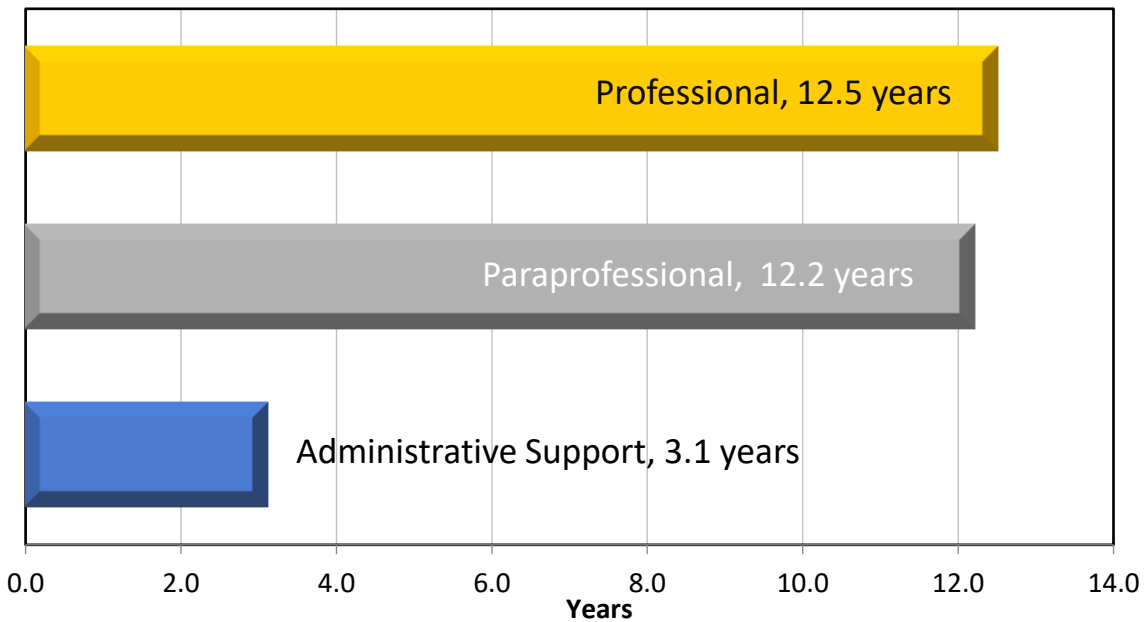
Total Career Employees: 5

Length of Service for Career Employees: Montgomery County Commissioners' Office



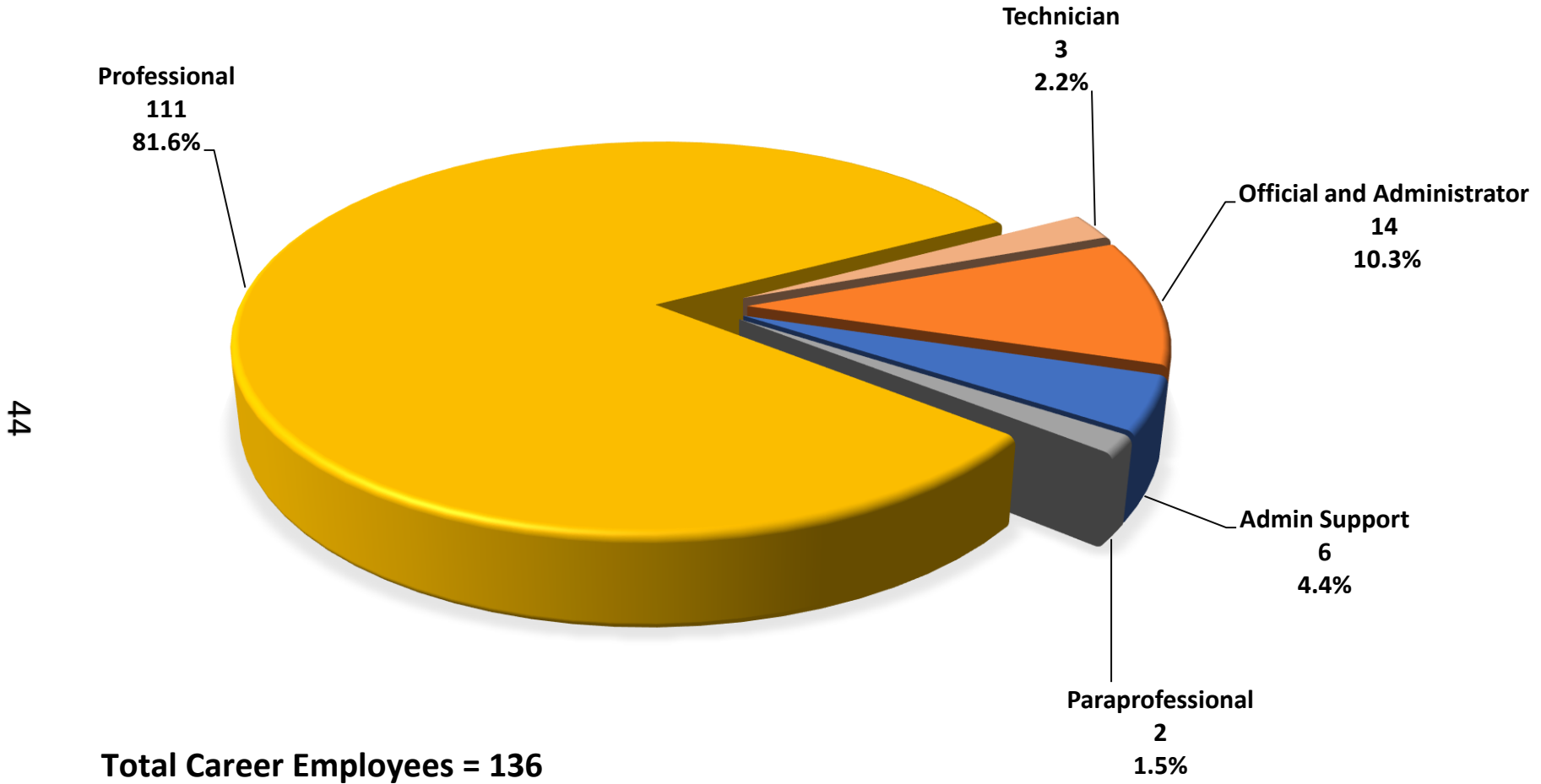
Total MCCO Employees: 5

Average Length of Service by EEO-4 Job Category: Montgomery County Commissioners' Office



Average Length of Service for Employees: 9.3 Years

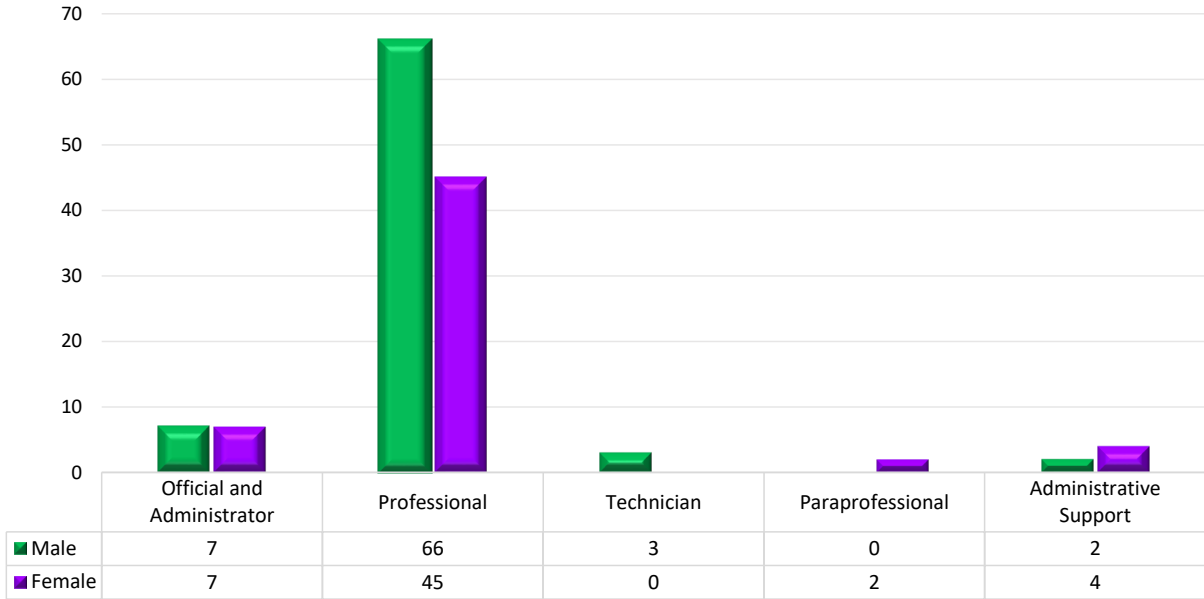
Career Employees by EEO-4 Job Category: Montgomery County Planning



44

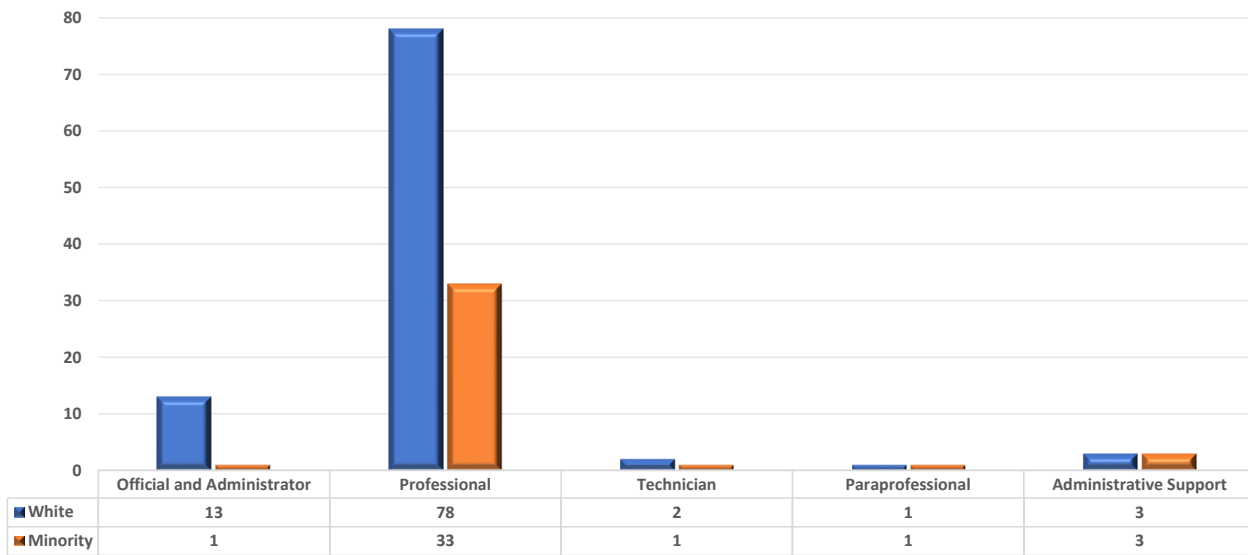
**Career Employees by EEO-4 Job Category:
Gender and Race/Ethnicity
Montgomery County Planning**

Distribution by EEO-4 Job Category and Gender



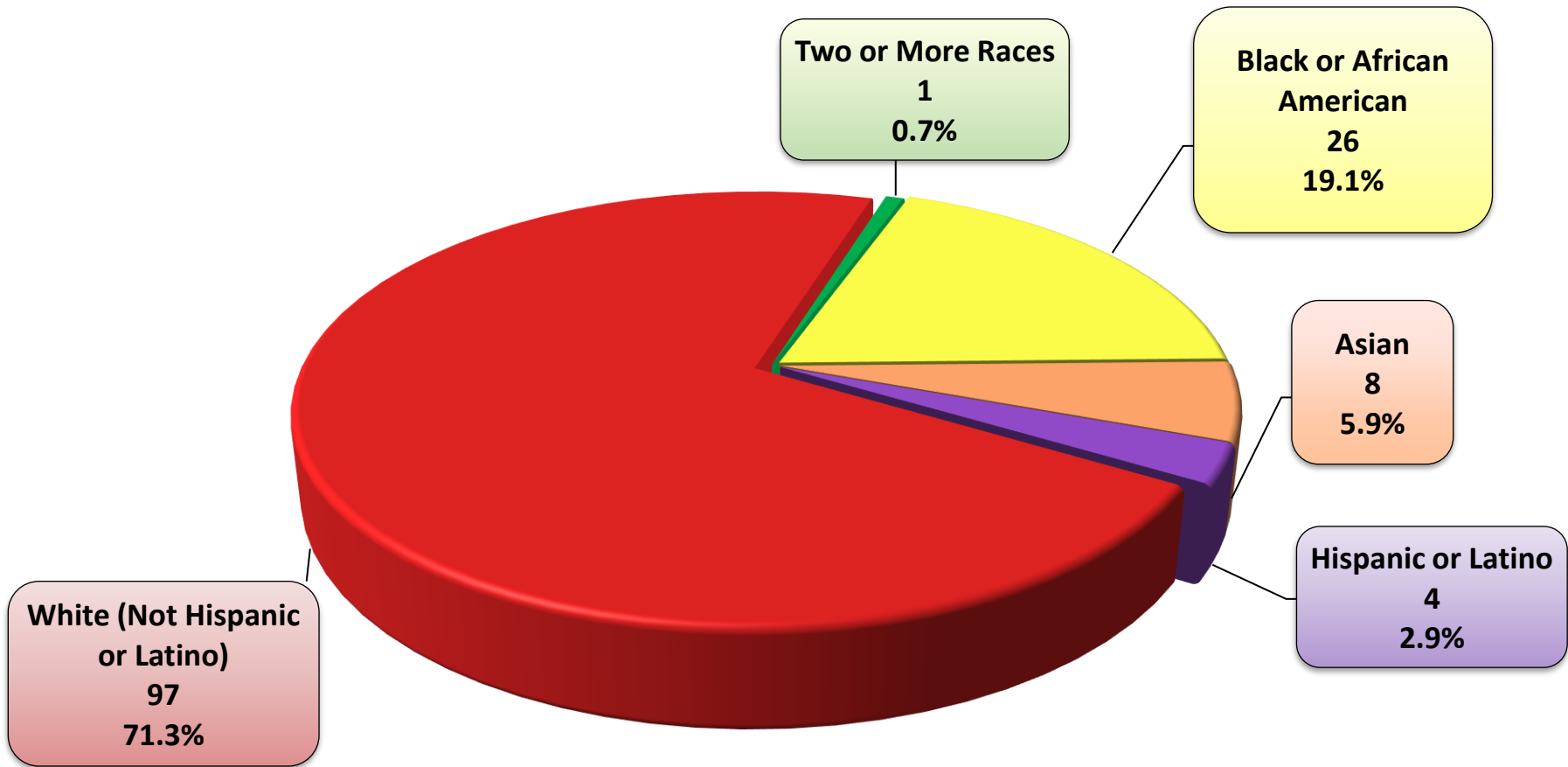
Total MCPL Employees: 136

Distribution by EEO-4 Job Category and Race/Ethnicity



Total MCPL Employees: 136

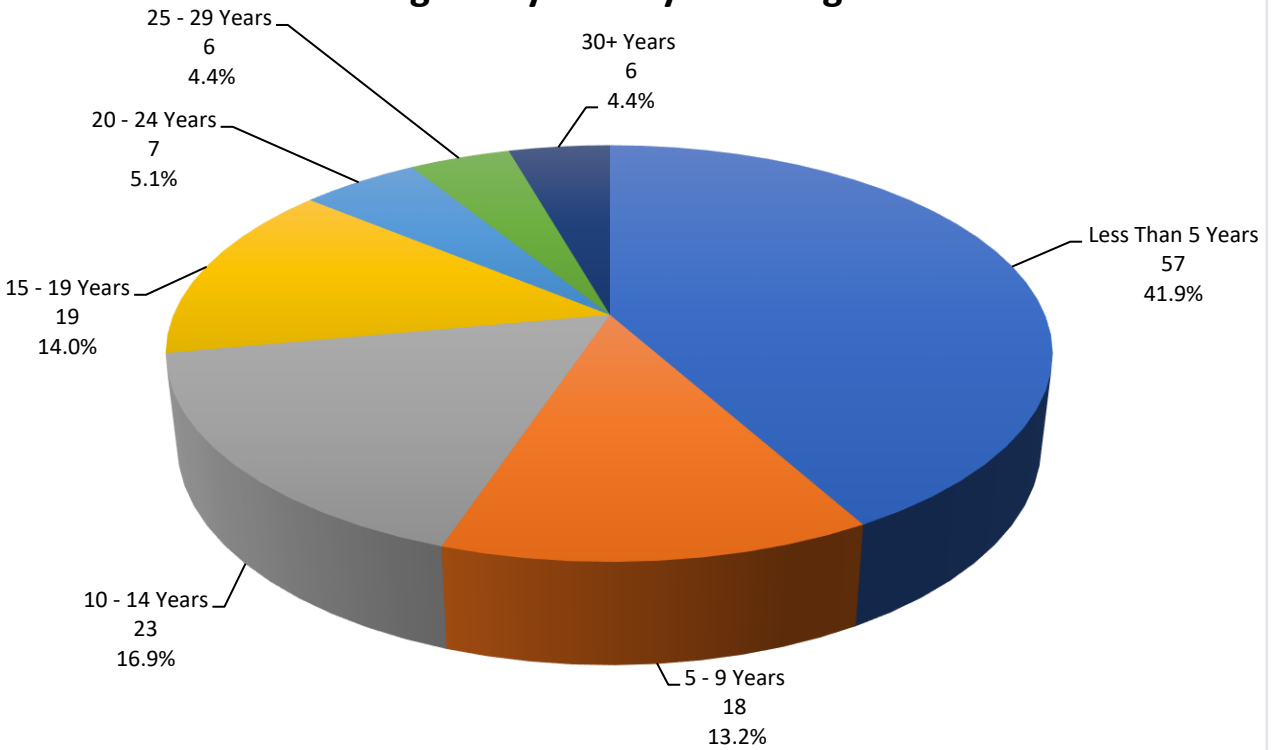
EE0-4 Race/Ethnic Identification, Career Employees
Montgomery County Planning



46

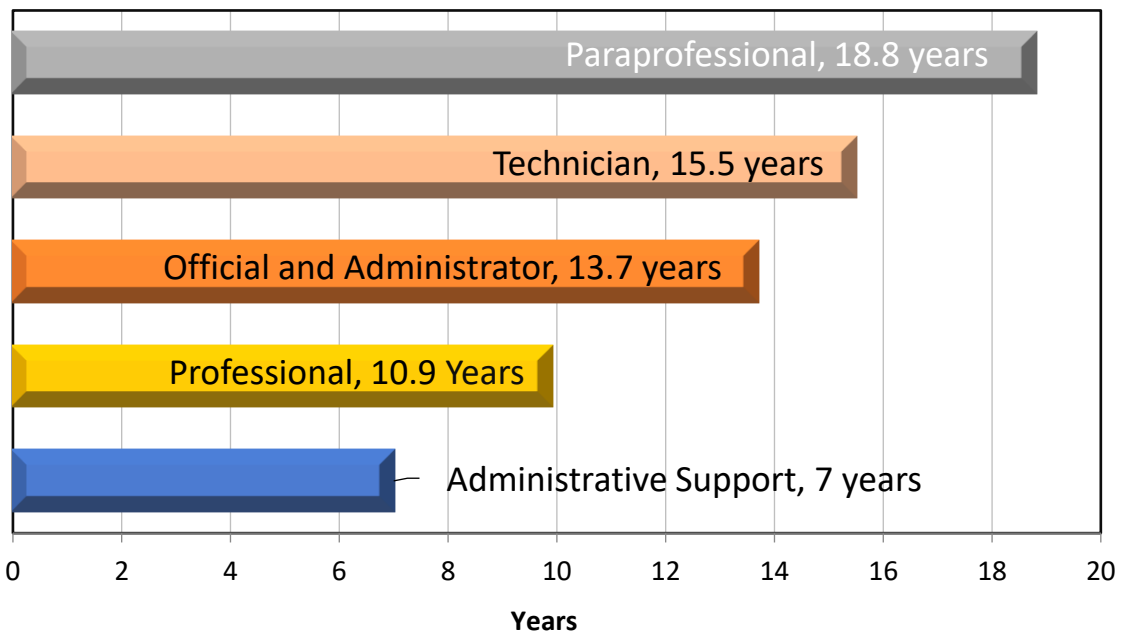
Total Career Employees: 136

Length of Service for Career Employees: Montgomery County Planning



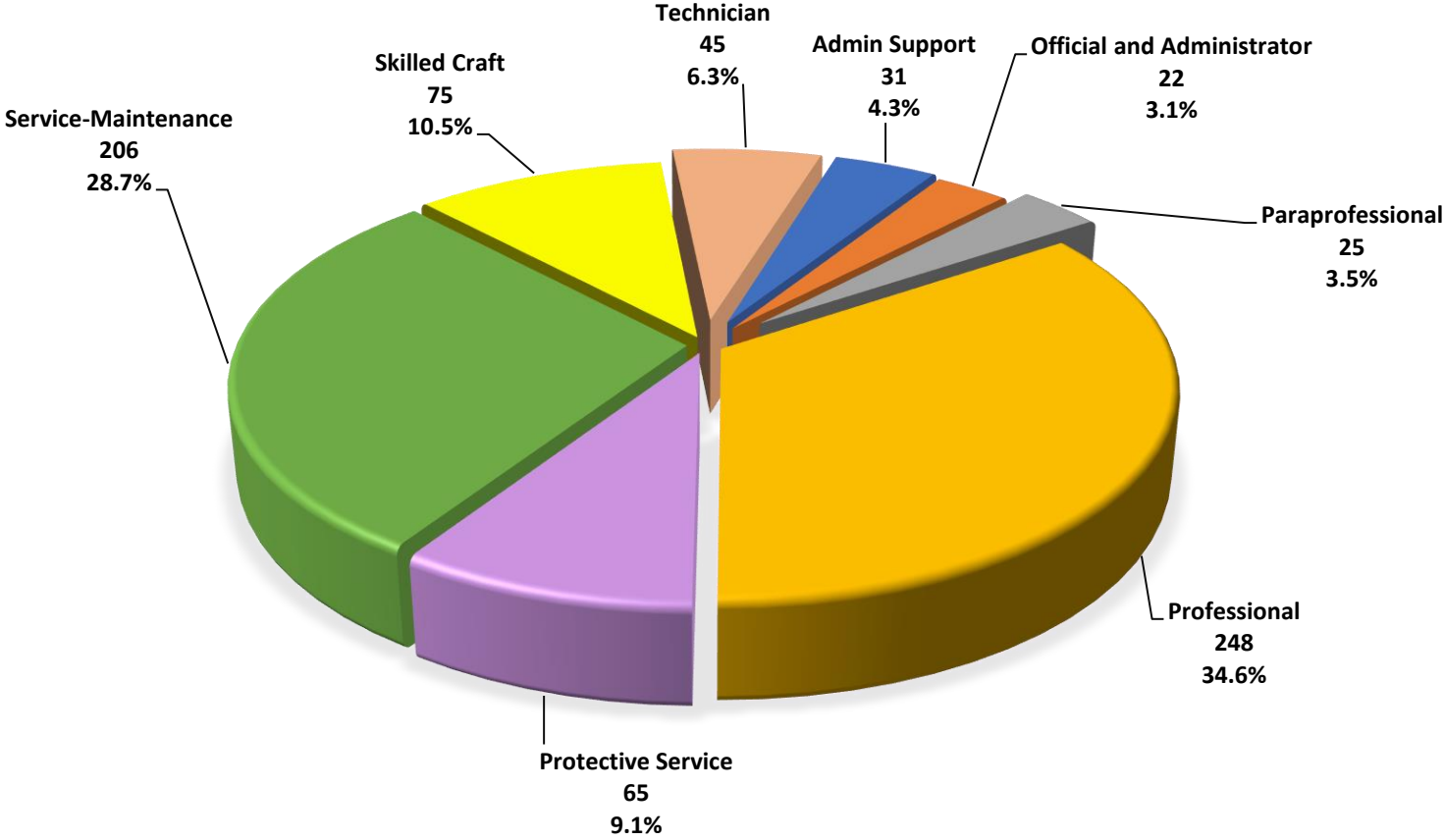
Total MCPL Employees: 136

Average Length of Service by EEO-4 Job Category: Montgomery County Planning



Average Length of Service for Employees: 13.0 Years

Career Employees by EEO-4 Job Category:
Montgomery County Parks

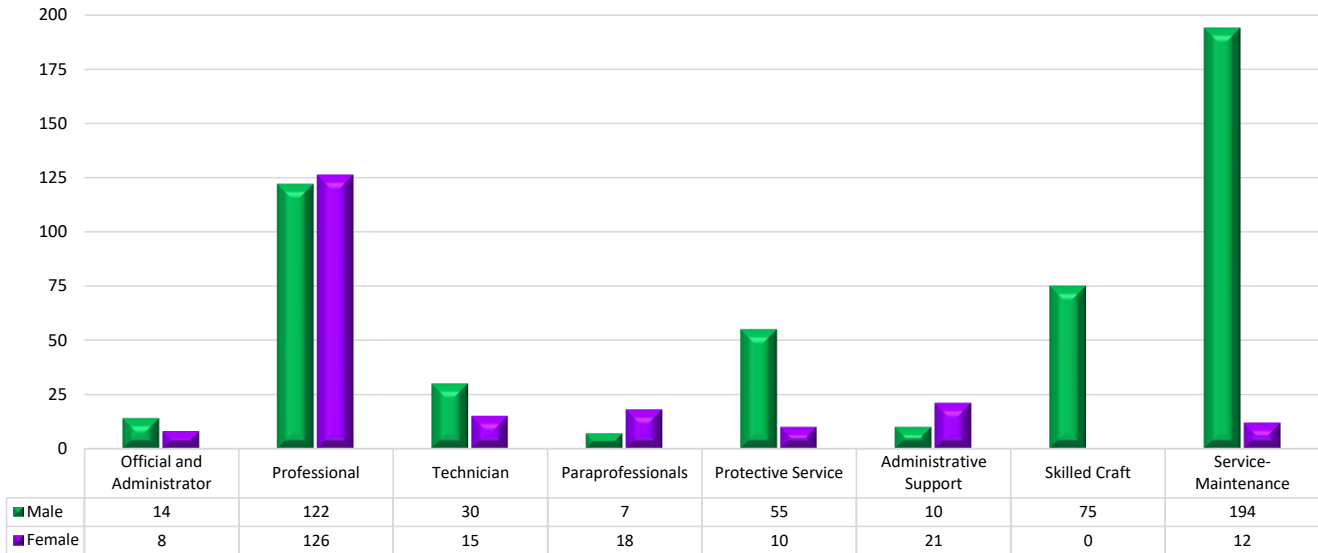


48

Total Career Employees = 717

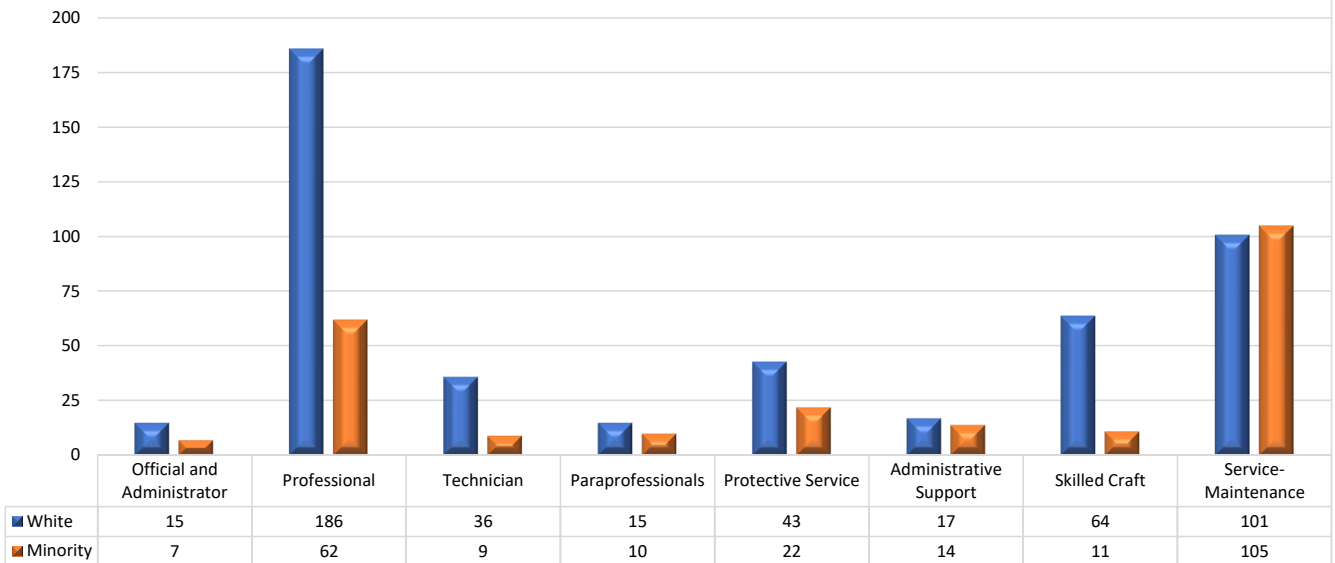
Career Employees by EEO-4 Job Category: Gender and Race/Ethnicity Montgomery County Parks

Distribution by EEO-4 Job Category and Gender



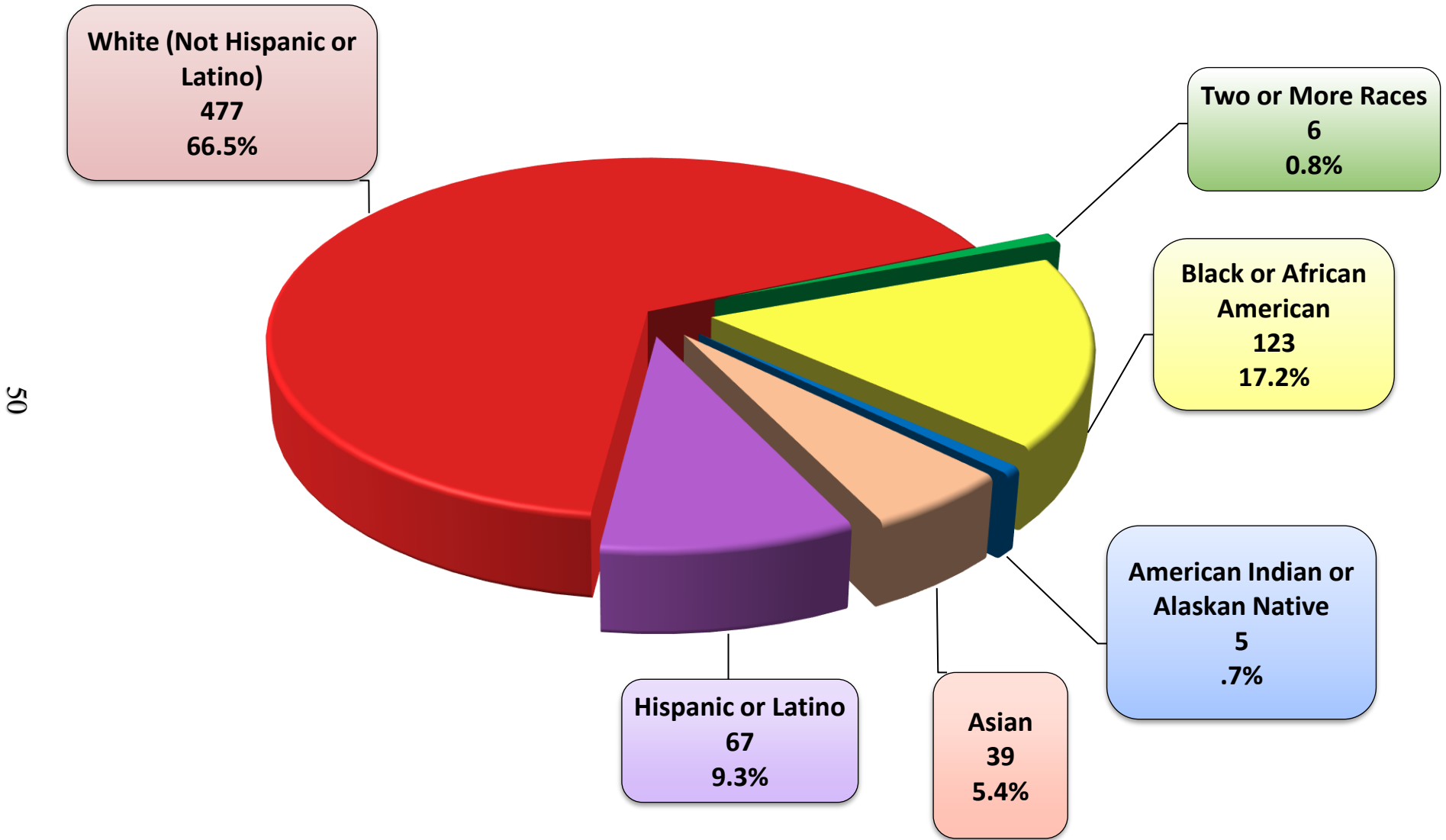
Total MCPK Employees: 717

Distribution by EEO-4 Job Category and Race/Ethnicity



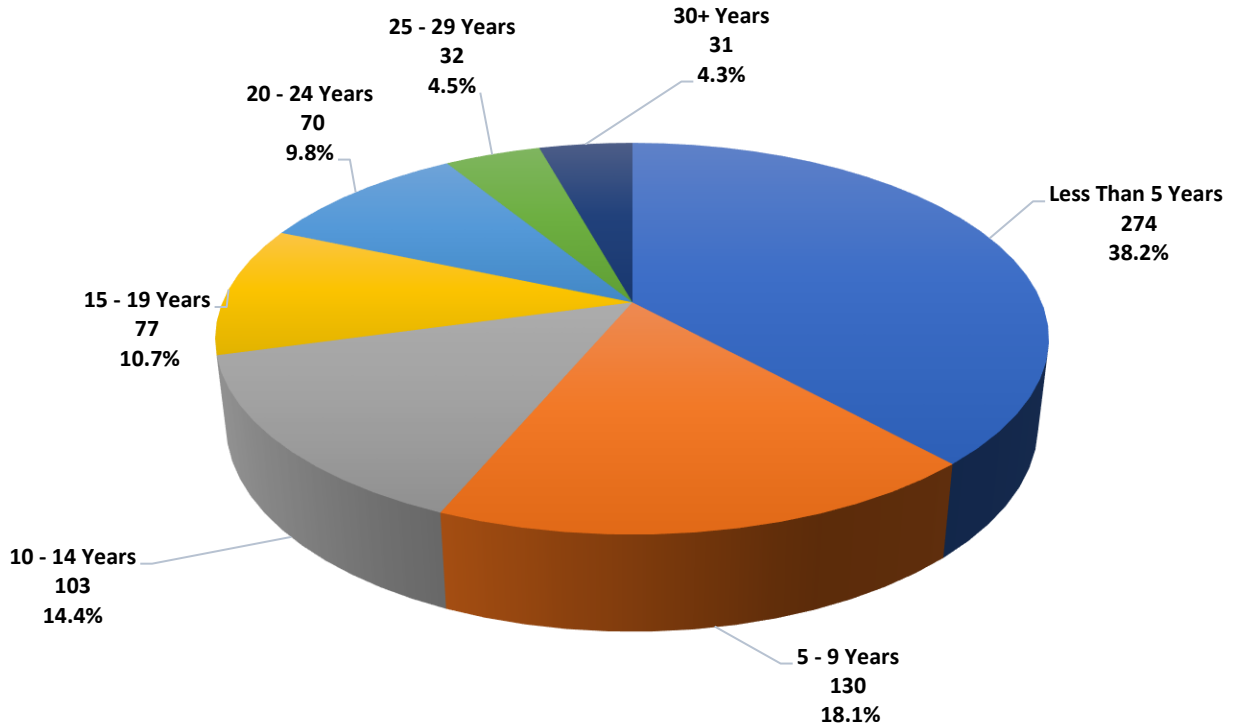
Total MCPK Employees: 717

EE0-4 Race/Ethnic Identification, Career Employees
Montgomery County Parks



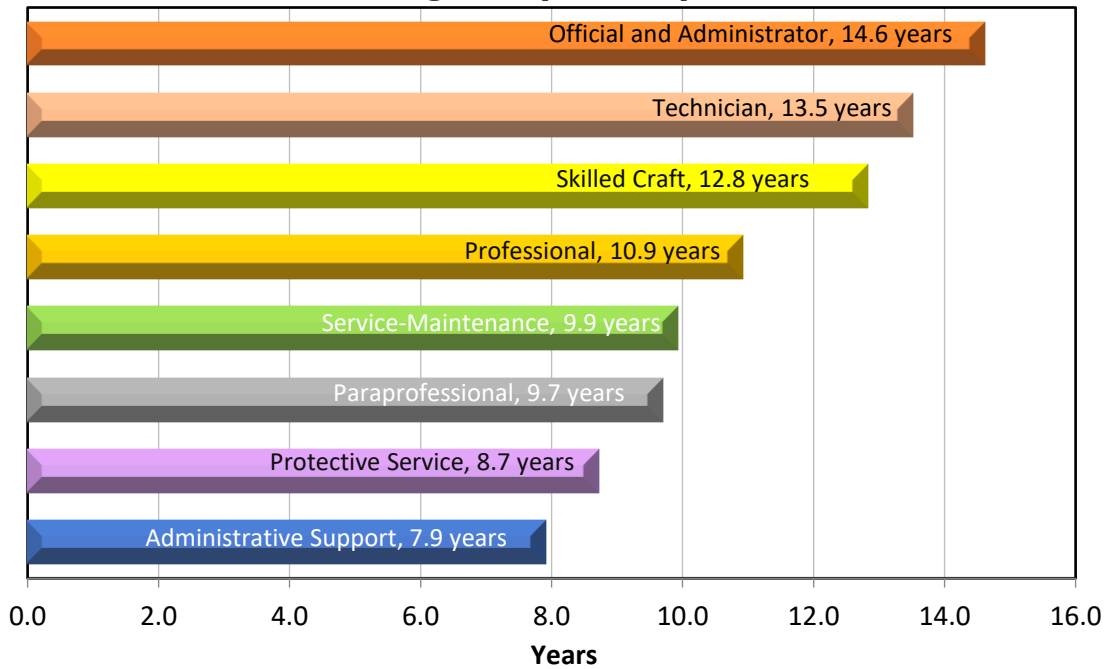
Total Career Employees = 717

Length of Service for Career Employees: Montgomery County Parks



Total MCPK Employees: 717

Average Length of Service by EEO-4 Job Category: Montgomery County Parks



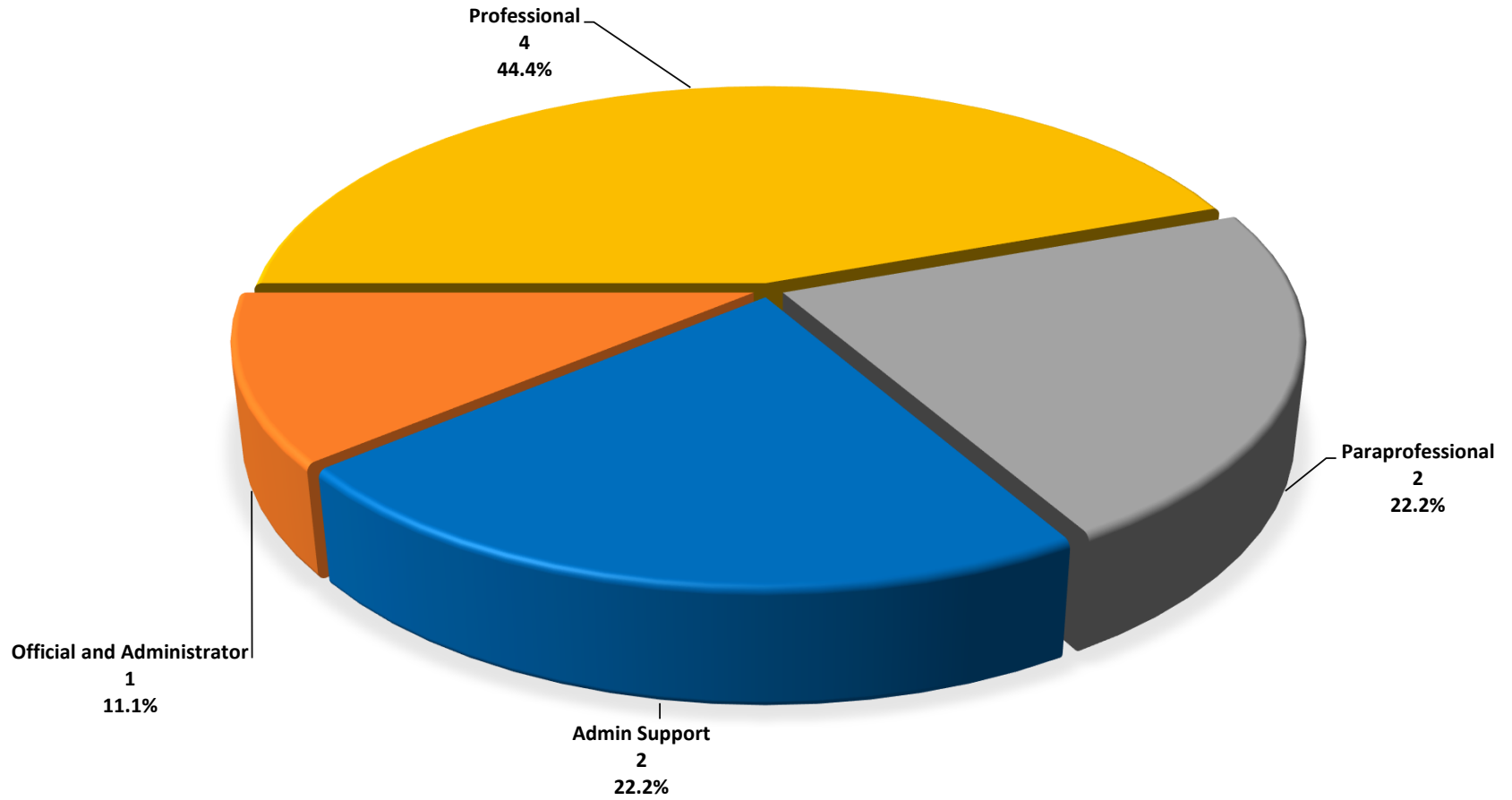
Average Length of Service for Employees: 11.1 Years

M-NCPPC Prince George's County

*Commissioners' Office
Department of Planning
Department of Parks and Recreation*

M-NCPPC PRINCE GEORGE'S COUNTY

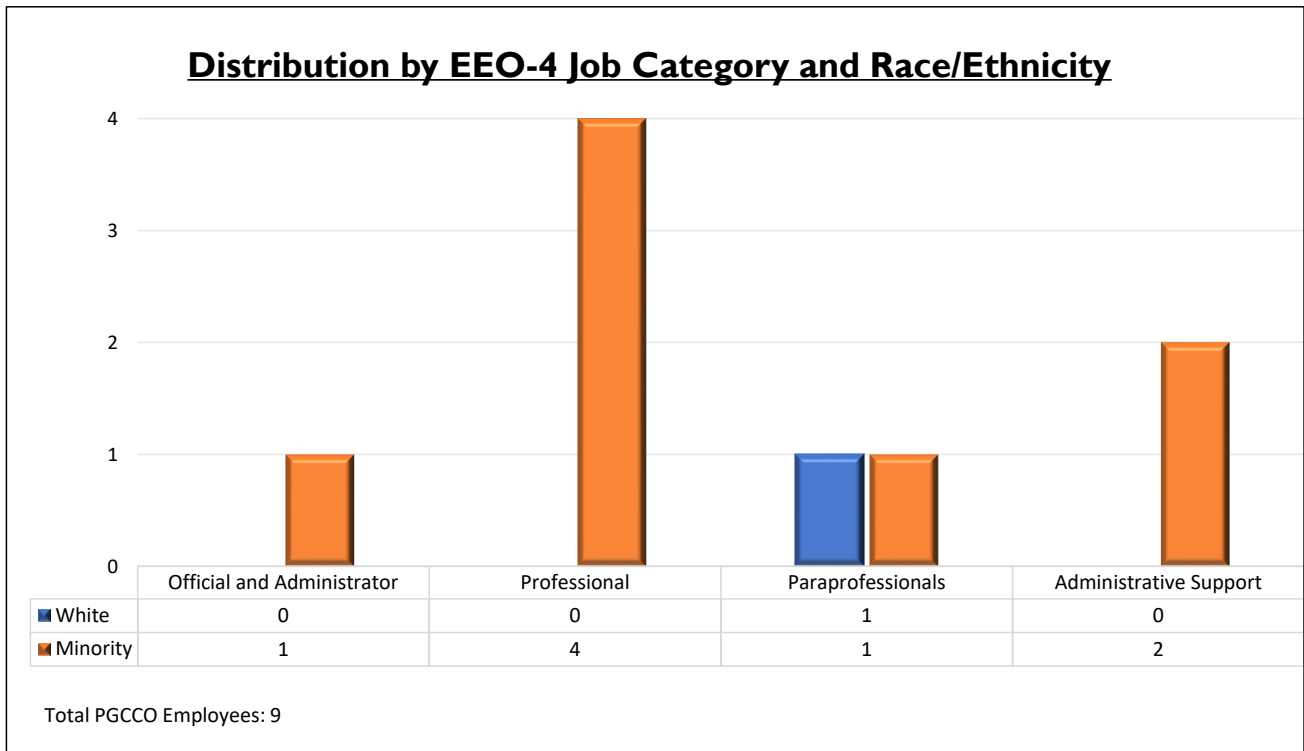
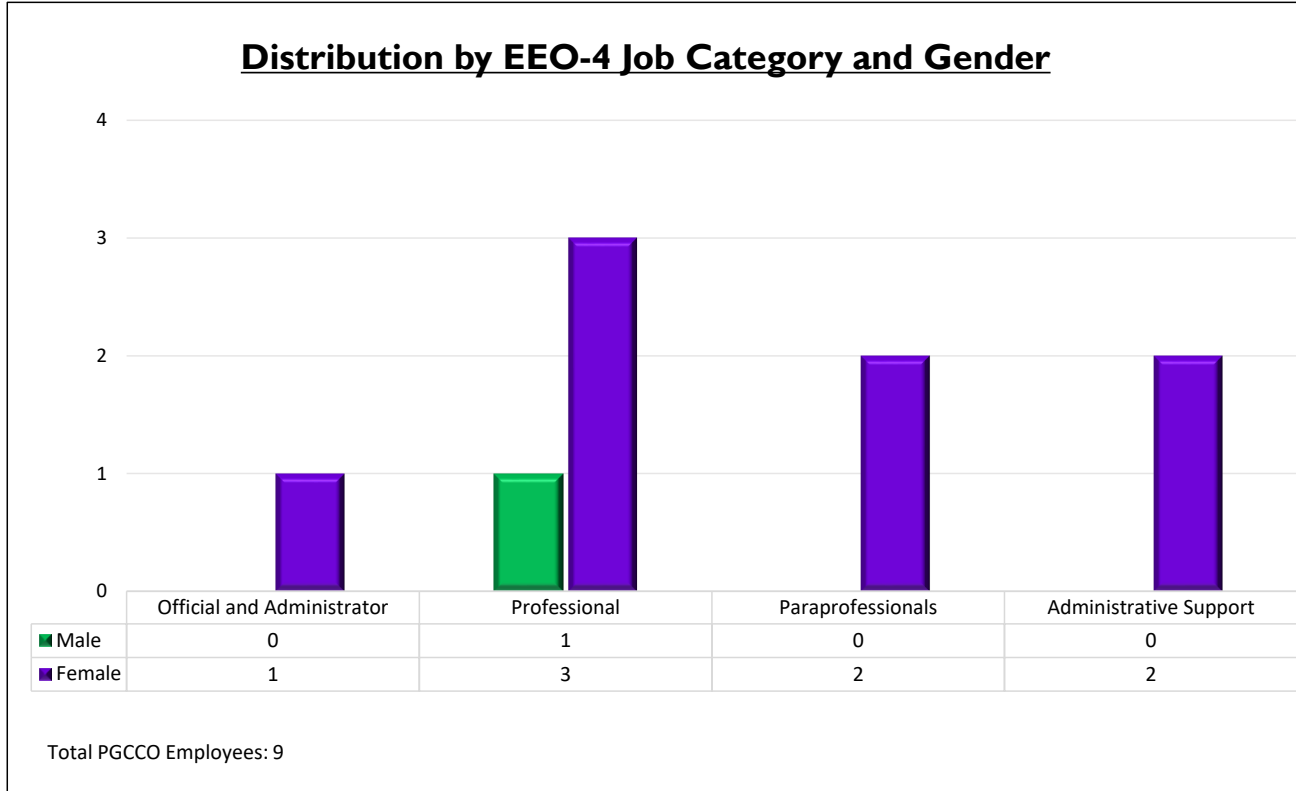
Career Employees by EEO-4 Job Category:
Prince George's County Commissioner's Office



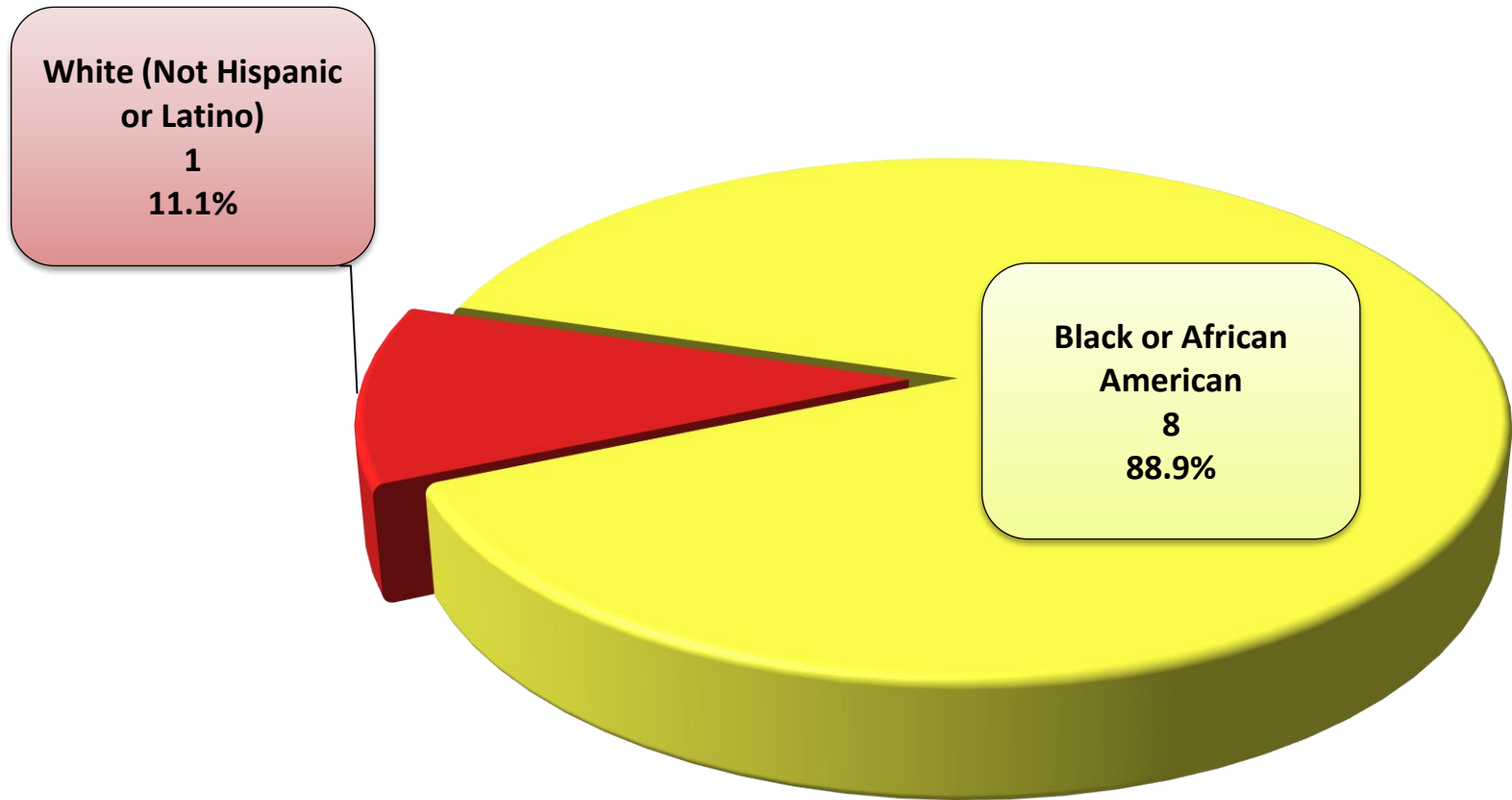
53

Total Employees = 9

Career Employees by EEO-4 Job Category: Gender and Race/Ethnicity Prince George's County Commissioners' Office



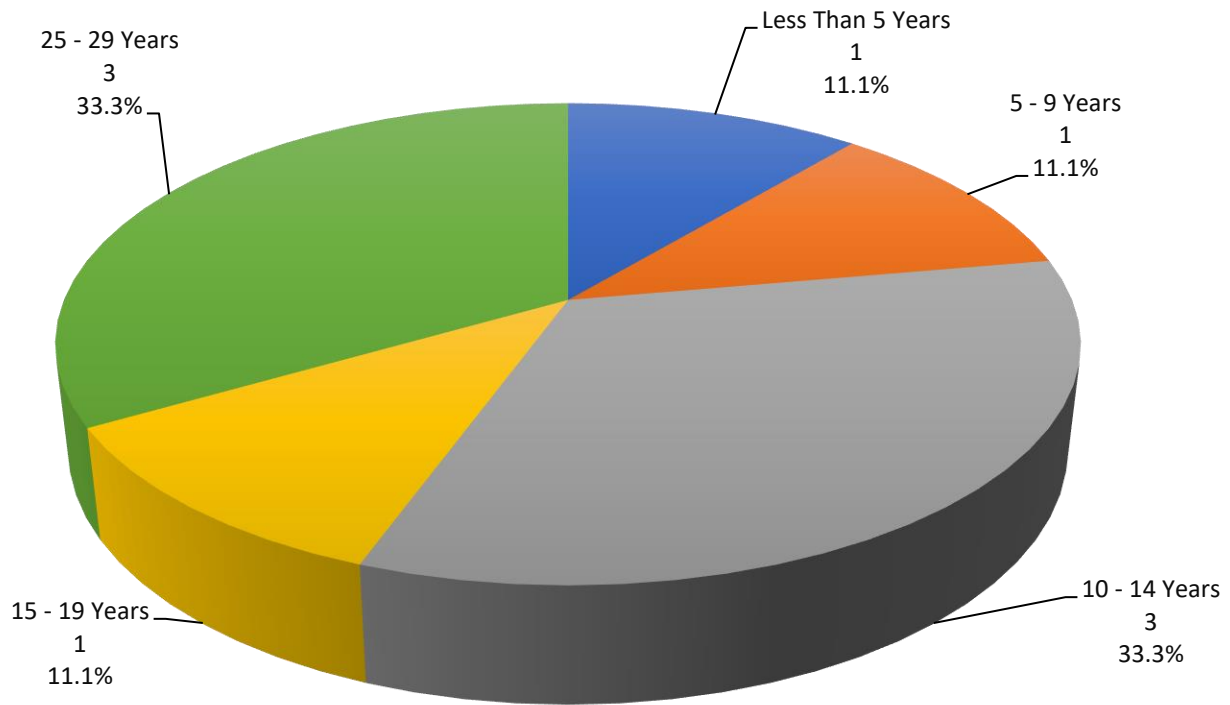
EE0-4 Race/Ethnic Identification, Career Employees Prince George's County Commissioners' Office



55

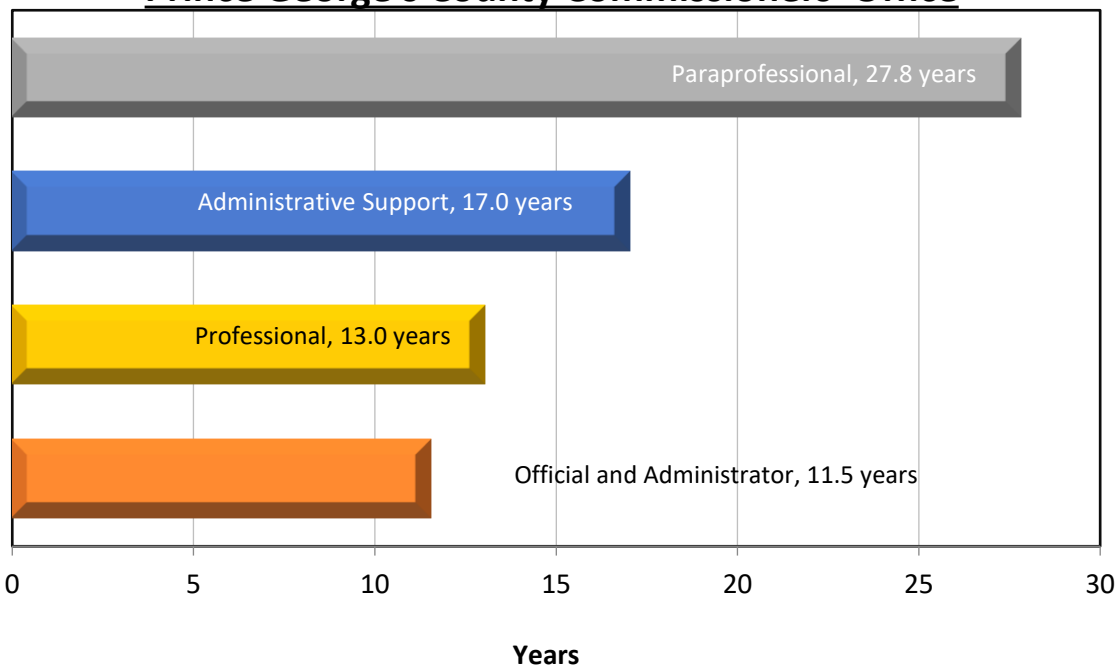
Total Career Employees: 9

Length of Service for Career Employees: Prince George's County Commissioners' Office



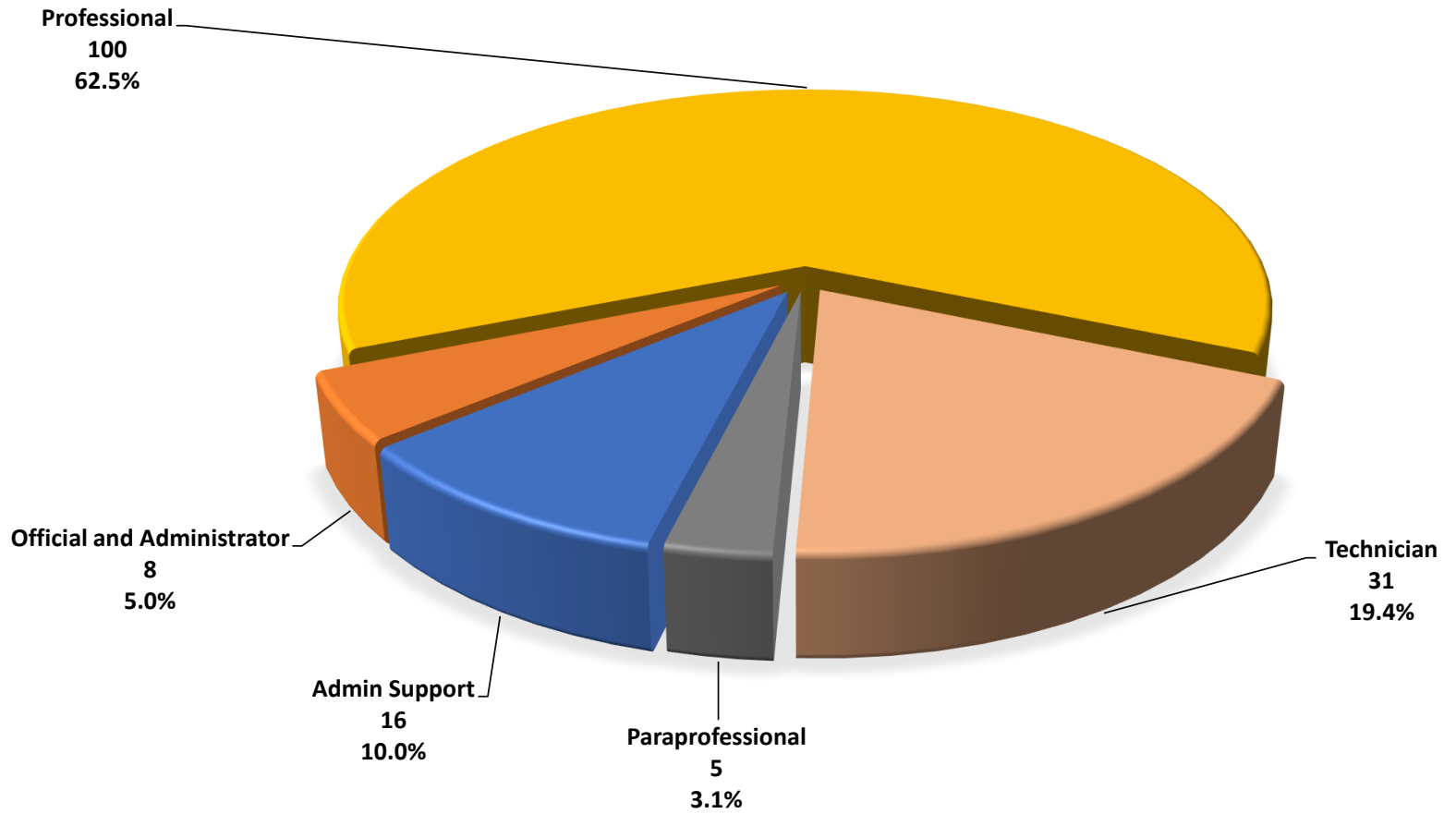
Total PGCCO Employees: 9

Average Length of Service by EEO-4 Job Category: Prince George's County Commissioners' Office



Average Length of Service for Employees: 17.3 Years

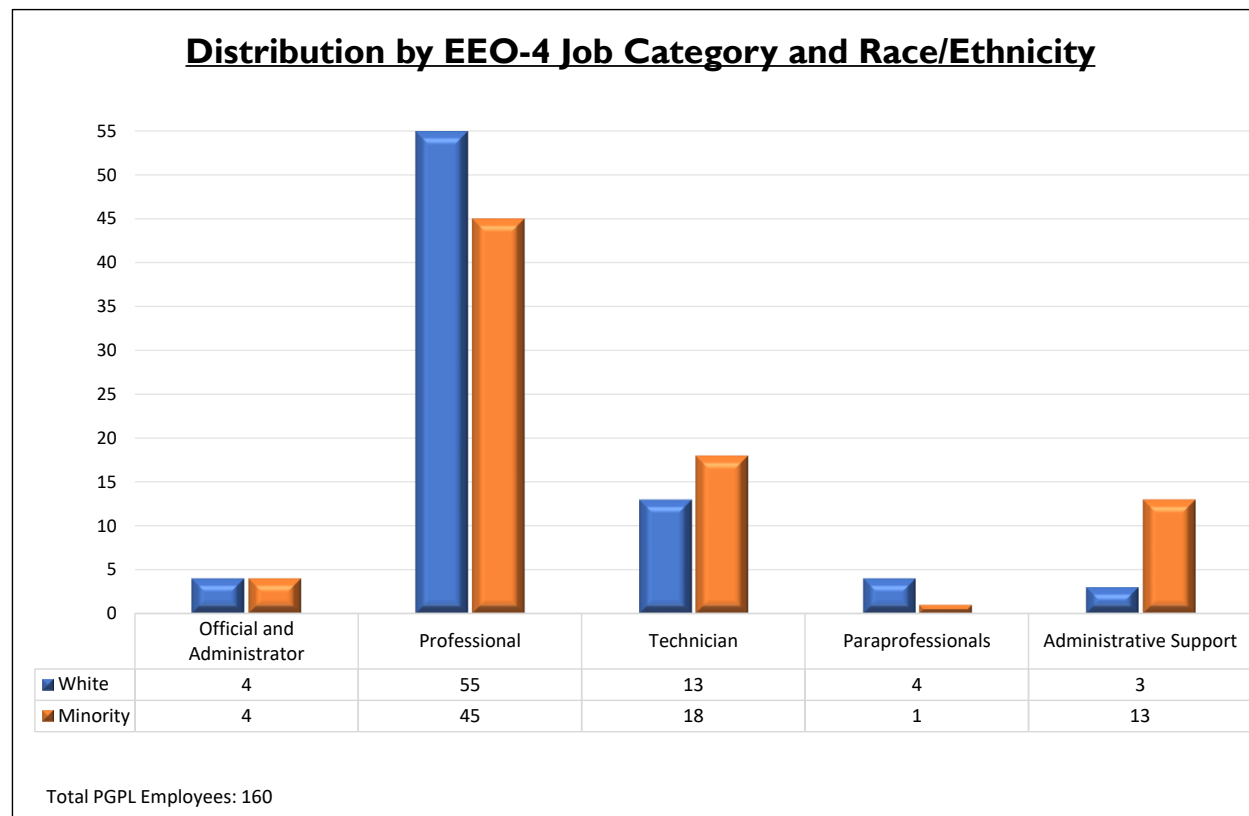
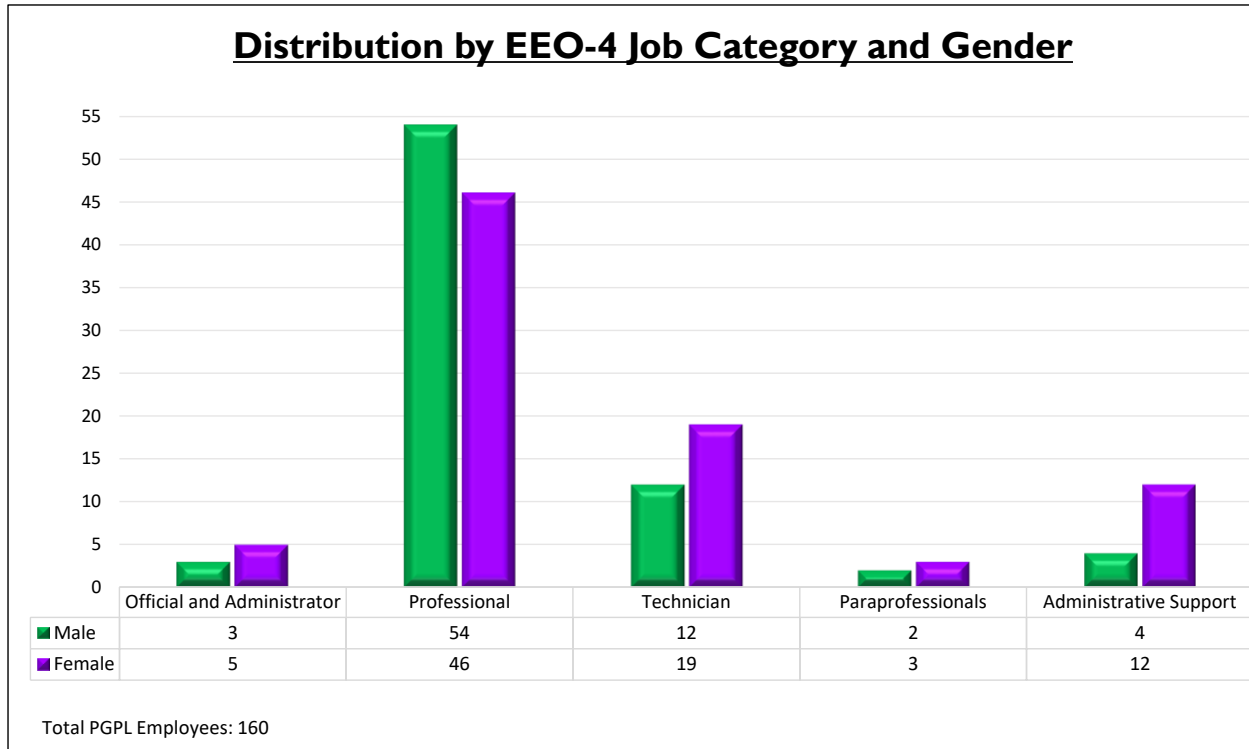
Career Employees by EEO-4 Job Category:
Prince George's County Planning



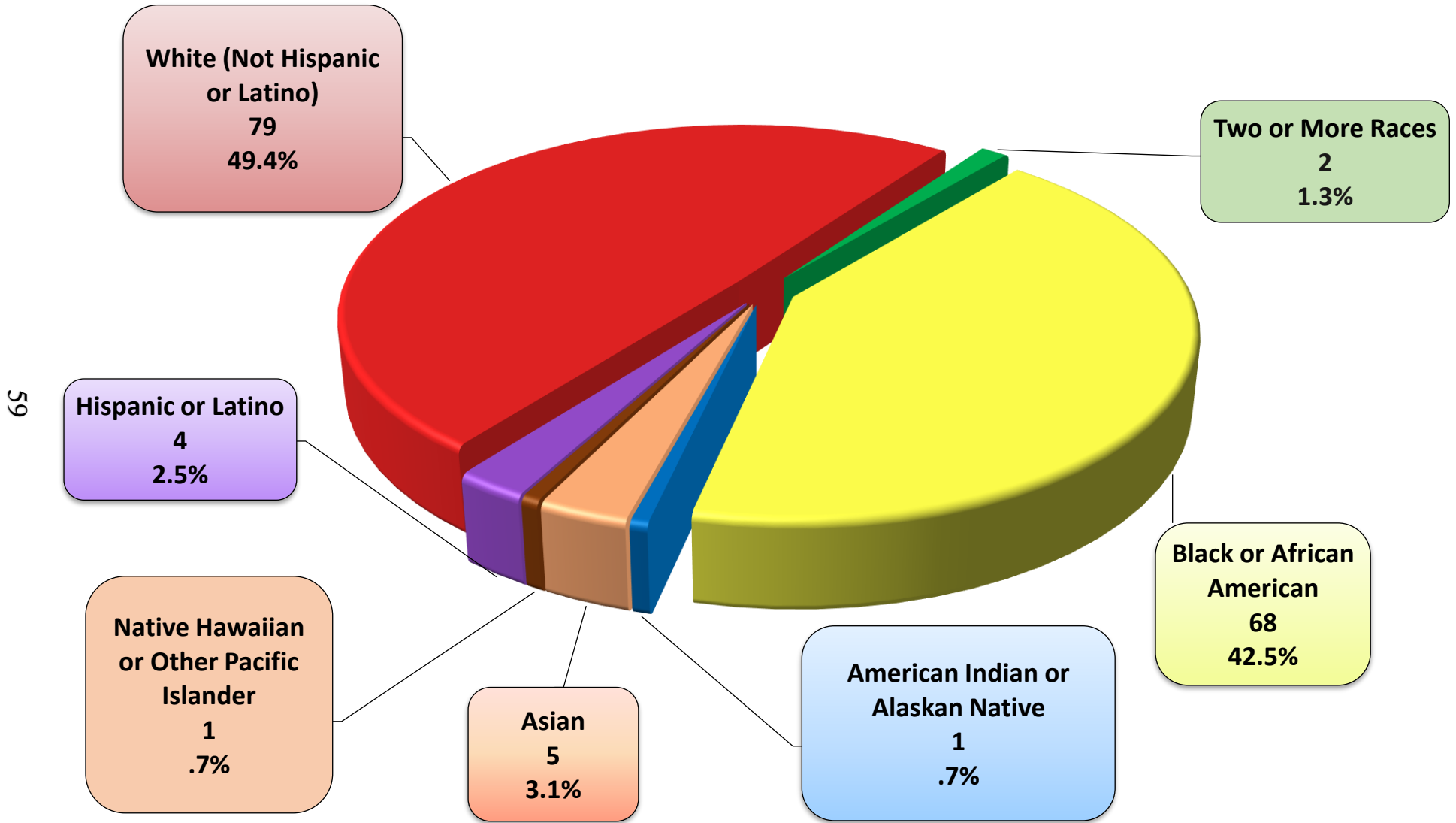
57

Total Employees = 160

Career Employees by EEO-4 Job Category: Gender and Race/Ethnicity Prince George's County Planning

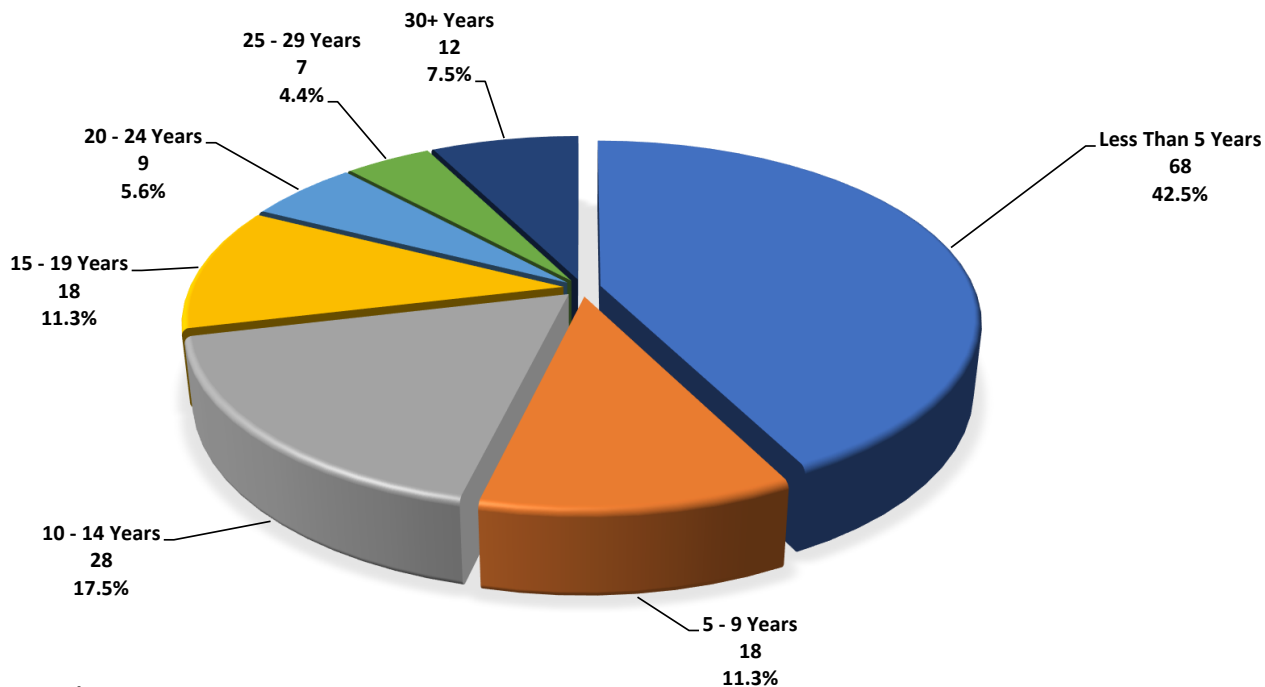


EE0-4 Race/Ethnic Identification, Career Employees Prince George's County Planning



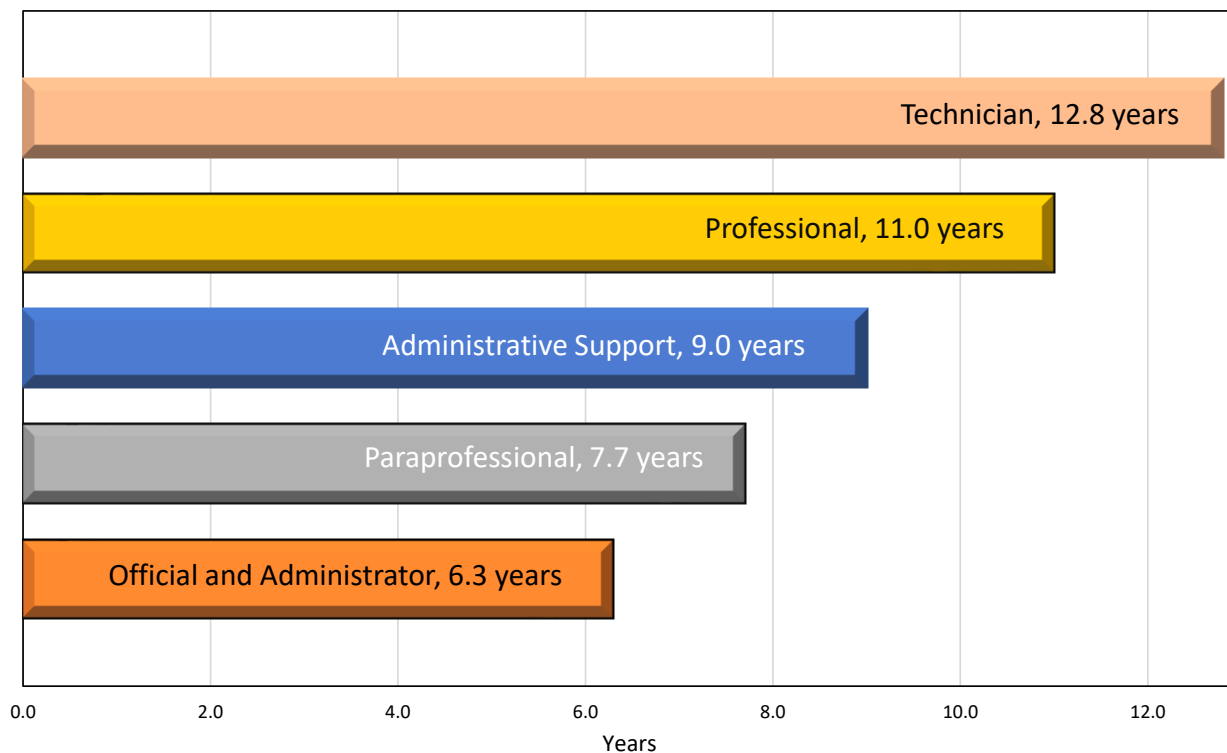
Total Career Employees = 160

Length of Service for Career Employees: Prince George's County Planning



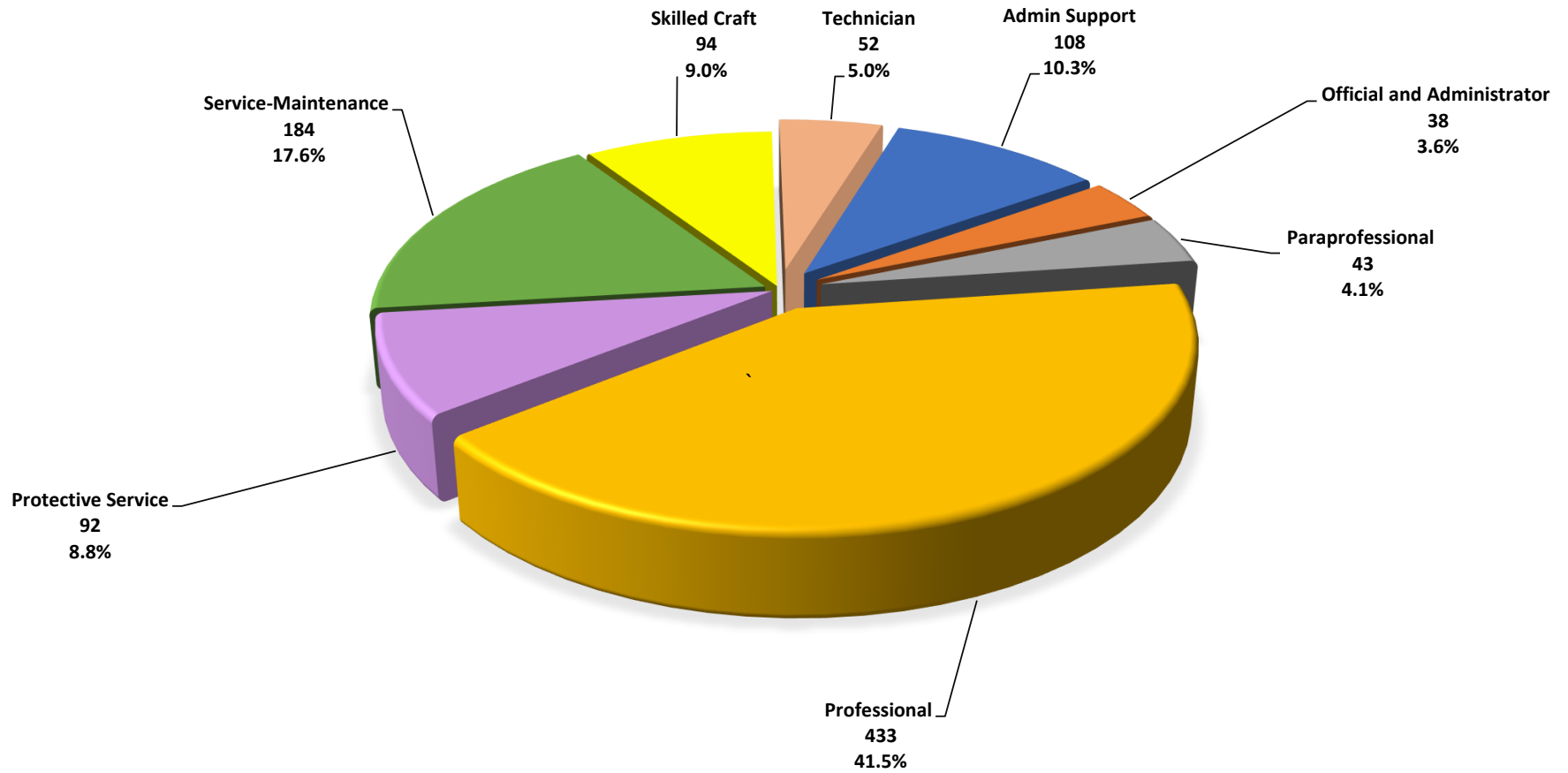
Total Career Employees: 160

Average Length of Service by EEO-4 Job Category: Prince George's County Planning



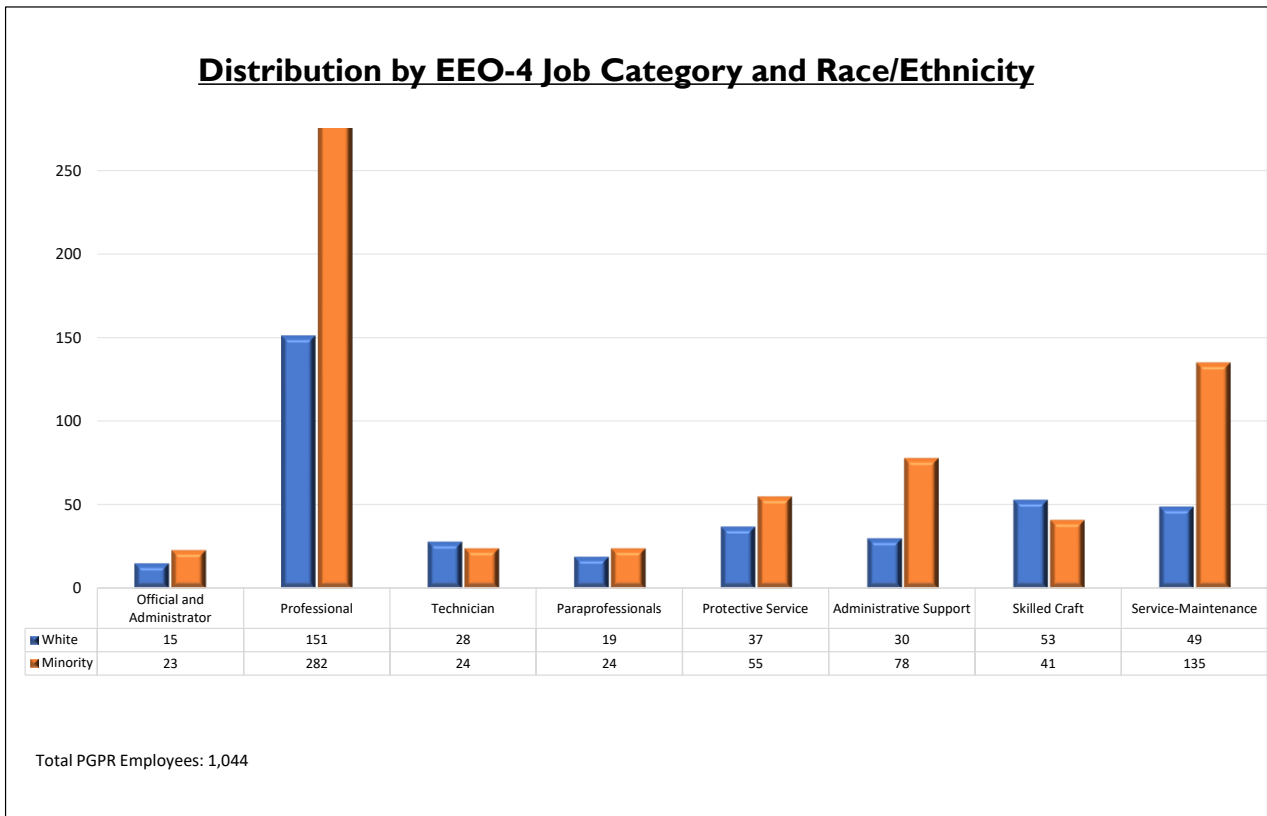
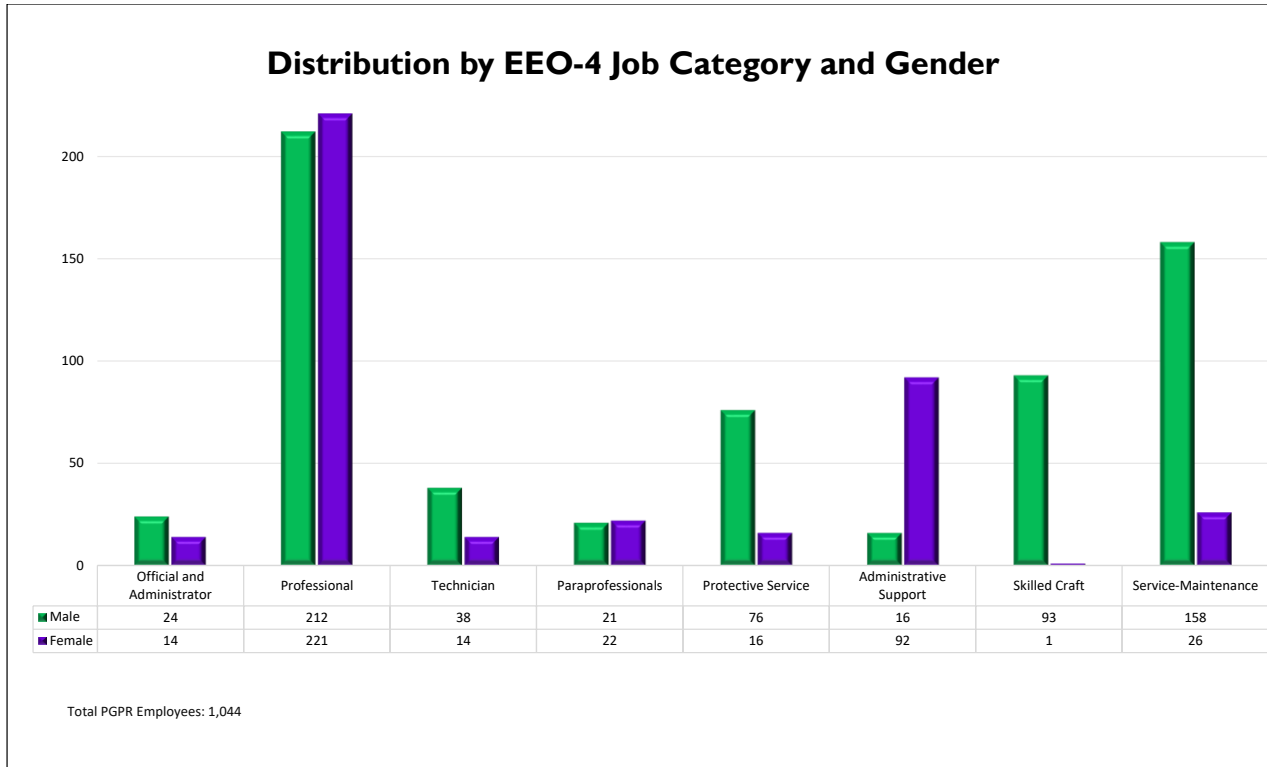
Average Length of Service for Employees: 9.3 Years

Career Employees by EEO-4 Job Category Prince George's County Parks and Recreation

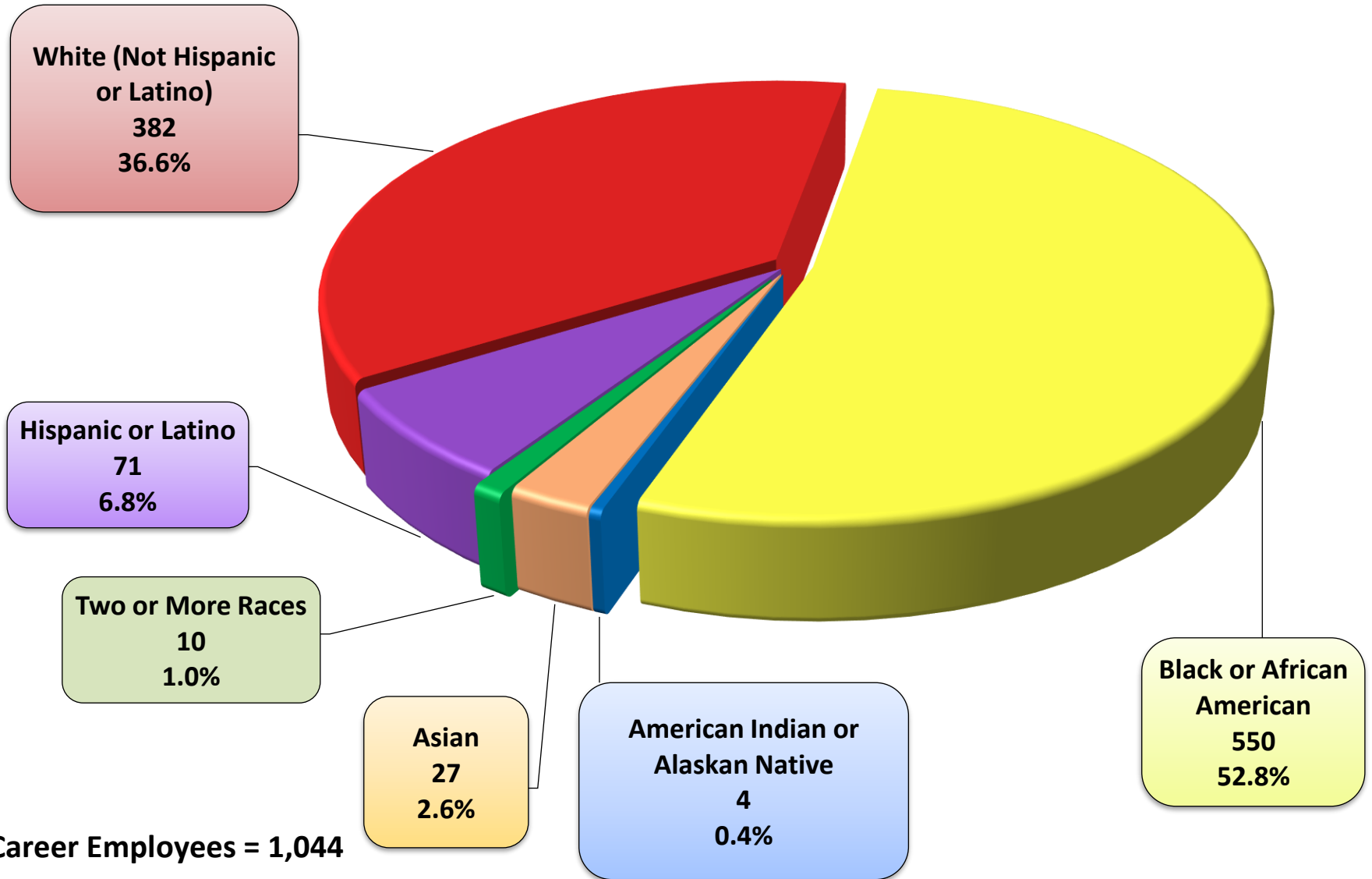


Total Career Employees = 1,044

Career Employees by EEO-4 Job Category: Gender and Race/Ethnicity Prince George's County Parks and Recreation

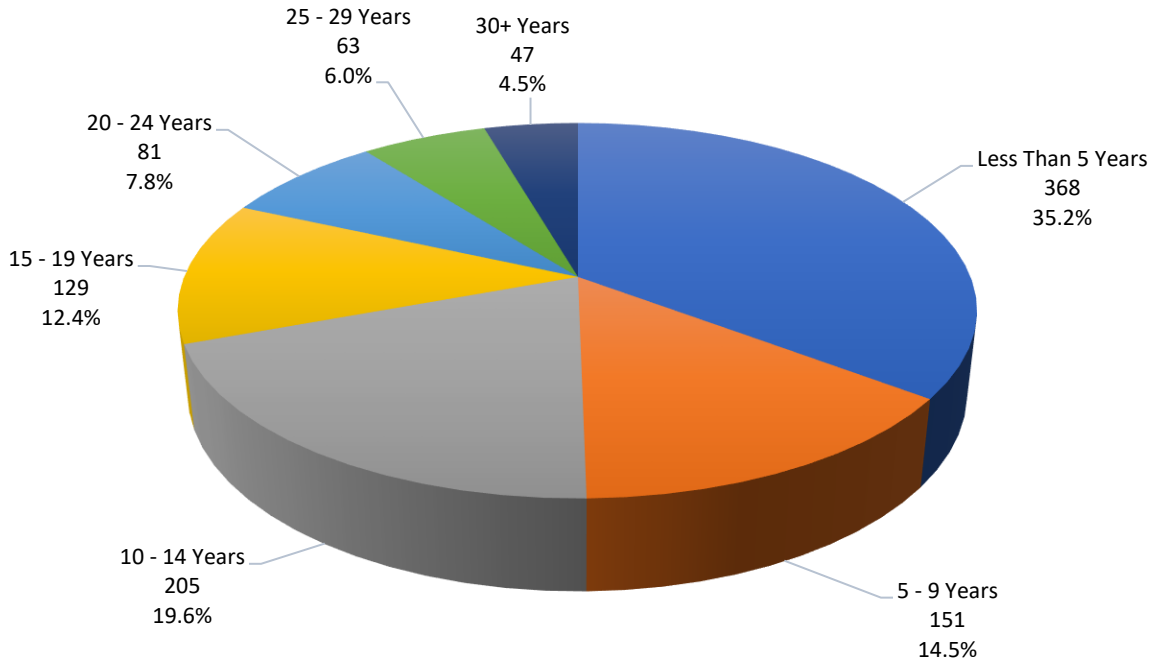


EE0-4 Race/Ethnic Identification, Career Employees Prince George's County Parks and Recreation



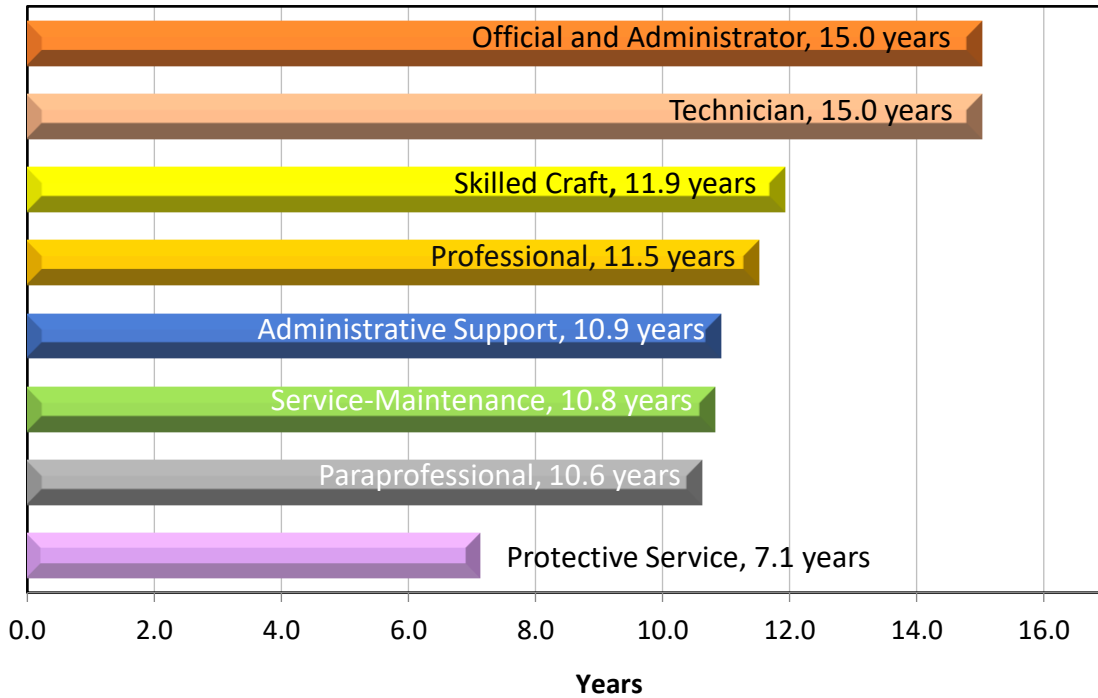
63

Length of Service for Career Employees: Prince George's County Parks and Recreation



Total PGPR Employees: 1,044

Average Length of Service by EEO-4 Job Category: Prince George's County Parks and Recreation



Average Length of Service for Employees: 11.6 Years

M-NCPPC Bi-County Corporate Operations

Department of Finance

Department of Human Resources and Management

Legal Department

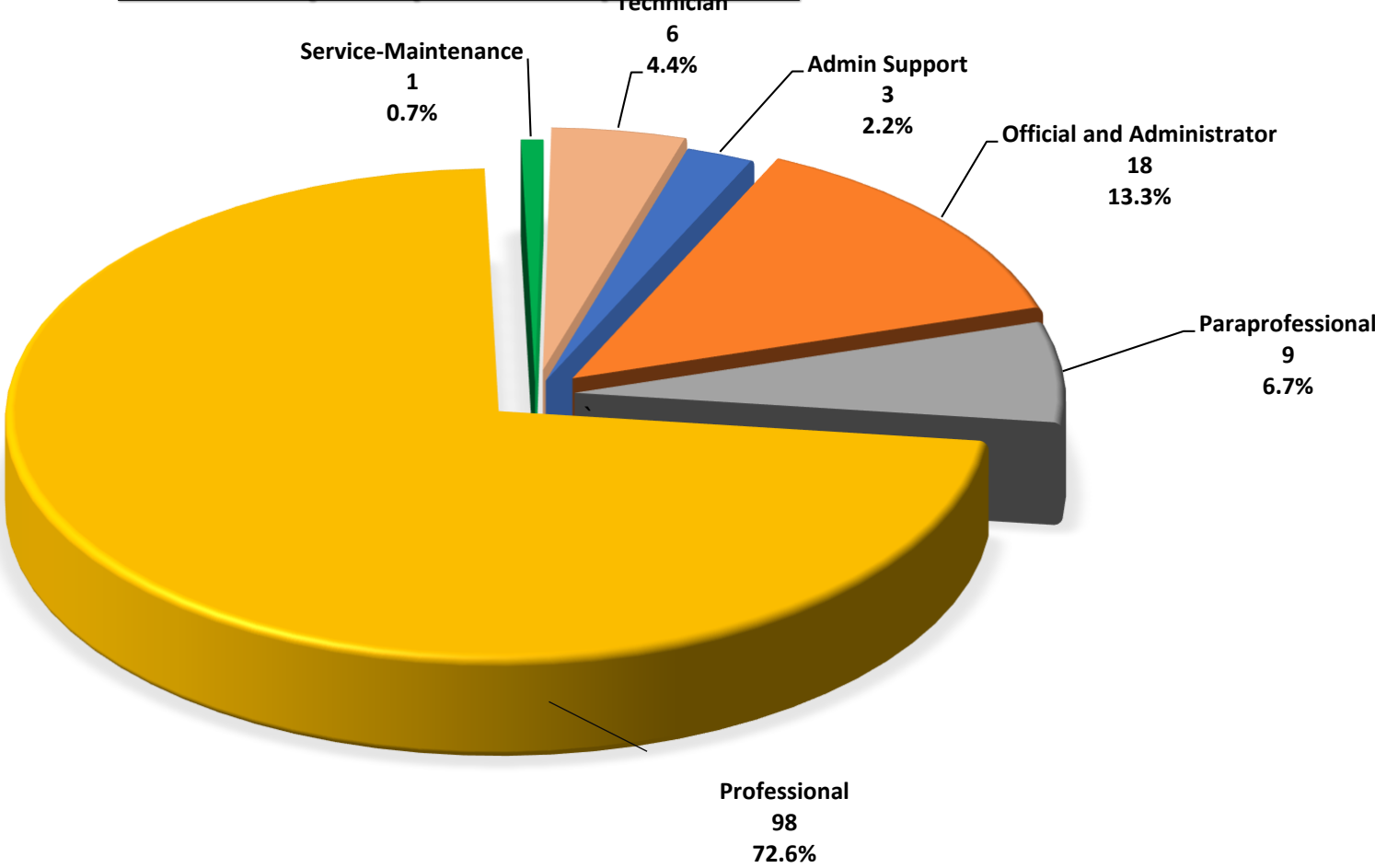
Office of the Chief Information Officer

Office of the Inspector General

Merit Board System

M-NCPPC BI-COUNTY CORPORATE OPERATIONS

Career Employees by EEO-4 Job Category:
Bi-County Corporate Operations

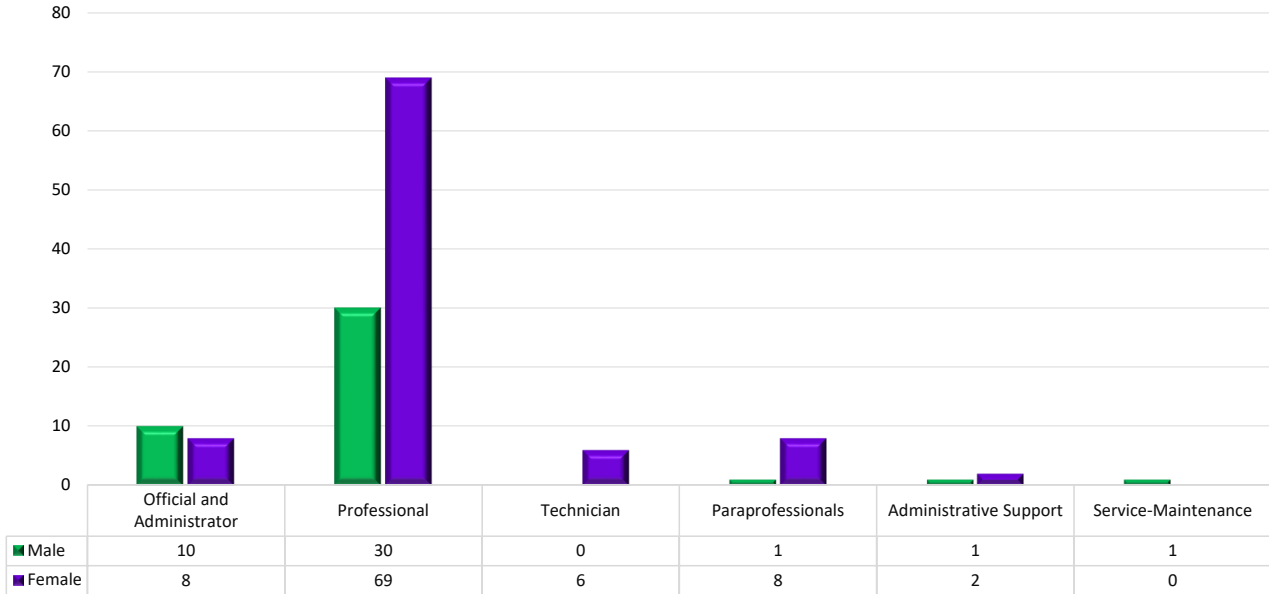


Total Career Employees = 135

99

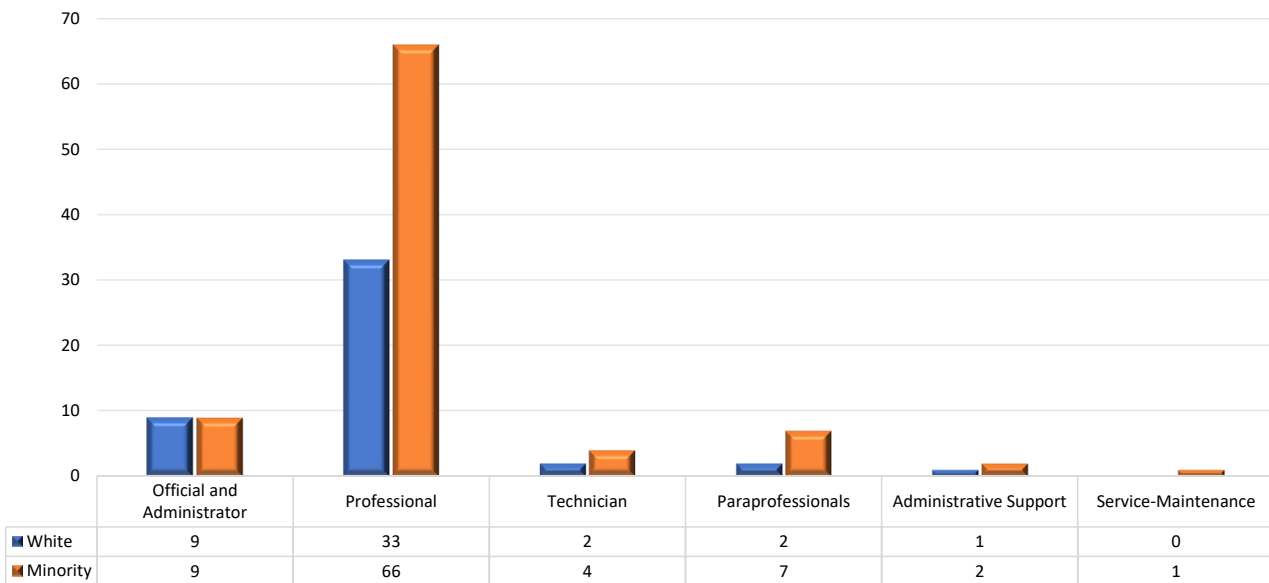
Career Employees by EEO-4 Job Category: Gender and Race/Ethnicity Bi-County Corporate Operations

Distribution by EEO-4 Job Category and Gender



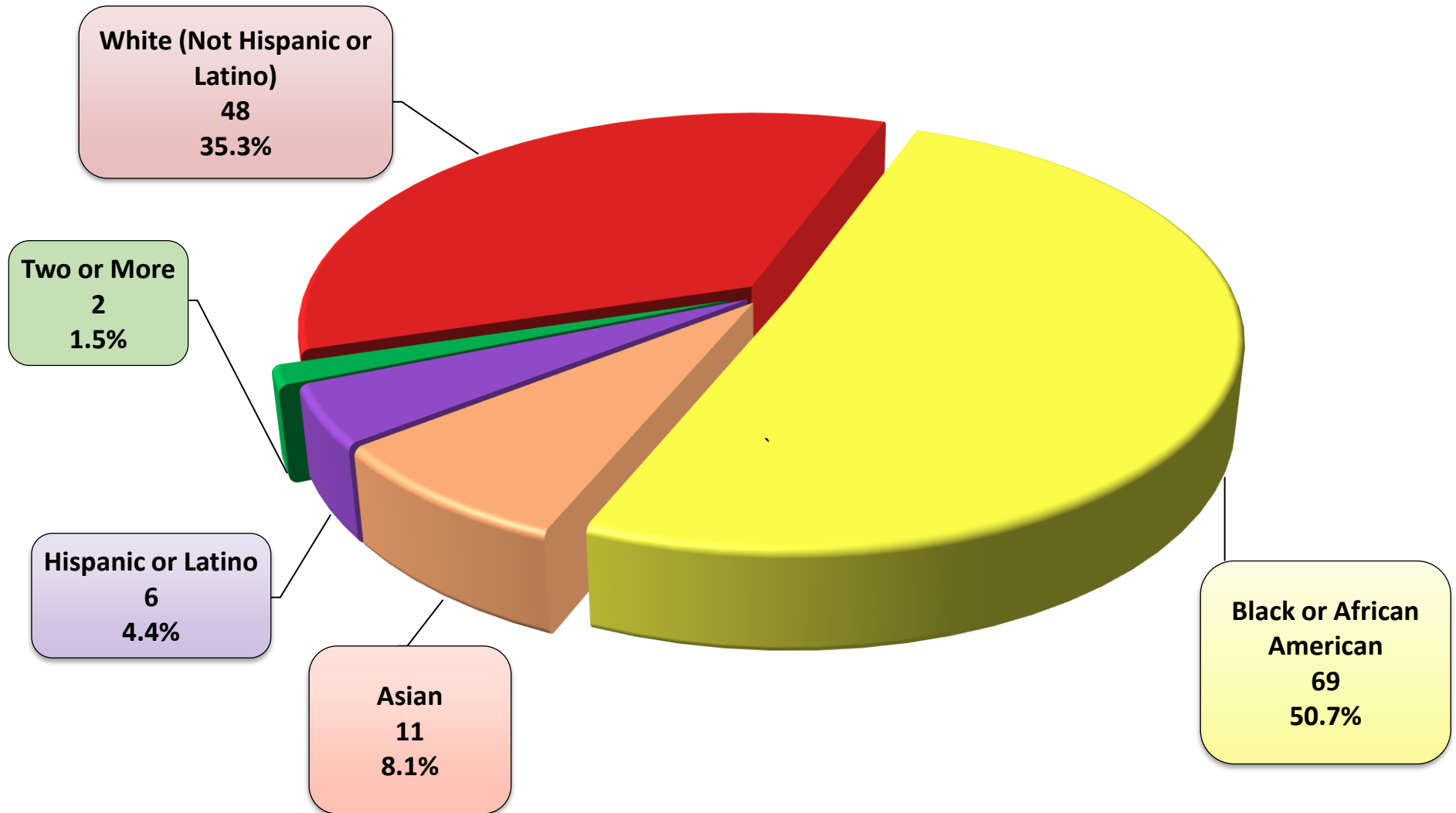
Total Bi-County Corporate Operations Employees: 136

Distribution by EEO-4 Job Category and Race/Ethnicity



Total Bi-County Corporate Operations Employees: 136

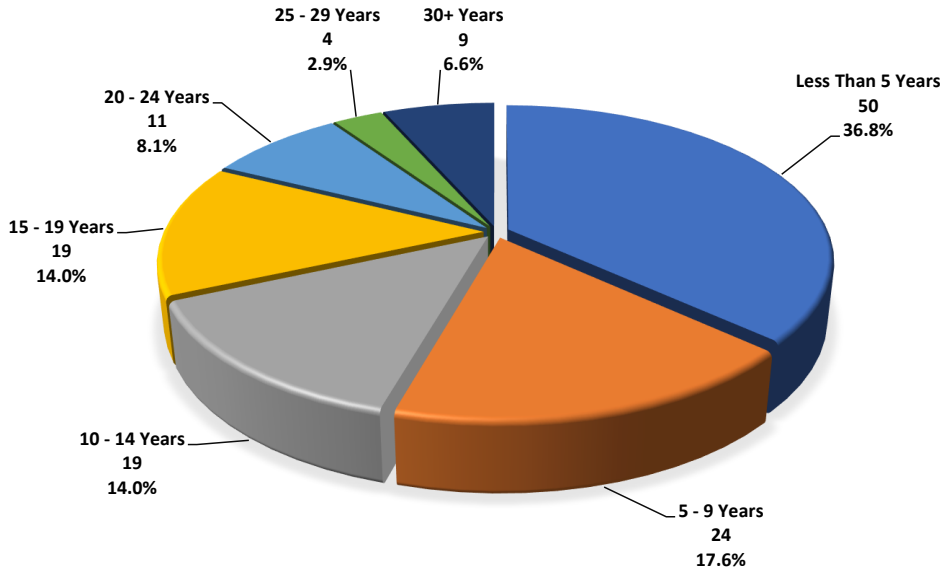
EE0-4 Race/Ethnic Identification, Career Employees Bi-County Corporate Operations



89

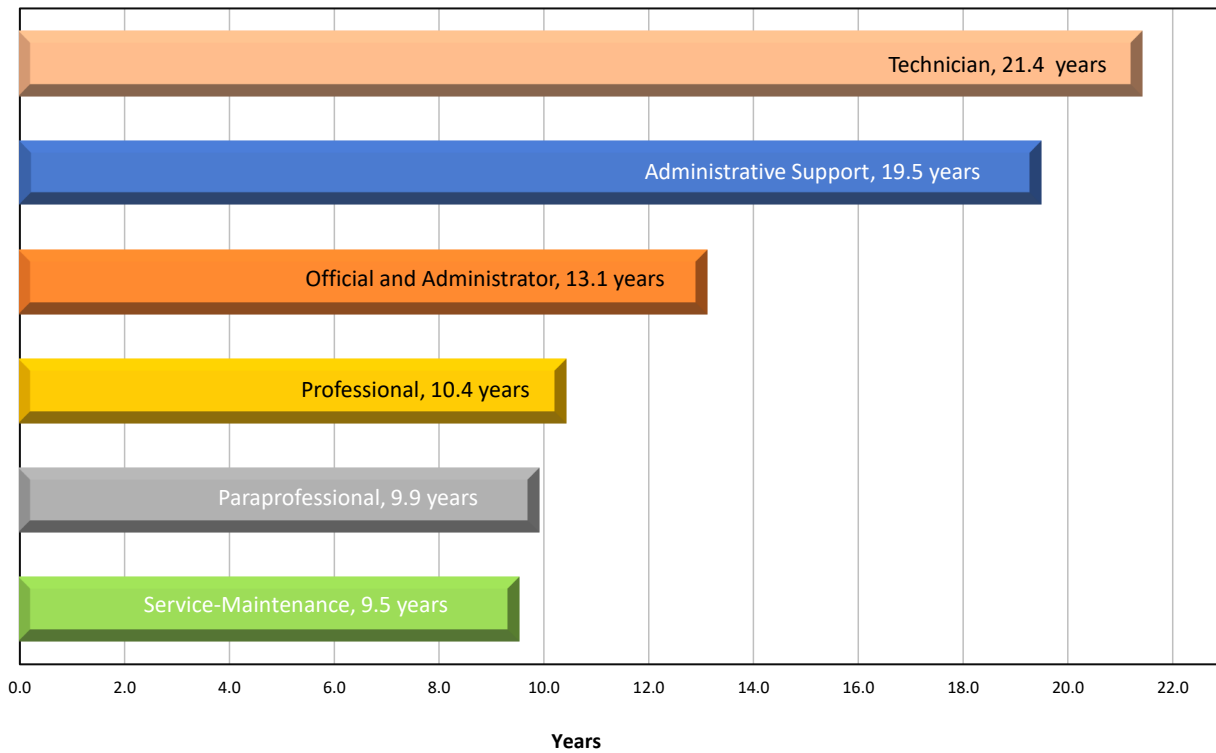
Total Bi-County Corporate Operations Employees: 136

Length of Service for Career Employees: Bi-County Corporate Operations



Total Bi-County Corporate Operations Employees: 136

Average Length of Service by EEO-4 Job Category: Bi-County Corporate Operations



Average Length of Service for Employees: 14.0

Appendix
EEOC Definitions / Pay Scales
Health Plan Premium Rates

Excerpt from U.S. Equal Employment Opportunity Commission's EEOC Form 164, State and Local Government Information (EEO-4), Instruction Booklet.

RACE/ETHNIC IDENTIFICATION

An employer may acquire the race/ethnic information necessary for this section either by visual surveys of the work force, or from post-employment records as to the identity of employees. Since visual surveys are permitted, and the fact that race/ethnic identifications are not present on agency records is not an excuse for failure to provide the data called for. However, although the Commission does not encourage direct inquiry as a method of determining racial or ethnic identity, this method is not prohibited in cases where it has been used in the past, or where other methods are not practical, provided it is not used for purposes of discrimination.

Moreover, the fact that employees may be located at different addresses does not provide an acceptable reason for failure to comply with the reporting requirements. In such cases, it is recommended that visual surveys be conducted for the employer by persons such as supervisors who are responsible for the work of the employees or to whom the employees report for instruction or otherwise.

Please note that the General Counsel of the Commission has ruled, on the basis of court decisions, that the Commission has the authority to require the racial and ethnic identification of employees, regardless of any possible conflicting state or local laws.

The concept of race as used by the Equal Employment Opportunity Commission does not denote clear cut scientific definitions of anthropological origins. For the purposes of this report, an employee may be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. However, no person may be counted in more than one race/ethnic category.

NOTE: The category "HISPANIC", while not a race identification, is included as a separate race/ethnic category because of the employment discrimination often encountered by this group; for this reason do not include HISPANIC under either "white" or "black".

For the purposes of the report, the following race/ethnic categories will be used:

- a. White (not of Hispanic origin): All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.
- b. Black (not or Hispanic origin): All persons having origins in any of the Black racial groups of Africa.
- c. Hispanic: All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- d. Asian or Pacific Islander: All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands, and Samoa.
- e. American Indian or Alaskan Native: All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

Note to the reader: Category "Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino) - A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands," has been added to EEO-1 Reporting requirements and has been elected for utilization within M-NCPPC EEO-4 reporting as of FY17.

DESCRIPTION OF JOB CATEGORIES

- a. **Officials and Administrators:** Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. Includes: department heads, bureau chiefs, division chiefs, directors, deputy directors, controllers, wardens, superintendents, sheriffs, police and fire chiefs and inspectors, examiners (bank, hearing, motor vehicle, warehouse), inspectors (construction, building, safety, rent-and- housing, fire, A.B.C. Board, license, dairy, livestock, transportation), assessors, tax appraisers and investigators, coroners, farm managers, and kindred workers.
- b. **Professionals:** Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge. Includes: personnel and labor relations workers, social workers, doctors, psychologists, registered nurses, economists, dieticians, lawyers, systems analysts, accountants, engineers, employment and vocational rehabilitation counselors, teachers or instructors, police and fire captains and lieutenants, librarians, management analysts, airplane pilots and navigators, surveyors and mapping scientists, and kindred workers.
- c. **Technicians:** Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes: computer programmers, drafters, survey and mapping technicians, licensed practical nurses, photographers, radio operators, technical illustrators, highway technicians, technicians (medical, dental, electronic, physical sciences), police and fire sergeants, inspectors (production or processing inspectors, testers and weighers), and kindred workers.
- d. **Protective Service Workers:** Occupations in which workers are entrusted with public safety, security and protection from destructive forces. Includes: police patrol officers, firefighters, guards, deputy sheriffs, bailiffs, correctional officers, detectives, marshals, harbor patrol officers, game and fish wardens, park rangers (except maintenance), and kindred workers.
- e. **Paraprofessionals:** Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually require less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion under a "New Careers" concept. Included: research assistants, medical aides, child support workers, policy auxiliary welfare service aides, recreation assistants, homemakers aides, home health aides, library assistants and clerks, ambulance drivers and attendants, and kindred workers.
- f. **Administrative Support (Including Clerical and Sales):** Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. Includes: bookkeepers, messengers, clerk-typist, stenographers, court transcribers, hearing reporters, statistical clerks, dispatchers, license distributors, payroll clerks, office machine and computer operators, telephone operators, legal assistants, sales workers, cashiers, toll collectors, and kindred workers.
- g. **Skilled Craft Workers:** Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the process involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: mechanics and repairers, electricians, heavy equipment operators, stationary engineers, skilled machining occupations, carpenters, compositors and typesetters, power plant operators, water and sewage treatment plant operators, and kindred workers.
- h. **Service-Maintenance:** Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this group may operate machinery. Includes: chauffeurs, laundry and dry cleaning operatives, truck drivers, bus drivers, garage laborers, custodial employees, gardeners and groundkeepers, refuse collectors, construction laborers, park rangers (maintenance), farm workers (except managers), craft apprentices/trainees/helpers, and kindred workers.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Personnel Management Review Fiscal Year 2020

Credits

Asuntha Chiang-Smith
Executive Director

William Spencer
Human Resources Director

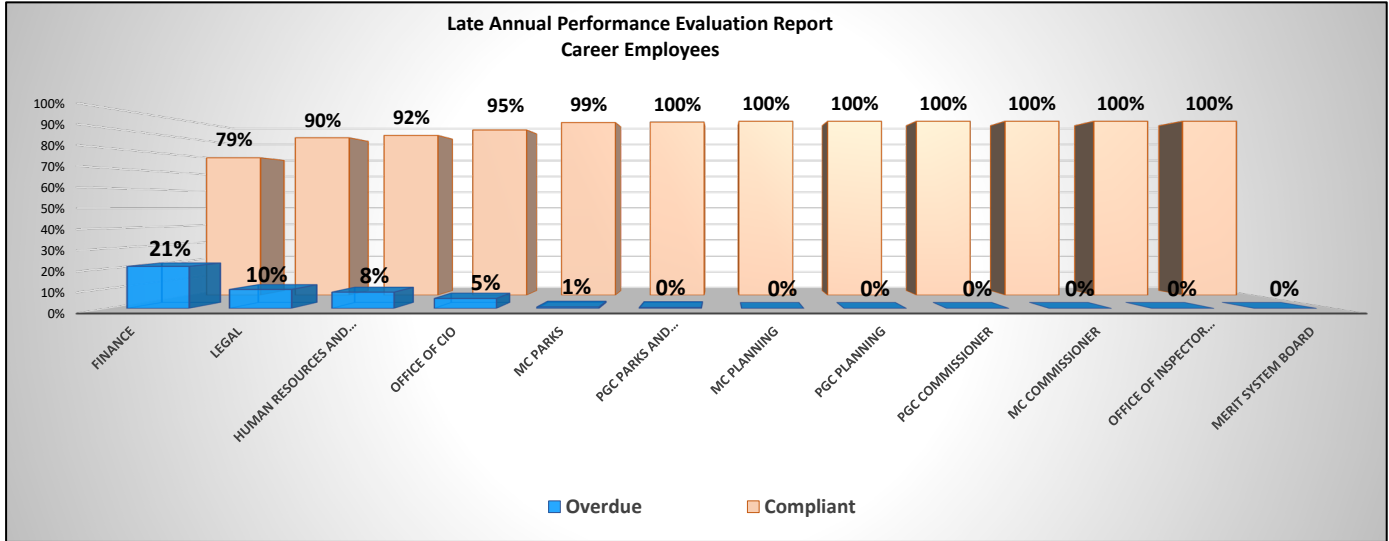
Boni King
PMR Project Advisor

Paulette Stewart
PMR Project Manager

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

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	Feb-21	Mar-21	Feb-21	Mar-21	Feb-21	Mar-21	Feb-21	Mar-21
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0
CHARIMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	0	2	0	1	1	3	1
OFFICE OF INSPECTOR GENERAL	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	1	1	1	1	2	2	4	4
LEGAL DEPARTMENT	0	1	0	0	0	1	0	2
FINANCE DEPARTMENT	4	4	2	1	1	3	7	8
PRINCE GEORGE'S PLANNING	1	0	0	0	0	0	1	0
PRINCE GEORGE'S PARKS & RECREATION	9	5	0	0	0	0	9	5
MONTGOMERY COUNTY PARKS	14	5	1	0	0	0	15	5
MONTGOMERY COUNTY PLANNING	4	0	0	0	0	0	4	0
DEPARTMENT TOTAL BY DAYS LATE	33	16	6	2	4	7		
COMMISSION-WIDE TOTAL							43	25

**DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.



*Data As Of March 31, 2021

Employee Count	Evaluation Status		Total Employees
	Overdue	Compliant	
Department	Overdue	Compliant	Total Employees
Finance	8	30	38
Human Resources and Mgt	4	45	49
Legal	2	19	21
MC Commissioner		4	4
MC Parks	5	688	693
MC Planning		136	136
Merit System Board		1	1
Office of CIO	1	19	20
Office of Inspector General		4	4
PGC Commissioner		9	9
PGC Parks and Recreation	5	1,050	1,055
PGC Planning		174	174
Total Employees	25	2,179	2,204

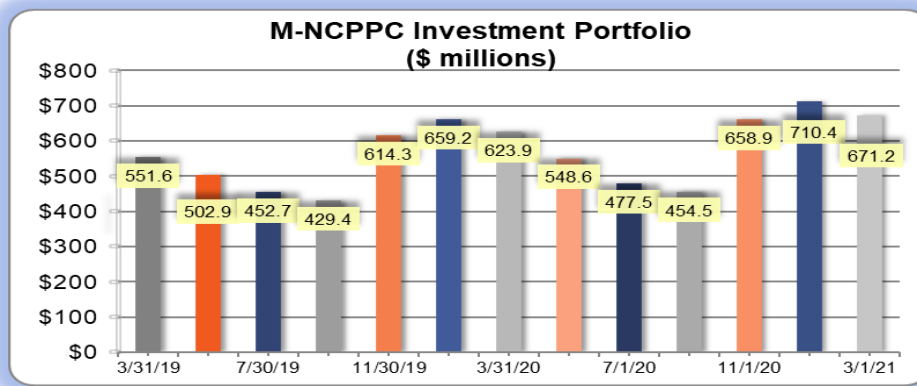


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 CORPORATE TREASURY & INVESTMENTS, FINANCE DEPARTMENT
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737
 Telephone (301) 454-1592 / Fax (301) 454-1637

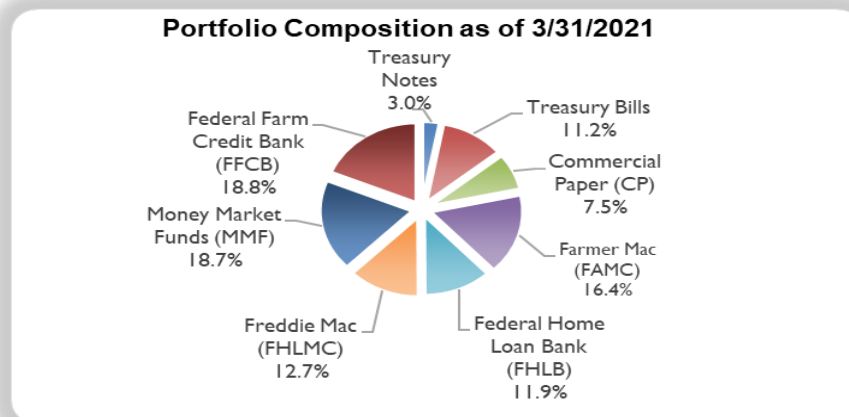
MEMO

TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Tanya Hankton, Corporate Treasury & Investments Manager *T.H.*
DATE: 4/9/2021
SUBJECT: Investment Report – **March 2021**

The Commission’s pooled cash investment portfolio totaled \$671.2 million as of March 31, 2021, with a 4.4% decrease from February 28, 2021. Details are as follows:



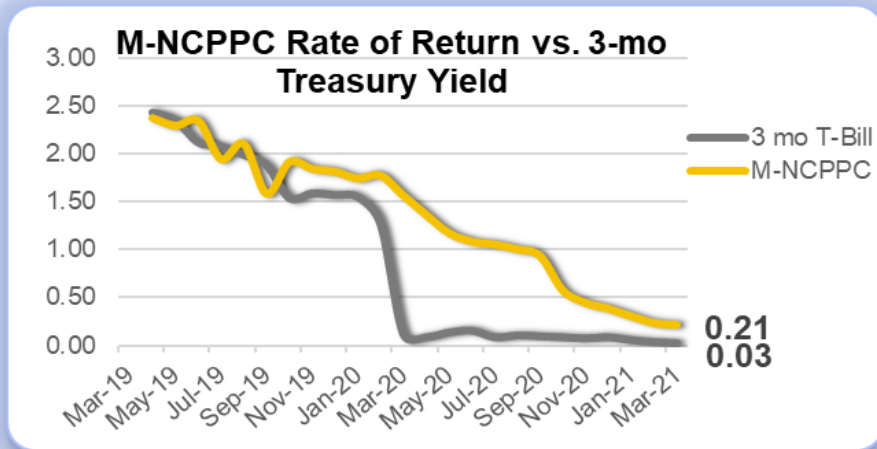
The composition of the pooled cash portfolio as of March 31, 2021 is summarized below:



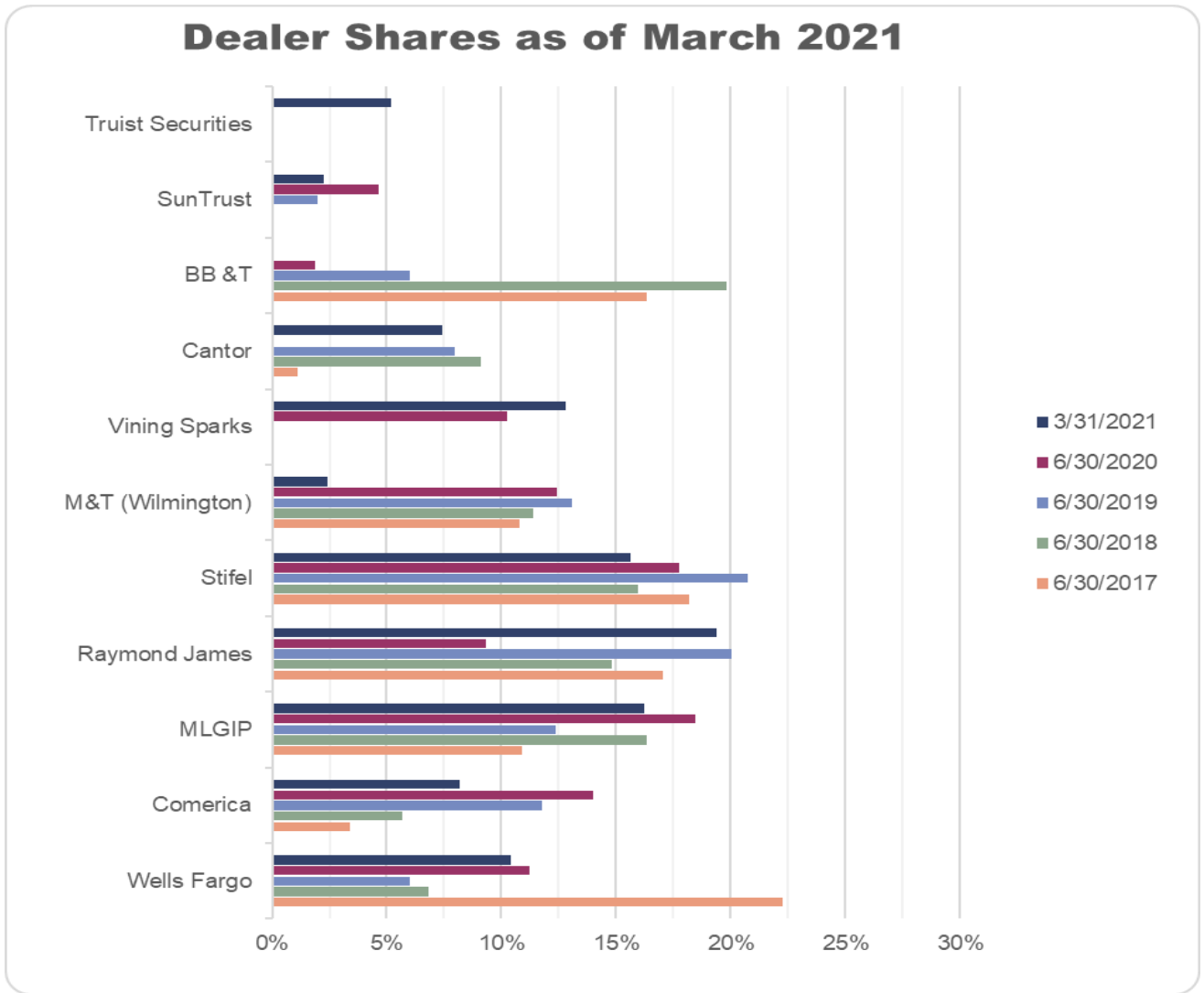
Current Investment Portfolio - March 2021					
Instrument	Policy	Actual	Par Value	Wtd. Avg.	
Federal Farm Credit Bank	20%	18.8%	\$ 126,000,000	0.18%	
Money Funds	*	25%	125,255,333	0.04%	
Farmer Mac	20%	16.4%	110,000,000	0.60%	
Freddie Mac	20%	12.7%	85,000,000	0.19%	
Federal Home Loan Banks	20%	11.9%	80,000,000	0.13%	
Treasury Bills	100%	11.2%	75,000,000	0.09%	
Commercial Paper	10%	7.5%	50,000,000	0.37%	
Treasury Notes	100%	3.0%	20,000,000	0.12%	
Fannie Mae	20%	0.0%	-	0.00%	
Certificates of Deposit	50%	0.0%	-	0.00%	
Bankers Acceptances	50%	0.0%	-	0.00%	
Repurchase Agreements	60%	0.0%	-	0.00%	
		100%	\$ 671,255,333	0.26%	

*As of 3/31/2021

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



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



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

Market Value - March 2021	
Prince George's County (PGC-2018A)	\$ 2,860,145
Montgomery County (MC-2020A)	9,996,401
Montgomery County (MC-2018A)	2,425,050
	<u>\$ 15,281,596</u>

The Commission had no debt service payments during the month.

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

Debt Balances - March 2021					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
NN-2 (<i>Refunded Z-2</i>)	14,080,000	1,335,000	9%	Mar-10	May-21
PGC-2012A (<i>Refunded P-2, M-2, EE-2</i>)	11,420,000	2,600,000	23%	Jun-12	Jan-24
PGC-2014A	8,415,000	1,115,000	13%	May-14	Jan-22
PGC-2015A (<i>Refunded JJ-2</i>)*	24,820,000	19,360,000	78%	Oct-15	Jan-36
PGC-2017A	33,000,000	26,400,000	80%	Jul-17	Jan-37
PGC-2018A	31,000,000	27,900,000	90%	Nov-19	Nov-38
PGC-2020 (<i>Refunded PGC-2014A</i>)	19,119,615	19,002,957	99%	Oct-20	Jan-34
Total Prince George's County	\$ 141,854,615	\$ 97,712,957	69%		
Montgomery County					
MC-2012A (<i>Refunded CC-2, FF-2</i>)	8,035,000	1,915,000	24%	Apr-12	Dec-22
MC-2012B	1,300,000	280,000	22%	Apr-12	Dec-22
MC-2014A	5,045,000	1,295,000	26%	Jun-14	Dec-22
MC-2016A	12,000,000	9,700,000	81%	Apr-16	Nov-35
MC-2016B (<i>Refunded FF-2, II-2, MM-2</i>)	6,120,000	4,740,000	77%	Apr-16	Nov-28
MC-2016C (<i>Refunded FF-2 ALA of 2004</i>)	1,075,000	490,000	46%	Apr-16	Nov-24
MC-2017A	8,000,000	6,400,000	80%	Apr-17	Nov-36
MC-2018A	12,000,000	10,800,000	90%	Oct-18	Nov-38
MC-2018B	3,000,000	1,800,000	60%	Oct-18	Nov-23
MC-2020A	10,000,000	10,000,000	100%	Jun-20	Nov-40
MC-2020B (<i>Refunded MC-2012A</i>)	4,895,487	4,895,487	100%	Oct-20	Dec-32
MC-2020C (<i>Refunded MC-2012B</i>)	1,866,095	1,866,095	100%	Oct-20	Dec-32
MC-2020D (<i>Refunded MC-2014A</i>)	9,655,588	9,655,588	100%	Oct-20	Dec-33
Total Montgomery County	\$ 82,992,170	\$ 63,837,170	77%		
Total	\$ 224,846,785	\$ 161,550,127	72%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012

FISCAL YEAR 2021 – March 31, 2021

OBJECTIVES	Met Objective	Within Limits	Comments
Protection of principal	Yes		
<p>Limiting types and amounts of securities</p>	Limit	Yes	
<p>US Government</p>	100%		
<p>US Federal Agencies - combined</p>	60%		
<p>US Federal Agencies - each</p>	20%		
<p>Repurchase Agreements</p>	60%		
<p>CD's and Time Deposits</p>	50%		
<p>Commercial Paper</p>	10%		
<p>Money Market Mutual Funds</p>	25%		
<p>MD Local Gov't Investment Pool</p>	25%		
<p>Investing Bond Proceeds:</p>			
<p>State and local agency securities</p>	100%		
<p>Money Market Mutual Funds</p>	10%		
<p>Bond Proceeds:</p>			
<p>Highly-rated state / local agency securities</p>		Yes	T. Rowe Price managed all funds within limits
<p>Highly-rated money market mutual funds (Max. 10% in lower-rated funds)</p>			
<p>Pre-qualify financial institutions, broker/dealers, intermediaries and advisers</p>		Yes	All firms must meet defined capital levels and be approved by the Secretary-Treasurer
<p>Ensure competition among participants</p>	30%	Yes	No dealer shares exceeded 30%
<p>Competitive Bidding</p>		Yes	All purchases awarded competitively.
<p>Diversification of Maturities</p>			
<p>Majority of investments shall be a maximum maturity of one (1) year. A portion may be as long as two years.</p>		Yes	All maturities within limits
<p>Require third-party collateral and safekeeping, and delivery-versus-payment settlement</p>		Yes	M&T Investments serves as custodian, monitoring compliance daily
<p>Maintain sufficient liquidity</p>		Yes	Sufficient funds available for all cash requirements during period
<p>Attain a market rate of return</p>		Yes	More than market by 18 basis points.
<p>The pro-rated rates of return for T-bills and the portfolio were 0.03% and 0.21%, respectively.</p>			

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

Reply To

April 7, 2021

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

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission
FROM: Adrian R. Gardner
General Counsel
RE: Litigation Report for March 2021 – FY 2021

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, April 21, 2021. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

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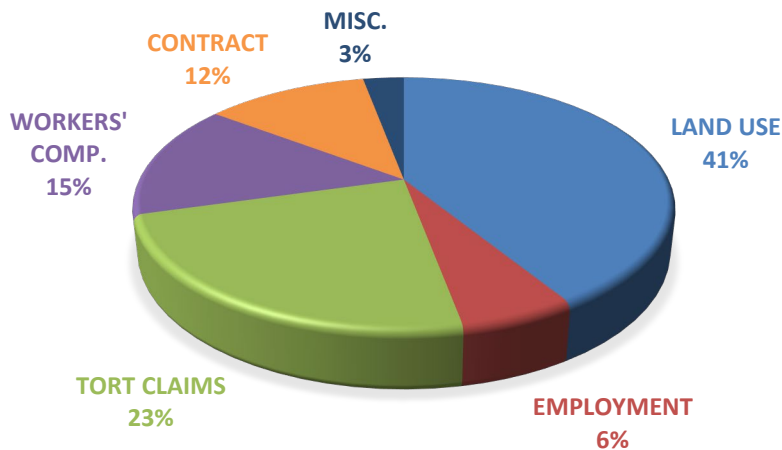
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March 2021
Composition of Pending Litigation
(Sorted by Subject Matter and Forum)

	STATE TRIAL COURT	MARYLAND COSA	MARYLAND COURT OF APPEALS	FEDERAL TRIAL COURT	FEDERAL APPEALS COURT	U.S. SUPREME COURT	SUBJECT MATTER TOTALS
ADMIN APPEAL: LAND USE	8	5	1				14
ADMIN APPEAL: OTHER							
BANKRUPTCY							
CIVIL ENFORCEMENT							
CONTRACT DISPUTE	4						4
DEBT COLLECTION							
EMPLOYMENT DISPUTE				2			2
LAND USE DISPUTE							
MISCELLANEOUS	1						1
PROPERTY DISPUTE							
TORT CLAIM	8						8
WORKERS' COMPENSATION	5						5
PER FORUM TOTALS	26	5	1	2			34

OVERVIEW OF PENDING LITIGATION



March 2021 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2021			
	Pending In Feb. 2021	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	13	1		8	12	6	14
Admin Appeal: Other (AAO)							
Bankruptcy (B)							
Civil Enforcement (CE)							
Contract Disputes (CD)	4				4		4
Debt Collection (D)							
Employment Disputes (ED)	3		1	3	1	2	2
Land Use Disputes (LD)							
Miscellaneous (M)	1						1
Property Disputes (PD)							
Tort Claims (T)	8			5	5	1	8
Workers' Compensation (WC)	6		1	3	4	2	5
Totals	35	1	2	19	25	7	34

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

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

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

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

<u>A. Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
McCourt v. Commission	PG	ED	Sep. 20
Estreicher v. Montgomery County Planning Board	MC	AALU	Sep. 20
Uzlyan v. Montgomery County, et al.	MC	Tort	Oct. 20
Newton, et al. v. Prince George's County Planning Board	PG	AALU	Nov. 20
M-NCPPC v. Mail My Meds, LLC	AC	WC	Dec. 20
Jan A.J. Bove, et al. v. Montgomery County Planning Board	MC	AALU	Dec. 20
Coe v. Commission	PG	ED	Feb. 21
<u>B. Appellate Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Benton v. Woodmore Overlook Commercial, LLC	PG	AALU	July 20
(Appeared on the June report in error. The Commission was not a party to this suit)			
Gaspard v. Montgomery County Planning Planning Board	MC	AALU	Oct. 20
Benton v. Woodmore Overlook Commercial, LLC	PG	AALU	Oct. 20
M-NCPPC v. Mail My Meds, LLC	AA	WC	Feb. 21

Disposition of FY21 Closed Cases Sorted by Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources & Management		
McCourt v. Commission	Judicial Review of Merit Board Decision related to reclassification under the Administrative Series	09/04/20 – Decision of Merit Board Affirmed.
Commission v. Mail My Meds, LLC	Judicial Review of WCC decision regarding mail order prescription medication.	11/23/20 – Decision of WCC Affirmed.
Commission v. Mail My Med, LLC	Appeal of Circuit Court decision affirming WCC decision regarding mail order prescription medication	02/03/21 – Appeal voluntarily dismissed.
Montgomery County Department of Planning		
Montgomery County Department of Parks		
Uzylan v. Montgomery Count, Maryland, et al.	Personal injuries matter as a result of a tulip poplar tree striking a home.	10/15/20 - Case Consolidated with Case No. 483068-V.
Montgomery County Park Police		
Montgomery County Planning Board		
Gaspard v. Montgomery County Planning Board	Judicial Review of decision affirming Planning Board's approval of Preliminary Plan 120160180 Glen Mill – Parcel 833	10/29/2020 – Judgment of Circuit Court Affirmed.
Jan A.J. Bove, et al. v. Montgomery Planning Board	Judicial Review of Planning Board's approval of 7025 Longwood Drive subdivision no. 62019100.	12/02/2020 – Resolution of Planning Board Affirmed.
Prince George's County Department of Parks and Recreation		

Prince George's County Planning Department		
Benton v. Woodmore Overlook Commercial, LLC	Judicial Review of decision of Prince George's County Planning Board	10/23/2020 – Petition for Writ of Cert. denied. Matter still pending in Court of Special Appeals.
Newton, et al. v. Prince George's County Planning Board	Judicial review of Prince Georges County Planning Board's approval of preliminary plan of subdivision 4 -19048	11/09/2020 - Petition dismissed by Petitioner.
Prince George's County Planning Board		
Prince George's Park Police		
Coe v. Commission	Judicial Review of decision to terminate employment following LEOBR police disciplinary hearing	02/03/2021 – Court affirmed hearing board decision to terminate employment.
Office of Internal Audit		

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DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

No Pending Cases

CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND

No Pending Cases

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

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

Lead Counsel: Adams
Other Counsel:

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

Status: In discovery.

Docket:

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

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

Case No. 483411-V (AALU)

Lead Counsel: Mills
Other Counsel:

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

Status: Awaiting decision.

Docket:

09/10/2020	Petition for Judicial Review filed
10/01/2020	Planning Board's Response to Petition for Judicial Review filed
01/04/2021	RCCG Jesus House DC's Motion to Strike
01/19/2021	Petitioner's Opposition to Motion to Strike
02/10/2021	Oral Argument held. Court grants Defendant's Motion to Supplement Record and takes matter under advisement.
03/01/2021	Plaintiff's Supplemental Memorandum of Judicial Review
03/19/2021	RCCG Jesus House DC's and Defendant's Joint Supplemental Post Hearing Memorandum of Law
03/19/2021	Plaintiff's Supplemental Memorandum of Statutory Requirements

Dana v. Lenk, et al.

Case No. 482474-V (Misc.)

Lead Counsel: Harvin
Other Counsel:

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

Status: Case settled by contesting parties and dismissed.

Docket:

06/17/2020	Complaint filed
07/28/2020	Defendant Lenk's Motion to Dismiss
07/30/2020	Opposition to Motion to Dismiss
08/06/2020	Defendant Lenk's Reply to Plaintiff's Opposition to Motion to Dismiss
10/13/2020	Motion to Dismiss granted in part and denied in part
10/21/2020	Defendant Lenk's Answer to Complaint
10/22/2020	Amended Complaint filed
10/29/2020	Commission served
11/16/2020	Montgomery County's Answer to Amended Complaint
12/10/2020	Order of Court - Count IV of Amended Complaint dismissed with prejudice
12/29/2020	Commission's Answer to Amended Complaint
01/27/2021	Order of Court for Alternative Dispute Resolution
02/19/2021	Defendant Lenk's Emergency Motion for Protective Order

02/19/2021	Opposition to Motion for Protective Order
03/02/2021	Hearing held. Court continues hearing to 3/8/2021.
03/08/2021	Hearing held. Court takes matter under advisement.
03/16/2021	Joint Line of Dismissal without prejudice as to Montgomery County, Maryland and Maryland-National Capital Park and Planning Commission
03/22/2021	Line of Dismissal with Prejudice

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

Case No. 481768-V (CD)

Lead Counsel: Dickerson
Other Counsel: Johnson

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

Status: Case settled and dismissed.

Docket:

04/30/2020	Complaint filed
08/28/2020	Motion to Dismiss filed
09/24/2020	Opposition to Motion to Dismiss
11/13/2020	Commission's Reply to Motion to Dismiss
11/19/2020	Motions hearing postponed
11/25/2020	Commission's Supplemental Memorandum
12/01/2020	Motions hearing held
12/01/2020	Motion to Dismiss or in the Alternative for Summary Judgment denied
12/16/2020	Answer to Complaint
03/15/2021	Joint Line of Dismissal with prejudice.

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

Case No. 483255-V (CD)

Lead Counsel: Adams
Other Counsel:

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

Status: Matter stayed.

Docket:

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

Kosary v. Montgomery County Planning Board

Case No. 476283-V (AALU)

Lead Counsel: Mills
Other Counsel:

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

Status: Case stayed.

Docket:

12/06/2019	Petition for Judicial Review filed
12/11/2019	Planning Board's Motion to Dismiss filed
12/12/2019	Response to Petition for Judicial Review filed
12/19/2019	Petitioner's Supplemental Petition for Judicial Review filed
12/23/2019	Petitioner's Response to Motion to Dismiss filed.
01/21/2020	Motion to Dismiss denied as moot.
01/22/2020	Petitioner's Motion for Stay and Request for Hearing.
02/06/2020	Primrose School Opposition to Motion to Stay.
02/28/2020	Motion for Stay Granted
03/03/2020	Case stayed pending resolution from County Hearing Examiner
03/26/2020	Petitioner's interim report on status of administrative proceedings
03/24/2021	Petitioner's second interim report on status of administrative proceedings.
03/24/2021	Petitioner's Motion to Defer entry of dismissal
03/26/2021	Order of Court. Motion to Defer dismissal granted.

Shipkovitz v. Montgomery County Planning Board

Case No. 483442-V (AALU)

Lead Counsel: Coleman
Other Counsel:

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

Status: Motions pending.

Docket:

09/15/2020	Petition for Judicial Review filed.
09/28/2020	Planning Board's Response to Petition filed.
10/26/2020	Ardennes Partners, LLC's Response to Petition filed.
10/26/2020	Ardennes Partners, LLC's and Planning Board's Joint Motion to Dismiss Petition for Judicial Review
12/02/2020	Plaintiff's Motion to Suspend Proceedings
12/10/2020	Opposition to Motion to Suspend Proceedings
02/05/2021	Order of the Court. Petition dismissed with prejudice.
02/16/2021	Petitioner's Motion for Reconsideration filed.
03/02/2021	Joint Opposition to Motion for Reconsideration
03/12/2021	Plaintiff's Reply to joint opposition

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

Case No. 483234-V (CD)

Lead Counsel: Dickerson
Other Counsel: Johnson

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

Status: In discovery.

Docket:

08/21/2020	Complaint filed.
08/31/2020	Commission served.
09/29/2020	Motion to Dismiss or in the Alternative for Summary Judgment filed.
10/09/2020	Opposition to Motion to Dismiss filed.
12/09/2020	Motions hearing held.
12/09/2020	Motion to Dismiss or in the alternative for Summary Judgment denied.
12/28/2020	Answer to Complaint filed.
01/27/2021	Order of Court for Alternative Dispute Resolution

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

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

Case No. CAE 20-11589 (AALU)

Lead Counsel: Dickerson
Other Counsel: Harvin

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

Status: Awaiting Status hearing.

Docket:

04/14/2020	Complaint filed
06/05/2020	Commission served
07/06/2020	Answer filed by Commission
07/21/2020	Motion to Dismiss filed by Defendant Dewey, L.C.
07/23/2020	Motion to Dismiss filed by BE UTC Dewey Parcel, LLC
08/20/2020	Opposition to Motion to Dismiss
09/14/2020	Defendant, Dewey, L.C.'s Reply Response in Support of its Motion to Dismiss or Stay and Request for hearing
09/16/2020	Defendant, BE UTC Dewey Parcel, LLC's Reply in Support of Motion to Dismiss and Request for hearing
10/22/2020	Motions Hearing continued
10/26/2020	Defendants Dewey, L.C. and Bald Eagle Partners, Inc. Line Requesting Judicial Notice of Arbitrator's Decision
12/23/2020	Motions hearing held. Court takes under advisement.
01/11/2021	Order of Court - case is stayed pending resolution of the current arbitration proceedings; further ordered that a status hearing in this matter be scheduled.
02/17/2021	Arbitrator's decision filed.
04/02/2021	Status hearing.
07/16/2021	Status hearing.

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

Lead Counsel: Adams
Other Counsel:

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

Status: In discovery.

Docket:

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

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

Lead Counsel: Harvin
Other Counsel:

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

Status: In discovery.

Docket:

11/15/2019	Complaint filed
01/27/2020	Defendant City of Bowie's Motion to Dismiss or in the Alternative for Summary Judgment
02/05/2020	Summons reissued for Commission
02/13/2020	Opposition to City of Bowie's Motion to Dismiss
02/26/2020	Defendant Daugherty's answer filed
03/13/2020	Commission served
04/08/2020	Commission's Answer filed
05/15/2020	Motions Hearing on City's Motion to Dismiss – continued due to pandemic
9/18/2020	Amended Complaint and Jury Trial
9/21/2020	Second Amended Complaint
9/24/2020	Hearing on Defendant City of Bowie's Motion to Dismiss and/or Summary Judgment. Motion to Dismiss is denied. Motion for Summary Judgment is granted based upon governmental immunity.
10/28/2020	Third Amended Complaint filed
11/23/2020	Motion to Compel Discovery from Defendant Daugherty
12/08/2020	Answer to complaint by Defendant Knode
02/16/2022	Trial

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

Lead Counsel: Adams
Other Counsel: Dickerson

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

Status: Motions pending.

Docket:

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

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

Lead Counsel: Foster
Other Counsel:

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

Status: Awaiting Trial.

Docket:

07/26/2019	Petition for Judicial Review filed
08/19/2019	Batson's Notice of Intent to Participate, Jury Demand
08/22/2019	Commission's Motion to Strike Request for De Novo Review and Request for Jury Demand
09/03/2019	Opposition to Motion to Strike filed
09/06/2019	Memo in Support of on the record Judicial Review filed
10/02/2019	Order of Court- Commission's Motion to Strike Request for De Novo Review and Request for Jury Trial denied. Case to proceed De Novo before a jury.
11/21/2019	Motion to Bifurcate filed by Commission in an attempt to litigate the dispositive legal issue preliminarily before any de novo trial.
12/16/2019	Motion to Bifurcate denied.
03/01/2022	Trial.

Getnet v. Maryland-National Capital Park and Planning Commission

Case No. CAL 20-13268(Tort)

Lead Counsel: Harvin
Other Counsel: Johnson

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

Status: In discovery.

Docket:

07/06/2020	Complaint filed
07/29/2020	Commission served
08/20/2020	Motion to Dismiss filed
09/10/2020	Amended Complaint
09/11/2020	Opposition to Motion to Dismiss
09/22/2020	Amended Complaint
10/09/2020	Answer filed.
11/02/2020	2 nd Amended Complaint filed
11/06/2020	Defendant Montgomery County's Motion to Dismiss 2 nd Amended Complaint
12/03/2020	Case dismissed as to Montgomery County only
03/04/2021	3 rd Amended Complaint filed
02/22/2022	Trial

Gibson v. Commission

Case No. CAL 20-15318 (WC)

Lead Counsel: Foster
Other Counsel:

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

Status: In discovery.

Docket:

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

Heard v. Maryland-National Capital Park and Planning Commission

Case No. CAL 20-14095(AALU)

Lead Counsel: Warner
Other Counsel: Goldsmith

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

Status: Petition for Judicial Review filed.

Docket:

07/30/2020	Petition filed
08/16/2020	Commission notified by Court.
08/31/2020	Response to Petition for Judicial Review filed.
03/02/2021	Notice of Partial Voluntary Dismissal (MPIA claim) against Commission

Hoenig v. Commission

Case No. CAL 20-07257 (WC)

Lead Counsel: Foster
Other Counsel:

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

Status: In discovery.

Docket:

03/04/2020	Petition for Judicial Review filed
03/16/2020	Response to Petition and Expert Designation
09/21/2021	Trial

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

Case No. CAL19-21516 (Tort)

Lead Counsel: Harvin
Other Counsel:

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

Status: In discovery.

Docket:

07/15/2019	Complaint filed
01/22/2020	Commission accepted service
01/27/2020	Complaint to be amended to reflect Commission as party.
02/04/2020	Amended Complaint filed
03/18/2020	Commission served

04/08/2020	Commission's answer filed.
09/02/2021	Trial

King v. Commission

Case No. CAL 19-30096 (WC)

Lead Counsel: Foster
Other Counsel:

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

Status: Awaiting trial.

Docket:

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

Montague v. Newton White Mansion

Case No. CAL 20-05753 (Tort)

Lead Counsel: Harvin
Other Counsel:

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

Status: In discovery.

Docket:

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

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

Lead Counsel: Foster
Other Counsel:

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

Status: In discovery.

Docket:

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

Pumphrey v. Wilson
Case No. CAL 19-40161 (Tort)

Lead Counsel: Dickerson
Other Counsel: Foster

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

Status: In discovery.

Docket:

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

Simmons, et al. v. Prince George's Planning Board

Case No. CAL 21-00308 (AALU)

Lead Counsel: Warner
Other Counsel: Goldsmith

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

Status: Petition for Judicial Review filed.

Docket:

01/07/2021	Petition for Judicial Review filed
01/27/2021	Commission's Response to Petition
02/10/2021	Response to Petition for Judicial Review by Freeway Realty, LLC
06/11/2021	Hearing

Snyder v. State of Maryland, et al.

Case No. CAL 20-13024 (Tort)

Lead Counsel: Adams
Other Counsel:

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

Status: 2nd Amended Complaint filed.

Docket:

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

Stewart, et al. v. Prince George's Planning Board, et al.

Case No. CAL 20-11215 (AALU)

Lead Counsel: Goldsmith
Other Counsel:

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

Status: Decision of Planning Board Affirmed.

Docket:

04/01/2020	Petition for Judicial Review filed
04/13/2020	Amended Petition for Judicial Review filed.
06/26/2020	Second Amended Petition filed.
07/20/2020	Response to Petition filed.
02/17/2021	Decision of Planning Board affirmed.
03/08/2021	Notice of Appeal filed.

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

Case No. CAL20-14895 (AALU)

Lead Counsel: Warner
Other Counsel: Goldsmith

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

Status: Motions pending.

Docket:

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

MARYLAND COURT OF SPECIAL APPEALS

Benton v. Woodmore Overlook Commercial, LLC

CSA-REG-2118-2019 (AALU)

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

Lead Counsel: Borden
Other Counsel: Goldsmith

Abstract: Judicial Review of decision of the Prince George's County Planning Board No. 19-32, File No. 4-180007. Benton failed to appear at judicial review hearing in Circuit Court and his petition was dismissed without an opinion. Benton filed for reconsideration which was also denied. Benton appealed the denial of the motion for reconsideration.

Status: Decision of Circuit Court affirmed.

Docket:

12/19/2019	Appeal filed
02/11/2020	Show Cause issued by Court regarding non-lawyer representing corporate entities
02/25/2020	Response to Show Cause filed
03/04/2020	Order of Court. Show Cause satisfied, appeal to proceed.
05/07/2020	Motion for Emergency Ex Parte Temporary Restraining Order Pending Appeal and Order to Show Cause Why a Preliminary Injunction Should Not Be Issued
05/13/2020	Commission's Response to Motion filed.
05/18/2020	Appellant's Motion for Leave & Notice of Intent to Respond to Commission's Opposition to Temporary Restraining Order Pending Appeal
05/26/2020	Appellant's Motion for Leave of the Maryland Rules Regard the Page Limit, Word Count, Content or Form of Appellant's Motion for Temporary, Preliminary and Permanent Injunction.
06/03/2020	Woodmore Overlook's Motion to Join in Commission's Opposition and Response to Appellant's Motion for Temporary Restraining Order and Preliminary Injunction.
06/04/2020	Order of the Court. Appellant's Motion's denied.
06/23/2020	Appellant Brief and Record Extract filed
06/30/2020	Order – Appellee to refile brief in compliance with Maryland Rules by 8/28/2020
08/03/2020	Petition for Writ of Certiorari
10/22/2020	Summary Notice from Court. Matter to be decided without oral argument
10/23/2020	Petition for Writ of Certiorari denied
03/18/2021	Circuit Court decision affirmed.

Benton v. Woodmore Overlook Commercial, LLC

CSA-REG-0707-2020 (AALU)

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

Lead Counsel: Warner
Other Counsel: Goldsmith

Abstract: Judicial Review of decision of the Prince George's County Planning Board on Preliminary Plan of Subdivision 4-18007, Woodmore Overlook Commercial. Before the parties filed legal memoranda, in the Circuit Court and before the court held oral argument, and before the Planning Board had a chance to transmit the agency record, the developer's attorney filed a motion to dismiss based on, among other things, lack of standing. The Circuit Court granted the motion to dismiss. Benton appealed.

Status: Appeal filed.

Docket:

09/09/2020	Appeal filed
10/27/2020	Motion to Dismiss
11/18/2020	Motion to Dismiss denied

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

CSA-REG-1232-2020 (AALU)

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

Lead Counsel: Mills
Other Counsel:

Abstract: Judicial Review of Montgomery County Planning Board's approval of 7025 Longwood Drive subdivision no. 620190100. Neighbors, i.e. Bove, appealed a decision approving the subdivision to the Circuit Court and the Court affirmed the Planning Board. Bove appealed.

Status: Appeal filed.

Docket:

12/30/2020	Appeal filed
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Estreicher v. Montgomery County Planning Board.
CSA-REG-0781-2020 (AALU)
(Originally filed under 472672V in Montgomery County)

Lead Counsel: Mills
Other Counsel:

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

Status: Appeal dismissed.

Docket:

09/28/2020	Appeal filed
03/01/2021	Notice of Voluntary Dismissal

Stewart, et al. v. Prince George's Planning Board, et al.

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

Lead Counsel: Goldsmith
Other Counsel:

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

Status: Appeal filed.

Docket:

03/08/2021	Appeal filed
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MARYLAND COURT OF APPEALS

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

COA-PET-0400-2020 (AALU)

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

Lead Counsel: Mills
Other Counsel:

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

Status: Petition denied.

Docket:

12/14/2020	Petition for Writ of Certiorari
12/29/2020	Respondent's Answer filed
01/05/2021	Petitioner's Reply filed
03/01/2021	Petition denied.

U.S. DISTRICT COURT OF MARYLAND

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

8:20-cv-03305 PX (ED)

Lead Counsel: Dickerson
Other Counsel: Foster

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

Status: In discovery.

Docket:

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

Evans v. Commission, et al.

8:19-cv-02651 TJS (ED)

Lead Counsel: Dickerson
Other Counsel: Foster

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

Status: Mediation set.

Docket:

09/11/2019	Complaint filed
10/23/2019	Notice of Intent to file Motion for More Definite Statement filed by Defendants Commission, McSwain, and Riley
10/24/2019	Notice of Intent to file Motion for More Definite Statement filed by J. Creed on behalf of Defendant Murphy
10/28/2019	Notice of Intent to File a Motion for More Definite Statement filed by attorney C. Bruce on behalf of Defendant Uhrig
11/26/2019	Status Report filed by Plaintiff agreeing to file Amended Complaint specifying against whom each claim is asserted and dates of alleged events.
12/10/2019	Amended Complaint filed.
12/23/2019	Notice of Intent to file a Motion to Dismiss filed by all defendants
01/09/2020	Order granting Plaintiff leave to file Amended Complaint
01/16/2020	Second Amended Complaint filed
02/14/2020	Joint Motion to Dismiss filed by all Defendants

03/20/2020	Opposition to Motion to Dismiss
03/20/2020	Motion for Leave to file Third Amended Complaint
03/20/2020	Third Amended Complaint
04/17/2020	Plaintiff's Reply to Defendants' joint Opposition to Plaintiff's Motion for Leave to file Third Amended Complaint.
05/07/2020	Order granting Motion for Leave to File Third Amended Complaint; denying as moot Defendants' Joint Motion to Dismiss; granting defendants leave to renew their Joint Motion to Dismiss by May 22, 2020.
06/05/2020	Joint Motion to Dismiss for Failure to State a Claim filed by Commission, McSwain, Murphy, Riley and Uhrig.
07/10/2020	Motion for Leave to File Excess Pages
07/16/2020	Order granting in part and denying in part Motion for Leave to file Excess Pages and directing the Plaintiff to file a brief by 7/23/2020
07/23/2020	Response in Opposition to Joint Motion to Dismiss for Failure to State a Claim
08/06/2020	Response to Motion for Leave to file Excess Pages.
08/06/2020	Reply to Opposition to Joint Motion to Dismiss.
11/13/2020	Defendants' Motion to Dismiss granted in part. Counts 4, 5, part of 6 and 7 -10, part of 11, and 12 dismissed. Counts, 1 -3, part of 6 and 11, 13 -15 will proceed at this stage. Defendants to file an answer to remaining claims.
11/27/2020	Answer filed.
01/11/2021	Order – Case referred to Magistrate Judge Timothy J. Sullivan generally and to Magistrate Judge Jillyn K. Schulze for mediation
01/15/2021	Joint Consent to Proceed before Magistrate
01/28/2021	Order of Court re mediation week of May 17, 2021.