



THE MARYLAND-NATIONAL CAPITAL  
Park and Planning Commission

# COMMISSION MEETING

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**May 18, 2022**  
**10:00 a.m. to 12 noon**

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

**Wheaton Headquarters**

*Auditorium*

2425 Reddie Drive

Wheaton, Maryland 20902

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**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
MEETING AGENDA  
Wednesday, May 18, 2022**

**Via videoconference live-streamed by  
The Montgomery County Planning Department**

**10:00 a.m. – 12 noon**

		<u>ACTION</u>	
		Motion	Second
1.	<b>Approval of Commission Agenda (10:00 a.m.)</b>	(+*) Page 1	
2.	<b>Approval of Commission Minutes (10:05 a.m.)</b>		
	a) Open Session – April 20, 2022	(+*) Page 3	
	b) Closed Session – April 20, 2022	(++*)	
3.	<b>General Announcements (10:05 a.m.)</b>		
	a) National Fitness Month		
	b) Asian Pacific American Heritage Month		
	c) Jewish-American Heritage Month		
	d) Military Appreciation Month		
4.	<b>Committee Minutes/Board Reports (For Information Only) (10:10 a.m.)</b>		
	a) Executive Committee Meeting – May 4, 2022 Open Session ( <i>no closed session</i> )	(+) Page 13	
	b) Employees Retirement Association Board of Trustees Regular Meeting – April 5, 2022	(+) Page 17	
5.	<b>Action and Presentation Items (10:10 a.m.)</b>		
	a) Resolution 22-08 Corridor Forward: The I-270 Transit Plan (McVary/Young)	(+*) Page 21	
	b) Resolution 22-09 Recommendation to Approve the FY2023 Operating Budget for the Employees’ Retirement System in the amount of \$2,777,596 (Rose)	(+*) Page 61	
	c) Resolution 22-10 Recommendation to Approve an Amendment to the FY2022 Employees’ Retirement System Operating Budget in the amount of \$325,100 (Rose)	(+*) Page 69	
	d) Resolution 22-11 Revised and Updated M-NCPPC Investment Policy (Cohen)	(+*) Page 71	
	e) Resolution 22-12 MOU Between USCP and the M-NCPPC (Borden)	(+*) Page 89	
	f) CAS Salary Lapse Requests		
	1. Department of Human Resources & Management	(+*)Page 103	
	2. Finance Department	(+*)Page 104	
	3. Office of the Inspector General	(+*)Page 105	
	4. Office of the Chief Information Officer	(+*)Page 106	
	g) Open Meetings Act Training Update (Borden) (discussion only)		
6.	<b>Officers’ Reports (10:40 a.m.)</b>		
	<u>Executive Director’s Report</u>		
	a) Late Evaluation Report, April 2022 (For Information Only)	(+) Page 107	
	<u>Secretary Treasurer</u>		
	b) 3 <sup>rd</sup> Quarter Investment Report (For Information Only)	(+) Page 109	
	c) Revenue Tax Projections (For Information Only)	(+) Page 115	
	<u>General Counsel</u>		
	d) Litigation Report (For Information Only)	(+) Page 117	
	e) Legislative Update (Gardner)	(LD)	

*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*

**7. Closed Session (11:00 a.m.)**

a) Collective Bargaining Update (Chiang-Smith)

(+) Attachment

(++) Commissioners Only

(\* ) Vote

(H) Handout

(LD) Late Delivery



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting  
Open Session Minutes  
April 20, 2022

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

PRESENT

Montgomery County Commissioners

Casey Anderson, Chair  
Gerald Cichy  
Tina Patterson  
Carol Rubin  
Partap Verma

Prince George's County Commissioners

Peter A. Shapiro, Vice Chair  
Dorothy Bailey  
William Doerner (arrived 10:10 a.m.)  
A. Shuanise Washington

NOT PRESENT

Chair Anderson called the meeting to order at 10:03 a.m.

Chair Anderson welcomed Vice Chair Peter A. Shapiro to his first full Commission meeting.

ITEM 1 APPROVAL OF COMMISSION AGENDA

Executive Director Chiang-Smith noted two late corrections to items 5b and 5d, making minor modifications to the language included in the packet. She also added item 5i (Update to Background Check Standards) to the agenda as a discussion item.

ACTION: Motion of Commissioner Geraldo to approve the amended agenda  
Seconded by Commissioner Rubin  
9 approved the motion (Doerner absent)

ITEM 2 APPROVAL OF COMMISSION MINUTES

Open Session – March 16, 2022

Closed Session – March 16, 2022

ACTION: Motion of Geraldo to approve the minutes  
Seconded by Commissioner Bailey  
7 approved the motion  
Shapiro and Washington abstained, Doerner absent

ITEM 3 GENERAL ANNOUNCEMENTS

- a) Stress Awareness Month
- b) Alcohol Abuse Awareness Month
- c) National Prevention Week May 8-14
- d) Financial Disclosure Reporting Requirements

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

- a) Executive Committee Meeting, April 6, 2022
- b) Employees' Retirement System Board of Trustees Regular Meeting, March 1, 2022

ITEM 5 ACTION AND PRESENTATION ITEMS

- a) Resolution 22-04 Perpetual Drainage Easement to Prince George's County at Calvert Hills Park, located in College Park, Maryland (Sun)

No discussion

ACTION: Motion of Commissioner Geraldo to adopt Resolution 22-04  
Seconded by Commissioner Washington  
9 approved the motion (Doerner abstained)

- b) Resolution 22-05 Bowie-Mitchellville and Vicinity Plan (Lester/Rowe)

No discussion

ACTION: Motion of Commissioner Washington to adopt Resolution 22-05  
Seconded by Commissioner Geraldo  
10 approved the motion

- c) Resolution 22-06 Acknowledgement of Appointment of Peter Shapiro to the Employees' Retirement System Board of Trustees (Rose)

No discussion

ACTION: Motion of Commissioner Washington to adopt Resolution 22-06  
Seconded by Commissioner Bailey  
9 approved the motion  
Shapiro Abstained  
Commissioner Rubin noted, for the purpose of conflict disclosure, that as an M-NCPPC retiree, she is a member of the Employees' Retirement System.

- d) Resolution 22-07 Acknowledgement of Appointment of Theodore Russell III to the Employees' Retirement System Board of Trustees (Rose)

No discussion

ACTION: Motion of Commissioner Bailey to adopt Resolution 22-07  
Seconded by Commissioner Geraldo  
10 approved the motion  
Commissioner Rubin made the same disclosure as done for Resolution 22-06.

- e) Reallocation of FY22 Salary Lapse: Legal Department (Borden)

No discussion

ACTION: Motion of Commissioner Geraldo to approve the reallocation  
Seconded by Commissioner Doerner  
10 approved the motion

f) Amendments to Practice 1-30 Organization and Function of the Office of the Secretary-Treasurer and Department of Finance (Chiang-Smith/Beckham/Abebe)

No discussion

ACTION: Motion of Commissioner Geraldo to approve the amendments

Seconded by Commissioner Bailey

10 approved the motion

g) Sign-on and Referral Bonus Programs (Chiang-Smith)

Executive Director Chiang Smith introduced Acting CPMO Director Beckham to brief Commissioners on updates to and a temporary expansion of the employment referral and sign on bonus programs (Administrative Procedures 08-01 and 08-02) recently approved by the Executive Director. The programs are designed to aid with filling positions that are designated as “hard-to-fill” by providing cash bonuses for referrals and sign-on. On the account of the many vacancies in the agency, all vacant positions will be designated as “hard-to-fill” through the end of the calendar year. Additionally, the programs are expanding to include Seasonal/Intermittent positions.

Mr. Beckham reviewed the referral bonus amounts to help recruit for both Seasonal/Intermittent and Merit positions; and the maximum sign-on bonuses for both Seasonal/Intermittent positions and the range of sign-on bonuses for Merit System employees (which are dependent upon starting salary). He also discussed repayment of the sign-on bonus for those Merit employees who do not remain in their position for two years, noting that Merit employees will need to repay a pro-rated amount of their bonus, based on the amount of time spent in their position until the time of separation. Seasonal/Intermittent employees would not receive their sign-on bonus until completing at least 30 days of employment with the agency.

Commissioner Geraldo asked how the referral bonus works with the online application system. Acting CPMO Director Beckham replied the referral bonus has a form that is signed by the employee and candidate that may be filled out electronically after the person is hired.

Commissioner Geraldo asked if the M-NCPPC has a policy on hiring immigrants with a work permit. CHR Director Spencer confirmed anyone with a work permit would be eligible to be hired. Commissioner Geraldo asked if there were requirements for speaking English. CHR Director Spencer replied that the Departments employ staff who can translate for non-English speakers. He added the agency’s parks systems have employees who are not proficient with English but are learning and working with bilingual staff. Commissioner Geraldo asked if the agency provides any program to provide English as a Second Language (ESL) classes. CHR Director Spencer confirmed the agency holds English proficiency classes. Commissioner Rubin suggested that new hires who have limited English proficiency should actively be encouraged to take the M-NCPPC-sponsored ESL classes. CHR Spencer verified they can be informed during orientation.

Commissioner Doerner noted this program is not only for non-native speakers, but for anyone who wants to participate to gain a better language/literacy proficiency. He said the program

has helped employees perform better, express themselves better, and has often led to promotions. He added work environments also improve with supervisors who are learning Spanish as well. Commissioner Doerner said he is always pleased to attend the graduation ceremony event for the Language Proficiency Program. He added the sign-on and referral bonus programs do not specifically mention any of the agency's diversity goals and suggested if a candidate might improve the agency's diversity, or provide better equity or inclusion (DEI), hiring them would be consistent with our diversity goals. He suggested adding language on the Commission's DEI goals as criteria in the procedures' descriptions. Executive Director Chiang-Smith said the team will make those amendments.

Commissioner Doerner asked if the agency has a retention bonus program for M-NCPPC employees who may be looking for employment elsewhere. Executive Director Chiang-Smith said the agency does have a separate retention bonus program. She added data from the past 5 years indicate the M-NCPPC's retention rates of 5-7 percent turnover are far less than the local and national average, and less than half the rate of other government agencies. Regardless, Directors do have leeway to offer retention bonuses. She also noted the Department of Human Resources and Management is hiring a Diversity, Equity, and Inclusion specialist, along with a training manager who will be running these programs. These bonus programs can be added as DEI performance measures, as soon as these new positions are hired and settled in.

- h) 2<sup>nd</sup> Quarter Report of Budget Transfers (Kroll) (for information only)
- i) Update to Background Check Standards (Anderson/Chiang-Smith/Spencer) (new item)  
Corporate HR Director Spencer shared history on the agency's background check procedures, which governs candidates' employment eligibility with the agency. The recruitment office currently conducts two background checks – the National Criminal Background Check System and the Maryland Criminal Justice Information System (CJIS). Individuals who work directly with children are precluded from being hired if they have been charged with or convicted of a variety of different crimes. Currently, all employees and volunteers are subject to the checks, since as an operator of childcare facilities, the agency considered all of its employees to have possible contact with children.

The state Department of Education which oversees state childcare and licensing programs recently advised the agency's application of this standard to all M-NCPPC positions is overreaching and the agency should not be eliminating potential employees who are not in direct contact with children. After consulting with Department Heads, Human Resources is developing new standards to consider in hiring returning citizens who have served their time and wish to re-join the workforce, and who will not have access to or contact with children. Across-the-board exceptions will remain that will preclude any candidate from employment with the M-NCPPC. These include, for example, if a person was convicted of 1<sup>st</sup> or 2<sup>nd</sup> degree murder; a 1<sup>st</sup> or 2<sup>nd</sup> degree sexual offense; or child pornography. All other convictions would be reviewed by a committee, consisting of representatives from both counties, legal and the Corporate HR Director to consider each case individually and make a recommendation to the Department Head on whether to move forward with a selection.



Executive Director Chiang-Smith noted those positions which do continue to have direct contact with children (e.g., childcare providers, lifeguards/swim instructors, summer camp counselors), will still be subject to and the childcare restrictions.

CHR Director Spencer said the M-NCPPC is committed to community investment, to provide the best services and a healthy environment. Precluding employment and not giving second chances (1) not only does not support that environment, but (2) can increase crime. The agency is working with the state Department of Labor to see how we can be better partners with returning citizens and the people in the communities we serve.

Commissioner Rubin asked if the M-NCPPC recruitment staff can work directly with county departments of corrections to be more proactive with the initiative, perhaps linking it with a longer (M-NCPPC employment) probationary period. She said this would not only help with our own recruitment issues but give hope for the future for people who have served their time. She suggested giving incarcerated people training to assist them with gaining employment when they return. Executive Director Chiang-Smith said she recently met with the Maryland Assistant Secretary of Workforce Development, who said they do have those training programs for people who are still incarcerated. M-NCPPC staff have reached out to partner with them to provide placement information and to send our recruiters to their job fairs. The next step would be communicating the skills the M-NCPPC is looking for, which may better inform these state and county training programs to help returning citizens be better eligible for post-incarceration employment.

Commissioner Washington advised that the review committee consider developing defined criteria for mitigating circumstances or waivers, to avoid arbitrary decisions and unintended legal consequences. CHR Director Spencer confirmed the committee will record and document the criteria/reasons why a person is passed over or not passed over for each case, to provide consistency.

Commissioner Geraldo suggested CHR Director Spencer may wish to speak with Prince George's County State's Attorney Aisha Braveboy, who has a program to assist people who are moving out of the correctional system. He then asked what the agency's policy is regarding people who have medical marijuana cards. Chair Anderson noted this is an extremely complicated issue that has concerned him for a couple of years. He cited as an example, responsible and private cannabis use (which is legal in Maryland) among employees who are required to have their Commercial Driver's License (CDL). Since the CDL program is regulated by the Federal Department of Transportation, this raises an issue with drug testing because cannabis use remains a federal offense. He said he is urging members of the general assembly about making a safe harbor for employers who do not want to terminate or discipline employees who test positive for cannabis use. He said the agency should be aware and ahead of the issue by preparing for issues with recreational and medical cannabis use.

Vice Chair Shapiro noted the Prince George's County program, Pathways to Success, and suggested CHR Director Spencer reach out to discuss partnering with them.

ITEM 6

OFFICERS' REPORTS

Executive Director's Report

a) Late Evaluation Report (March 2022) (For information only)

Secretary-Treasurer's Report

No report scheduled

General Counsel's Report

b) Litigation Report (For information only)

c) Legislative Update (Gardner/Borden)

No report. Deputy General Counsel Borden said General Counsel Gardner will provide a Legislative Update during the May Commission meeting.

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

Chair Anderson read the applicable provisions of the Open Meetings Act and asked for a motion to move to closed session. Commissioner Geraldo moved; Commissioner Rubin seconded. Commissioners in attendance voted for the measure and the meeting moved to closed session at 10:53 a.m. The meeting reconvened in a separate virtual meeting platform to discuss The Executive Director's collective bargaining update.

ACTION: Geraldo moved to start closed session  
Rubin seconded  
10 approved the motion

The following individuals were present (via videoconference):

Montgomery County Commissioners

Casey Anderson, Chair  
Gerald Cichy  
Tina Patterson  
Carol Rubin  
Partap Verma

Prince George's County Commissioners

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

Also present (by videoconference):

Asuntha Chiang-Smith, Executive Director  
Gavin Cohen, Secretary-Treasurer  
Debra Borden, Deputy General Counsel for General Counsel Adrian Gardner  
Andree Checkley, Director, Prince George's Planning  
Mike Riley, Director, Montgomery Parks  
Bill Tyler, Director, Prince George's Parks and Recreation  
Gwen Wright, Director, Montgomery County Planning  
James Adams, Senior Technical Writer  
Michael Beckham, Acting Corporate Policy and Management Operations (CPMO) Director  
Gary Burnett, Acting Deputy Director, Montgomery Parks  
Mazen Chilet, Chief Information Officer  
Christian Gabriel, Deputy Director, Prince George's Parks and Recreation  
Suzann King, Deputy Director, Prince George's Planning  
John Kroll, Corporate Budget Director

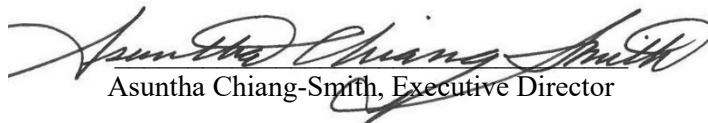
Robert Kronenberg, Deputy Director, Montgomery Parks  
Wanda Ramos, Deputy Director, Prince George's Parks and Recreation  
William Spencer, Corporate Human Resources Director

The Executive Director updated Commissioners on collective bargaining negotiations and related matters. Commissioners provided direction and support on how to proceed.

There being no further business to discuss, Chair Anderson adjourned the meeting from closed session at 11:09 a.m.



James F. Adams, Senior Technical Writer



Asuntha Chiang-Smith, Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

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

Date: 4/20/2022

Time: 10:53 am

Location: Via Videoconference

Motion to close meeting made by Geraldo. Seconded by Rubin.

Members voting in favor: Anderson, Bailey, Cichy, Doerner, Geraldo, Patterson, Rubin, Shapiro, Verma, Washington

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

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

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

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

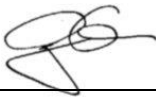
Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (9), a closed session is proposed. The purposes for closing this meeting generally are to protect and promote the public interest by: (i) preserving privileged and confidential deliberations needed to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

The topics to be discussed include a) Collective Bargaining Update (Chiang-Smith)

This statement is made by:

Casey Anderson, Chair, Presiding Officer.

**PRINT NAME**



04/27/2022

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**SIGNATURE & DATE**

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

**EXECUTIVE COMMITTEE MEETING MINUTES**

**May 4, 2022**

The Maryland-National Capital Park and Planning Commission's Executive Committee met via teleconference. Present were Chair Casey Anderson, Vice Chair Peter Shapiro, and Executive Director Asuntha Chiang-Smith. Also present were:

Department Heads

Andree Checkley, Director, Prince George's County Planning (PGPL)  
 Debra Borden, Deputy General Counsel for General Counsel Adrian Gardner  
 Gavin Cohen, Secretary-Treasurer  
 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)

Presenters/Staff

James Adams, Senior Technical Writer  
 Michael Beckham, Acting Corporate Policy and Management Operations (CPMO) Director  
 Mazen Chilet, Chief Information Officer  
 Steven Kawakami, Recruitment Manager, CHR  
 John Kroll, Corporate Budget Director  
 William Spencer, Corporate Human Resources (CHR) Director

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

Discussion	Executive Director Chiang-Smith removed the closed session item.
ACTION	All agendas passed, with amendment (see 1a). Chair Anderson moved; Vice Chair Shapiro seconded. Approved unanimously.

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

Discussion	No discussion
ACTION/Follow-up	See item 1a

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

Discussion	No discussion
ACTION/Follow-up	See item 1a

**ITEM 2 – EXECUTIVE COMMITTEE MEETING MINUTES**

Discussion	April 6, 2022, Open Session <i>No closed session for April 6</i>
ACTION	Chair Anderson moved; Vice Chair Shapiro seconded. Minutes approved unanimously.

**ITEM 3 – DISCUSSION/PRESENTATION ITEMS**

Discussion

**3a. Expedite Recruitment for M-NCPPC Positions (Spencer/Kawakami)**

Corporate HR (CHR) Director Spencer briefed the Executive Committee on the critical number of vacancies in the agency, particularly in the Montgomery Parks Department and the Prince George’s County Department of Parks and Recreation. He said management has developed a strategy on how to facilitate the hiring process.

CHR Director Spencer shared some of the initiatives recently enacted by the agency, and plans moving forward to assist in attracting qualified candidates and filling those vacancies:

- Enhanced sign-on and referral bonus programs:
  - Designated all vacancies as “hard-to-fill” until the end of calendar year 2022.
  - Included Seasonal/Term employees in program until the end of 2022.
  - Set revised bonus amounts for Merit positions and designated bonus amounts for Seasonal/term employees.
- Met with both Department of Parks and Recreation and Montgomery Parks regarding Group Interview Panels and Applicant Lists. The goal is to maintain a list of qualified candidates who may be hired for other positions in the agency without a 2<sup>nd</sup> interview;
- In-process to hire a Spanish speaking recruiter;
- Met with the Maryland Department of Labor Asst. Secretary regarding returning citizens to establish a pipeline of qualified applicants leaving the justice system;
- Met with a Prince George’s Council Member regarding recruitment of Spanish-speaking applicants;
- Re-established communications with CASA de Maryland for an employment pipeline for Spanish-speaking applicants;
- Spoke with the Director for Military and Federal Affairs for the State of Maryland to improve hiring of veterans;
- Met with Director of Prince George’s Pathways regarding immigrants and returning citizens. Prince George’s Pathways Director will be putting the agency in contact with the sister agency in Montgomery County.

CHR Director Spencer also asked if there was input or support for temporarily waiving the analysis of offers above the middle of an established pay range, noting this would provide an additional tool as a hiring incentive, but cautioned this may create inequity or a morale issue if the new hire started at or above the salary of employees doing the same job with more longevity within the agency.

Secretary-Treasurer Cohen asked if there is there a mechanism to amend salaries for existing positions in circumstances where the Department may find inequities with the current similar positions. CHR Director Spencer said there is a salary equity adjustment process in which Human Resources professionals conduct an analysis of education, certifications, and tenure of employees of similar positions. He reiterated his caution about the circular advancement of salaries when someone is brought on at a higher rate leading to an equity analysis, which may increase the salaries of everyone in a certain classification, and may lead to having to hire someone above a new midpoint. CHR Director Spencer added that the hiring of someone above



	<p>midpoint should be the exception, for exceptional employees with specialized skill sets who would be essential to the department.</p> <p>Secretary-Treasurer Cohen supported the waiving of midpoint restrictions but agreed with the caution regarding salary compression.</p> <p>Directors Tyler, Checkley, Riley, and Wright all enthusiastically agreed with the initiatives. Director Riley added that the Montgomery County Council is scrutinizing the agency’s vacancy rate and considering reducing positions or funding. He said he is leaning on his managers to make recruitment and hiring a critical priority.</p> <p>Regarding retention and the customary 10% cap for internal promotions, CHR Director Spencer reiterated that the Department Heads are at liberty to support, with Executive Director approval, a promotion increase beyond the 10% cap. There is also a salary-matching retention program for employees who have received a job offer from another employer. Executive Director Chiang-Smith encouraged Directors to contact Human Resources to use these mechanisms to meet these challenges.</p> <p>Vice Chair Shapiro suggested Human Resources also contact Directors of Veterans Affairs in Prince George’s and Montgomery Counties. Executive Director Chiang-Smith said they would.</p>
ACTION/follow-up	Executive Committee unanimously supported the initiatives.
Discussion	<p><u>3b. Updates/Revisions to the M-NCPPC Investment Policy (Cohen)</u></p> <p>Secretary-Treasurer Cohen provided the Executive Committee with a brief on the revisions to the agency’s investment policy to bring it in line with benchmarks from Montgomery County Government. He also reviewed differences in how government investment policy differs from private sector investment policies.</p> <p>Three major changes in the policy presented include:</p> <ol style="list-style-type: none"> <li>1. The ability to use an external money manager;</li> <li>2. An increase the maximum term of investments from 24 months to 36 months to match benchmarks; and</li> <li>3. An update to the mix of securities and the limits of the mix of different investments to match benchmarks.</li> </ol> <p>Secretary-Treasurer Cohen asked for support to proceed to the Commission for full approval.</p> <p>Executive Director Chiang-Smith asked how the revisions compare with benchmarks in Prince George’s County. Secretary-Treasurer Cohen said the Prince George’s County policy has not been updated since the 1990s, so it was more current to use Montgomery County’s benchmarks.</p>
ACTION/follow-up	Chair Anderson motioned approval to proceed to Commission. Vice Chair Shapiro seconded. Motion passed unanimously.
Discussion	<p><u>3c. Revenue Tax Projections (Cohen) (information item only)</u></p> <p>No discussion</p>

ACTION/follow-up	
Discussion	<u>3d. March 2022 Investment Report (Cohen) (information item only)</u> No discussion.
ACTION/Follow-up	

*Closed session cancelled.*

With no further business to discuss, the meeting adjourned at 10:42 a.m.



James F. Adams, Senior Technical Writer



Asuntha Chiang-Smith, Executive Director



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

**BOARD OF TRUSTEES MEETING MINUTES**  
**Tuesday, April 5, 2022; 10:00 a.m.**  
**(Due to COVID -19 Attend via Microsoft Teams)**

Due to COVID-19, the Maryland-National Capital Park and Planning Commission (“Commission”) Employees’ Retirement System (“ERS”) Board of Trustees (“Board”) met virtually through Microsoft Teams with VICE CHAIRMAN CICHY leading the call on Tuesday, April 5, 2022. The meeting was called to order at 10:01 a.m. by VICE CHAIRMAN CICHY.

**Board Members Present**

Gerald R. Cichy, Board of Trustees Vice Chairman, Montgomery County Commissioner  
Howard Brown, FOP Represented Trustee  
Asuntha Chiang-Smith, M-NCPPC Executive Director, Ex-Officio  
Gavin Cohen, CPA, M-NCPPC Secretary-Treasurer, Ex-Officio  
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

**Board Members Absent**

Vacant, Prince George’s County Commissioner  
Vacant, Prince George’s County Open Trustee

**ERS Staff Present**

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

**Presentations**

M-NCPPC Legal Department – Debra Borden, Acting General Counsel, and Caleen Kufera, Assistant General Counsel  
Wilshire Advisors LLC – Bradley A. Baker, Managing Director, and Ned McGuire, Managing Director

**ITEM 1 APPROVAL OF THE APRIL 5, 2022 CONSENT AGENDA**

**ACTION:** MS. GOGOL made a motion, seconded by MS. CHIANG-SMITH to approve the Consent Agenda. The motion PASSED (9-0). (Motion #22-20)

**ITEM 2 CHAIRMAN’S ITEMS**

The National Conference on Public Employee Retirement Systems’ (NCPERS) annual conference is being held in Washington, DC May 22 – 25, 2022. NCPERS’ Executive Director reached out to Ms. Rose to request local support and representation from the ERS. Ms. Rose agreed to email the annual conference Agenda and details for consideration.

The March edition of *Update* invited applications for the vacancy in the Prince George’s County Open trustee seat on the Board of Trustees. Candidates had to be members of the ERS and work as Merit System employees in the Prince George’s County offices of the Commission. Applications were due no later than 5:00 p.m. on

March 18, 2022. Theodore J. Russell, III applied for the vacancy and no other applications were received. Mr. Russell is determined to have won by acclamation.

Mr. Russell is the Cost Recovery Manager for the Prince George's County Parks and Recreation Department and has been with the Commission since 2017. Prior to the Commission, Mr. Russell was the Director of Finance and Administration for the Housing Assistance Council in Washington, D.C. for more than 15 years.

**ACTION:** MS. CHIANG-SMITH made a motion, seconded by MS. MILLAR to Acknowledge Theodore J. Russell, III as the Prince George's County Open Trustee for the remainder of the three-year term ending June 30, 2024. The motion PASSED (9-0). (Motion #22-21)

### **ITEM 3 MISCELLANEOUS**

Debra Borden, Acting General Counsel, and Caleen Kufera, Assistant General Counsel, provided an update on House Bill 1057 (HB 1057) - Prince George's County – Recreation Blue Ribbon Workgroup. HB 1057 establishes a study group to make recommendations to the Prince George's County Council on improving certain recreation services and the costs and benefits of transferring these operations from the Commission to a new entity. The recommendations from the study group are due in 2023 after the legislative session. Therefore, potential changes could be as early as 2024. The ERS would want to confirm the study group's results using its own actuary.

### **ITEM 4 WILSHIRE ADVISORS, LLC**

Presentation by Bradley A. Baker, Managing Director, and Ned McGuire, Managing Director

Wilshire Advisors' Bradley A. Baker and Ned McGuire presented the Asset Liability Valuation ("ALV") Study Analysis dated April 5, 2022. The ALV study identifies and sets strategic long-term targets to meet plan investment goals. The asset allocation decision is one of the most important decisions driving approximately 90% of returns and is revisited every three to five years, or sooner, if market conditions warrant. The last ALV study was done in March 2019 and minor changes were adopted to the asset allocation.

The role of asset allocation is to manage risk to maximize the safety of promised benefits and minimize the cost of funding these benefits. The asset allocation process inputs include Wilshire's latest capital market expectations, the ERS' benefit payment stream and the investment policy statement objectives and constraints.

Wilshire considered ten model portfolios on the efficient frontier, which did not include other asset classes. The Board has diversified the portfolio exposure over time to include a vast array of asset classes and sub-asset classes. There are very few areas the portfolio does not have exposure which reflects the diversification efforts since 2010. Wilshire does not recommend considering any other asset classes at this time.

The existing "all weather" portfolio has outperformed its actuarial rate of return and policy index throughout time with a focus on a long-term time frame. Three portfolios were presented for the Board's consideration. 1) a 6.75% return policy; 2) a Similar Return Policy; and 3) a Similar Risk Policy. On average, decision factors such as distribution of returns, funded status projections, contribution variability, and economic costs all suggest the alternative portfolios that were modeled provide better downside protection over the long-term while slightly less upside potential. The Similar Return Policy is expected to generate similar returns with 48 basis points less of risk. Overall, the Similar Return Policy provides more predictability and less volatility than the existing policy.

Wilshire recommends adopting the Similar Return Policy. A summary of changes are outlined below:

Asset Class	Current Policy (%)	Similar Return Policy (%)	Difference (%)
U.S. Equity	15.0	15.0	0.0
Non-U.S. Equity	15.0	10.0	-5.0
Global Low Volatility Equity	10.0	8.5	-1.5
Private Equity	7.5	8.0	+0.5
<b>Total Equity</b>	<b>47.5</b>	<b>41.5</b>	<b>-6.0</b>
Core Fixed Income	11.5	11.5	0.0
High Yield Fixed Income	7.5	10.0	+2.5
Bank Loans	4.0	5.0	+1.0
Emerging Market Debt	5.0	5.0	0.0
Opportunistic Fixed Income	7.5	10.0	+2.5
<b>Total Fixed Income</b>	<b>35.5</b>	<b>41.5</b>	<b>+6.0</b>
Public Real Assets	2.0	2.0	0.0
Private Real Assets	15.0	15.0	0.0
<b>Total Real Assets</b>	<b>17.0</b>	<b>17.0</b>	<b>0.0</b>
Total Portfolio	100.0	100.0	0.0

Adopting the Similar Return Policy does not require any changes to the manager lineup but requires rebalancing to the target weights. Ms. Rose and Mr. Baker will work together to rebalance the portfolio. Mr. Baker noted there is no urgency in rebalancing immediately.

ACTION: MS. CHIANG-SMITH made a motion, seconded by MS. GOGOL to Adopt the Similar Return Policy outlined in the ALV Study Analysis of April 5, 2022, as recommended by Wilshire Advisors, LLC. The motion PASSED (9-0). (Motion #22-22)

## ITEM 5 COMMITTEE REPORTS/RECOMMENDATIONS

Ms. Rose presented the Investment Monitoring Group (IMG) report of March 15, 2022. The IMG held a working session to consider changes to the existing Manager Monitoring Policy (“Policy”), including development of a formal watchlist. In consultation with Wilshire Advisors’ Brad Baker and Martell McDuffy, the IMG decided to incorporate key amendments to include active, passive and private market managers; clarify the responsibilities of the respective parties; to clarify the factors leading to additional due diligence; to clarify language for a formal watchlist, and to include miscellaneous changes for consistency, transparency, and clarity. The IMG will make a final recommendation to the Board in the near term.

## ITEM 6 ADMINISTRATOR’S ITEMS

Andrea Rose presented the Administrator’s Report dated March 25, 2022.

Staff calculated the Cost-of-Living Adjustment (COLA) using data from the Consumer Price Index for All Urban Consumers (CPI-U) at December 2021. The COLA is applied each July 1<sup>st</sup> and is based on the change in the Consumer Price Index (CPI). The change in the CPI was 4.6% at December 2021.

COLAs are provided at 100% of the change in the CPI up to 3%, plus half of the change in the CPI in excess of 3%, up to a maximum of 5% for benefits attributable to credited service prior to July 1, 2012 and earned and unused sick leave credited prior to January 1, 2013 (“Tier 1”). A maximum COLA of 2.5% applies to

retirement benefits attributable to credited service credited after July 1, 2012 and earned and unused sick leave credited after January 1, 2013 (“Tier 2”). All retirees and beneficiaries receiving annuities for at least six months are eligible for the COLA.

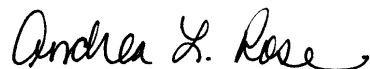
**ACTION:** MS. MILLAR made a motion, seconded by MS. CHIANG-SMITH to Approve a Cost-of-Living Adjustment of 3.8% for Tier 1 Service and 2.5% for Tier 2 Service Effective July 1, 2022 for Eligible Retirees and Beneficiaries in Accordance with the Employees’ Retirement System’s Plan Document. The motion PASSED (9-0). (Motion #22-23)

Staff requested approval to proceed with Highline’s ePersonality software system under “Time and Materials” and to continue the third-party Oracle licenses for support for 2022-2023. The ERS has been live on PensionGold since March 2021 and has discontinued support for Highline’s ePersonality; however, after discovering several data conversion issues in PensionGold, staff need ePersonality to be available for data verification.

**ACTION:** MS. STOOKEY made a motion, seconded by MS. GOGOL to Proceed with Highline’s ePersonality System under “Time and Materials” and to Continue the Third-Party Oracle Licenses for Support for 2022-2023. The motion PASSED (9-0). (Motion #22-24)

The Board meeting of April 5, 2022 adjourned at 12:28 p.m.

Respectfully,



Andrea L. Rose  
Administrator



## CORRIDOR FORWARD: THE I-270 TRANSIT PLAN

### RESOLUTION OF ADOPTION



#### Description

Corridor Forward: The I-270 Transit Plan offers a re-focused vision for the I-270 corridor. It proposes a transit network, which includes near-term recommendations for dedicated bus lanes and long-term recommendations for an extension of Metrorail’s Red Line and enhancements to MARC commuter rail along the Brunswick Line. The near-term network of dedicated bus lanes, known as the Corridor Connectors, builds on existing master-planned projects, including the MD 355 and Veirs Mill Road Bus Rapid Transit projects, to create a transit network that serves communities and employment centers along the corridor.



COMPLETED: 05-09-2022	M-NCPPC 05-18-2022	2425 Reddie Drive Floor 14 Wheaton, MD 20902
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JS	Jason Sartori, Chief, Countywide Planning, <a href="mailto:jason.sartori@montgomeryplanning.org">jason.sartori@montgomeryplanning.org</a> , 301-495-2172
ES	Carrie Sanders, Chief, Mid-County Planning, <a href="mailto:carrie.sanders@montgomeryplanning.org">carrie.sanders@montgomeryplanning.org</a> , 301-495-4653



## SUMMARY

Attached for your review and approval is the M-NCPPC Resolution Number 22-08 to adopt Corridor Forward: The I-270 Transit Plan. The Montgomery County Council, sitting as the District Council, approved Corridor Forward: The I-270 Transit Plan by Resolution Number 19-1207 on April 5, 2022. The Montgomery County Planning Board approved the adoption of Corridor Forward: The I-270 Transit Plan by Resolution Number 22-043 on April 28, 2022.

## ATTACHMENTS

- 1: Montgomery County Planning Board Resolution No. 22-043; M-NCPPC Resolution No. 22-08
- 2: Montgomery County Council Resolution No. 19-1207



**MCPB NO. 22-043**  
**M-NCPPC NO. 22-08**

## RESOLUTION

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

WHEREAS, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, pursuant to procedures set forth in the Montgomery County Code, Chapter 33A, held a duly advertised public hearing on December 9, 2021 on the Public Hearing Draft of *Corridor Forward, The I-270 Transit Plan*, being also an amendment to portions of the 2013 *Countywide Transit Corridors Functional Master Plan*, the 2018 *Master Plan of Highways and Transitways*, the *General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District in Montgomery and Prince George's Counties*, as amended; the 1989 *Germantown Master Plan*; 1994 *Clarksburg Master Plan and Hyattstown Special Study Area*, as amended; 2009 *Germantown Employment Area Sector Plan*; 2010 *Great Seneca Science Corridor Master Plan*, as amended; 2014 *10 Mile Creek Area Limited Amendment Clarksburg Master Plan and Hyattstown Special Study Area*; 2016 *Montgomery Village Master Plan*; 2019 *MARC Rail Communities Sector Plan*; and 2021 *Shady Grove Sector Plan Minor Master Plan Amendment*.

WHEREAS, the Montgomery County Planning Board, after said public hearing and due deliberation and consideration, on December 23, 2021, approved the Planning Board Draft of *Corridor Forward: The I-270 Transit Plan*, recommended that it be approved by the Montgomery County Council sitting as the District Council for the portion of the Maryland-Washington Regional District lying within Montgomery County (the "Montgomery County District Council"), and forwarded it to the Montgomery County Executive for recommendations and analysis; and

Approved as to

Legal Sufficiency: /s/ Emily Vaias

M-NCPPC Legal Department

MCPB NO. 22-043  
M-NCPPC NO. 22-08

WHEREAS, the Montgomery County Executive reviewed and made recommendations on Planning Board Draft of *Corridor Forward: The I-270 Transit Plan* and forwarded those recommendations and analysis to the Montgomery County District Council on March 24, 2022; and

WHEREAS, the Montgomery County District Council held a public hearing on February 15, 2022, wherein testimony was received concerning the Planning Board Draft of *Corridor Forward: The I-270 Transit Plan*; and

WHEREAS, the District Council, on April 5, 2022 approved the Planning Board Draft of *Corridor Forward: The I-270 Transit Plan* subject to the modifications and revisions set forth in District Council Resolution No. 19-1207.

NOW, THEREFORE BE IT RESOLVED, that the Montgomery County Planning Board and The Maryland-National Capital Park and Planning Commission do hereby adopt the said *Corridor Forward: The I-270 Transit Plan*, together with the *General Plan for the Physical Development of the Maryland-Washington Regional District within Montgomery and Prince George's Counties*, as amended, the 2013 *Countywide Transit Corridors Functional Master Plan*, as amended; the 2018 *Master Plan of Highways and Transitways*, as amended; the 1989 *Germantown Master Plan*; 1994 *Clarksburg Master Plan and Hyattstown Special Study Area*, as amended; 2009 *Germantown Employment Area Sector Plan*; 2010 *Great Seneca Science Corridor Master Plan*, as amended; 2014 *10 Mile Creek Area Limited Amendment Clarksburg Master Plan and Hyattstown Special Study Area*; 2016 *Montgomery Village Master Plan*; 2019 *MARC Rail Communities Sector Plan*; and 2021 *Shady Grove Sector Plan Minor Master Plan Amendment* and as approved by the District Council in the attached Resolution No.19-1207; and



Resolution No.: 19-1207  
Introduced: April 5, 2022  
Adopted: April 5, 2022

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

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Lead Sponsor: County Council

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**SUBJECT:** Approval of Corridor Forward: The I-270 Transit Plan

1. On January 7, 2022, the Montgomery County Planning Board transmitted to the County Executive and the County Council the Planning Board Draft of Corridor Forward: The I-270 Transit Plan.
2. The Planning Board Draft of Corridor Forward: The I-270 Transit Plan contains the text and supporting maps for an amendment to the 2013 Countywide Transit Corridors Functional Master Plan and the 2018 Master Plan of Highways and Transitways. It also amends The General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District in Montgomery and Prince George’s Counties, as amended; the 1989 Germantown Master Plan; 1994 Clarksburg Master Plan and Hyattstown Special Study Area, as amended; 2009 Germantown Employment Area Sector Plan; 2010 Great Seneca Science Corridor Master Plan, as amended; 2014 10 Mile Creek Area Limited Amendment Clarksburg Master Plan and Hyattstown Special Study Area; 2016 Montgomery Village Master Plan; 2019 MARC Rail Communities Sector Plan; and 2021 Shady Grove Sector Plan Minor Master Plan Amendment.
3. On February 15, 2022, the County Council held a virtual public hearing on the Planning Board Draft of Corridor Forward: The I-270 Transit Plan. The Functional Master Plan was referred to the Council’s Transportation and Environment Committee for review and recommendations.
4. On February 28 and March 9, 2022, the Transportation and Environment Committee held worksessions to review the issues raised in connection with the Planning Board Draft of Corridor Forward: The I-270 Transit Plan.
5. On March 22, 2022, the County Council reviewed the Planning Board Draft of Corridor Forward: The I-270 Transit Plan and the recommendations of the Transportation and Environment Committee.

6. On March 24, 2022, the Office of Management and Budget transmitted to the County Council the Executive's Fiscal Impact Statement for the Planning Board Draft of Corridor Forward: The I-270 Transit Plan.

**Action**

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

The Planning Board Draft of Corridor Forward: The I-270 Transit Plan, dated January 2022, is approved with revisions. County Council revisions to the Planning Board Draft of Corridor Forward: The I-270 Transit Plan are identified below. Deletions to the text of the Plan are indicated by [brackets], additions by underscoring. All page references are to the January 2022 Planning Board Draft of Corridor Forward: The I-270 Transit Plan.

Page 5           Revise the Abstract as follows:

Corridor Forward: The I-270 Transit Plan contains an examination of and recommendations for a transit network, which includes both a near-term network of dedicated bus lanes and a long-term [recommendation for] vision of an extension of Metrorail's Red Line and enhanced MARC service along the Brunswick Line. The near-term network of dedicated bus lanes builds on existing master planned projects, including the MD 355 and Veirs Mill Road Bus Rapid Transit (BRT) projects to create a transit network that serves communities and employment centers along the I-270 corridor. Corridor Forward re-envision the master planned Corridor Cities Transitway as a network of dedicated bus lanes, which connect the I-270 corridor communities to the county's existing and planned rapid transit network.

Corridor Forward is a functional master plan that looks ahead 25 years from the date of adoption. [The Plan's first priority is the immediate implementation of the MD 355 BRT and Veirs Mill Road BRT. The Plan's second priority is the Corridor Connectors, and the third priority is the Red Line Extension.] This Plan recommends the MD 355 BRT and Veirs Mill Road BRT as the most crucial first steps in improving transit accessibility along the I-270 corridor. Incremental implementation of the Corridor Connectors and pursuit of actions to advance the Red Line [E]extension and MARC commuter rail enhancements are envisioned over the Plan's horizon.

Page 7           Revise the first sentence of the third paragraph in Chapter 1 – Executive Summary as follows:

In response, Corridor Forward: The I-270 Transit Plan offers a refocused vision for the corridor. It proposes a transit network, which includes [a] near-term recommendations for dedicated bus lanes and [a] long-term recommendations for an extension of Metrorail's Red Line and enhancements to MARC commuter rail along the Brunswick Line.

Page 7 Revise the fourth paragraph in Chapter 1 – Executive Summary as follows:

The [proposed] transit network was determined through an iterative planning process, which began with the identification of general stakeholder values and priorities pertaining to transit, as well as an inventory and initial evaluation of potential transit options. Next, metrics were developed to consider the cumulative benefits, costs, and risks of six compelling transit options retained for detailed analysis. Based on performance, implementation, and policy considerations, components of three of the six transit options were combined and subsequently evaluated to develop the [proposed] transit network.

Page 7 Revise the subsection of The Proposed Network as follows:

[THE PROPOSED NETWORK] PLAN RECOMMENDATIONS

The Plan recommendations are organized into four groups: Near-Term Transit Network, Long-Term Transit Vision, Supporting Recommendations, and Regional Opportunities.

Page 7 Revise the subsection title for Near-Term Dedicated Bus Lanes:

Near-Term [Dedicated Bus Lanes] Transit Network

Page 8 Revise the second paragraph the subsection Near-Term Dedicated Bus Lanes as follows:

The [complete proposed] transit network, with additional dedicated bus lanes beyond the MD 355 and Veirs Mill Road BRT services, is shown in Figure 1. This network augments the planned BRT routes in midcounty and upcounty to maximize connectivity, reduce implementation obstacles, and unlock multiple community-serving service patterns. The [proposed] transit network's dedicated bus lanes can serve as individual dedicated bus lanes (if implemented in a piecemeal fashion following the MD 355 and Veirs Mill Road BRTs) and as a network, providing significantly improved transit connectivity for communities in the midcounty and upcounty once they are fully constructed. Corridor Forward shifts the focus from single branded services, like the CCT, to a flexible network of Corridor Connectors - dedicated bus lanes that can support multiple routing patterns. Dedicated bus lanes do not need to be restricted to a single purpose or route, and the county does not need to wait to fund the full system to advance components of the [proposed] Corridor Connectors. The recommended Corridor Connectors are listed below:

Page 8  
follows:

Replace the remainder of the subsection Near-Term Dedicated Bus Lanes as

[The Plan's ultimate success is demonstrated through implementation of the proposed transit network. As the network may be implemented incrementally, Corridor Forward suggests priorities for the order of implementation, as well as strategies to advance implementation. The Plan's highest priorities for implementation are the MD 355 and Veirs Mill Road BRT services, followed by the Corridor Connectors in the following order:

- The Germantown and Life Sciences Connectors
- The Lakeforest/Montgomery Village Connector
- The Great Seneca Connector
- The Manekin West Connector
- The Milestone/COMSAT East Clarksburg Connector]
  
- The Rockville Connector
- The Life Sciences Connector
- The Crown Connector
- The Great Seneca Connector
- The Lakeforest/Montgomery Village Connector
- The Germantown Connector
- The Manekin West Connector
- The Milestone/COMSAT East Clarksburg Connector

The Plan supports the implementation of the Great Seneca Transit Network, prioritizing investments that increase frequencies and provide meaningful travel time benefits for transit users. This network, proposed by the Montgomery County Department of Transportation (MCDOT), envisions a series of new local bus routes serving the Great Seneca vicinity. These routes are enhanced with operational improvements such as transit signal priority, queue jumps, and express bus lanes. In addition, the Corridor Connectors can be used by commuter bus services to support off-highway diversions to key points of demand. In this regard, the infrastructure becomes multifunctional. Also, while not studied extensively in this Plan, the recommendations include continued support for the North Bethesda Transitway.

Page 8

Revise the subsection Long-Term Extension of the Red Line as follows

Long-Term [Extension of the Red Line] Transit Vision

In addition to the [Corridor Connectors] Near-Term Transit Network, the [proposed] Plan [transit network] also includes [a] recommendations for a long-term extension of the Washington Metropolitan Area Transit Authority's (WMATA) Metrorail Red Line to Germantown Town Center and enhancements to the Maryland Area Regional Commuter (MARC) Brunswick Line. [This long-term



extension is] These long-term transit investments are ambitious due to the additional detailed [analysis] analyses required, the magnitude of coordination, and existing WMATA and MARC priority projects. For example, the work that must be done within the core of the existing Metrorail system, [all of which] must be addressed prior to advancing [the recommendation] an extension of the Red Line. [This Plan identifies several specific factors that require coordination for the long-term extension to advance.]

Page 8 Add two new subsections under The Proposed Network as follows:

Supporting Recommendations

Beyond the proposed transit network itself, Corridor Forward offers additional recommendations that support the proposed transit network and strengthen the potential to advance local and regional transit connectivity.

Regional Opportunities







The Plan includes recommendations that focus on connections to adjacent jurisdictions, such as Frederick County and Fairfax County, Virginia. Recommendations include studying an extension of the Purple Line west of Bethesda, designing the American Legion Bridge to support rail transit, and exploring a direct transitway connection to Frederick City.

Page 10 Revise the section Additional Recommendations as follows:














[ADDITIONAL RECOMMENDATIONS] RECOMMENDATIONS SUMMARY






[Beyond the proposed network, Corridor Forward offers additional recommendations that support the proposed transit network and strengthen the potential to advance local and regional transit connectivity.] County actions accompany each of these recommendations, which are organized by [priority] category and champion—meaning which jurisdiction(s) would likely take the lead on advancing a recommendation given the anticipated benefits. As shown in Table 1, champions to advance recommendations include both Montgomery County as well as multiple stakeholders within the region. [explains how recommendations are organized.] Table 2 provides the complete set of recommendations that strengthen the proposed network and support regional connectivity.

Revise Table 1 as follows:

<b>[Priority]</b>		
<b>[Primary Recommendation]</b>	<b>[Supporting Recommendation]</b>	<b>[Future Need or Consideration]</b>
		
<p>[Primary recommendations are the Plan’s foundational recommendations. These recommendations represent the Plan’s ultimate vision for Corridor accessibility.]</p>	<p>[Supporting recommendations strengthen the advancement and quality of the Plan’s primary recommendations.]</p>	<p>[Future needs or considerations are recommendations that, while lower in priority, support long-term regional connectivity.]</p>
<b>Champion</b>		
<b>Montgomery County</b>	<b>Shared by County and Others</b>	<b>[Primarily Others]</b>
		
<p>Montgomery County government is the lead agency responsible for advancing a recommendation, and the county’s constituents stand the most to gain from a recommendation’s advancement.</p>	<p>Multiple parties within the region, including Montgomery County government, are necessary to advance a recommendation. Benefits are relatively distributed across various regional stakeholders.</p>	<p>[Montgomery County government can cooperate and support the advancement of a recommendation, but the lead stakeholder is not Montgomery County government. Montgomery County’s constituents stand to gain from the recommendation, but benefits may be greater for other parties.]</p>

Remove Table 2 – Summary of Recommendations and replace with the following table:

<b>Recommended Near-Term Transit Network</b>	<b>Champion</b>
A. Implement the MD 355 BRT and Veirs Mill Road BRT.	
B. Implement the Corridor Connectors, a network of dedicated bus lanes in the midcounty and upcounty, which include refinements to the Corridor Cities Transitway.	
C. Support the Great Seneca Transit Network.	
D. Support the North Bethesda Transitway alignment as master-planned.	
E. Continue state-provided commuter bus service on I-270, making use of the Corridor Connectors when diverting to bus stations in Montgomery County’s population and employment centers via the Corridor Connectors.	
<b>Recommended Long-Term Transit Vision</b>	<b>Champion</b>
F. Work with local, state, and regional partners to advance the recommendation for a Red Line Extension to Germantown Town Center.	
G. Support the long-term potential of the Maryland Transit Administration MARC Rail Brunswick Line.	
H. Promote strategic and equitable MARC Rail access by supporting new stations.	
<b>Supporting Recommendations</b>	<b>Champion</b>
I. Convert existing general-purpose travel lanes to dedicated transit lanes on targeted streets to maximize person throughput and improve the relative travel time competitiveness and convenience of transit, including—but not limited to—the streets detailed in the right-of-way table.	
J. Prioritize the provision of dedicated transit lanes and spaces for walking, bicycling and other micromobility modes over auto capacity to maximize person throughput and improve the relative travel time competitiveness and convenience of transit.	
K. Develop a multimodal transit hub within the vicinity of Metropolitan Grove as part of implementation of the Red Line Extension to serve local bus, BRT, Metrorail and MARC services.	
L. Ensure safe and efficient access to planned transit stops for pedestrians, bicyclists, and other micromobility modes.	
M. Update relevant land use plans and guidelines to support master-planned transit facilities.	

N. Where beneficial and/or necessary, support the incremental implementation of dedicated bus lanes.	
O. Maximize the travel potential of dedicated bus lanes.	
<b>Regional Opportunities</b>	<b>Champion</b>
P. Study extensions of the Purple Line to understand if and where extension(s) of the county’s light rail service may be warranted.	
Q. Design and construct the American Legion Bridge to support rail transit.	
R. Explore a direct transitway connection between the recommended WMATA Metrorail Red Line terminus and Frederick City.	

Page 13 Remove the two paragraphs on page 13:

[While this Plan focuses on infrastructure and not operational improvements, it also supports two additional key services as noted in recommendations G and H. First, the Plan supports the implementation of the Great Seneca Transit Network, prioritizing investments that increase frequencies and provide meaningful travel time benefits for transit users. This network, proposed by the Montgomery County Department of Transportation (MCDOT), envisions a series of new local bus routes serving the Great Seneca vicinity. These routes are enhanced with operational improvements such as transit signal priority, queue jumps, and express bus lanes. Second, the Corridor Connectors can be used by commuter bus services to support off-highway diversions to key points of demand. In this regard, the proposed infrastructure becomes multifunctional. Also, while not studied extensively in this Plan, recommendation K discusses continued support for the North Bethesda Transitway.

Corridor Forward extensively studied MARC Rail Enhancements as contemplated in the Maryland Transit Administration’s (MTA) MARC Cornerstone Plan (2018). Recommendations M and N call for continued support of the long-term potential of MARC Rail. This plan maintains the recommendation to obtain right-of-way for additional mainline track during the development process and advocates for already master-planned stations at Shady Grove and White Flint.]

Page 15 Revise the second bullet:

- Planned concepts are often advanced without strategic or flexible implementation strategies, inviting opportunities for perpetual tweaks and reenvisioning. This topic is addressed in the narrative of Chapter 5 [and recommendations of Chapter 6].

Page 15 Remove the third bullet:

- [Historically, the county’s policies supported convenient automobile travel without a comparable emphasis on implementing high-quality transit. Commitment is required to not only implement transit but ensure that it is successful and competitive with driving. This topic is addressed throughout the Plan’s recommendations, but significant focus is provided on this issue in the recommendations in Chapter 6.]

Page 19 Revise the sixth bullet:

- [Span of service spectrum] Geographic Coverage: Some modes typically provide [greater spans of service] longer distance services, traversing regions rather than localities. Other modes provide more locally-focused service.

Page 19 Revise the fourth sentence in the last paragraph of the subsection When Everything is a Priority...:

Metrorail and BRT modes fall somewhere in the middle of the access-efficiency and [span of service] geographic coverage spectrums.

Page 22 Revise the first sentence of the page as follows:

[Per Planning Board direction, t]The top performing options advanced for further analysis were:

Page 23 Retitle Chapter 4 - Initial Evaluation:

[INITIAL] OPTIONS EVALUATION

Page 23 Revise the first paragraph of Chapter 4 – Initial Evaluation:

This chapter provides information and insight regarding the performance of the six options that advanced for further technical analysis. [Three of the six options—the Corridor Cities Transitway, the Managed Lanes Enhanced Commuter Bus, and the Red Line Extension—demonstrated merit, warranting inclusion in further Plan analyses. Montgomery Planning further examined components of these three options as larger networks. This chapter includes recommendations related to the three services that were not included in the Plan’s network studies, which include Enhanced MARC Rail, a New Frederick Rail Connection, and the Purple Line Extension. Each of these options offers long-term benefits and may warrant implementation following the build-out of the prioritized network.]

Page 23 Remove the third paragraph in the subsection The Approach:

[The initial evaluation of the retained options suggests that the Purple Line Extension, Enhanced MARC Rail, and Frederick Rail Connection options have merit, but offer benefits that are comparably less attractive when viewed through the lens of this Plan's goal. The descriptive summaries that follow offer recommendations intended to strengthen regional connectivity that are relevant to the long-term merits of these options. The relative performance of the CCT, Managed Lanes Enhanced Commuter Bus, and Red Line Extension options resulted in the inclusion of components of these options within the Plan's proposed transit network, discussed in Chapter 5.]

Page 24 Revise the title of Table 5 – Initial Evaluation (2045):

Table 5 – [Initial] Options Evaluation (2045)

Page 24 Revise the last paragraph in the subsection Purple Line Extension as follows:

Other alignments—for example, one that travels along Old Georgetown Road to Rock Spring via the National Institutes of Health, Suburban Hospital, and Montgomery Mall—might yield greater benefits. [While this Plan does not prioritize the studied alignment, it recommends that the county consider and maintain options for a future Purple Line Extension, including potential alignments that extend into Northern Virginia. The Plan makes the following recommendations to support this consideration:]

Page 25 Remove Table 6 – Purple Line Extension Recommendations.

Page 26 Remove the last four paragraphs in the subsection Enhanced MARC Rail as follows:

[Compared with other options, Enhanced MARC Rail increases access to the smallest number of corridor jobs, both generally and for Equity Focus Area communities and is less successful than the direct Frederick Rail Connection option at reducing VMT and carbon emissions.

Necessary infrastructure improvements to enhance MARC Rail are both costly and challenging. Even before accounting for the line's anticipated 78 grade crossings (which includes overpasses, underpasses, and pedestrian facilities), the Plan estimates substantial capital and renewal costs for the option. Given that the railroad has been operational for over a century, several sites and districts along the corridor have been designated as historic, and the additional main line track could potentially impact over 40 locations with some form of existing or planned historic designation.

Most importantly, CSX Transportation owns the majority of the rail tracks used by the MARC Rail Brunswick Line (including the Old Main Line Subdivision between Point of Rocks and Frederick Junction; excluding the Frederick Branch between Frederick Junction and downtown Frederick) adding complexity into the implementation outlook for proposed enhancements. Infrastructure improvements would require discussions and negotiations with CSX, which would certainly require limitations to—and mitigations for—any freight service disruption.

At the time of this writing, the potential of the state’s commuter rail services has been a topic of significant state and local policymaking interest. Within the county, forecasted gains are modest for communities that are not well-connected to the county’s high-quality transit network. While enhancements to the MARC Rail Brunswick Line are not a priority within the Plan’s recommended transit network, Corridor Forward recommends maintaining the existing service and supports the long-term potential of the MARC Rail Brunswick Line. The Plan cautions the need to maintain realistic expectations for future enhancements based on constraints.]

Page 27 Remove Table 7 – Enhanced MARC Rail Recommendations.

Page 28 Remove Table 8 – Frederick Rail Connection Recommendation.

Page 31 Remove Table 10 – Managed Lanes Enhanced Commuter Bus Recommendation.

Page 32 Remove the subsection Performance Outcomes

#### [PERFORMANCE OUTCOMES

The Plan’s transit options evaluation demonstrates the comparative benefits and costs of studied options. The Managed Lanes Enhanced Commuter Bus and Red Line Extension options offer benefits to both the county and region, while the CCT improves local access. Based on benefits derived for the county, the Plan retained these options for further evaluation, which informed the development of the proposed transit network.]

Page 33 Replace Chapter 5 – Proposed Transit Network and Chapter 6 – Implementation Strategies as follows:

Corridor Forward establishes a near-term transit network for the I-270 corridor, complemented by a long-term transit vision. The near-term and long-term networks are supplemented by additional recommendations focused on supporting and enhancing the transit network and strengthening connections to adjacent jurisdictions. The Corridor Connectors, in combination with local and commuter bus, bus rapid transit, and rail create a complete transit network for the midcounty and upcounty that serves existing and planned land use as well as provides a viable alternative to travel by car for trips among neighborhoods, centers of activity, and destinations within the region.

Table 7 and Tables 10 to 12 outline the Plan’s recommendations. The Plan’s ultimate success is demonstrated through implementation of its recommendations. As a result, each recommendation includes action steps towards advancing implementation.

**NEAR-TERM TRANSIT NETWORK**


The near-term network builds on existing master-planned projects, such as the MD 355 and Veirs Mill Road BRT projects, through new dedicated bus lanes—referred to as the Corridor Connectors. The Corridor Connectors re-envision the previously master-planned CCT as a network of more buildable dedicated bus lanes, which connect I-270 corridor communities to the county’s existing and planned rapid transit network.

**Master-Planned BRT Services**





This Plan recommends the MD 355 and Veirs Mill Road BRT services as the most crucial first step in improving corridor accessibility. MD 355 functions as the county’s primary north-south rapid transit corridor, and Veirs Mill Road provides a crucial link between Wheaton and Rockville. These routes offer connections to high-quality services like Metrorail and the MARC Rail Brunswick Line, as well as other planned BRT services. The dedicated bus lanes included in the Corridor Connectors connect to these services, creating a network with numerous service pattern opportunities. While current planning and design work for these two services does not envision bidirectional dedicated bus lanes on all planned segments, this Plan supports the implementation of interim conditions (peak hour dedicated bus lanes, queue jumps, some mixed-traffic segments, etc.) where necessary, but maintains and recommends bidirectional dedicated bus lanes for these services as the ultimate vision.

In addition to the MD 355 and Veirs Mill Road BRTs, the Plan recommends implementation of the North Bethesda Transitway, specifically maintaining the recommendation from the 2013 *Countywide Transit Corridors Functional Master Plan*, prioritizing service to White Flint based on the county’s land use goals.

Table 7 – Near-Term Transit Network Recommendations

<b><u>Near-Term Transit Network</u></b>	<b><u>County Actions</u></b>	<b><u>Champion</u></b>
<u>Implement the MD 355 BRT and Veirs Mill Road BRT.</u>	A. <u>Secure financial support for the MD 355 BRT and Veirs Mill Road BRT; advance and construct these two key services.</u>	



<u>Near-Term Transit Network</u>	<u>County Actions</u>	<u>Champion</u>
<p><u>Implement the Corridor Connectors, a network of dedicated bus lanes in the midcounty and upcounty, which include refinements to the Corridor Cities Transitway.</u></p>	<ul style="list-style-type: none"> <li>A. <u>Create a new capital project for the Corridor Connectors so individual Corridor Connectors may be prioritized, and funds may be allocated.</u></li> <li>B. <u>Work with MDOT to shift funding commitments in the Consolidated Transportation Program from the CCT to the Corridor Connectors, specifically the Corridor Connectors that most align with the original CCT alignment: the Life Sciences Connector, the Great Seneca Connector, and the Milestone/COMSAT East Clarksburg Connector.</u></li> <li>C. <u>Study and demonstrate the local and regional value of the remaining Corridor Connectors: the Rockville Connector, the Crown Connector, the Lakeforest/Montgomery Village Connector, the Germantown Connector, and the Manekin West Connector.</u></li> <li>D. <u>If and when the state advances the Managed Lanes project north of I-370, advocate for access points that support connections to the Life Sciences Center, Montgomery Village/Lakeforest, and Germantown Town Center via the proposed Corridor Connectors.</u></li> </ul>	
<p><u>Support the Great Seneca Transit Network.</u></p>	<ul style="list-style-type: none"> <li>A. <u>Support infrastructure improvements associated with the Great Seneca Transit Network (Pink, Cobalt, Lime, and Gray Lines), prioritizing routes that either make use of or complement the Corridor Connectors.</u></li> <li>B. <u>Align the “extended network” to make use of the Corridor Connectors, including the Germantown Connector, the Montgomery Village Connector, and the Life Sciences Connector.</u></li> <li>C.</li> </ul>	
<p><u>Support the North Bethesda Transitway alignment as master-planned.</u></p>	<ul style="list-style-type: none"> <li>A. <u>Maintain the recommendation from the 2013 <i>Countywide Transit Corridors Functional Master Plan</i> for the North Bethesda Transitway, prioritizing service to White Flint based on the county’s land use goals.</u></li> </ul>	
<p><u>Continue state-provided commuter bus service on I-270, making use of the Corridor Connectors when diverting to bus stations in Montgomery County’s population and employment centers via the Corridor Connectors.</u></p>	<ul style="list-style-type: none"> <li>A. <u>Recommend the state explore opportunities to fund the Corridor Connectors as a mechanism to enhance commuter bus service, prioritizing the Germantown and Life Sciences connectors.</u></li> </ul>	

### **Corridor Connectors**

The Corridor Connectors build upon the work of previous plans and studies associated with the county’s planned BRT network and envision a system of dedicated bus lanes that, once implemented in full, can support a series of different service patterns, to be determined by operating partners at county, state, or other inter-jurisdictional levels. The transit network maximizes the potential of the MD 355 BRT and Veirs Mill Road BRT by providing branches of additional dedicated bus lanes that feed into the two services.

This Plan re-envision the previously master-planned CCT as a network of dedicated bus lanes, which connect I-270 corridor communities to the county’s existing and planned rapid transit network. The proposed Corridor Connectors provide dedicated bus lanes within and among the Corridor Cities of Rockville, Gaithersburg, Germantown, and Clarksburg, and provide the opportunity for transit that is accessible, convenient, and efficient among these centers of activity. The proposed Corridor Connectors introduce an additional transit choice and a viable alternative to driving for trips within the midcounty and upcounty – fulfilling the missing link in the hierarchy of mobility needs discussed in Chapter 3.

The Corridor Connectors address both the purposes and barriers of the master planned CCT by integrating communities previously planned for service into the currently planned MD 355 and Veirs Mill Road BRT network.

In addition, these dedicated bus lanes may be used to support BRT and commuter bus service. With dedicated lanes available and proximate to the highway, commuter buses can divert into these dedicated bus lanes to access communities and activity centers more quickly and efficiently.

The Corridor Connectors represent the network of dedicated bus lanes in Great Seneca, Lakeforest, Montgomery Village, Germantown, and Clarksburg, and they include the following components:

- The Rockville Connector
- The Life Sciences Connector
- The Crown Connector
- The Great Seneca Connector
- The Lakeforest/Montgomery Village Connector
- The Germantown Connector
- The Manekin West Connector
- The Milestone/COMSAT East Clarksburg Connector

#### Rockville Connector

The Rockville Connector links Rockville with the Life Sciences Center, and it can be considered an extension of the dedicated bus lanes associated with the Veirs Mill Road BRT. This Plan anticipates that links between the Life Sciences Center,

the county seat in Rockville, and the significant labor pools residing in the Twinbrook and Wheaton areas may support access to and growth of the Life Sciences Center. In addition, this connector creates the opportunity for a one-seat ride to the Life Sciences Center from points southeast like Rockville Town Center, Twinbrook, and Wheaton. Analysis demonstrates that a connection to the Life Sciences Center could add as many as 5,300 new daily riders to the Veirs Mill Road BRT, many of whom reside in Equity Focus Areas along Veirs Mill Road.

The Rockville Connector includes two alternative alignments between MD 355 and the Life Sciences Connector. The first alignment runs along Gude Drive between MD 355 and Piccard Drive, while the second alignment travels along MD 28 from MD 355 to Gude Drive. The constructed alignment will be determined during the facility planning process.

#### *Life Sciences Connector*

The Life Sciences Connector links the Shady Grove Metro station with the Life Sciences Center, and it connects to the MD 355 BRT as well as the Great Seneca and Crown Connectors. If the state advances an interchange at Gude Drive as a component of the Managed Lanes project (or some other future interstate project), commuter buses running on I-270 will be able to quickly and efficiently divert from the interstate to access the Life Sciences Center via the dedicated bus lanes.

#### *Crown Connector*

The Crown Connector provides dedicated bus lanes between I-370 and the Life Sciences Connector. The dedicated bus lanes largely align with the previously master-planned CCT alignment along Decoverly Drive, Diamondback Drive, and Broschart Road. This connector provides premium transit infrastructure to Crown Farm, as well as efficient access to the Universities at Shady Grove and Adventist Health Care Shady Grove Medical Center.

#### *Great Seneca Connector*

The Great Seneca Connector extends between the terminus of the Life Sciences Connector and MD 355 at Watkins Mill Road, largely following the path of the previously master-planned CCT with slight deviations. This alignment of dedicated bus lanes connects communities and employment centers such as the National Institute of Standards and Technology (NIST) and the Kentlands into the county's larger BRT network. When joined with the Life Sciences Connector, these communities receive direct access to the Life Sciences Center employment hub, as well as the Metrorail Red Line in Rockville. Depending on the ultimate service patterns programmed by operational partners, completing the Link offers the potential to provide one-seat rides between Wheaton and NIST or Montgomery Village and the Life Sciences Center.

Two alternative alignments are provided: one alternative includes dedicated bus lanes through the Public Safety Training Academy (PSTA) and Belward Farm properties and then along Muddy Branch Road, while another option includes dedicated bus lanes along Great Seneca Highway. The alignment for the Great Seneca Connector in this location should be determined through subsequent planning processes.

*Lakeforest/Montgomery Village Connector*

The Lakeforest/Montgomery Village Connector runs along MD 124 from the Great Seneca Connector (which diverts from MD 124 at Clopper Road) past Lakeforest Mall to Montgomery Village. Gaithersburg's Lakeforest Mall is planned for redevelopment and the municipality has recently completed its Lakeforest Mall Master Plan. The site is currently planned to be served by the MD 355 BRT but could be further enhanced with an east-west link that connects to points of demand along MD 124. Further northeast, Montgomery Village, a relatively dense, established community, and a designated Equity Focus Area, is not well connected to premium transit. Providing service along MD 124 to integrate Montgomery Village in a direct and efficient manner to the MD 355 BRT, as well as points west and south, such as the National Institute of Standards and Technology, Kentlands, and the Life Sciences Center, will generally improve access for this underserved community.

The alignment proposes two stops: Montgomery Village Center and Lakeforest Mall. However, additional stops could be explored during the facility planning process as numerous dense subdivisions have access adjacent to Montgomery Village Avenue/MD 124. The Lakeforest Mall Master Plan discusses potentially relocating the site's transit center closer to MD 355. Corridor Forward reiterates this suggestion. As I-270 highway access is provided at Montgomery Village Avenue/MD 124, commuter bus service operated by others could potentially use the recommended dedicated bus lanes to improve regional access for Lakeforest and Montgomery Village.

*Germantown Connector*

The Germantown Connector links points of demand along MD 118, including Montgomery College (Germantown), Germantown Town Center, and the Germantown MARC Station. The dedicated bus lanes on MD 118 allow the MD 355 BRT service to travel to and from Germantown Town Center in dedicated lanes. The Germantown Connector supports local connectivity for rapid and local service alike; Ride On buses 61, 75, and 83 all use segments of MD 118 and could be supported by the dedicated lanes. In addition, the Germantown Connector can serve potential commuter bus diversions from the interstate to points of demand in Germantown.

*Manekin West Connector*

The Manekin West Connector connects the Germantown Connector and Milestone/COMSAT East Clarksburg Connector. Dedicated bus lanes on Aircraft Drive, Century Boulevard, and Dorsey Mill Road comprise the Manekin West Connector, which unlocks the potential to route some MD 355 BRT buses to communities originally envisioned for CCT service. In other words, following a diversion to Germantown Town Center, some MD 355 BRT buses could run and terminate at Manekin or continue to Clarksburg via the Milestone/COMSAT East Clarksburg Connector east of I-270. While the Corridor Connector extends over the planned Dorsey Mill Bridge, the bridge itself is not considered part of the transit project. This Corridor Connector serves the developing Black Hill communities, as well as apartment complexes and office parks in the Cloverleaf vicinity.

*Milestone/COMSAT East Clarksburg Connector*

A third branch of dedicated bus lanes between Germantown and Clarksburg—the Milestone/COMSAT East Clarksburg Connector—will allow the MD 355 BRT to connect to other CCT communities and employment centers, including stops at Dorsey Mill, COMSAT, and Gateway Center via Observation Drive—or alternatively, Gateway Center Drive—before traveling to the Clarksburg Outlet terminus.

Today, an extension of Observation Drive (or alternatively Gateway Center Drive) remains yet to be constructed between its existing termini. Montgomery Planning anticipates initiating master planning work for the existing unoccupied COMSAT site, where a roadway connection is planned.

The dedicated bus lanes in Germantown and Clarksburg integrate six previously master-planned northern CCT stops into the MD 355 BRTs network. Because MD 355 provides connectivity to both the Shady Grove and Rockville Metrorail stations (as well as other points on the Red Line), one of the original intents of the CCT—connecting Germantown and Clarksburg to the WMATA Metrorail System—is satisfied in a more efficient and less costly manner.

*Relationship to the CCT*

This Plan re-envisioned the master planned CCT as a network of dedicated bus lanes that connect I-270 corridor communities to the county’s existing and planned rapid transit network and support MCDOT’s Great Seneca Transit Network. The Corridor Connectors provide a more implementable alternative to the CCT, consistent with the position of MDOT SHA that supports options that reduce and/ or eliminate the need for additional infrastructure. Three cost-saving elements of the Corridor Connectors include:

- The planned CCT overpass connecting King Farm Boulevard and Fields Road is no longer necessary, reducing implementation costs.

- By connecting to the MD 355 BRT, the Corridor Connectors eliminate the need for the dedicated bus lanes paralleling the western side of I-270 that do not serve any planned communities. Removing three miles of new right-of-way reduces the project's costs.
- While the Corridor Connectors maintain the crossing of the Dorsey Mill Bridge, bridge design and construction is not considered part of the Corridor Connector project. There is merit to the Manekin West Connector and Milestone/COMSAT East Clarksburg Branch even if the two are not linked across I-270. Exclusion of the bridge from the transit project further reduces the Corridor Connectors' implementation cost.

Corridor Forward recommends the Maryland Department of Transportation shift funding commitments in the Consolidated Transportation Program from the Corridor Cities Transitway to the Corridor Connectors, specifically the Corridor Connectors that most align with the original CCT alignment: the Life Sciences Connector, the Great Seneca Connector, and the Milestone/COMSAT East Clarksburg Connector.

While Corridor Forward proposes a reenvisioning of the CCT with Corridor Connectors, this Plan does not recommend vacating existing transit easements or previous dedications as these may still be beneficial in the long-term for various purposes, including but not limited to, transit, pedestrian, bicycle, and other micromobility improvements.

#### *Roadway and Transitway Recommendations*

Table 8 details the right-of-way needs for the Corridor Connectors. The minimum right of way widths provided in the table reference the county's Complete Streets Design Guide to determine spacing needs. These guidelines inform ultimate design with the aim of creating safe, sustainable, and dynamic street environments. In most cases, roadways are not expanded beyond current master planned widths. Where ranges are presented, the lower end of the range is highly preferable to support sound urban design and the development of pedestrian-friendly environments. Research suggests that pedestrians tend to prefer environments that create a sense of enclosure, which is easier to accomplish in tighter street environments. In some cases, the higher end of a range may be necessary, particularly if repurposing automobile capacity is not possible.

Beyond the table, this Plan removes the "T" (transit) designation from all CCT roadways not explicitly included in Table 14. Subsequent county master plans will address the right-of-way widths for roadways previously master planned for CCT service. In locations where roadways planned for CCT service fall within municipalities, Gaithersburg and Rockville, as relevant, maintain the authority to consider and address transit and right-of-way widths at their discretion. These communities will be served by the Corridor Connectors, as well as the Great Seneca Transit Network—a series of enhanced, locally serving bus routes. As

some of the transit network falls within municipalities, this Plan recommends municipal consideration of the right-of-way needs, as shown in Table 9.

Table 8 – Roadway and Transitway Recommendations

<u>Connector</u>	<u>Roadway</u>	<u>To</u>	<u>From</u>	<u>Designation</u>	<u>Minimum ROW<sup>1</sup></u>	<u>Preferred Number of Dedicated Bus Lanes</u>
<u>Life Sciences Connector</u>	<u>Medical Center Drive</u>	<u>Fallsgrove Boulevard</u>	<u>Broschart Road</u>	<u>Arterial, A-261d</u>	<u>100-150</u>	<u>2</u>
	<u>Medical Center Drive</u>	<u>Broschart Road</u>	<u>Great Seneca Highway</u>	<u>Arterial, A-261d</u>	<u>100-150</u>	<u>2</u>
	<u>Medical Center Drive</u>	<u>Great Seneca Highway</u>	<u>Key West Avenue</u>	<u>Arterial, A-261d</u>	<u>100-150</u>	<u>2</u>
<u>Crown Connector</u>	<u>Decoverly Drive</u>	<u>Gaithersburg City Limit</u>	<u>Diamondback Drive</u>	<u>Arterial, A-284</u>	<u>100-150</u>	<u>2</u>
	<u>Diamondback Drive</u>	<u>Decoverly Drive</u>	<u>Key West Avenue</u>	<u>Arterial, A-261b</u>	<u>100-150</u>	<u>2</u>
	<u>Broschart Road</u>	<u>Key West Avenue (MD 28)</u>	<u>Medical Center Drive</u>	<u>Arterial, A-261b</u>	<u>100-150</u>	<u>2</u>
<u>Great Seneca Connector</u>	<u>Great Seneca Highway (MD 119)</u>	<u>Medical Center Drive</u>	<u>Key West Avenue (MD 28)</u>	<u>Controlled Major Highway, CM-90</u>	<u>150'</u>	<u>2</u>
	<u>Great Seneca Highway (MD 119)</u>	<u>Key West Avenue (MD 28)</u>	<u>Sam Eig Highway</u>	<u>Controlled Major Highway, CM-90</u>	<u>150'-200'</u>	<u>2</u>
	<u>Johns Hopkins Drive<sup>2</sup></u>	<u>Key West Avenue (MD 28)</u>	<u>Belward Campus Drive</u>	<u>Arterial, A-261d</u>	<u>100-150</u>	<u>2</u>
	<u>Decoverly Drive<sup>2</sup></u>	<u>Muddy Branch Road</u>	<u>Johns Hopkins Drive</u>	<u>Arterial, A-284</u>	<u>100-150</u>	<u>2</u>
	<u>Muddy Branch Road<sup>2</sup></u>	<u>Decoverly Drive</u>	<u>Great Seneca Highway</u>	<u>Major Highway, M-15</u>	<u>170</u>	<u>2</u>
<u>Lakeforest/Montgomery Village Connector</u>	<u>Montgomery Village Avenue (MD 124)</u>	<u>Gaithersburg City Limits</u>	<u>Mid-County Highway</u>	<u>Major Highway, M-24</u>	<u>120'-140'</u>	<u>2</u>
	<u>Montgomery Village Avenue (MD 124)</u>	<u>Mid-County Highway</u>	<u>Club House Road</u>	<u>Arterial, A-295</u>	<u>120'<sup>3</sup></u>	<u>2</u>
<u>Germantown Connector</u>	<u>Germantown Road (MD 118)</u>	<u>Bowman Mill Drive (MARC access)</u>	<u>Frederick Road (MD 355)</u>	<u>Major Highway, M-61</u>	<u>150'</u>	<u>2</u>
<u>Manekin West Connector</u>	<u>Aircraft Drive</u>	<u>Germantown Road (MD 118)</u>	<u>Century Boulevard</u>	<u>Business District Street, B-7</u>	<u>100'</u>	<u>2</u>
	<u>Crystal Rock Drive</u>	<u>Century Boulevard</u>	<u>Germantown Road (MD 118)</u>	<u>Business District Street, B-24</u>	<u>120'</u>	<u>2</u>
	<u>Century Boulevard</u>	<u>Crystal Rock Drive</u>	<u>Aircraft Drive</u>	<u>Business District Street, B-10</u>	<u>136'</u>	<u>2</u>
	<u>Century Boulevard</u>	<u>Aircraft Drive</u>	<u>Crystal Rock Drive Northern Circle</u>	<u>Business District Street, B-10</u>	<u>136'</u>	<u>2</u>
	<u>Dorsey Mill Road</u>	<u>Century Boulevard</u>	<u>Observation Drive</u>	<u>Business Street, B-14</u>	<u>150</u>	<u>2</u>



<u>Milestone/COMSAT East Clarksburg Connector</u>	<u>Observation Drive</u>	<u>Germantown Road</u>	<u>Stringtown Road</u>	<u>Arterial, A-19</u>	<u>150'</u>	<u>2</u>
	<u>Gateway Center Drive Extended<sup>2</sup></u>	<u>Current Observation Drive Terminus</u>	<u>West Baltimore Road</u>	<u>Arterial, A-300</u>	<u>125'</u>	<u>2</u>
	<u>Gateway Center Drive Extended<sup>2</sup></u>	<u>West Baltimore Road</u>	<u>Shawnee Lane</u>	<u>Arterial, A-300</u>	<u>125'</u>	<u>2</u>
	<u>Gateway Center Drive<sup>2</sup></u>	<u>Shawnee Lane</u>	<u>Proposed Clarksburg Bypass</u>	<u>Arterial, A-300</u>	<u>125'</u>	<u>2</u>
	<u>Gateway Center Drive<sup>2</sup></u>	<u>Proposed Clarksburg Bypass</u>	<u>Stringtown Road</u>	<u>Arterial, A-300</u>	<u>125'</u>	<u>2</u>
<u>MD 355 BRT – Ultimate Segment 7 Alignment</u>	<u>Ridge Road</u>	<u>Brink Road</u>	<u>MD 355</u>	<u>Major Highway, M-27</u>	<u>150'</u>	<u>2</u>
	<u>Ridge Road</u>	<u>Snowden Farm Parkway</u>	<u>Brink Road</u>	<u>Major Highway, M-27</u>	<u>150'</u>	<u>2</u>
	<u>Snowden Farm Parkway</u>	<u>Stringtown Road</u>	<u>Ridge Road</u>	<u>Arterial, A-305</u>	<u>120'-140'</u>	<u>2</u>
	<u>Stringtown Road</u>	<u>I-270</u>	<u>Snowden Farm Parkway</u>	<u>Arterial, A-260</u>	<u>120'-140'</u>	<u>2</u>
	<u>Clarksburg Road</u>	<u>Clarksburg Premium Outlets Entry</u>	<u>I-270</u>	<u>Arterial, A-27</u>	<u>150'</u>	<u>2</u>

<sup>1</sup> Prioritize lower number of automobile lanes to allow transit, pedestrian, and bicycle capacity.

<sup>2</sup> Represents an alternate alignment option to be considered during facility planning.

<sup>3</sup>Montgomery Village Avenue minimum right-of-way is master-planned to be 120 feet, unless a portion of the right-of-way can be repurposed.

**Table 9 – Advisory Only - Roadway and Transitway Recommendations within Municipal Bounds**

<u>Connector</u>	<u>Roadway</u>	<u>From</u>	<u>To</u>	<u>Jurisdiction</u>	<u>Preferred Number of Dedicated Bus Lanes<sup>1</sup></u>
<u>Rockville Connector</u>	<u>West Montgomery Avenue(MD 28)</u>	<u>Shady Grove Road</u>	<u>Gude Drive / Fallsgrove Drive</u>	<u>City of Rockville</u>	<u>2</u>
	<u>Gude Drive<sup>2</sup></u>	<u>Frederick Road (MD 355)</u>	<u>Piccard Drive</u>	<u>City of Rockville</u>	<u>2</u>
<u>Life Science Connector</u>	<u>Redland Boulevard</u>	<u>Piccard Drive</u>	<u>MD 355</u>	<u>City of Rockville</u>	<u>2</u>
	<u>Piccard Drive</u>	<u>Redland Boulevard</u>	<u>Gude Drive</u>	<u>City of Rockville</u>	<u>2</u>
	<u>Gude Drive</u>	<u>Piccard Drive</u>	<u>Fallsgrove Drive</u>	<u>City of Rockville</u>	<u>2</u>
	<u>Fallsgrove Drive<sup>3</sup></u>	<u>Gude Drive</u>	<u>Fallsgrove Boulevard</u>	<u>City of Rockville</u>	<u>2</u>
	<u>Fallsgrove Boulevard</u>	<u>Fallsgrove Drive</u>	<u>Shady Grove Road</u>	<u>City of Rockville</u>	<u>2</u>
<u>Crown Connector</u>	<u>Fields Road</u>	<u>I-370</u>	<u>Decoverly Drive</u>	<u>City of Gaithersburg</u>	<u>2</u>
	<u>Decoverly Drive</u>	<u>Fields Road</u>	<u>Gaithersburg City Limit</u>	<u>City of Gaithersburg</u>	<u>2</u>
<u>Great Seneca Connector</u>	<u>Great Seneca Highway (MD 119)</u>	<u>Sam Eig Highway</u>	<u>Quince Orchard Road</u>	<u>City of Gaithersburg</u>	<u>2</u>
	<u>Quince Orchard Road (MD 124)</u>	<u>Great Seneca Highway (MD 119)</u>	<u>Twin Lakes Drive</u>	<u>City of Gaithersburg</u>	<u>2</u>

	<u>Quince Orchard Road (MD 124)</u>	<u>Twin Lakes Drive</u>	<u>Clopper Road (MD 117)</u>	<u>City of Gaithersburg</u>	<u>2</u>
	<u>Clopper Road (MD 117)</u>	<u>Quince Orchard Road</u>	<u>Watkins Mill Road</u>	<u>City of Gaithersburg</u>	<u>2</u>
	<u>Watkins Mill Road</u>	<u>Clopper Road (MD 117)</u>	<u>Frederick Road (MD 355)</u>	<u>City of Gaithersburg</u>	<u>2</u>
<u>Lakeforest/Montgomery Village Connector</u>	<u>Montgomery Village Avenue/Quince Orchard Road (MD 124)</u>	<u>Clopper Road (MD 117)</u>	<u>Frederick Road (MD 355)</u>	<u>City of Gaithersburg</u>	<u>2</u>
	<u>Montgomery Village Avenue (MD 124)</u>	<u>Frederick Road (MD 355)</u>	<u>Gaithersburg City Limits (Lakeforest Entrance)</u>	<u>City of Gaithersburg</u>	<u>2</u>

<sup>1</sup> Provision of transit lanes is strongly suggested for municipal consideration, which has planning authority independent of the county. Prioritization of dedicated bus lanes over automobile travel lanes is strongly recommended.

<sup>2</sup> Represents an alternate alignment option to be considered during facility planning.

<sup>3</sup> While express or dedicated bus lanes are strongly preferred, section could allow off-peak parking or mixed-traffic transit operations, dependent on further facility planning studies.

While median-running transit offers the best opportunity to operate a bus without impact from traffic, in some locations curb-running transit may be preferable. Section needs vary significantly based on context, as utilities, mature trees, and adjacent connecting active zone facilities can impact the most desirable and/or practical design. Engineered sections will be designed during the facility-planning process or determined through the development review process for new development adjacent to the relevant roadway(s).

While Complete Streets classifications have not yet been officially applied to all county roadways by an amendment to the 2018 *Master Plan of Highways and Transitways*, illustrative sections are included in the Plan’s Appendix that reference the county’s Complete Streets Design Guide to inform development. Dedicated bus lanes are assumed to be 13 feet or 12 feet in constrained sections. Dedicated bus lane buffer widths may vary. Along wider roadways, buffers with six-foot wide medians are preferred to provide pedestrians ADA-compliant crossing refuges; however, in locations where it is preferable to maintain a tight cross-section to reduce crossing distances, two-foot-wide buffers may be appropriate. In locations where left turn lanes are necessary, 16-to-18-foot-wide center medians have the potential to support turning needs and pedestrian refuges, while smaller 12-foot-wide medians do not support pedestrian safety. Consistent with the county’s Vision Zero policy and the intent of the Complete Streets Design Guide, prioritizing safety for a roadway’s most vulnerable users is paramount. For this reason, ultimate section designs should account for adequate pedestrian refuges across wider roadway sections, as well as appropriate buffers from traffic that protect non-motorists, many of whom are walking, biking, or rolling to transit.

### **The Great Seneca Transit Network**

MCDOT has a network of targeted bus infrastructure within the vicinity of the Life Sciences Center, including newly constructed dedicated lanes, painted express bus-only lanes, queue jumps, and transit signal priority. The network includes five lines connecting various points of demand in the Great Seneca and Gaithersburg vicinities with the Universities at Shady Grove. While Montgomery Planning does not master-plan operational improvements and was not involved in the network's analysis, this Plan supports the implementation of the network, including repurposing travel lanes, as consistent with this Plan's recommendations.

This Plan proposes a near-term network that, when complemented by MCDOT's Great Seneca Transit Network, serves most of the communities originally envisioned for CCT service, as well as additional communities. By itself, the Great Seneca Transit Network does not serve the entire geographic span of the CCT; however, the near-term Corridor Connectors and the Great Seneca Transit Network together support the original vision of the CCT.

### **Commuter Bus Service on I-270**


The Plan recommends continued state-provided commuter bus service on I-270, making use of the Corridor Connectors when diverting to bus stations in Montgomery County's population and employment centers via the Corridor Connectors. The Plan's analysis suggests that there is demand between Frederick and the Life Sciences Center and points spanning between Montgomery Village and Tysons.



The joint MTA and Virginia Department of Rail and Public Transportation's 2021 *American Legion Bridge – Transit/TDM Study* illustrates various investment packages including commuter bus service. The report assumes highway access is available at Gude Drive, implying that the Life Sciences Connector would have a regional benefit. Additionally, the report shows access to Germantown Town Center via a portion of the Germantown Connector. Finally, the report shows a terminal alignment at the Lakeforest Mall, with an alignment that could be slightly re-envisioned to connect these communities with highway infrastructure via MD 124 rather than MD 355. Locations included for service in Gaithersburg could be served by the MTA/DRPT study's MD 355-Gude Drive service pattern. Regardless, the three connectors and their connecting service legs have regional value and may be stronger candidates for funding support as compared to the original CCT.

### **LONG-TERM TRANSIT VISION**

The long-term transit vision complements the near-term transit network, identifying large-scale transit investments likely to be implemented beyond the plan's horizon. The recommendations included in the long-term transit vision focus on improvements to existing transit services: an extension of Metrorail's Red Line to Germantown and enhanced services and new stations for the MARC Brunswick Line.

Table 10 – Long-Term Transit Vision Recommendations

<u>Long-Term Transit Vision</u>	<u>County Actions</u>	<u>Champion</u>
<p><u>Work with local, state, and regional partners to advance the recommendation for a Red Line Extension to Germantown Town Center.</u></p>	<p>A. <u>Reserve and/or acquire through dedication 62 feet of space as measured from the outer southbound track of the existing CSX Brunswick Line along the Metropolitan Branch Subdivision.</u></p> <p>B. <u>In consultation with agency partners, evaluate the steps necessary to address:</u></p> <ul style="list-style-type: none"> <li>• <u>state of good repair and existing capacity issues within the Metrorail system’s core;</u></li> <li>• <u>potential upstream and downstream capacity impacts resulting from an extension along the line;</u></li> <li>• <u>regional resource commitments to advance the recommendation, particularly relating to operations based on WMATA’s three percent cap on annual operating subsidy increases from jurisdictions.</u></li> </ul> <p>C. <u>Determine what land use density and ridership targets would need to be met for WMATA to consider heavy rail service extensions to Germantown, factoring in regional draw for locations beyond the immediate vicinity of the station, including points in other jurisdictions. Update county master plans as warranted to support these targets.</u></p> <p>D. <u>Coordinate with CSX to confirm right-of-way needs, understand the magnitude of costs for anticipated rail operation and property impacts, and determine any operational agreements that would need to be made or adjusted to support the parallel-running service.</u></p> <p>E. <u>Conduct a detailed analysis of operational and maintenance facility needs and potential facility locations, to include parking needs as warranted, accounting for contextual challenges associated with what would likely be a locally unwanted land use. Coordinate with the Federal Government regarding the future of the Department of Energy site, which may be a viable location for combined government offices and operation and maintenance facilities.</u></p> <p>F. <u>Determine a refined estimate of total project costs, operating expenses, and projected benefits.</u></p>	

<b><u>Long-Term Transit Vision</u></b>	<b><u>County Actions</u></b>	<b><u>Champion</u></b>
<u>Support the long-term potential of the Maryland Transit Administration MARC Rail Brunswick Line.</u>	A. <u>Obtain 25-foot-wide land dedications adjacent to the northbound tracks of the Brunswick Line right-of-way along the segments identified in the 2018 MARC Cornerstone Plan.</u> B. <u>Support the state’s Brunswick Line Master Plan, which will identify short-term, mid-term, and long-term service enhancements and the infrastructure improvements required to achieve them. Ensure M-NCPPC participation in development of the plan.</u>	
<u>Promote strategic and equitable MARC Rail access by supporting new stations.</u>	A. <u>Support the 2010 White Flint Sector Plan recommendation to construct an additional MARC station within the vicinity of White Flint and the 2021 Shady Grove Sector Plan recommendation for an additional MARC station at Shady Grove. Prioritize the White Flint station.</u> B. <u>If CSX maintains its current policy that no new station can be added without the removal of an existing station or provision of additional main line track, develop a plan or strategy to support the elimination of service at underutilized stations in order to advance new stations projected to have greater network value.</u>	

**Red Line Extension**

The long-term transit vision includes an extension of WMATA’s Metrorail Red Line to Germantown Town Center, potentially including stops at Olde Towne Gaithersburg, MD 124/Fairgrounds, and Germantown Town Center<sup>1</sup>. An extension of the Red Line to Germantown Town Center provides an opportunity to deliver the region’s highest-quality transit service to areas of the county with significant, and growing, population densities. According to *Montgomery County Trends: A Look at People, Housing, and Jobs Since 1990*, the largest increases in population and population density over the last three decades have occurred in communities along the I-270 corridor, including the vicinities of Gaithersburg, Germantown and Clarksburg, consistent with the 1964 General Plan’s vision for focused growth within corridor cities along I-270. In addition to serving existing and growing population, an extension of the Red Line also performed the best among the studied options at increasing regional transit trips, decreasing vehicle miles traveled, connecting all populations, including Equity Focus Areas, to jobs, and potentially influencing growth patterns.

As discussed in Chapter 4, extending the Red Line is not an immediately realistic proposition for numerous reasons. WMATA has indicated that it will not support extensions until the safety and state-of-good-repair needs of the Metrorail core are addressed. WMATA also has planning-level criteria that assess the viability of Metrorail extensions and today the extension does not satisfy these criteria.<sup>2</sup> In

<sup>1</sup> Stops listed were studied in the Plan’s technical analyses. Stop locations will be determined through future analyses and would require municipal support and coordination.

<sup>2</sup> In 2015 WMATA developed low, medium, and high threshold targets for various services. For suburban Metrorail expansions, these include:

addition, as the Red Line Extension advances through subsequent environmental reviews, alternative alignments and stop locations may be studied, but service to Germantown Town Center should remain a priority.

An extension of the Red Line has been studied, generally in a cursory fashion, in various planning and NEPA efforts dating back to the 1970s. The rationale for not pursuing the option has varied across stakeholder groups and periods of study. Today, skeptics point to the magnitude of upfront capital costs, coordination with CSX, right-of-way impacts, and the core service resource hurdles that WMATA must address as significant constraints. This Plan agrees that these are real constraints. It acknowledges that the county should not turn a blind eye to costs, but it should also not turn a blind eye to opportunity costs. The Plan's evaluation demonstrates the equity benefits, job access benefits, and climate benefits associated with an extension justify more serious consideration. Furthermore, the historical performance of land around WMATA's heavy rail stations suggests that rail offers a highly reliable means of stimulating compact mixed-use growth.

The county has successfully worked with regional stakeholders to advance important transit facilities, like the existing Red Line and advancing Purple Line. While realizing these facilities was no simple task and took decades, the county is more livable today because of the work of previous regional transit champions. This Plan lays the groundwork for new champions to emerge.

### **Enhanced MARC Rail**

The long-term transit vision includes improvements to MARC Rail along the Brunswick Line, including reducing headways to 15 minutes, implementing reverse commute service, adding midday service, and constructing new stations. Improving MARC service is expected to require an additional mainline track for 45 miles of the rail corridor.

To advance service improvements, the Plan recommends obtaining 25-foot-wide land dedications adjacent to the northbound tracks of the Brunswick Line right-of-way along the segments identified in the 2018 MARC Cornerstone Plan and supporting the state's Brunswick Line Master Plan, which will identify short-term, mid-term, and long-term service enhancements and the infrastructure improvements required to achieve them.

The Plan recommends new MARC stations in Shady Grove and White Flint, consistent with the existing recommendations in the 2021 *Shady Grove Sector Plan* and 2010 *White Flint Sector Plan*. Of these two stations, a new MARC station at White Flint should be prioritized. If CSX maintains its current policy

- 
- Households per Acre: Low <12; Medium 12-18; High >18
  - Employment per Acre: Low <19; Medium 19-26; High >26
  - Ridership per Mile: Low <3,500; Medium 3,500-7,00; High >7,000
  - WMATA Built Environment Walkshed Rating (similar to the Montgomery Planning's Pedestrian Level of Comfort Analysis): Low; 50% connected; Medium 50%-65% connected; High >65% connected

that no new station can be added without the removal of an existing station or provision of additional main line track, it will be necessary to develop a plan or strategy to support the elimination of service at underutilized stations in order to advance new stations projected to have greater network value.

Necessary infrastructure improvements to enhance MARC Rail are both costly and challenging. Even before accounting for the line's anticipated 78 grade crossings (which includes overpasses, underpasses, and pedestrian facilities), the Plan estimates substantial capital and renewal costs for the option. Given that the railroad has been operational for over a century, several sites and districts along the corridor have been designated as historic, and the additional main line track could potentially impact over 40 locations with some form of existing or planned historic designation.

Most importantly, CSX Transportation owns the majority of the rail tracks used by the MARC Rail Brunswick Line (including the Old Main Line Subdivision between Point of Rocks and Frederick Junction; excluding the Frederick Branch between Frederick Junction and downtown Frederick) adding complexity into the implementation outlook for proposed enhancements. Infrastructure improvements would require discussions and negotiations with CSX, which would certainly require limitations to—and mitigations for—any freight service disruption.

### **SUPPORTING RECOMMENDATIONS**

Supporting recommendations enhance the benefits of the near-term transit network and long-term transit vision. These recommendations focus on prioritizing investments in transit over those that increase auto capacity, safe and convenient access to transit, land use that supports premium transit, and strategies to expedite implementation and maximize the utility of the planned dedicated bus lanes.




It may be challenging in some locations to acquire right-of-way for the county's master-planned dedicated bus lanes network due to the development potential of proximate land use. For example, it can be challenging to acquire new right-of-way in locations where existing townhouse communities or single-family homes are located. In some cases, it may be more feasible and cost-effective to reallocate right-of-way capacity to support the implementation of transit. Reallocating right-of-way often improves the competitiveness of transit, which can travel more rapidly and reliably when provided with its own infrastructure.

The Plan recommends that safe and comfortable bicycle and pedestrian access to transit facilities be implemented concurrent with the transit facilities themselves. In addition, Corridor Forward supports intermodal connectivity. During the subsequent planning for the Red Line's extension, this Plan recommends the development of a multimodal station that integrates MARC Rail, Metrorail, and bus modes. From a land use perspective, the Plan recommends updating relevant plans and guidelines to support compact, transit-oriented development patterns




within the station areas. Acknowledging that transportation investments can be associated with rising rents, the Plan recommends creating affordable housing and preserving small businesses along the corridor.


To support implementation of the transit network, the Plan recommends a key shift in the approach to move projects forward. Segments of the transit network have independent utility and can support various service patterns and targeted local bus services. Rather than waiting to compete for large funding opportunities when they become available, segments of the ultimate network can and should be implemented incrementally as funds allow.




**Table 11 – Supporting Recommendations**

<b><u>Supporting Recommendations</u></b>	<b><u>County Actions</u></b>	<b><u>Champion</u></b>
<p><u>Convert existing general-purpose travel lanes to dedicated transit lanes on targeted streets to maximize person throughput and improve the relative travel time competitiveness and convenience of transit, including—but not limited to—the streets detailed in the right-of-way table.</u></p>	<p>A. <u>Convert existing auto travel lanes to dedicated transit lanes to advance the transit network.</u></p> <p>B. <u>Modify congestion standards to include a BRT station designation between that of Metrorail station areas (120 seconds) and local bus (80 seconds).</u></p> <p>C. <u>Continue to explore and prioritize other locations in the corridor where local bus service can be enhanced through the provision of express bus lanes, queue-jumps, and other facilities.</u></p>	
<p><u>Prioritize the provision of dedicated transit lanes and spaces for walking, bicycling and other micromobility modes over auto capacity to maximize person throughput and improve the relative travel time competitiveness and convenience of transit.</u></p>	<p>A. <u>Limit the addition of non-transit travel lanes in areas defined by the Complete Streets Design Guide as Downtowns and Town Centers, to be confirmed through future master plans. Address fee-in-lieu and alternate development mitigation when projects demonstrate impacts to the convenience of automobile travel in an update to the Growth and Infrastructure Policy or Local Area Transportation Review.</u></p>	
<p><u>Develop a multimodal transit hub within the vicinity of Metropolitan Grove as part of implementation of the Red Line Extension to serve local bus, BRT, Metrorail and MARC services.</u></p>	<p>A. <u>If the Red Line Extension advances into construction, coordinate with MCDOT, MARC Rail, and WMATA, to ensure convenient transfers between the different transit services at the station.</u></p>	



<b><u>Supporting Recommendations</u></b>	<b><u>County Actions</u></b>	<b><u>Champion</u></b>
<p><u>Convert existing general-purpose travel lanes to dedicated transit lanes on targeted streets to maximize person throughput and improve the relative travel time competitiveness and convenience of transit, including—but not limited to—the streets detailed in the right-of-way table.</u></p>	<p>D. <u>Convert existing auto travel lanes to dedicated transit lanes to advance the transit network.</u></p> <p>E. <u>Modify congestion standards to include a BRT station designation between that of Metrorail station areas (120 seconds) and local bus (80 seconds).</u></p> <p>F. <u>Continue to explore and prioritize other locations in the corridor where local bus service can be enhanced through the provision of express bus lanes, queue-jumps, and other facilities.</u></p>	
<p><u>Prioritize the provision of dedicated transit lanes and spaces for walking, bicycling and other micromobility modes over auto capacity to maximize person throughput and improve the relative travel time competitiveness and convenience of transit.</u></p>	<p>B. <u>Limit the addition of non-transit travel lanes in areas defined by the Complete Streets Design Guide as Downtowns and Town Centers, to be confirmed through future master plans. Address fee-in-lieu and alternate development mitigation when projects demonstrate impacts to the convenience of automobile travel in an update to the Growth and Infrastructure Policy or Local Area Transportation Review.</u></p>	
<p><u>Develop a multimodal transit hub within the vicinity of Metropolitan Grove as part of implementation of the Red Line Extension to serve local bus, BRT, Metrorail and MARC services.</u></p>	<p>B. <u>If the Red Line Extension advances into construction, coordinate with MCDOT, MARC Rail, and WMATA, to ensure convenient transfers between the different transit services at the station.</u></p>	

<b><u>Supporting Recommendations</u></b>	<b><u>County Actions</u></b>	<b><u>Champion</u></b>
<p><u>Ensure safe and efficient access to planned transit stops for pedestrians, bicyclists, and other micromobility modes.</u></p>	<ul style="list-style-type: none"> <li>A. <u>As long-range planning and implementation planning (NEPA and facility planning) progress, explore opportunities to create new Bicycle and Pedestrian Priority Areas (BiPPAs) and red Metro Station Policy Areas (MSPAs) to support new premium services.</u></li> <li>B. <u>Provide buffered sidewalks, protected crossings, bicycle facilities, and lighting to serve new master-planned facilities' stops and stations.</u></li> <li>C. <u>Include bicycle and scooter parking facilities in the ultimate design of all new master-planned stops and stations at the rate and size specified in the <i>Bicycle Master Plan</i> (Appendix G).</u></li> <li>D. <u>Ensure access to all master planned transit stops is ADA accessible within a half-mile.</u></li> <li>E. <u>Develop countywide pedestrian and bicycle delay standards to limit crossing delay for pedestrians, bicycles, and other micromobility users, to be applied within a half-mile of a master-planned facility's transit stop or station.</u></li> <li>F. <u>During station design, consider how to safely provide and accommodate transfers from on-demand services like ridesharing to transit stations and stops, as appropriate based on context.</u></li> </ul>	

<b><u>Supporting Recommendations</u></b>	<b><u>County Actions</u></b>	<b><u>Champion</u></b>
<p><u>Update relevant land use plans and guidelines to support master-planned transit facilities.</u></p>	<p>A. <u>Update master plans and sector plans, including, but not limited to, the Great Seneca Science Corridor Master Plan, the Germantown Sector Plan, and the MARC Rail Communities Sector Plan, in support of incentivizing compact, transit-oriented development patterns.</u></p> <p>B. <u>Identify and zone the locations of transit operations and maintenance facilities for the recommended transit network and integrate recommended locations for these needs into applicable plan’s land use vision.</u></p> <p>C. <u>Prioritize use of land at existing and master planned stations for transit-oriented development, minimizing space dedicated to bus storage and layover.</u></p> <p>D. <u>Create affordable housing and preserve small businesses in areas where new transit may increase rents. Increase affordable and diversity of housing types in areas already served by transit along the corridor.</u></p> <p>E. <u>Update the Complete Streets Design Guide, adding a “transit” overlay or “transit street” typology addressing transit-specific design elements.</u></p>	
<p><u>Where beneficial and/or necessary, support the incremental implementation of dedicated bus lanes.</u></p>	<p>A. <u>When and where necessary, break larger transit projects into more easily implemented components—when such components offer independent utility—to support the ultimate build-out of the network.</u></p> <p>B. <u>Facilitate all funding and implementation opportunities—large and small—that support the ultimate build-out of the infrastructure network.</u></p>	
<p><u>Maximize the travel potential of dedicated bus lanes.</u></p>	<p>A. <u>Develop policy guidelines on the use of dedicated bus lanes to allow local bus, shuttles, etc. in appropriate contexts and manners that do not degrade rapid services.</u></p>	

**REGIONAL OPPORTUNITIES**




While many trips within Montgomery County both start and end with the county, many residents and employees commute across county lines, to the District of Columbia, Prince George’s County, and other regional jurisdictions. The recommendations in this section strengthen connections to neighboring jurisdictions where premium transit is not currently provided, specifically Fairfax County, VA, and Frederick County, MD.

First, the Plan recommends that the county consider and evaluate options for a future Purple Line extension west of Bethesda, including potential alignments that extend into Northern Virginia. Metrorail travel times between Bethesda and Tysons are 70-minutes with the current network, but a Purple Line extension could reduce this connection to a 22-minute ride.

Second, redesign and replacement of the American Legion Bridge across the Potomac River is planned as part of Managed Lanes highway expansion project. The existing bridge, which carries I-495 traffic, does not currently provide rail transit. The Plan recommends that the redesigned bridge accommodate rail transit, in order to provide flexibility for future transit investments. While this Plan does not explicitly recommend a rail transit service over the American Legion Bridge, the lifespan of a bridge far exceeds the lifetime of this Plan.

Lastly, a portion of Montgomery County employees commute from Frederick County. The Plan recommends supporting efforts led by Frederick County to provide a transitway between the two counties.

Table 12 – Regional Opportunities Recommendations

<b><u>Regional Opportunities</u></b>	<b><u>County Actions</u></b>	<b><u>Champion</u></b>
<p><u>Study extensions of the Purple Line to understand if and where extension(s) of the county’s light rail service may be warranted.</u></p>	<p>A. <u>Add an initial study to Montgomery Planning’s work program to assess travel demand between locations along the under-construction Purple Line and potential points of demand, including, but not limited to, the National Institutes of Health, Rock Spring, Tysons, Georgetown/Rosslyn, and Arlington.</u></p> <p>B. <u>Coordinate with jurisdictions, as relevant and if warranted following the initial study, to scope further technical feasibility analyses that explore potential extension alignments, their costs, and their benefits.</u></p>	
<p><u>Design and construct the American Legion Bridge to support rail transit.</u></p>	<p>A. <u>Advocate for an American Legion Bridge design that can structurally accommodate the rail transit needs of the future.</u></p>	
<p><u>Explore a direct transitway connection between the recommended WMATA Metrorail Red Line terminus and Frederick City.</u></p>	<p>A. <u>If Frederick County includes this new, direct transit connection in an update to their Transit Development Plan, support others’ efforts by recommending alignments and stations for any portion of a direct service that falls within Montgomery County.</u></p> <p>B. <u>Participate as a cooperative stakeholder in others’ study and design efforts.</u></p>	

Page 59      Revise the title of Chapter 7 – Conclusion as follows:

CHAPTER [7] 6 - CONCLUSION

Page 59      Revise the second paragraph in Chapter 7 – Conclusion as follows:

This Plan maintains and recommits to a vision for rapid transit in midcounty and upcounty. The Plan supports regional connectivity—particularly by demonstrating the regional benefits of a Red Line Extension and enhancements to MARC Rail—but also acknowledges the importance of a near-term locally-oriented network of dedicated bus lanes. Once implemented, the [recommended] transit network will serve existing corridor communities and connect them with areas planned for compact growth and further the county’s equity, environment, and economic goals [set by Thrive Montgomery 2050].

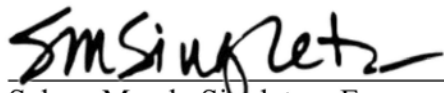
Page 59      Revise the last paragraph in Chapter 7 – Conclusion as follows:

An extension of WMATA’s Metrorail Red Line to Germantown Town Center and improvements to MARC Rail service may take time to be realized, as the county will need to lift its vision over several hurdles [(as detailed in Chapter 6)], but the ultimate benefits should encourage the county to face these challenges and further advance its transit commitment. Both near and long-term elements of Corridor Forward can be achieved with support, advocacy, commitment, and focus.

**General**

All illustrations and tables included in the Plan will be revised to reflect the District Council changes to the Planning Board Draft of Corridor Forward: The I-270 Transit Plan (January 2022). The text and graphics will be revised as necessary to achieve and improve clarity and consistency, to update factual information, and to convey the actions of the District Council. Graphics and tables will be revised and re-numbered, where necessary, to be consistent with the text and titles.

This is a correct copy of Council action.



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Selena Mendy Singleton, Esq.  
Clerk of the Council

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# MEMORANDUM

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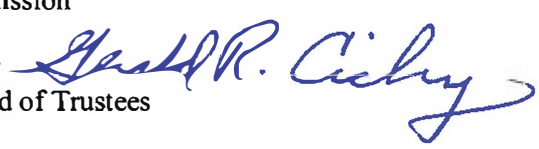
**EMPLOYEES' RETIREMENT SYSTEM**  
 The Maryland-National Capital Park and Planning Commission  
 6611 Kenilworth Avenue, Suite 100  
 Riverdale, Maryland 20737

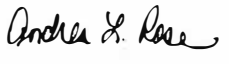
(301) 454-1415 - Telephone  
 (301) 454-1413 - Facsimile  
<http://ers.mncppc.org>

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*Andrea L. Rose*  
 Administrator

To: The Maryland-National Capital Park & Planning Commission Date: May 3, 2022

Via: Gerald R. Cichy   
 Chairman, Board of Trustees

From: Andrea L. Rose, Administrator   
 Sheila S. Joynes, Accounting Manager

Subject: ***Resolution No. 22-09: Recommendation to Approve the FY2023 Operating Budget for the Employees' Retirement System in the amount of \$2,777,596***

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## **RECOMMENDATION**

The Board of Trustees ("Board") of the Maryland-National Capital Park and Planning Commission ("Commission") Employees' Retirement System ("ERS") respectfully recommends approval of the FY2023 Operating Budget for the ERS in the amount of \$2,777,596, a 1.9% increase from FY2022.

## **BACKGROUND**

The Commission established the ERS effective July 1, 1972, in accordance with the Trust Agreement between the Commission and the ERS' Board. The Board's primary responsibility is to administer the ERS for the sole benefit of the members to pay the promised benefits.

Annually, the Board prepares and presents an operating budget setting forth projected expenditures for the operation of the ERS for the Commission's review and approval. The Board also prepares certain projected expenses, including banking, investment consulting and investment manager fees for the Commission's information. The Board monitors closely the fees and expenses from consultants and professional advisors.

Although there is no formal restriction or budget guideline imposed by parties outside the Board, the Board is sensitive to the limitations imposed on the Commission by the two counties. Annually, the Board approves an operating budget based on effectively managing the ERS' fiscal work program requirements which is consistent with other local retirement systems.

## **ANALYSIS**

Staff examined each expenditure category and its funding. The FY2023 Operating Budget (Attachment 1) proposes overall spending at \$2,777,596 based on the work program requirements reflected below. The FY2023 Operating Budget is an increase of 1.9% in spending from FY2022.

***Personnel Services***

The FY2023 Operating Budget includes funding for eleven full-time employees and one part-time employee and a placeholder for salary adjustments and potential reclassifications due to the Commission’s ongoing Classification and Compensation Study and is a 19.4% increase from FY2022. Two new full-time positions are added to address increased work program demands and initiatives, single points of failure, and succession planning. Three full-time staff are currently eligible for retirement and by July 1, 2024, five full-time staff members will be eligible for retirement. The best way to provide for succession planning and transfer historical knowledge is to build and train the next generation from current staff. Please refer to Attachment 2 - Organizational & Reporting Structure. OPEB and employee benefit costs are projected to increase by 20.3% and 18.0%, respectively from FY2022.

***Supplies & Materials***

This category includes the replacement of the virtual zero clients, monitors and laptops for staff and is an overall increase of \$15,025 from FY2022.

***Other Services & Charges***

This category nets to an overall decrease of 5.5% and includes actuarial, auditing and tax consulting, insurance coverages, legal, computer consulting and education and training as detailed below.

Actuarial Services

Actuarial services are estimated at \$85,800 (an increase of 11.4% from FY2022) and includes funding for the annual actuarial valuation, actuarial deficiency calculations for transfers, annual review of the investment and salary assumption, and GASB Statement No. 67.

Auditing & Tax Consulting Services

Auditing & Tax Consulting Services is projected at \$32,558 (a 7.9% increase from FY2022) and includes funding for the annual audit, tax advice related to the ERS’ alternative investments, review of all K-1s, and assistance in navigating the filing and disclosure requirements for the ERS’ international investments. The increase in fees in FY2023 is due to schedule increase for the annual audit. The ERS continues to engage a third party to conduct death audit and location services for members and beneficiaries.

Legal Services

Legal services for outside pension counsel are projected at \$200,000 (a 15.9% increase from FY2022) and includes reviews of new and existing alternative investment structures, plan member issues, and maintenance of the ERS’ tax qualified status. Specifically, in FY2023, launch of the Member Direct portal will require assistance from legal navigating the electronic delivery requirements for pension plans. The robust funding for outside counsel affords the Administrator the flexibility to use outside counsel for specialized or high priority matters and for issues related to the increased use in alternative investment structures.



### Education & Training

Education & Training for the Board and Staff is important to maintain the highest standards of fiduciary responsibility. Training is budgeted at \$31,250 (no increase from FY2022) and includes travel related to attendance at the new pension software vendor's annual conference for staff. For every attendee who participates for the entire conference, the vendor awards 10 free support hours. In this case the ERS would receive 30 hours which is worth \$4,500 (based on a support rate of \$150/hr.) Training for staff and trustees remains contingent upon travel restrictions and an individual's comfort level due to COVID-19 in FY2023.

### Insurance

In FY2023, fiduciary insurance is expected to increase approximately 5% and cyber insurance is expected to increase up to 50% due to the continued hardening in the market. Overall, insurance rates are expected to be 16.4% higher in FY2023.

### Rent

The ERS reimburses the Commission for rent with an increase of 4.0% for FY2023 from FY2022.

### Maintenance, Licensing & Computer Consulting

Fees for PensionGold, ePersonality and CYMA are included in Maintenance & Licensing (a 9.4% increase from FY2022) and Computer Consulting (a 29.5% increase from FY2022). The ERS went live on new pension software, PensionGold, in March 2021. The total cash outlay for FY2023 is expected to be \$170,335 which includes maintenance, support, hosting fees, and a placeholder for software changes due to union negotiations. Time and materials and oracle fees for ePersonality are included to maintain the former system for data verification purposes.

### *Chargebacks & Capital Outlay*

#### Chargebacks

The Commission's General Counsel's office provides legal services to the ERS in the areas of contract review and negotiation, litigation oversight, employee appeals and general plan advice. The ERS reimburses the General Counsel's Office through a chargeback of \$64,200 for these services. There is no increase from FY2022.

The Memorandum of Understanding (MOU) with the Commission's Chief Technology Officer and team provides the full range of technology services to the ERS for a chargeback of \$141,690 in FY2023 which is a 1.5% increase from FY2022.

#### Capital Outlay

The Commission's IT Department recommended the replacement of two servers for an estimated cost of \$50,000. New servers are recommended every 3-5 years and will increase the resources (RAM, CPU, VGPU) on the virtual workstations.

***FY2023 Investment Services***

Attachment 3 estimates fees for bank custodial services provided by The Northern Trust Company of Chicago, Illinois; investment consulting services provided by Wilshire Associates of Pittsburgh, Pennsylvania; and investment management services provided by investment managers. Investment manager fees fluctuate based on the market value of the portfolio.

**Attachments**

1. FY2023 Operating Budget
2. Organizational & Reporting Structure
3. FY2023 Investment Services

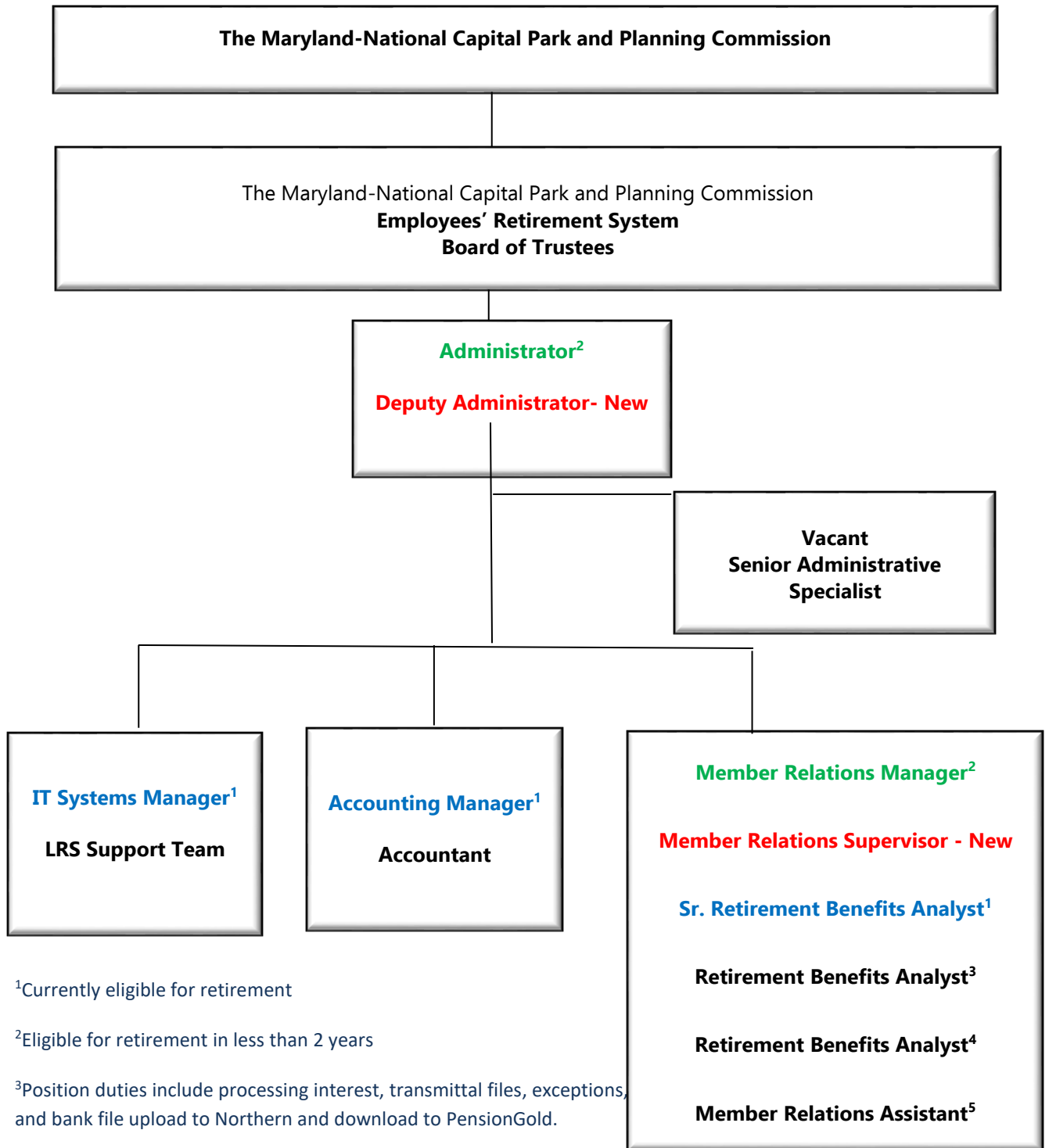
**The Maryland-National Capital Park and Planning Commission  
Employees' Retirement System**

**FY 2023 Operating Budget**

	FY2020	FY2021	FY 2022		FY 2023	Variance		
	Actual as of 30-Jun-20	Actual as of 30-Jun-21	Budget	Actual as of 31-Jan-22	Projected as of 6/30/22	Proposed	Amount	%
<b>PERSONNEL SERVICES:</b>								
SALARIES-FULL TIME	776,558	819,345	942,394	525,707	864,556	1,136,059	193,665	20.6%
SALARIES-PART TIME	14,672	44,300	52,395	30,260	47,000	48,209	(4,186)	-8.0%
NON CAREER	26,262	0	0	0	0	0	-	0.0%
<b>TOTAL SALARIES</b>	<b>817,492</b>	<b>863,645</b>	<b>994,789</b>	<b>555,967</b>	<b>911,556</b>	<b>1,184,268</b>	<b>189,479</b>	<b>19.0%</b>
<b>EMPLOYEE BENEFITS</b>								
OPEB BENEFITS	250,920	275,576	359,244	142,919	329,000	424,042	64,798	18.0%
RETIREE BENEFITS	26,321	24,723	27,500	0	27,500	33,079	5,579	20.3%
TOTAL BENEFITS	21,864	22,408	23,534	11,115	22,786	24,509	975	4.1%
<b>TOTAL BENEFITS</b>	<b>299,105</b>	<b>322,707</b>	<b>410,278</b>	<b>154,034</b>	<b>379,286</b>	<b>481,630</b>	<b>71,352</b>	<b>17.4%</b>
ACCRUED LEAVE	6,213	10,534	23,224	0	23,224	38,797	15,573	67.1%
<b>TOTAL PERSONNEL SERVICES</b>	<b>1,122,810</b>	<b>1,196,886</b>	<b>1,428,291</b>	<b>710,001</b>	<b>1,314,066</b>	<b>1,704,695</b>	<b>276,404</b>	<b>19.4%</b>
<b>SUPPLIES &amp; MATERIALS:</b>								
OFFICE SUPPLIES & FURNITURE	4,408	2,260	6,500	1,840	6,500	10,000	3,500	53.8%
COMPUTER SUPPLIES & EQUIPMENT	0	0	10,000	0	10,000	21,525	11,525	115.3%
<b>TOTAL SUPPLIES &amp; MATERIALS</b>	<b>4,408</b>	<b>2,260</b>	<b>16,500</b>	<b>1,840</b>	<b>16,500</b>	<b>31,525</b>	<b>15,025</b>	<b>91.1%</b>
<b>OTHER SERVICES &amp; CHARGES:</b>								
<b>PROFESSIONAL SERVICES:</b>								
Actuarial	43,913	70,460	77,000	50,110	65,510	85,800	8,800	11.4%
Auditing & Tax Consulting	23,101	28,143	30,170	11,535	30,170	32,558	2,388	7.9%
Legal	82,880	69,867	172,500	66,990	172,500	200,000	27,500	15.9%
Computer Consulting	41,207	65,084	65,084	75,083	76,028	84,316	19,232	29.5%
<b>EDUCATION AND TRAINING</b>								
STAFF	1,109	1,500	13,250	150	2,000	13,250	-	0.0%
TRUSTEES	277		18,000	0	4,000	18,000	-	0.0%
<b>EDUCATION AND TRAINING</b>	<b>1,386</b>	<b>1,500</b>	<b>31,250</b>	<b>150</b>	<b>6,000</b>	<b>31,250</b>	<b>-</b>	<b>0.0%</b>
ADVERTISING	375	0	2,000	106	2,000	2,000	-	0.0%
COMMUNICATIONS	1,624	967	1,500	0	1,500	1,500	-	0.0%
POSTAGE	2,812	362	5,000	252	2,500	5,000	-	0.0%
<b>INSURANCE</b>	<b>45,239</b>	<b>58,280</b>	<b>64,000</b>	<b>61,808</b>	<b>63,658</b>	<b>74,500</b>	<b>10,500</b>	<b>16.4%</b>
MEMBERSHIPS AND SUBSCRIPTIONS	1,635	2,135	3,000	1,685	3,000	3,000	-	0.0%
<b>MISCELLANEOUS SERVICES:</b>								
Contractual Services	0	6,654	43,646	7,033	15,000	30,000	(13,646)	0.0%
Payroll Services	3,866	4,480	4,280	3,187	4,500	4,500	220	5.1%
PRINTING & BINDING & IMAGING	0	0	115,000	91,434	91,434	500	(114,500)	-99.6%
<b>RENT:</b>								
Office	108,680	108,680	113,027	75,351	113,027	117,548	4,521	4.0%
Copier	1,555	2,847	5,000	0	5,000	5,000	-	0.0%
MAINTENANCE/LICENSING	34,073	118,562	94,603	94,741	94,741	103,514	8,911	9.4%
OTHER	3,097	3,265	4,500	1,328	4,500	4,500	-	0.0%
<b>TOTAL OTHER SERVICES &amp; CHARGES</b>	<b>395,443</b>	<b>541,286</b>	<b>831,560</b>	<b>540,793</b>	<b>751,068</b>	<b>785,486</b>	<b>(46,074)</b>	<b>-5.5%</b>
<b>CHARGEBACKS-M-NCPPC:</b>								
CHARGEBACKS-IT	135,500	137,533	139,596	0	139,596	141,690	2,094	1.5%
CHARGEBACKS-LEGAL	64,200	64,200	64,200	0	64,200	64,200	-	0.0%
<b>TOTAL CHARGEBACKS</b>	<b>199,700</b>	<b>201,733</b>	<b>203,796</b>	<b>0</b>	<b>203,796</b>	<b>205,890</b>	<b>2,094</b>	<b>1.0%</b>
<b>Total</b>	<b>1,722,361</b>	<b>1,942,165</b>	<b>2,480,147</b>	<b>1,252,634</b>	<b>2,285,430</b>	<b>2,727,596</b>	<b>247,449</b>	
<b>CAPITAL OUTLAY:</b>								
TOTAL CAPITAL OUTLAY	244,538	837,330	244,538	520,160	569,638	50,000	(194,538)	-79.6%
<b>TOTAL</b>	<b>1,966,899</b>	<b>2,779,495</b>	<b>2,724,685</b>	<b>1,772,794</b>	<b>2,855,068</b>	<b>2,777,596</b>	<b>52,911</b>	<b>1.9%</b>

# ORGANIZATIONAL & REPORTING STRUCTURE

## FY2023 PROPOSED



<sup>1</sup>Currently eligible for retirement

<sup>2</sup>Eligible for retirement in less than 2 years

<sup>3</sup>Position duties include processing interest, transmittal files, exceptions, and bank file upload to Northern and download to PensionGold.

<sup>4</sup>Position duties will include managing MemberDirect portal and assisting with exception processing.

<sup>5</sup>Position duties now include document imaging.

**The Maryland-National Capital Park and Planning Commission  
Employees' Retirement System**

**FY 2023 Investment Services**

	<u>Actual FY 2019</u>	<u>Actual FY 2020</u>	<u>Actual FY 2021</u>	<u>Estimated FY 2022</u>	<u>Estimated FY 2023</u>	<u>% Increase</u>
<b>Bank Custodial Services</b>	\$ 298,154	\$ 292,885	\$ 289,658	\$ 290,000	\$ 298,700	3.00%
<b>Investment Consulting Services</b>	\$ 198,539	201,815	\$ 203,127	\$ 214,076	\$ 220,500 <sup>(2)</sup>	3.00%
<b>Investment Management Services</b>	\$ 2,889,590	\$ 2,621,535	\$ 2,735,368	\$ 2,950,000	\$ 3,068,000 <sup>(1)</sup>	4.00%
<b>Total</b>	<u>\$ 3,386,283</u>	<u>\$ 3,116,235</u>	<u>\$ 3,228,153</u>	<u>\$ 3,454,076</u>	<u>\$ 3,587,200</u>	3.85%

(1) Investment manager fees fluctuate based on the market value of the portfolio. The market value per Wilshires' report as of December 31, 2021 was \$1,186,245,304. Estimated fees of 36.0 basis points are based on a 6.80% return assumption for 2021 and a 6.75% return for 2022 with no further assumption rate change for 2022.

(2) Investment Consulting services include fees for the primary investment consultant, Wilshire Associates' - Agreed upon new 2018 Fees.



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

6611 Kenilworth Avenue • Riverdale, Maryland 20737

**M-NCPPC NO. 22-09**

**RESOLUTION**

**APPROVAL OF THE FY2023 OPERATING BUDGET FOR THE  
EMPLOYEES' RETIREMENT SYSTEM IN THE AMOUNT OF \$2,777,596**

**WHEREAS**, the Maryland-National Capital Park and Planning Commission (the "Commission") as Plan Sponsor entered into a Pension Trust Agreement as of July 26, 1972 and amended on June 13, 1979 ("the Agreement") with the Employees' Retirement System of the Maryland-National Capital Park and Planning Commission ("ERS" or the "Plan") and a Memorandum of Understanding dated February 11, 1982, between those same entities ("Agreement"); and

**WHEREAS**, Section 2 of the Agreement states that the ERS Board of Trustees "will annually prepare and present to the Commission for its review and approval, an operating budget setting forth projected expenditures for the operation of the ERS..."; and

**WHEREAS**, at its May 3, 2022 meeting, the Board of Trustees approved the proposed Operating Budget for FY2023; and

**WHEREAS**, in accordance with the aforementioned recommendation, the Board of Trustees submits an FY2023 Operating Budget in the amount of \$2,777,596 which is a 1.9% increase from FY2022.

**NOW THEREFORE, BE IT RESOLVED**, that the Commission as Plan Sponsor approves the FY2023 Operating Budget of \$2,777,596.

**BE IT FURTHER RESOLVED**, that the Maryland-National Capital Park and Planning Commission does hereby authorize the Board of Trustees to take action as may be necessary to implement this Resolution.

*Approved as to legal sufficiency*  
*[Signature]*  
M-NCPPC Legal Department  
Date *5/3/2022*

**MEMORANDUM**

**EMPLOYEES' RETIREMENT SYSTEM**  
 The Maryland-National Capital Park and Planning Commission  
 6611 Kenilworth Avenue, Suite 100  
 Riverdale, Maryland 20737

(301) 454-1415 - Telephone  
 (301) 454-1413 - Facsimile  
<http://ers.mncppc.org>

**TO:** The Maryland-National Capital Park & Planning Commission **Date:** May 3, 2022

**Via:** Gerald R. Cichy *Gerald R. Cichy*  
 Chairman, Board of Trustees

**FROM:** Andrea L. Rose, Administrator *Andrea L. Rose*  
 Sheila Joynes, Accounting Manager

**SUBJECT:** Resolution No. 22-10: Recommendation to Approve an Amendment to the FY2022 Operating Budget in the amount of \$325,100

**RECOMMENDATION**

The Board of Trustees ("Board") of the Maryland-National Capital Park and Planning Commission ("Commission") Employees' Retirement System ("ERS") respectfully recommends approval of an amendment to the FY2022 Operating Budget in the amount of \$325,100.

**BACKGROUND**

The approved FY2022 Operating Budget of \$2,724,685 did not include nor does it support additional capital outlay in the amount of \$325,100 which was included in the FY2021 Operating Budget.

The costs for document imaging were budgeted in FY2021 but due to delays, the milestones were not completed until FY2022. In accordance with the contract provisions, milestones cannot be paid until completed and accepted. Due to no fault of the vendor, the milestones below were delivered in FY2022:

- Electronic Document Management System-Ready for User Acceptance Testing \$130,040.00
- Electronic Document Management System Ready for Production/Go Live \$195,060.00

The Amended FY2022 Operating Budget of \$3,049,785 includes an increase of \$325,100 in capital outlay. While there may be savings in other areas (i.e. salary lapse, benefits, training, etc.), staff do not anticipate enough to cover the entire \$325,100. The funding source is the ERS Trust Fund so no additional funds are required from the Commission.

Thank you for your support.



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

6611 Kenilworth Avenue • Riverdale, Maryland 20737

**M-NCPPC NO. 22-10**

**RESOLUTION**

**APPROVAL OF AN AMENDMENT TO THE EMPLOYEES' RETIREMENT SYSTEM  
FY2022 OPERATING BUDGET IN THE AMOUNT OF \$325,100**

**WHEREAS**, the Maryland-National Capital Park and Planning Commission (the "Commission") as Plan Sponsor entered into a Pension Trust Agreement as of July 26, 1972 and amended on June 13, 1979 ("the Agreement") with the Employees' Retirement System of the Maryland-National Capital Park and Planning Commission ("ERS" or the "Plan") and a Memorandum of Understanding dated February 11, 1982, between those same entities ("Agreement"); and

**WHEREAS**, Section 2 of the Agreement states that the ERS Board of Trustees "will annually prepare and present to the Commission for its review and approval, an operating budget setting forth projected expenditures for the operation of the ERS..." and further provides that the "Board will present any supplemental expenditure requests to the Commission for consideration"; and

**WHEREAS**, the Commission approved the FY2022 Operating Budget submitted by the Board of Trustees on May 19, 2021 in the amount of \$2,724,685; and

**WHEREAS**, the ERS needs a supplemental expenditure in the amount of \$325,100 for FY2022 to fund document imaging costs budgeted in FY2021, but completed in FY2022; and

**WHEREAS**, at its May 3, 2022 meeting, the Board of Trustees considered the aforementioned need for a supplemental expenditure and voted to request an amendment to the FY2022 Operating Budget.

**NOW THEREFORE, BE IT RESOLVED**, that the Commission as Plan Sponsor approves the supplemental expenditure of \$325,100 in capital outlay for an amended FY2022 Operating Budget of \$3,049,875.

**BE IT FURTHER RESOLVED**, that the Maryland-National Capital Park and Planning Commission does hereby authorize the Board of Trustees to take action as may be necessary to implement this Resolution.

Approved as to legal sufficiency  
*[Signature]*  
M-NCPPC Legal Department  
Date 5/3/2022





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING  
COMMISSION

*DEPARTMENT OF FINANCE*


*OFFICE OF THE SECRETARY-TREASURER*

6611 KENILWORTH AVENUE, SUITE 204, RIVERDALE, MD 20737

TELEPHONE (301) 454-1540 / FAX (301) 454-1545

## MEMO

**To:** Commissioners

**From:** Gavin Cohen, Secretary-Treasurer 

**Date:** May 18, 2022

**Subject:** Adoption of Resolution for an Updated and Amended M-NCPPC Investment Policy

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### BACKGROUND:

The Commission invests public funds on behalf of the taxpayers and residents of Prince George's and Montgomery Counties. The Commission's Investment Policy is one of the main Policy documents of the Department of Finance that is utilized to manage and invest over \$500,000,000 annually.

Maryland Code, Local Government Article, Section 17-205 requires that local governments adopt an investment policy that "(1) meets the needs of the government entity; and (2) is consistent with the local government investment guidelines adopted by the State Treasurer under Section 17-204.."

The Commission's current Investment Policy was approved on March 21<sup>st</sup>, 2012. This memo explains and summarizes changes in the Commission's Investment Policy being recommended by staff for adoption by the Commission.

### DISCUSSION:

It's important that the Commission's Investment Policy be updated periodically to reflect legislative changes, best practices in municipal finance, and is reflective of the current economic and investment environments.

The Policy provides staff with the guidance to safeguard and invest the Commission's financial assets adequately and appropriately.

Corporate Treasury and Investment staff performed a thorough review of the current Commission Policy. To formulate the updated and amended Policy, staff reviewed the investment policies and guidelines of several local jurisdictions including Prince George’s County, Montgomery County, Howard County, Baltimore County, Cecil County, and the State of Maryland. Staff also reviewed GFOA best practices as they relate to public sector investing. There are many minor formatting and editing changes being recommended. The substantive changes being proposed are summarized below:

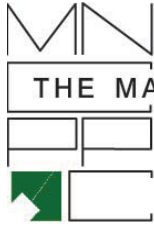
- Section II Clarified the risks and strategies to mitigate risks
- Section III Clarified delegation of authority
- Section VII Clarified prohibited investments
- Section VIII Added that outside investment professionals may be utilized to assist with the investment program
- Section X Lengthened the maximum maturity from 2 years to 3 years with maximum of 60% being required through 18 months, short-term with a maximum of 40% up to 36 months, longer term.
- Section X Changed the mix of maximum security by type
- Section XI Included Certificates of Deposits and Time deposits in 102% collateralizing requirement
- Section XII Clarified the ongoing reporting requirements

**RECOMMENDATION/ACTION:**

Staff is recommending that the Commission formally adopt the attached Resolution for an Updated and Amended M-NCPPC Investment Policy as presented in Attachment B.

Attachments:

- A – Resolution to adopt Updated and Amended M-NCPPC Investment Policy
- B – Updated and Amended Investment Policy Clean



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

**M-NCPPC Resolution 22-11**

**Updated and Amended M-NCPPC Investment Policy**

**WHEREAS**, the M-NCPPC invests public funds on behalf of the taxpayers and residents of Montgomery and Prince George's Counties; and

**WHEREAS**, the M-NCPPC is required by *Md. Code Ann., Local Govt. Art.*, §17-204 and *Local Govt. Art.*, §17-205 to adopt an investment policy that meets the needs of the government entity and is consistent with the local government investment guidelines adopted by the State Treasurer; and

**WHEREAS**, in accordance with the aforementioned investment policy requirements, the M-NCPPC last approved its Investment Policy on March 21, 2012; and

**WHEREAS**, the Secretary-Treasurer has recommended certain amendments and updates to the M-NCPPC's Investment Policy to reflect changes in Maryland laws and guidelines as well as changes in the investment and economic environments.

**NOW, THEREFORE, BE IT RESOLVED**, that the Commission hereby approves and adopts the attached Investment Policy as the Investment Policy for the M-NCPPC, effective May 18, 2022.

**BE IT FURTHER RESOLVED**, that the attached Investment Policy may be modified in the future, as necessary, to conform to the requirements of Maryland law regarding local government investments.

**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:

/s/ Tracey Harvin  
M-NCPPC Legal Department  
May 9, 2022

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*The Maryland-National Capital Park & Planning Commission*



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**INVESTMENT POLICY**

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**Prepared by the Office of Secretary-Treasurer  
Department of Finance**

**Gavin Cohen, Secretary-Treasurer  
Abbey Rodman, Corporate Accounting Director  
Tanya Hankton, Corporate Treasury & Investment Manager**

Updated May 18, 2022

## **INVESTMENT POLICY**

### **I. SCOPE**

This policy applies to the investment of all unexpended or surplus funds of The Maryland-National Capital Park and Planning Commission ("Commission"). Funds not required for immediate expenditure will be invested in a manner that will preserve capital while conforming to all State of Maryland statutes governing the investment of public funds and in accordance with best investment practices of public funds as promulgated by industry trade associations.

The Secretary-Treasurer and/or designee is authorized to invest such funds until such time that the Commission requires liquid funds for ongoing operating needs.

Except for cash in certain restricted and special funds, the entity consolidates cash and reserve balances from all funds to maximize investment earnings and to increase efficiencies with regard to investment pricing, safekeeping and administration.

Investment income is allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles. These funds are reported in the Commission's Annual Comprehensive Financial Report and include:

- (a) General Fund
- (b) Capital Project Funds
- (c) Enterprise Funds
- (d) Special Revenue Funds
- (e) Debt Service Funds
- (f) Internal Service Funds
- (g) New funds authorized by the Commission unless specifically exempted.

This Investment Policy (Policy) does not cover the investment activities of: Pension Funds or certain Trust or Agency Funds, which are administered by separate trustees; and certain indentured funds and certain escrow funds, which are controlled by the respective indenture and escrow agreements.

This Policy represents the financial boundaries within which the Commission's cash and investment management process will operate.

## II. INVESTMENT OBJECTIVES

The Commission's primary objectives for the investment and management of public funds are as follows:

(a) **Safety of principle:** The protection of investment principal is the foremost objective in the overall portfolio. Investments of the Commission shall be undertaken in a manner that seeks to ensure the preservation of capital. To attain this objective, the Commission will mitigate both credit risk and interest rate risk. Credit Risk is defined as the risk of loss due to the failure of the security issuer or backer and this risk will be mitigated by:

- (1) limiting investments to the safest types of securities listed in Section VII of this investment policy;
- (2) pre-qualifying the financial institutions, broker/dealers, intermediaries and advisers with which the Commission will do business in accordance with Section VIII;
- (3) diversifying the investment portfolio such that the impact of potential losses from any one type of security or from any one individual issuer will be minimized;
- (4) requiring third-party collateralization and safekeeping, and delivery-versus-payment (DVP) to ensure that securities are deposited in an eligible financial institution prior to the release of funds.
- (5) monitoring the portfolio regularly to anticipate and respond appropriately to a reduction in the credit worthiness of any of the issuers.

Market or interest rate risk is defined as the risk that the market value of portfolio securities will fall due to an increase in general interest rates and this risk will be mitigated by:

- (1) structuring the Commission's portfolio so that securities mature to meet the Commission's working capital requirements for ongoing operations;
- (2) avoiding the need to sell securities on the open market prior to their maturation to meet those specific needs;
- (3) periodically restructuring the portfolio to minimize the loss of market value and/or maximize cash flows subject to the constraints described in Section X of this Policy.

(b) **Liquidity:** The Commission's investment portfolio will remain sufficiently liquid to enable the Commission to meet all operating and capital spending requirements which might be reasonably anticipated

It is the full intent of the Commission to hold all investments until maturity to ensure the return of all invested principal. However, securities may be sold prior to maturity as needed to comply with this Policy. This Policy specifically prohibits trading securities for the sole purpose of speculating or taking an unhedged position on the future direction of interest rates.

- (c) **Return on Investments:** The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, with consideration of investment risk constraints and liquidity needs. Return on investment is of secondary importance to the safety and liquidity objectives described above, and consistent with the risk limitations and prudent investment guidelines described in this policy.

### **III. DELEGATION OF AUTHORITY**

- (a) In accordance with the Annotated Code of Maryland, Article 95, Section 22F, State Finance & Procurement Article Section 6-222, the responsibility for conducting investment transactions rests with the Secretary-Treasurer, Department of Finance.
- (b) The Secretary-Treasurer or designee (Investment Officials) are authorized to invest surplus Commission funds, until such time as they will be needed in such investments as outlined in this Policy.
- (c) Investment Officials shall have sole authority to buy and sell securities on behalf of the Commission. Investment Officials may utilize qualified outside financial consultants or investment advisory firms to provide the necessary technical expertise, tools, and resources that are required to buy and sell securities, and to analyze the Commission's cash flow requirements or other investment needs.
- (d) The Secretary-Treasurer shall establish written procedures for the operation of the Commission's investment programs consistent with this Policy. Such procedures must include:
  - 1. Explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under terms of this Policy and the procedures approved by the Secretary-Treasurer.
  - 2. Procedures should include reference to safekeeping, master repurchase agreements, tri-party custodial agreements, delivery vs. payment, wire transfers, collateral depository agreements, accounting, and banking service contracts.
- (e) Responsibility for the operation of the Commission's investment program is hereby delegated to the Corporate Treasury and Investment Manager, who shall carry out established written procedures and internal controls for the operation of the investment program consistent with this Policy.



#### **IV. PRUDENT PERSON RULE**

The standard of prudence to be applied by the Investment Officials shall be the "Prudent Person Rule", which states, "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived." The Prudent Person Rule shall be applied in the context of managing the overall portfolio.

Investment Officials making a good faith effort to act in accordance with written procedures and the Investment Policy and exercising due diligence, shall not be held personally responsible for an individual security's credit risk or market price change, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

#### **V. ETHICS AND CONFLICTS OF INTEREST**

Commission employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or that could impair their ability to make impartial investment decisions.

Commission employees shall disclose to the Secretary-Treasurer any material interests in financial institutions with which they conduct personal business. They shall further disclose to the Secretary-Treasurer any personal financial /investment positions that could be related to the performance of the investment portfolio, and refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the Commission.

Investment Officials shall subordinate their personal investment transactions to those of the Commission, particularly with regard to the time of purchases and sales. Investment Officials shall comply with the Commission's Ethics Practice 2-24.

#### **VI. INVESTMENT STRATEGY**

The Secretary-Treasurer shall hold periodic investment strategy meetings with the delegated Investment Officials and/or outside professional consultants and shall document the resulting investment strategies approved to meet the objectives of this Investment Policy.

## **VII. AUTHORIZED, SUITABLE AND PROHIBITED INVESTMENTS**

In accordance with the State Finance and Procurement Article Section 6-222, Investment Officials may invest Commission funds in the following investments:

- (a) Any obligation for which the United States has pledged its full faith and credit for the payment of principal and interest, with the exception of certificates representing only the interest portion of such securities (IOs).
- (b) Any obligation that a federal agency or a federal instrumentality has issued in accordance with an Act of Congress. Callable agency or federal instrumentality securities may be purchased provided the securities are not subject to call more often than four times per year.
- (c) Repurchase agreements collateralized in an amount not less than 102% of the principal amount by an obligation of the United States, its agencies or instrumentalities, provided the collateral is held by a custodian other than the seller, as designated by the Commission. Margin requirements will be calculated daily by the third-party custodian. Substitution of collateral is permitted without express approval by the Commission, provided the substituted collateral conforms with all margin and structure requirements of the Commission.

The Commission may purchase repurchase agreements overnight and up to seven days' duration with its primary collection and disbursement bank, provided that collateral securities are held separately in the Commission's name, and a statement is submitted monthly reflecting these transactions.

- (d) Certificates of Deposit and Time Deposits - Deposits in federally insured banks chartered to operate in the State of Maryland or in any federally insured savings and loan association or savings bank in the State of Maryland which maintain collateralization at 102% of the market value and held by a custodian, designated by the Commission and other than the seller.
- (e) Brokered Certificates of Deposits: Pursuant to Article 95, Treasurer-In General, Annotated Code of Maryland, Section 22-O, the Commission is authorized to invest in Certificates of Deposit Account Registry Program (CDARS).
- (f) Bankers' acceptances (BA's), including those of non-U.S. banks, guaranteed by a financial institution with a short-term debt rating in the highest letter and numerical rating by at least one of the National Recognized Statistical Rating Organizations (NRSRO) as designated by either the SEC or the State Treasurer.
- (g) Commercial paper that has received a minimum rating of A1/P1 by at least two NRSRO as designated by the SEC.

- (h) Money market mutual funds that maintain a net asset value (NAV) of \$1.00 at all times and provide investors with daily liquidity. The funds must be registered with the SEC and operate under the Investment Company Act of 1940, 15 U.S.C. Section 80 (A), as amended and operated in accordance with Rule 2A-7 of the Investment Company Act of 1940, 17 C.F.R. Section 270.2A-7, as amended, and in accordance with Maryland State Code. The funds must have received the highest possible rating from at least one NRSRO, and may only include the following:
- (1) obligations for which the United States has pledged its full faith and credit for the payment of the principal and interest,
  - (2) obligations of federal agencies or federal instrumentalities issued pursuant to an act of Congress, and
  - (3) repurchase agreements collateralized by obligations of the United States, its agencies or instrumentalities.
- (i) Any investment portfolio created under the Maryland Local Government Investment Pool defined under Article 95, Section 22G of the Annotated Code of Maryland that is administered by the State Treasurer.

Investments may be purchased directly from the issuer of the investment if the investment meets credit quality standards and is included on the approved list of investments.

With respect to amounts treated by the Internal Revenue Service as bond sale proceeds only:

- (1) Bonds, notes, or other obligations of investment grade in the highest quality letter and numerical rating by at least one NRSRO, issued by or on behalf of this or any other state or any agency, department, county, municipal or public corporation, special district, authority, or political subdivision thereof, or in any fund or trust that invests only in securities of the type described in this paragraph.
- (2) Money market mutual funds registered with the SEC under the Investment Company Act of 1940, 15 U.S.C. Section 80 (A), as amended and operated in accordance with Rule 2A-7 of the Investment Company Act of 1940, 17 C.F.R. Section 270.2A-7, as amended and in accordance with Maryland State Code. The investments should include those referenced in Section 1.8 (g) and municipal money market mutual funds of the highest possible rating from at least one NRSRO. Up to 10% may be invested in money market mutual funds that have not received the highest rating but are still recognized as investment grade.

- (3) The Commission is required under the U.S. Tax Reform Act of 1986 to perform periodic arbitrage calculations and to rebate excess earnings to the United States Treasury from the investment of gross proceeds of tax-exempt bonds. The Commission may contract with qualified outside financial consultants to provide the necessary technical expertise that is required to comply with this law.
- (j) All investments purchased must be denominated in U.S. Dollars.
- (k) Investment Officials are prohibited from borrowing money for the express purpose of reinvesting these funds, otherwise known as leveraging.
- (l) It is the policy of the Commission not to invest in derivative securities; these are financial contracts whose values are derived from the value of underlying securities such as stocks, bonds, currencies, and commodities.

#### **VIII. AUTHORIZED DEALERS AND FINANCIAL INSTITUTIONS**

- (a) The Secretary-Treasurer shall establish and maintain a listing of financial institutions and broker/dealers authorized to provide investment services to the Commission's Finance Department. All authorized securities dealers and financial institutions must:
  - (1) be on the published "List of the Primary Government Securities Dealers Reporting to the Market Reports Division of the Federal Reserve Bank of New York", and qualified under SEC Rule 15c3-1: or,
  - (2) be a financial institution (including securities dealers and commercial banks) having a local office within the State of Maryland; or,
  - (3) be a Securities and Exchange Commission registered Government Securities Dealer; and,
  - (4) have been incorporated as a financial institution for a period of at least five years; and,
  - (5) maintain at least \$100 million in net capital per current financial statements and have a short-term or long-term debt rating of investment grade by at least one NRSRO if acting as principal (e.g., for Repurchase Agreements), or at least \$4 million in net capital for allowed securities if acting as agent,
    - i. carry adequate insurance coverage including liability, errors and omissions, and worker's compensation (if applicable),
    - ii be licensed and registered by the Financial Industry Regulatory Authority (FINRA).

- (b) All dealers, including primary dealers, are required to send annually to the Secretary-Treasurer their most recent audited financial statements and FOCUS reports, if applicable.
- (c) All dealers and financial institutions with which the Commission conducts business will be sent a copy of the Commission's current Investment Policy by the Finance Department, and a list of employees authorized by the Secretary-Treasurer to undertake investment transactions on behalf of the Commission. Each dealer and financial institution will be required to provide written certification that it will conform with the Policy.
- (d) The Commission may purchase repurchase agreements from dealers as defined in 1.9 (a) (5) above and with which the Commission has executed a master repurchase agreement. The master repurchase agreement is the industry standard as developed by the Bond Market Association/International Securities Market Association.
- (e) The Secretary-Treasurer is authorized to execute agreements on behalf of the Commission where an agreement and/or contract is required under this Section.

This list must be reviewed periodically, but no less often than annually to determine that approved dealers continue to fulfill the above requirements and whether they should remain on the approved list.

The Commission may choose to work with an external investment advisor in the review and/or selection of broker/dealers or in the purchase of investment instruments. If used, the selection of an investment advisor will be based on a competitive procurement process.

## **IX. COMPETITIVE BIDDING**

Investments shall be awarded on a competitive bid basis to the institution whose percentage yield produces the greatest interest income to the Commission and complies with safekeeping requirements, investment diversification objectives and investment limitations. In the event multiple dealers offer identical desired investments and prices, the investment will be purchased from the dealer submitting the earliest response to the investment solicitation.

Comparative rates must be documented by the Investment Official for each competitive trade executed.

Investments may be awarded on a non-competitive basis when the investment security is a new issue that can only be purchased from one source or can be purchased at the same yield from any source.

Competitive bidding is not required for pooled investments or investments managed by contracted outside managers. Market information systems may be used to assess the market and determine that an offering is at or above the market for a comparable maturity and investment type when a situation makes competitive bidding impractical.

**X. DIVERSIFICATION AND INVESTMENT LIMITATIONS INCLUDING MAXIMUM MATURITIES**

The Commission must diversify its investment portfolio to avoid incurring unacceptable risks inherent in over-investing in specific investments, individual financial institutions, or maturities.

If the balance of the Commission’s investment portfolio drops below a level determined appropriate by the Secretary-Treasurer such that adequate diversification becomes difficult to obtain, or that the daily cash needs of the Commission requires the Commission to invest in daily liquidity, these maximum percentages may be temporary suspended by the Secretary-Treasurer. To further protect the Commission, increasing maximum percentages should be directed at traditionally diversified investments such as Money Market Mutual Funds and/or the Maryland Local Government Investment Pool.

- (a) ***Diversification of Maturities*** – Investment maturities shall be adequate to cover anticipated cash flow requirements.

The majority of the investments shall be for a short-term basis of maximum maturity of up to 18 months. However, subject to Section IX, a portion of the portfolio may be invested in instruments with longer maturities, up to 3 years (36 months) as long as such action does not jeopardize the adequate safety and liquidity standards of the portfolio and at the same time increases the overall yield of the portfolio. These longer-term investments will be limited to U.S. Government and U.S. Agency securities.

0 – 1.5 yr	1.5 yr - 3 yrs
60%	40%

- (b) ***Bankers' Acceptances*** shall not exceed a twelve (12) month maturity and shall meet the eligibility requirements of the Federal Reserve System.
- (c) ***Diversification by Investment Type*** - In order to minimize market, maturity and counterparty risk, maximum percentages of the portfolio have been established for individual investment instrument classes and dealers. These percentages apply at the time the investment is purchased. These percentages may be modified to satisfy liquidity requirements if approved by the Secretary-Treasurer prior to execution.

	<u>Maximum % of Portfolio</u> <u>At Time of Investment</u>
U.S. Government Securities	100%
U.S. Agency Securities	75%
Repurchase Agreements	50%
Certificates of Deposit (Including Time Deposits)	50%
Bankers' Acceptances	25%
Bankers' Acceptances – Non-U.S.	5%
Commercial Paper	10%
Pooled Investments (MLGIP)	50%
Money Market Mutual Funds (25%/fund)	50%
Bond Proceeds:	
Municipal Securities	100%
Money Market Mutual Funds – Highest Rating	100%
Money Market Mutual Funds – Investment Grade	10%

- (d) ***Diversification by Institution*** – Purchases from individual institutions are limited to a maximum percentage of the Commission’s total investment portfolio at the time of investment. The maximum percent limitation of the portfolio at the time of investment purchase is shown for each.
- (1) Approved Broker/Dealers and Financial Institutions are limited to a maximum value of 30% of the Commission’s total investment portfolio. This limit may be overridden for the overnight investment of funds remaining at the end of the day with the primary collection and disbursement banks,
  - (2) Bankers Acceptances by Institution are limited to a maximum dollar value of 15% of the Commission’s total investment portfolio,
  - (3) Commercial Banks for CD’s and Time Deposits are limited to a maximum dollar value of 10% of the Commission’s total investment portfolio,
  - (4) U.S. Government Agencies by Agency are limited to a maximum dollar value of 20% of the Commission’s total investment portfolio.
- (e) ***Pooled Investment Fund Size*** - The total investment in a pooled investment fund shall not exceed more than 25% of that fund's net assets.
- (f) ***Reverse Repurchase Agreements*** - The Commission shall not leverage (borrow money for the sole purpose of investment) the portfolio through the use of reverse repurchase agreements.

## **XI. COLLATERALIZATION**

- (a) Collateral shall be maintained in excess of Federal insurance coverage for all Commission bank accounts, certificates of deposit and time deposits. Acceptable collateral is specified under Section 6-202 of Title 6 of the State Finance and Procurement Article of the Annotated Code of Maryland.
- (b) Collateralization is required for all repurchase agreements and Certificates of deposit, including time deposits, of at least 102% of the market value of principal and accrued interest. Acceptable collateral shall consist of obligations of the United States, its agencies or instrumentalities as specified under Section VII.
- (c) The collateral shall be held by an independent third party with whom the Commission has a custodial agreement as specified under Section XII.
- (d) Securities pledged as collateral are subject to substitution, provided the substituted collateral conforms with all margin and security type restrictions and all associated costs are paid by the pledging entity.

## **XII. SAFEKEEPING AND CUSTODY**

- (a) All security transactions, including collateral for repurchase agreements, entered into by the Commission shall be conducted on a delivery-versus payment (DVP) basis except pooled investments, certificates of deposit and time deposits. Securities will be held by a third-party custodian designated by the Secretary-Treasurer and pursuant to signed tri-party agreements among all participants. All repurchase agreements will be governed by a Master Repurchase Agreement signed by the Secretary-Treasurer of the Commission and the appropriate official of the approved broker/dealer or financial institution.
- (b) The Custodian may not be a counterparty to the transaction, unless the custodian is one of the Commission's primary banks and the securities purchased from the bank, including collateral for repurchase agreements, certificates of deposit and time deposits, are held in the Commission's name and account.
- (c) A Federal Reserve Bank may serve as custodian for pledged collateral.

## **XIII. REPORTING REQUIREMENTS**

- (a) A monthly investment report of investment activities will be submitted by the Investment Manager to the Secretary-Treasurer for review and thereafter to the Executive Committee for information. This report will include information such as type of investments held, the rate of return on the portfolio and each investment type, value of securities held by broker-dealers, and that all transactions are in compliance with the Commission Investment Policy.



- (b) The Secretary-Treasurer shall provide the Commission with a quarterly report that contains the same level of information as the monthly investment report.
- (c) A statement of the market value of the portfolio shall be issued at least annually as part of the Commissions' Annual Comprehensive Financial Report. This disclosure shall comply with all current applicable accounting standards consistent with statements issued by the Government Accounting Standards Board (GASB).
- (d) The Investment Manager shall maintain a complete record of all investment transactions.

#### **XIV. INTERNAL CONTROLS**

The Secretary-Treasurer shall establish and maintain a system of internal controls. The controls shall be designed to prevent losses of public funds arising from fraud, employee error, and misrepresentation by third parties or imprudent actions by employees of the Commission. Accordingly, the Secretary-Treasurer shall establish written procedures for the operation of the Commissions' investment program that are consistent with the provisions of this Investment Policy.

The internal control structure shall address the following points:

- (a) Avoidance of collusion
- (b) Custodial safekeeping
- (c) Separation of transaction authority from accounting controls
- (d) Avoidance of physical delivery securities
- (e) Clear delegation of authority to subordinate staff members
- (f) Written confirmation of transactions for investments and wire transfers
- (g) Wire transfer agreement with the lead bank and third-party custodian(s)
- (h) Documentation of investment transactions
- (i) Monitoring and reporting of compliance and results

An Independent Auditor, as part of the Annual Financial Audit, will review the internal controls of the investment program.

#### **XV. INVESTMENT POLICY ADOPTION**

The investment policy is approved by the Corporate Treasury & Investment Manager and the Secretary Treasurer and adopted by resolution by the Commission. The Secretary-Treasurer may institute changes in these policies from time to time. Such changes shall be approved by the Commission and distributed to all those assigned investment responsibilities.

**ADOPTED BY:** The Maryland-National Capital Park and Planning Commission approved this Investment Policy on May 18, 2022.

**APPROVED BY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
Tanya Hankton, Corporate Treasury & Investment Manager

**APPROVED BY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
Gavin Cohen, Secretary-Treasurer

**APPROVED BY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
Asuntha Chiang-Smith, Executive Director



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

**Memorandum**

TO: The Maryland-National Capital Park and Planning Commission

VIA: Debra Borden, Acting General Counsel

FROM: Elizabeth L. Adams, Senior Counsel

CC: Adrian R. Gardner, General Counsel  
 Asuntha Chiang-Smith, Executive Director  
 Mike Riley, Director Montgomery Parks  
 Bill Tyler, Director Prince George's Department of Parks & Recreation  
 Chief Stanley Johnson, Prince George's Park Police Division  
 Chief Daryl McSwain, Montgomery Park Police Division

Date May 9, 2022

SUBJECT: Memorandum of Understanding, United States Capitol Police

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I. RECOMMENDATION

Authorize the execution of the MOU Deputizing our Park Police Officers to assist with Joint Law Enforcement Events (“JLEE”) for the United States Capitol Police (“USCP”), as set forth in **Attachment A**. Both Divisions have participated in events assisting the USCP and are honored to be able to assist with JLEE as needed or requested. Simply stated, both Divisions take great pride in participating in these important National events.

II. BACKGROUND

Both Park Police Divisions have been asked by the USCP to assist with past and future JLEE. To permit our officers to participate, they must be deputized to act with Federal Law Enforcement Authority. Additionally, the MOU provides for each division to obtain reimbursement for expenses incurred by the Commission in participation with JLEE. Maryland law permits this extra-territorial authority in accordance with existing statute.

### III. LEGAL AUTHORITY

Pursuant to Md. Code, Criminal Procedure §2-105 “Mutual Aid Agreements” requires that any agreement which extends the police powers of our officers is to be authorized by the Commission’s governing body.

### IV. DISCUSSION OF MOU

This MOU is intended to create participation and coordination between the USCG regarding the planning, training, coordination of resources, public relations, and security for upcoming events. Day to Day operations and administration of the JLEE will be conducted by MPD; while responsibility for our individual police officers remains with the Commission. However, for purposes of the JLEE and only for the time necessary for the performance of the JLEE’s duties, our Officers will be deputized as USCP Deputy Officers. Once deputized, our Officers will have the authority to perform necessary law enforcement steps to keep the peace; enforce D.C. and federal laws; and protect officials, guests, and dignitaries.

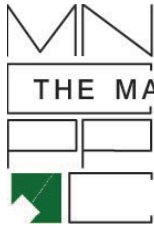
In the unfortunate event that one of our Officers is harmed in the course of these duties, they will have a remedy pursuant to Title 5 U.S.C. §8101 (Federal Workers’ Compensation). In the event of a tort claim is made against one of our Officers, the Federal Tort Claims Act may provide coverage, and our Officers may seek representation by the US Attorneys’ Office.

Additionally, during the course of the JLEE, Commission equipment/property, such as vehicles or horses, may be used. The Commission would be responsible for any negligent act or omission on the part of the Commission’s employees in the use of this property/equipment.

Finally, while the Commission would assume the personnel costs of its participating Officers, USCP will provide reimbursement of those costs.

### V. CONCLUSION

Both Chiefs join in requesting the Commission authorize the MOU pursuant to Md. Code, Criminal Procedure §2-105.



United States Capitol Police- Police Mutual Aid MOU

M-NCPPC RESOLUTION NO. 22-12

### RESOLUTION

WHEREAS, pursuant to the authority set forth in the Maryland Annotated Code (the “Code”) at Section 17-301 of the Land Use Article, the Maryland-National Capital Park and Planning Commission (“M-NCPPC”) has established the Montgomery County and Prince George’s County Divisions of the Maryland-National Capital Park Police (the “Park Police”), as deemed necessary for the protection of the Commission’s activities and properties; and

WHEREAS, The Commission is a public safety agency in the National Capital Region and a law enforcement partner to the United States Capitol Police (USCP). It is the mission of the M-NCPPC to safeguard Maryland’s parks and protect its users and visitors with the highest regard for the sanctity of human life; and

WHEREAS, Pursuant to the authority set forth in 2 U.S.C. §1970 and 1974, the Annotated Code of Maryland (the “Code) at Section 17-303 of the Land Use Article and at Section 2-105 of the Criminal Procedure Article, USCP and the M-NCPPC (collectively, the “Parties”) desire to make and enter into this Agreement for the purposes of defining the relationship between the Parties with regard to occasions or events where the USCP requires assistance, utilization of resources, planning, timing, public relations, and media in order to maximize interagency cooperation and to coordinate the Parties’ combined resources to effectively implement measures to promote public safety during a Joint Law Enforcement Event; and

WHEREAS, pursuant to the authority set forth in the Code, at Section 20-204 of the Land Use Article, each county planning board of the M-NCPPC shall have administrative control and jurisdiction over personnel performing the duties and functions assigned to the respective planning board; and

WHEREAS, pursuant to the authority set forth in the Code, at Section 2-105 of the Criminal Procedure Article, the USCP and the Commission desire to make and enter into a Mutual Aid Agreement for the purposes provided therein; and

WHEREAS, the M-NCPPC desires to enter into a Mutual Aid Agreement with the USCP and finds that it is in the interest of the public health, safety and welfare to do so.

NOW, THEREFORE, BE IT RESOLVED, that the M-NCPPC finds that it is in the best interest of the public health, safety and welfare to enter into the Mutual Aid Agreement, attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED, that the Maryland-National Capital Park and Planning Commission approves the Mutual Aid Agreement attached hereto as Exhibit A and authorizes the Executive Director to sign the Agreement on behalf of M-NCPPC.

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

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

REVIEWED AND APPROVED  
FOR LEGAL SUFFICIENCY:  
s\ Debra S. Borden  
M-NCPPC Legal Department May 9, 2022

**MUTUAL AID AGREEMENT BETWEEN THE UNITED STATES CAPITOL POLICE  
AND  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

THIS MUTUAL AID Agreement (the “Agreement”) is made as of this \_\_\_ day of \_\_\_\_\_, 2022, by and between the United States Capitol Police (“USCP”), an entity of the United States of America, and the Maryland-National Park and Planning Commission (the “Commission”), a public body corporate and bi-county agency of the State of Maryland (the “Parties”) for the purpose of mutual aid by the Commission to USCP and for reimbursement of costs and expenses related thereto.

**I. EXPLANATORY STATEMENTS**

A. The United States Capitol Police is charged with protecting the Congress of the United States and for providing for the safety and general welfare of its Members, employees, visitors, and facilities – so it can fulfill its constitutional and legislative responsibilities in a safe, secure, and open environment. From time to time, USCP may benefit from access to additional law enforcement resources.

B. The Commission is a public safety agency in the National Capital Region and a law enforcement partner to the USCP. It is the mission of the Commission to safeguard Maryland’s parks and protect its users and visitors with the highest regard for the sanctity of human life. The Commission strives at all times to accomplish the mission with a focus on service, integrity, and fairness.

C. Pursuant to the authority set forth in 2 U.S.C. §§1970 and 1974, the Annotated Code of Maryland at Section 17-303 of the Land Use Article and at Section 2-105 of the Criminal Procedure Article, USCP and the Commission (collectively, the “Parties”) desire to make and enter into this Agreement for the purposes provided herein.

D. This Agreement defines the relationship between the USCP and the Commission with regard to occasions or events (“Events”) where the USCP requires assistance, utilization of resources, planning, timing, public relations, and media in order to maximize interagency cooperation and to achieve maximum coordination and cooperation in

bringing to bear combined resources to effectively implement measures to promote the safety of the public, visitors, and residents while allowing individuals and groups to exercise their legal rights (“Joint Law Enforcement Event” or “JLEE”).

Additionally, the parties will coordinate their activities and share information and coordinating investigative and law enforcement efforts which may result from any apprehensions originating from Joint Law Enforcement Events.

E. This Agreement has been authorized by the formal action of the Maryland-National Capital Park and Planning Commission taken on \_\_\_\_\_ by Resolution \_\_\_\_\_, a true and correct copy of which is annexed hereto at Exhibit A.

NOW, THEREFORE, in consideration of the mutual rights, duties, promises and obligations herein, the parties desire to set forth in writing the understanding reached between them concerning the manner in which police service is to be rendered within at the direction of the USCP, and therefore agree to the following:

## **II. AUTHORITY RESERVED.**

Nothing contained in this Agreement is intended to cede, relinquish, or limit the respective legal authority or jurisdiction of either department under circumstances not addressed herein, and USCP and Commission, respectively, do hereby expressly reserve all such authority and jurisdiction to the fullest extent otherwise provided under the United States Code, Annotated Code of Maryland, or by any applicable laws, regulations, or ordinances.

## **III. ORGANIZATIONAL STRUCTURE**

### **A. SUPERVISION**

During a JLEE in which the Commission is assisting USCP, responsibility for the conduct of the officers, both personally and professionally shall remain within the Commission’s chain of command, subject to the provisions in the Liability section, *infra*.

### **B. UNILATERAL LAW ENFORCEMENT ACTION**



There shall be no unilateral action taken on the part of any Commission officer, but all law enforcement action by the Commission officers must be coordinated and conducted in a cooperative manner except that unilateral law enforcement action may be taken in an emergency such as an imminent threat of death or serious bodily harm.

#### **IV. PROCEDURES**

##### **A. PERSONNEL**

Continued assignment of personnel to the JLEE will be based upon performance and will be at the discretion of the respective agency. The Commission will be provided with reports as necessary regarding the program, direction, and accomplishment of the JLEE.

##### **B. DEPUTATION**

All Commission officers designated to the JLEE will be sworn in as Capitol Police Special Officers pursuant to 2 U.S.C. §1974. This designation shall afford Commission officers protection under 28 U.S.C. §171 (The Federal Torts Claim Act).

Deputy Officers pursuant to this Agreement who suffer a disability or die as a result of personal injury sustained while acting within the course and scope of their official duties and assignments pursuant to this Agreement shall be treated as a federal employee as defined by Title 5 U.S.C. § 8101. Any such individuals who apply to the U.S. Department of Labor for federal workers' compensation under Section 3374 must submit a copy of this Agreement with his or her application. All applicants will be processed by the U.S. Department of Labor on a case-by-case basis in accordance with applicable law and regulation.

##### **C. LAW ENFORCEMENT ACTIVITIES**

Since it is anticipated that almost all cases originating from any JLEE arrests will be prosecuted at the federal or local (District of Columbia) level, the law enforcement method employed by the Commission shall conform to the requirements of the relevant federal or local statutory or common law pending a decision as to a change of venue for prosecution.

## D. PROSECUTION

The criteria for determining whether to prosecute a particular violation in federal or state court will focus upon achieving the greatest overall benefit to law enforcement and the community. Any question which arises pertaining to prosecutorial jurisdiction will be resolved by the United States Department of Justice.

## V. ADMINISTRATIVE

### A. RECORDS AND REPORTS

All records and reports generated by JLEE members shall be forwarded to USCP which shall be responsible for maintaining custody and proper dissemination of said records and reports as it deems appropriate and in accordance with any applicable law or regulation. The Freedom Of Information Act, 5 U.S.C. §552 (“FOIA”), is not applicable to the USCP and any requests to the Commission for records that either originated with the USCP or contain information pertaining to the USCP should not be provided pursuant to a FOIA request without prior, written approval of the USCP.

### B. STAFF BRIEFINGS

Periodic briefings on JLEE law enforcement actions will be provided to the directors of the participating agencies or their designees. Statistics regarding accomplishments will also be provided to the participating agencies as available.

### C. MEDIA

All media releases pertaining to JLEE law enforcement activity and/or arrests will be coordinated by USCP. No unilateral press releases will be made by the Commission without the prior approval of the USCP. No information pertaining to the JLEE itself will be released to the media without USCP approval.

## VI. EQUIPMENT

### A. VEHICLES

The Commission, subject to availability and agency policy, agrees and authorizes JLEE members to use vehicles, when available, as owned or leased by the Commission in connection with JLEE law enforcement operations. The Commission agrees to be responsible for any negligent act or omission on the part of its agency or its employees, and for any liability resulting from its operation of its, as well as any damage incurred to those vehicles as a result of any such negligent act or omission on the part of the Commission or its employees, subject to the provisions of the Liability section provided, *infra*.

Commission vehicles may be used during JLEE are subject to funding, availability, and are provided at the discretion of the Chief(s) of the Commission. Commission vehicles may be used only by JLEE members. Non-Commission employees which are also USCP Officers may use vehicles provided by the Commission in accordance with Commission policies, however other JLEE members may only use the Commission vehicle during working hours and will not be used for transportation to and from work by non-Commission JLEE members or used for any other non-JLEE purpose.

The Commission will provide maintenance and upkeep of their vehicles consistent with its practices/policy. Vehicles provided as pool vehicles for JLEE use may be parked at the end of each shift at a designated location as mutually agreed upon by authorized representatives of the Commission and USCP. When the particular JLEE is concluded, all Commission vehicles used in the particular JLEE will be returned to the full custody and control of the Commission.

### B. OTHER EQUIPMENT

Other equipment furnished by the Commission for use by USCP participating personnel shall be returned to the Commission upon termination of the particular JLEE or this Agreement.

## **VII. FUNDING**

The Commission agrees to provide the full-time services of its respective personnel for the duration of this operation, and will pay all personnel costs for their JLEE representatives including salaried, overtime payments, and fringe benefit consistent with their Commission policies and procedures. Reimbursement for the cost of such personnel will be made by USCP to the Commission.

## **VIII. LIABILITY**

Unless specifically addressed by the terms of this Agreement, the parties agree to be responsible for the negligent or wrongful acts or omissions of their respective employees. Liability for JLEE employees' acts or omissions undertaken outside the terms of this Agreement are the sole responsibility of the respective employee or agency involved.

## **IX. DURATION**

This Agreement shall remain in effect until revoked in writing by either party, and once all reimbursement has been paid. The Parties may withdraw from this Agreement at any time by providing a seven-day written notice of its intent to withdraw to the other party. Upon the termination of the Agreement, all equipment will be returned to the Commission and all outstanding or unpaid claims for reimbursement will be paid.

## **X. RETROACTIVE APPLICATION OF THIS AGREEMENT**

This Agreement shall be retroactively applied to any JLEE events occurring on or after September 18, 2021.

## **XI. MODIFICATIONS**

The terms of this Agreement may be modified at any time by written consent of all parties. Modifications to this Agreement shall have no force and effect unless such modifications are reduced to writing and signed by an authorized representative of each participating agency.

## **XII. LIMITATION**

Nothing in this Agreement is intended to, or shall be construed to create enforceable rights in third parties.

## **XIII. PURPOSE**

The purpose of this Agreement is to set forth the terms by which the USCP will reimburse Commission for continuing mutual aid and participation in training as mutually agreed upon related to post-January 6, 2021 events including such mutual aid and training provided under the agreements described in Section 7302 of Public Law 108-458 and Metropolitan Washington Council of Government's Police Mutual Aid Operations Plan (COG MAOP).

This Agreement is an agreement between the Parties and is not intended and should not be construed, to create or confer any other person or entity any right or benefit, substantive or procedural, enforceable at law or otherwise against Commission, USCP, or any state, locality, or other sponsor under whose auspices a party is participating in the COG MAOP.

## **XIV. RESPONSIBILITIES OF COMMISSION UNDER THIS AGREEMENT**

### **A. INVOICING OBLIGATIONS**

The Commission agrees to provide the USCP with a summary of expenses for reimbursement by USCP to the Commission for costs or expenses incurred in connection with the JLEE to including, but not limited to, law enforcement services, equipment and resources utilized on behalf of the USCP. This summary will be consistent with the format for record keeping provided by the USCP and will be submitted within 30 days of each mutual aid event covered by this agreement. Any expenses incurred for the period of January 1, 2021 to the date of the execution of this Agreement shall be invoiced by the Commission to USCP within 30 days after the full execution of the Agreement by all Parties.

### **B. CONTINUED COOPERATION AND TRAINING**

The Commission will continue to provide such mutual aid as requested by the USCP and agreed to by Commission, and agrees to participate in ongoing training from time-to-time as available in an effort to ensure continued law enforcement interaction and readiness.

## **XV. RESPONSIBILITIES OF USCP UNDER THIS AGREEMENT**

### **A. FUNDING FOR REIMBURSEMENT**

In addition to the obligations otherwise stated herein, the USCP agrees to provide the necessary funds on a reimbursable basis, subject to availability of funds, to ensure continued mutual aid and joint training between Commission and USCP law enforcement officers, consistent with Congressional intent and federal appropriations law.

### **B. OWN COSTS**

The USCP agrees to bear its own costs in relation to this Agreement. No provision of this Agreement shall be interpreted to require obligation or payment of funds in violation of the Anti-Deficiency Act, 31 U.S.C. § 1341.

## **XVI. SEVERABILITY**

Nothing in this Agreement shall be construed to conflict with current law. If a term of this Agreement is inconsistent with such authority, that term shall be invalid to the extent of the inconsistency. The remainder of that term and all other terms of this Agreement shall remain in effect.

## **XVII. NOTICE**

The following individuals are the contact points for each Party under this Agreement:

Sean P. Gallagher  
Acting Chief of Police for Uniformed Operations  
United States Capitol Police

119 D Street, NE  
Washington, DC 20510  
(C) 202-384-8720

Chief Daryl McSwain  
Maryland-National Capital Park Police,  
Montgomery County Division  
12751 Layhill Road  
Silver Spring, Maryland 20906  
[Daryl.McSwain@mncparkpolice.org](mailto:Daryl.McSwain@mncparkpolice.org)  
301-962-1660

Chief Stanley Johnson  
Maryland-National Capital Park Police,  
Prince George's County Division  
8100 Corporate Drive #350  
Hyattsville, Maryland 20785  
[Stanley.Johnson@pgparks.org](mailto:Stanley.Johnson@pgparks.org)  
301-459-9088

The Parties will provide notification of any changes to the contact points.

#### **XVIII. MODIFICATIONS**

The terms and conditions of this Agreement may be modified only upon prior written agreement by the Parties.

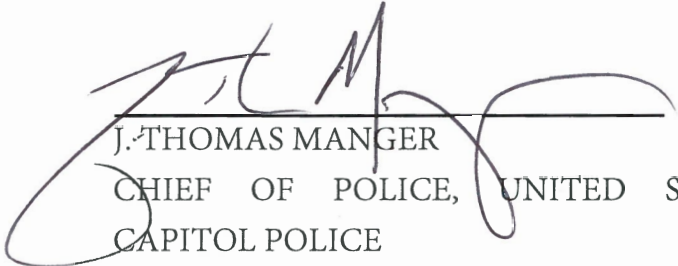
#### **XIX. MISCELLANEOUS**

The Parties shall comply with all applicable laws, rules, and regulations.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as follows:

UNITED STATES CAPITOL POLICE:

Date: 4/20/22

  
\_\_\_\_\_  
J. THOMAS MANGER  
CHIEF OF POLICE, UNITED STATES  
CAPITOL POLICE

MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

Attest:

\_\_\_\_\_  
Gavin Cohen  
Secretary-Treasurer

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

Approved for Legal Sufficiency for M-NCPPC

\_\_\_\_\_  
Elizabeth Adams





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

May 11, 2022

To: The Commission  
 From: Asuntha Chiang-Smith, Executive Director  
 Re: Department of Human Resources and Management Use of FY22 Salary Savings

**Requested Action**

The Department of Human Resources and Management (DHRM) is projecting approximately \$567,000 in FY22 personnel cost savings from vacancies and attrition. We are requesting approval to transfer these savings to address the priorities identified below.

Technological Improvements

Software is needed to automate several manual processes including livestreaming, recording and posting public agency meetings on our website, collecting and tracking Maryland Public Information Act (MPIA) requests, and providing a lobbyist disclosure portal on our website.

Legal and Professional Services

Savings will be used to encumber additional funds for legal and/or professional services necessary to close out grievances related to our vaccine mandates, set aside funding for any potential risk management litigation, develop content for the agency's learning management system, continue to fund ongoing succession planning efforts, and address any other personnel matters as they arise.

Archives Equipment

Savings will be used towards the purchase of a microfiche scanner for Corporate Archives to continue efforts to comply with State mandated records retention guidelines.

Office Space Modifications

Modifications to Department office spaces within the Executive Office Building are needed to create workspaces to properly accommodate all staff members and temps as we return to the office. Updates will also include necessary equipment and furniture purchases.

Prefunding ERP

The department anticipates contributing to the ERP project in subsequent budget years and would like to utilize salary savings to prefund the department's portion of this project.



# The Maryland-National Capital Park and Planning Commission

## *Department of Finance, Office of the Secretary-Treasurer*

### MEMORANDUM

TO: The Commission

FROM: Gavin Cohen, Secretary-Treasurer

SUBJECT: Use of FY 2022 Salary Savings for the Department of Finance

DATE: May 18, 2022

ACTION REQUESTED: Commission approval to spend FY 2022 salary savings

The Department of Finance is expected to realize unspent salary savings of approximately \$476,000 in its Personnel Services budget in FY 2022 due to resignations and recruitment difficulties for critical positions.

Evaluation of the best use of these funds is ongoing, and final allocations will depend on decisions to be made prior to the end of the fiscal year regarding our core ERP system.

Accordingly, approval is requested to allow us, in consultation with the Executive Director and General Council to use these funds in a manner that best serves the Commission in FY22 and future years.

Thank you for your consideration of this request.

CC: Asuntha Chiang-Smith  
Adrian Garner



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Office of the Inspector General • 6611 Kenilworth Avenue • Riverdale, Maryland 20737  
(301) 454-1446

May 11, 2022

To: The Maryland-National Capital Park and Planning Commission

From: Renee Kenney, Inspector General *Renee M Kenney*

Re: Request to Reallocate FY 2022 Office of Inspector General Salary Lapse

The Office of the Inspector General expects to realize savings of approximately \$80,000 in its Personnel Services budget due to unplanned vacancies, for a hard to recruit function.

Approval is sought to allocate \$5,000 of these savings to cover personnel training and group membership costs within the OIG. Approval is also requested to use the balance of available funds (approximately \$75,000) to prefund legal fees for outside counsel. This will provide supplemental funding to assist the Departments with fees for ongoing litigation matters that will continue into FY23.

Thank you for your consideration and approval.

Cc: Asuntha Chiang-Smith  
Debra Borden  
Gavin Cohen



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

May 11, 2022

To The Commission

From: Mazen Chilet, Chief Information Officer *Chilet*

Re: Request Use of FY22 Salary Savings

The Corporate IT Services budget is projected to realize approximately \$338,000 in Personnel Services savings due to vacancies. Approval is sought to allocate these savings for the following uses:

**Microsoft Licenses** – In December, the Commission approved an increase to the FY22 licenses. Corporate IT would like to utilize salary savings to cover CAS's share of the additional amount.

**Microsoft Unified Support Services** – Funds will be used to cover CAS's share of the agency's Microsoft Enterprise Support transition from "Premier Support" to "Unified Support."

**Computer Equipment** – In order to meet non-recommended budget reductions for FY22, \$50,000 was reduced from computer equipment, delaying our ability to refresh our laptop inventory. Salary savings will be used to purchase new laptops and peripherals, and/or other necessary equipment to ensure devices issued continue meet our minimum acceptable performance level.

**Adobe Form Digitization** – In continuing efforts to digitize paper processes, funds will be used to bring in an external resource to expedite the digitization of approximately 30 high volume forms and the development several new forms.

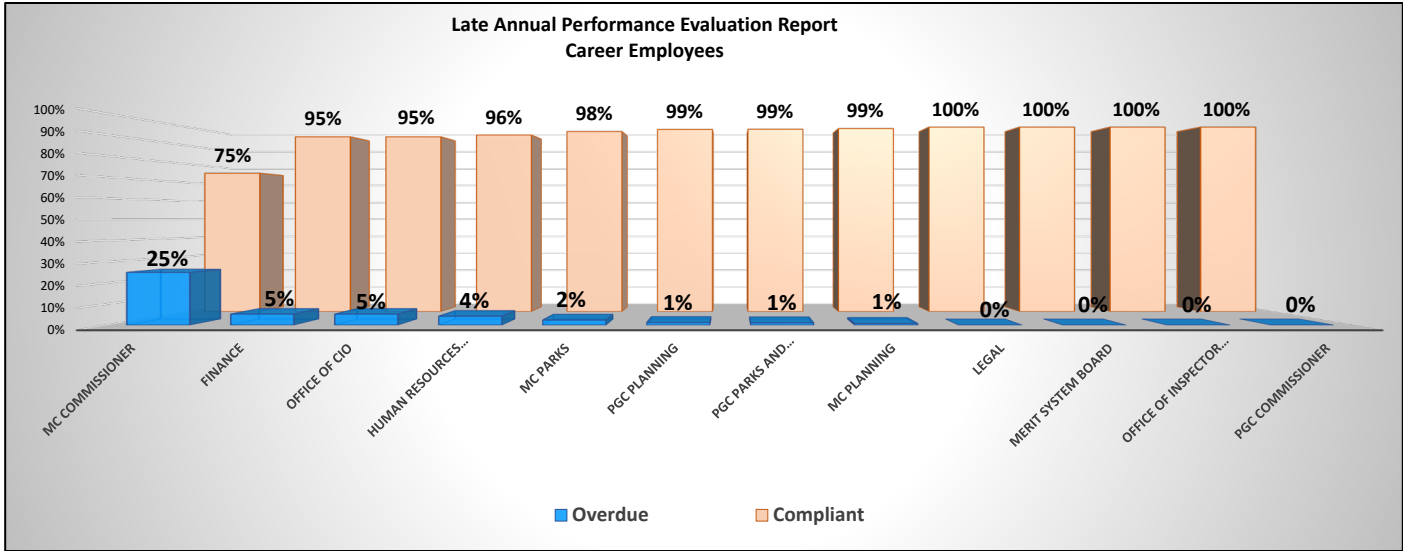
**Office 365 Security Improvements** – Securing our network is our utmost priority. Email and Microsoft O365 are vital to Commission's communications yet remain the number one method used by cybercriminals to attempt to gain access to networks. Savings will be used to continue our efforts in instituting email security solution enhancements that seamlessly integrate with additional Microsoft security tools to keep the Commission safe.

**Office Workspace Reconfiguration** – The EOB IT suite is not adequately configured for EOB staff members to easily pick up, drop off or receive assistance on equipment. Using salary savings and existing furniture, partitions and other equipment, the workspace can be reconfigured to include a service counter that sets out a secure environment for the EOB IT helpdesk to provide services to staff.

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

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	Mar-22	Apr-22	Mar-22	Apr-22	Mar-22	Apr-22	Mar-22	Apr-22
CHAIRMAN, MONTGOMERY COUNTY	0	1	0	0	0	0	0	1
CHARIMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	0	0	0	1	1	1	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.	0	0	0	0	2	2	2	2
LEGAL DEPARTMENT	0	0	0	0	1	0	1	0
FINANCE DEPARTMENT	0	1	2	1	0	0	2	2
PRINCE GEORGE'S PLANNING	5	2	0	0	1	0	4	2
PRINCE GEORGE'S PARKS & RECREATION	7	7	2	2	2	2	11	11
MONTGOMERY COUNTY PARKS	8	12	3	2	2	2	13	16
MONTGOMERY COUNTY PLANNING	2	1	1	0	0	0	1	1
<b>**DEPARTMENT TOTAL BY DAYS LATE**</b>	<b>18</b>	<b>24</b>	<b>8</b>	<b>5</b>	<b>9</b>	<b>7</b>		
<b>COMMISSION-WIDE TOTAL</b>							<b>35</b>	<b>36</b>

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



\*Data As Of April 30, 2022

Employee Count Department	Evaluation Status		Total Employees
	Overdue	Compliant	
Finance	2	36	38
Human Resources and Mgt	2	45	47
Legal		20	20
MC Commissioner	1	3	4
MC Parks	16	648	664
MC Planning	1	129	130
Merit System Board		1	1
Office of CIO	1	18	19
Office of Inspector General		3	3
PGC Commissioner		8	8
PGC Parks and Recreation	11	972	983
PGC Planning	2	160	162
<b>Total Employees</b>	<b>36</b>	<b>2,043</b>	<b>2,079</b>

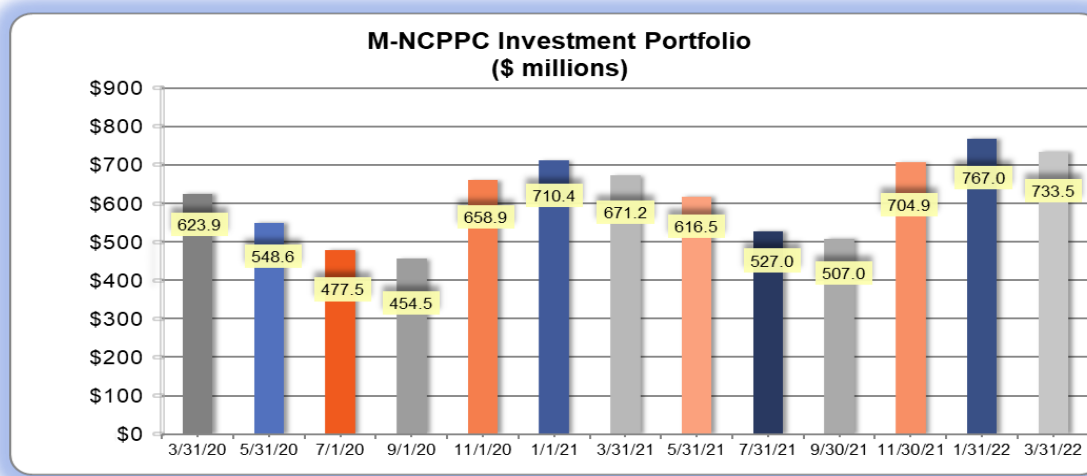


**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
 CORPORATE TREASURY & INVESTMENTS, FINANCE DEPARTMENT  
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737  
 Telephone (301) 454-1592 / Fax (301) 454-1637

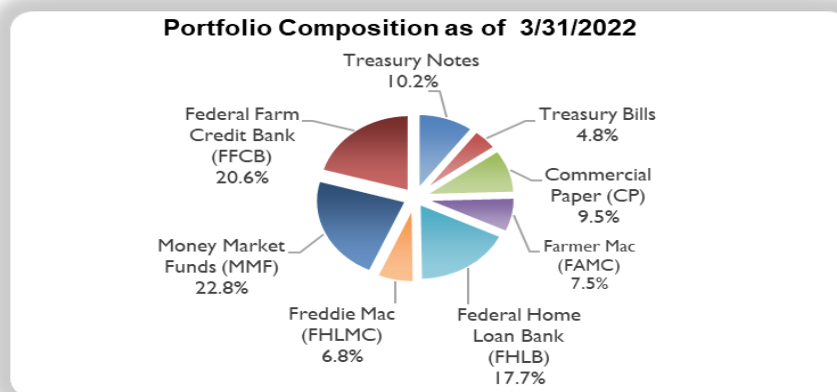
## MEMO

**TO:** Commissioners  
**VIA:** Gavin Cohen, Secretary-Treasurer  
**FROM:** Tanya Hankton, Corporate Treasury & Investments Manager *T.H.*  
**DATE:** 4/22/2022  
**SUBJECT:** Investment Report – **March 2022**

The Commission’s pooled cash investment portfolio totaled \$733.5 million as of March 31, 2022, with a 1.6% decrease from February 28, 2022. Details of the portfolio are shown below:



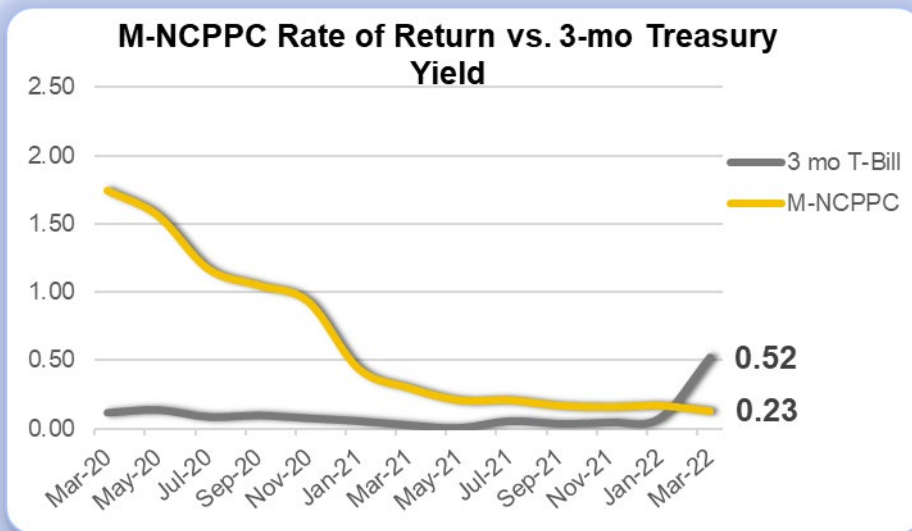
The composition of the pooled cash portfolio as of March 31, 2022, is summarized below:



<b>Current Investment Portfolio - March 2022</b>					
<b>Instrument</b>	<b>Policy Limit</b>	<b>Actual</b>	<b>Par Value</b>	<b>Wtd. Avg. Return (B/E)</b>	
Money Funds	* 25%	22.8%	\$ 167,520,800	0.15%	
Federal Farm Credit Bank	20%	20.6%	151,000,000	0.17%	
Federal Home Loan Banks	20%	17.7%	130,000,000	0.44%	
Treasury Notes	100%	10.2%	75,000,000	0.54%	
Commercial Paper	10%	9.5%	70,000,000	0.20%	
Farmer Mac	20%	7.5%	55,000,000	0.19%	
Freddie Mac	20%	6.8%	50,000,000	0.53%	
Treasury Bills	100%	4.8%	35,000,000	0.04%	
Fannie Mae	20%	0.0%	-	0.00%	
Certificates of Deposit	50%	0.0%	-	0.00%	
Bankers Acceptances	50%	0.0%	-	0.00%	
Repurchase Agreements	60%	0.0%	-	0.00%	
		100%	<b>\$733,520,800</b>	<b>0.30%</b>	

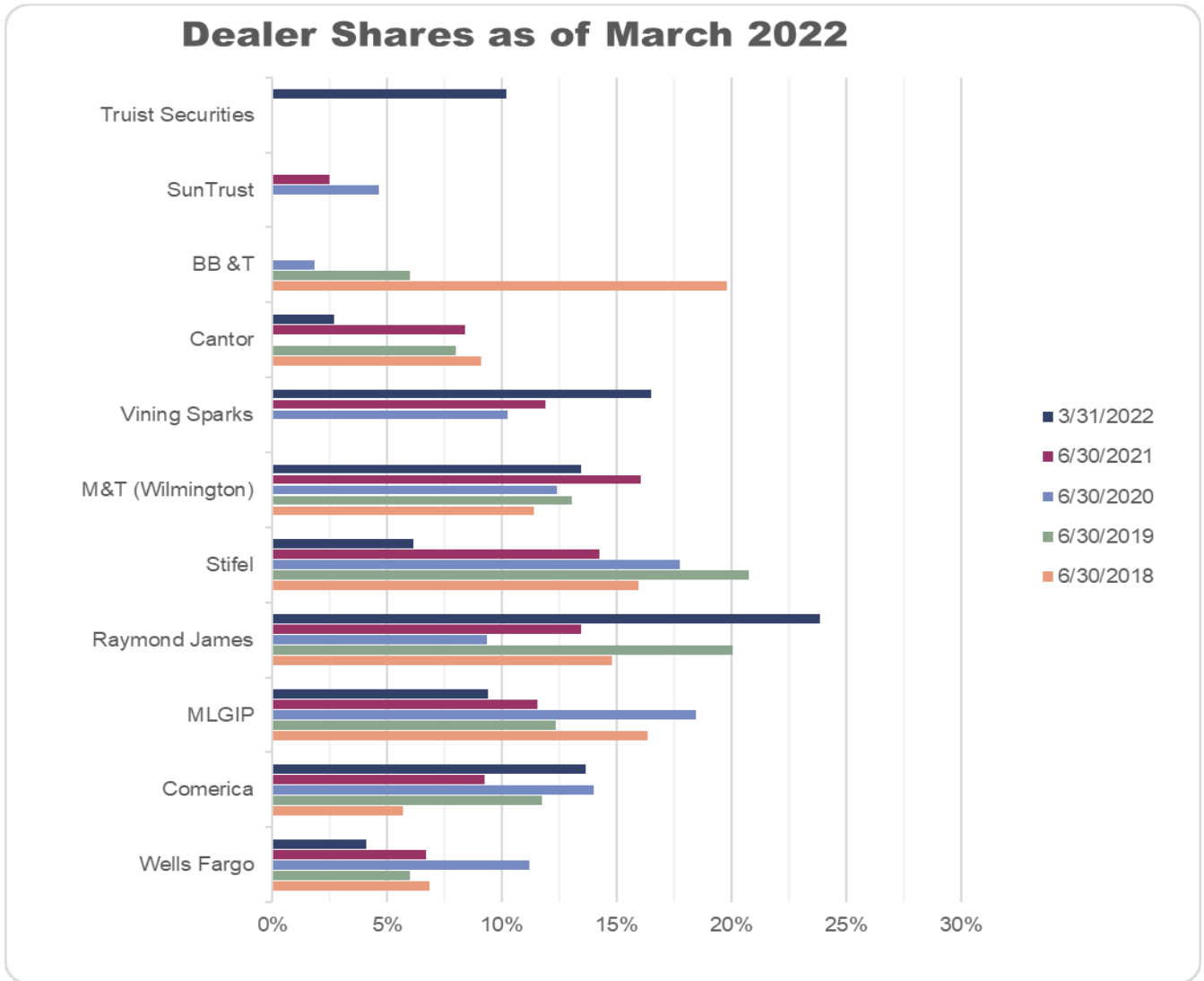
\*As of 3/31/2022

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





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



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

<b>Market Value - March 2022</b>	
Prince George's County (PGC-2021A)	\$ 28,955,029
Montgomery County (MC-2020A)	8,092,533
	<b><u>\$ 37,047,561</u></b>

The Commission had no debt service payments during the month.

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

<b>Debt Balances - March 2022</b>					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
<b>Bi-County</b>					
<b>Total Bi-County</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0%</b>		
<b>Prince George's County</b>					
PGC-2012A (Refunded P-2, M-2, EE-2)	11,420,000	1,735,000	15%	Jun-12	Jan-24
PGC-2015A (Refunded JJ-2)*	24,820,000	18,020,000	73%	Oct-15	Jan-36
PGC-2017A	33,000,000	24,750,000	75%	Jul-17	Jan-37
PGC-2018A	31,000,000	26,350,000	85%	Nov-19	Nov-38
PGC-2020 (Refunded PGC-2014A)	19,119,615	18,814,328	98%	Oct-20	Jan-34
PGC-2021A	25,100,000	25,100,000	100%	Nov-21	Nov-41
<b>Total Prince George's County</b>	<b>\$ 144,459,615</b>	<b>\$ 114,769,328</b>	<b>79%</b>		
<b>Montgomery County</b>					
MC-2012A (Refunded CC-2, FF-2)	8,035,000	965,000	12%	Apr-12	Dec-22
MC-2012B	3,000,000	140,000	5%	Apr-12	Dec-22
MC-2014A	14,000,000	660,000	5%	Jun-14	Dec-22
MC-2016A	12,000,000	9,180,000	77%	Apr-16	Nov-35
MC-2016B (Refunded FF-2, II-2, MM-2)	6,120,000	4,125,000	67%	Apr-16	Nov-28
MC-2016C (Refunded FF-2 ALA of 2004)	1,075,000	365,000	34%	Apr-16	Nov-24
MC-2017A	8,000,000	6,000,000	75%	Apr-17	Nov-36
MC-2018A	12,000,000	10,200,000	85%	Oct-18	Nov-38
MC-2018B	3,000,000	1,200,000	40%	Oct-18	Nov-23
MC-2020A	10,000,000	9,500,000	95%	Jun-20	Nov-40
MC-2020B (Refunded MC-2012A)	4,895,487	4,895,487	100%	Oct-20	Dec-32
MC-2020C (Refunded MC-2012B)	1,866,095	1,866,095	100%	Oct-20	Dec-32
MC-2020D (Refunded MC-2014A)	9,655,588	9,655,588	100%	Oct-20	Dec-33
<b>Total Montgomery County</b>	<b>\$ 93,647,170</b>	<b>\$ 58,752,170</b>	<b>63%</b>		
<b>Total</b>	<b>\$ 238,106,785</b>	<b>\$ 173,521,498</b>	<b>73%</b>		

ATTACHMENT A

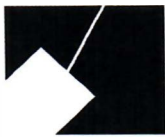
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012

FISCAL YEAR 2022 – March 31, 2022

OBJECTIVES	Met Objective	Within Limits	Comments
<b>Protection of principal</b>	<b>Yes</b>		
<b>Limiting types and amounts of securities</b>	Limit	<b>Yes</b>	
US Government	100%		All securities purchases were within the limits established by the Investment Policy at the time of purchase of the investments. This monthly report is prepared for the Secretary-Treasurer to demonstrate compliance with investment policy objectives and limitations.
US Federal Agencies - combined	60%		
US Federal Agencies - each	20%		
Repurchase Agreements	60%		
CD's and Time Deposits	50%		
Commercial Paper	10%		
Money Market Mutual Funds	25%		
MD Local Gov't Investment Pool	25%		
Investing Bond Proceeds:			
State and local agency securities	100%		
Money Market Mutual Funds	10%		
Bond Proceeds:		<b>Yes</b>	T. Rowe Price managed all funds within limits
Highly-rated state / local agency securities			
Highly-rated money market mutual funds			
(Max. 10% in lower-rated funds)			
<b>Pre-qualify financial institutions, broker/dealers, intermediaries and advisers</b>		<b>Yes</b>	All firms must meet defined capital levels and be approved by the Secretary-Treasurer
<b>Ensure competition among participants</b>	30%	<b>Yes</b>	No dealer shares exceeded 30%
<b>Competitive Bidding</b>		<b>Yes</b>	All purchases awarded competitively.
<b>Diversification of Maturities</b>		<b>Yes</b>	All maturities within limits
Majority of investments shall be a maximum maturity of one (1) year. A portion may be as long as two years.			
<b>Require third-party collateral and safekeeping, and delivery-versus-payment settlement</b>		<b>Yes</b>	M&T Investments serves as custodian, monitoring compliance daily
<b>Maintain sufficient liquidity</b>		<b>Yes</b>	Sufficient funds available for all cash requirements during period
<b>Attain a market rate of return</b>		<b>No</b>	Less than market by <b>29</b> basis points.
The pro-rated rates of return for T-bills and the portfolio were <b>0.52%</b> and <b>0.23%</b> , respectively.			

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# MEMO

THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION  
Department of Finance, Office of Secretary-Treasurer

April 28, 2022

TO: Commissioners

FROM: Gavin Cohen, Secretary-Treasurer 

VIA: Tanya Hankton, Corporate Treasury and Investments Manager

SUBJECT: Prince George's County Property Tax Revenue Report - March 31, 2022

The following is the latest data with respect to collections of property taxes for Fiscal Year 2022. The tabulations compare actual collections for the past three years, and the current year through March 31, 2022.

## FUND ALLOCATION FOR FY 2022

FUND	ADOPTED BUDGET		ACTUAL			ESTIMATE - FY 2022			
	TAX RATE		AMOUNT	AMOUNT	% OF BUDGET	REMAINING MONTHS	FOR YEAR	% OF BUDGET	VARIANCE
	PERSONAL (CENTS)	REAL							
Administration	14.15	5.66	62,638,800	62,581,730	99.91	370,264	62,951,994	100.50	313,194
Park General	39.85	15.94	170,880,500	171,008,332	100.07	726,570	171,734,903	100.50	854,402
Recreation	19.50	7.80	89,300,100	89,146,781	99.83	599,819	89,746,601	100.50	446,500
Total Operating	73.50	29.40	322,819,400	322,736,843	99.97	1,696,654	324,433,497	100.50	1,614,097
Advance Land	0.00	0.00	0.00	99	0.00	-	99	0.00	99
<b>TOTAL</b>	<b>73.50</b>	<b>29.40</b>	<b>322,819,400</b>	<b>322,736,942</b>	<b>99.97</b>	<b>1,696,654</b>	<b>324,433,596</b>	<b>100.50</b>	<b>1,614,196</b>

## HISTORICAL INFORMATION

FISCAL YEAR		COUNTY-WIDE ASSESSABLE BASE (BILLIONS)		TAX RATE (CENTS)	TOTAL ADOPTED BUDGET	ACTUAL THRU 3/22		TOTAL FOR YEAR			
		BUDGET	ACTUAL			AMOUNT	% OF BUDGET	% OF ACTUAL	REMAINING MONTHS	AMOUNT	% OF BUDGET
2019	Personal	3.42	3.42	73.50	280,592,200	276,038,870	98.38	97.97	5,726,401	281,765,271	100.42
	Real	91.24	91.24	29.40							
2020	Personal	3.23	3.23	73.50	293,189,800	289,946,283	98.89	98.10	5,602,227	295,548,510	100.80
	Real	96.17	96.17	29.40							
2021	Personal	2.99	2.99	73.50	307,396,900	309,447,502	100.67	100.00	7,165,306	316,612,808	103.00
	Real	101.82	101.82	29.40							
2022	Personal (1)	2.99	2.99	73.50	322,819,400	322,736,942	99.97	99.48	1,696,654	324,433,596	100.50
	Real (2)	101.82	101.82	29.40							

Note: (1) Data for Prince George's County County-Wide Assessable Base actual Personal Property rate is an estimate. Fiscal year 2022 actuals not yet available.  
(2) Data for Prince George's County County-Wide Assessable Base actual Real Property rate is an estimate. Fiscal year 2022 actuals not yet available.



# MEMO

THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION  
 Department of Finance, Office of Secretary-Treasurer

TO: Commissioners April 28, 2022  
 FROM: Gavin Cohen, Secretary-Treasurer   
 VIA: Tanya Hankton, Corporate Treasury and Investments Manager  
 SUBJECT: **Montgomery County Property Tax Revenue Report - March 31, 2022**

The following is the latest data with respect to collections of property taxes for Fiscal Year 2022. The tabulations compare actual collections for the past three years, and the current year through March 31, 2022.

FUND ALLOCATION FOR FY 2022									
FUND	ADOPTED BUDGET			ACTUAL			ESTIMATE - FY2022		
	TAX RATE			AMOUNT	% OF BUDGET	REMAINING MONTHS	FOR YEAR	% OF BUDGET	VARIANCE
	PERSONAL	REAL	(CENTS)						
Administration	4.35	1.74	32,046,604	31,492,847	98.27	553,757	32,046,604	100.00	-
Park General	13.90	5.56	102,442,019	100,635,912	98.24	1,806,107	102,442,019	100.00	-
Total-Operating	18.25	7.30	134,488,623	132,128,759	98.25	2,359,864	134,488,623	100.00	-
Advance Land	0.25	0.10	2,125,166	2,093,908	98.53	31,258	2,125,166	100.00	-
<b>TOTAL</b>	<b>18.50</b>	<b>7.40</b>	<b>136,613,789</b>	<b>134,222,667</b>	<b>98.25</b>	<b>2,391,122</b>	<b>136,613,789</b>	<b>100.00</b>	<b>-</b>

HISTORICAL INFORMATION										
FISCAL YEAR		COUNTY-WIDE ASSESSABLE BASE			ACTUAL THRU 3/22			TOTAL FOR YEAR		
		BASE (BILLIONS)		TAX RATE (CENTS)	TOTAL ADOPTED BUDGET	% OF BUDGET	% OF ACTUAL	REMAINING MONTHS	AMOUNT	% OF BUDGET
		BUDGET	ACTUAL							
2019	Personal	4.24	4.24	17.40						
	Real	192.60	192.60	6.96	122,642,425	117,945,104	96.17	98.88	1,335,805	119,280,909
2020	Personal	4.45	4.45	18.50						
	Real	197.61	197.61	7.40	133,515,885	128,121,460	95.96	99.21	1,021,179	129,142,639
2021	Personal	4.24	4.24	19.65						
	Real	197.44	197.44	7.86	141,259,689	137,222,377	97.14	96.76	4,591,658	141,814,035
2022	Personal (1)	4.27	4.27	18.50						
	Real (2)	203.10	203.10	7.40	136,613,789	134,222,667	98.25	98.25	2,391,122	136,613,789

Note: (1) Data for Montgomery County County-Wide Assessable Base actual Personal Property rate is an estimate. Fiscal year 2022 actuals not yet available.  
 (2) Data for Montgomery County County-Wide Assessable Base actual Real Property rate is an estimate. Fiscal year 2022 actuals not yet available.



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

*Reply To*

May 4, 2022

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

**MEMORANDUM**

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

**FROM:** Debra S. Borden  
 Acting General Counsel

**RE:** Litigation Report for April 2022 – FY 2022

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Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, May 18, 2022. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

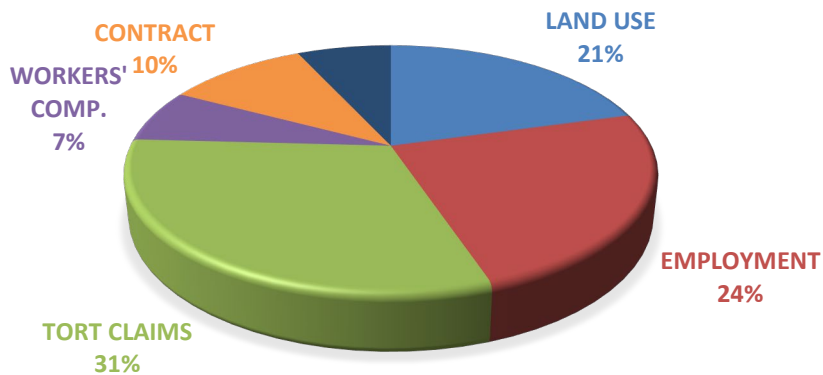
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**April 2022**  
**Composition of Pending Litigation**  
(Sorted by Subject Matter and Forum)

	STATE TRIAL COURT	MARYLAND COSA	MARYLAND COURT OF APPEALS	FEDERAL TRIAL COURT	FEDERAL APPEALS COURT	U.S. SUPREME COURT	SUBJECT MATTER TOTALS
ADMIN APPEAL: LAND USE	4	2					6
ADMIN APPEAL: OTHER							
BANKRUPTCY							
CIVIL ENFORCEMENT							
CONTRACT DISPUTE	3						3
DEBT COLLECTION							
EMPLOYMENT DISPUTE	4	1		2			7
LAND USE DISPUTE							
MISCELLANEOUS	2						2
PROPERTY DISPUTE							
TORT CLAIM	9						9
WORKERS' COMPENSATION	2						2
<b>PER FORUM TOTALS</b>	<b>24</b>	<b>3</b>		<b>2</b>			<b>29</b>

**OVERVIEW OF PENDING LITIGATION**





## April 2022 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2022			
	Pending March 2022	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
<b>Admin Appeal: Land Use (AALU)</b>	8		2	10	6	10	6
<b>Admin Appeal: Other (AAO)</b>							
<b>Bankruptcy (B)</b>							
<b>Civil Enforcement (CE)</b>							
<b>Contract Disputes (CD)</b>	3			3	1	1	3
<b>Debt Collection (D)</b>							
<b>Employment Disputes (ED)</b>	8		1	4	6	3	7
<b>Land Use Disputes (LD)</b>							
<b>Miscellaneous (M)</b>	1	2	1	2	2	2	2
<b>Property Disputes (PD)</b>							
<b>Tort Claims (T)</b>	8	1		8	4	3	9
<b>Workers' Compensation (WC)</b>	4		2	7	4	7	2
<b>Totals</b>	32	3	6	34	23	26	29

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

<b>A. <u>New Trial Court Cases.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
Izadjoo v. M-NCPPC	MC	ED	July 21
McGill v. Commission	PG	WC	Aug 21
Payne v. M-NCPPC	PG	Tort	Aug 21
Troublefield v. Commission	PG	Tort	July 21
Friends of Ten Mile Creek, et al. v. Montgomery County Planning Board	MC	AALU	Oct. 21
Commission v. Alan's Outlet, et al.	St. M	CD	Nov. 21
Robinson, et al. v. Prince George's County Planning Board, et al.	PG	AALU	Nov. 21
In the Matter of Michael Fox	Calvert	WC	Dec. 21
In the Matter of Michael Fox	Calvert	WC	Dec. 21
Village of Friendship Heights v. Montgomery Planning Board	MC	AALU	Jan. 22
Miles v. Commission, et al.	MC	ED	Mar 22
Walters v. Commission, et al.	PG	Tort	Mar 22
Tolson v. Commission	PG	ED	Mar 22
Deakins v. Commission	MC	ED	Mar 22
Lopez v. Commission	MC	ED	Mar 22
Davis v. Commission	PG	Tort	April 22
Commission v. Conwell	PG	Tort	April 22
Commission v. Faulk	PG	Tort	April 22

<b>B. <u>New Appellate Court Cases.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board	MC	AALU	July 21
6525 Belcrest Road, LLC v. Dewey, L.C., et al.	PG	AALU	Dec. 21
Heard v. Maryland-National Capital Park and Planning Commission	PG	AALU	Dec. 21
Izadjoo v. M-NCPPC	MC	ED	Jan. 22

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

<b>A. <u>Trial Court Cases Resolved.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board	MC	AALU	June 21
Commission v. Batson	PG	WC	June 21
Gibson v. Commission	PG	WC	June 21
Hoenig v. Commission	PG	WC	June 21
Simmons, et al. v. Prince George's Planning Bd.	PG	AALU	June 21
Frederick-Bey v. Dick, et al.	PG	Tort	July 21
Deutsche Bank National Trust Company v. Commission	PG	Misc.	July 21
Amica Mutual Insurance Company v. Montgomery County, Maryland, et al.	MC	Tort	Aug. 21
Izadjoo v. Maryland-National Capital Park & Planning Commission	MC	ED	Aug. 21
Snoots v. Commission	MC	WC	Sep. 21
Murray v. Commission	MC	WC	Sep. 21
Kosary v. Montgomery County Planning Board	MC	AALU	Oct. 21
Troublefield v. Commission, et al.	PG	Tort	Oct. 21
6525 Belcrest Road, LLC v. Dewey, L.C., et al.	PG	AALU	Nov. 21
Heard v. Maryland-National Capital Park and Planning Commission	PG	AALU	Dec. 21
Izadjoo v. Maryland-National Capital Park & Planning Commission	MC	ED	Dec. 21
Hitchcock v. M-NCPPC	MC	WC	Jan. 22
Structural Engineering Group Inc. v. M-NCPPC	MC	CD	Jan. 22
In the Matter of Michael Fox	Calvert	WC	Mar. 22
In the Matter of Michael Fox	Calvert	WC	Mar. 22
Nuzback, Kathryn A., Revocable Trust v. Commission	PG	Misc.	Mar. 22
Beck v. Montgomery County Department of Parks, et al.	MC	ED	Mar. 22
<b>B. <u>Appellate Court Cases Resolved.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
Benton v. Woodmore Overlook Commercial, LLC.	PG	AALU	Apr. 21
Benton v. Woodmore Overlook Commercial, LLC.	PG	AALU	Sep. 21
Benton v. Woodmore Overlook Commercial, LLC.	PG	AALU	Sep. 21
Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board	MC	AALU	Mar. 22
Stewart, et al. v. Prince George's Planning Board et al.	PG	AALU	Mar. 22

	<b>Disposition of FY21-FY22 Closed Cases Sorted by Department</b>	
<b>CLIENT</b>	<b>PRINCIPAL CAUSE OF ACTION IN DISPUTE</b>	<b>DISPOSITION</b>
<b>Employees Retirement System</b>		
<b>Finance Department</b>		
<b>Department of Human Resources &amp; Management</b>		
Commission v. Batson	The Commission filed for Judicial Review on the record of WCC order regarding surgical authorization for leg causally related to accidental injury.	06/03/2021 - Order of the Court. Case Dismissed and Remanded to the Workers' Compensation Commission for consideration and approval of the Agreement of Final Compromise and Settlement.
Gibson v. Commission	Claimant seeks judicial review of an order from the Workers' Compensation Commission denying causal connection of back injury to the accidental injury of October 20, 2017.	06/10/2021 - Order of Court. Case remanded to Workers' Compensation Commission.
Hoenig v. Commission	Claimant seeks judicial review of February 7, 2020, order from the Workers' Compensation Commission regarding extent of disability.	06/02/2021 - Order of Court. Case Dismissed and Remanded to Workers' Compensation Commission.
Izadjoo v. Maryland-National Capital Park and Planning Commission	Izadjoo filed an appeal of the Merit Board decision of February 25, 2021, denying his appeal of the Montgomery County Department of Parks' denial of grievance 20-14 regarding his 2020 Annual Performance Evaluation.	08/23/2021 – Order of Court – Decision of Merit Board affirmed.
Snoots v. Commission	Petition for Judicial Review of Workers' Compensation Commission determination that not permanently totally disabled	09/01/2021 – Order of Court. Case remanded to Workers' Compensation Commission.
Murray v. Commission	Petition for Judicial Review of an order from the Workers' Compensation Commission that held claimant is not permanently and totally disabled.	09/01/2021 – Order of Court. Case remanded to Workers' Compensation Commission.
Izadjoo v. Maryland-National Capital Park and Planning Commission	Izadjoo filed an appeal of the Merit Board decision of denying appeal of his request for reclassification.	12/20/21 Decision of Merit Board affirmed.

Hitchcock v. Commission	Hitchcock filed appeal of Workers' Compensation Commission determination that he did not sustain a compensable accidental injury on June 5, 2020.	01/12/2022 – Order of Court. Case remanded to the Workers' Compensation Commission for approval of settlement.
In the Matter of Michael Fox	Fox appealed a determination by the Workers' Compensation Commission that he did not sustain a compensable occupation disease (hypertension) as a result of his work as a Park Police officer.	03/16/2022 – Case settled and remanded to Worker's Compensation Commission for approval of settlement.
In the Matter of Michael Fox	Fox appealed a determination by the Workers' Compensation Commission that he did not sustain a compensable occupation disease (hypertension) as a result of his work as a Park Police officer.	03/16/2022 – Case settled and remanded to Worker's Compensation Commission for approval of settlement.
<b>Montgomery County Department of Planning</b>		
Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board	Judicial Review of Montgomery County Planning Board's approval of RCCG Jesus House Preliminary Plan 120160040.	06/04/21 - Planning Board's decision affirmed.
Kosary v. Montgomery County Planning Board	Judicial Review of Montgomery County Planning Board's approval of Primrose School Preliminary Forest Conservation Plan CU-18-08.	10/19/21 – Summary Judgment in favor of Plaintiff.
<b>Montgomery County Department of Parks</b>		
Amica Mutual Insurance Company v. Montgomery County, Maryland, et al.	Subrogation suit for damages caused by a tulip poplar striking a home.	08/12/21 – Joint Stipulation of Dismissal with Prejudice.
Structural Engineering Group Inc. v. M-NCPPC	Construction change order dispute and time delay claim related to greenhouse at Brookside Gardens.	01/3/2022 – Order of Court. Matter dismissed with prejudice. Parties entered into settlement agreement.
Beck v. Montgomery County Department of Parks, et al.	Plaintiff alleged discrimination based on disability under the ADA and FMLA.	03/04/2022 – Order approving Stipulation of Dismissal and directing clerk to close the case.

<b>Montgomery County Park Police</b>		
<b>Montgomery County Planning Board</b>		
Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board	Appeal from Circuit Court decision affirming Montgomery County Planning Board's approval of RCCG Jesus Hose Preliminary Plan 120160040.	03/17/2022 – Judgment of the Circuit Court affirmed.
<b>Prince George's County Department of Parks and Recreation</b>		
Frederick-Bey v. Dick, et al.	Plaintiff claims injury in the course of using weight room at Allentown Splash and Fitness Center allegedly due a defect in the equipment as a result of negligence on the part of Commission staff and has sued a Commission employee who has not been properly served.	07/28/2021 – Order of the Court. Case Dismissed with Prejudice on grounds barred by statute of limitations.
Deutsche Bank National Trust Company v. Commission	Action seeking to quiet title as to alleged encroachment on Commission land.	07/08/2021 – Amended Complaint filed that no longer included the Commission as no encroachment on Commission land.
Troublefield v. Commission, et al.	Tort suit for injuries allegedly sustained while attending a graduation ceremony at Show Place Arena.	10/21/2021 Voluntary Dismissal
Nuzback, Kathryn A., Revocable Trust v. Commission	Action filed against the Commission and Prince George's County to obtain documents pertaining to a Maryland Public Information Act request.	03/31/2022 – Case dismissed by Plaintiff.
<b>Prince George's County Planning Department</b>		

<b>Prince George's County Planning Board</b>		
Simmons v. Prince George's County Planning Board	Judicial Review of Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-20006 (Freeway Airport)	06/17/2021 - Prince George's County Planning Board's Motion to Dismiss Granted.
Benton v. Woodmore Overlook Commercial, LLC	Judicial Review of decision of the Prince George's County Planning Board No. 19-32, File No. 4-180007. Benton failed to appear at judicial review hearing in Circuit Court and his petition was dismissed without an opinion. Benton filed for reconsideration which was also denied. Benton appealed the denial of the motion for reconsideration.	04/20/2021 - Mandate. Circuit Court decision affirmed. Costs to be paid by appellant.
Benton v. Woodmore Overlook Commercial, LLC	Judicial Review of decision of the Prince George's County Planning Board on Preliminary Plan of Subdivision 4-18007, Woodmore Overlook Commercial. Before the parties filed legal memoranda, in the Circuit Court and before the court held oral argument, and before the Planning Board had a chance to transmit the agency record, the developer's attorney filed a motion to dismiss based on, among other things, lack of standing. The Circuit Court granted the motion to dismiss. Benton appealed.	09/01/2021 – Mandate. Motion for reconsideration denied.
Benton v. Woodmore Overlook Commercial, LLC	Judicial Review of decision of the Prince George's County Planning Board No. 19-32, File No. 4-180007. Benton failed to appear at judicial review hearing in Circuit Court and his petition was dismissed without an opinion. Benton filed for reconsideration which was also denied. Benton appealed the denial of the motion for reconsideration	09/28/2021 – Petition Dismissed.

6525 Belcrest Road, LLC v. Dewey, L.C., et al.	Declaratory Judgment Action filed over a dispute involving a parking parcel. Plaintiff contends that Defendants have misconstrued prior approvals of the Planning Board regarding the need for parking in a manner that will harm their interests. Plaintiff seeks to enjoin the Planning Board from approving a Detailed Site Plan.	11/11/2021 – Motion to Dismiss granted as to all parties.
Heard v. Maryland-National Capital Park and Planning Commission	Judicial review of the Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-05068 and denial of March 31, 2020, request for document under the Maryland Public Information Act.	11/09/2021 – Decision of the Prince George's County Planning Board affirmed.
Stewart, et al. v. Prince George's Planning Board, et al.	Appeal from Circuit Court decision affirming Prince George's Planning Board's approval of GB Mall Limited Partnership/Quantum Company Preliminary Plan Case No. 4-19023	03/31/2022 – Judgment of the Circuit Court affirmed.
<b>Prince George's Park Police</b>		
<b>Office of Internal Audit</b>		



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

**Commission v. Conwell**

Case No. 050200086402022 (Misc.)

Lead Counsel: Harvin  
Other Counsel:

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

Status:

Docket:

04/25/2022	Complaint filed
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**Wanda I. Davis v. Commission**

Case No. 050200240582021 (Tort)

Lead Counsel: Johnson  
Other Counsel: Harvin

Abstract: Plaintiff claims she slipped and fell while walking out of a gym class at the Commission's Southern Regional Technology and Recreation Complex resulting in injuries.

Status: Awaiting Trial.

Docket:

10/01/2021	Complaint filed
04/08/2022	Commission served
04/19/2022	Notice of Intent to Defend filed.
05/24/2022	Trial set

**Commission v. Faulk**

Case No. 050200086392022 (Misc.)

Lead Counsel: Harvin  
Other Counsel:

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

Status:

Docket:

04/25/2022	Complaint filed
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**DISTRICT COURT FOR ST. MARY'S COUNTY, MARYLAND**

**Commission v. Alan's Outlet, et. al.**  
Case No. D-043-CV-21-008547 (CD)

Lead Counsel: Johnson  
Other Counsel: Adams

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

Status: Default judgment entered against Defendant Alan's Outlet.

Docket:

11/03/2021	Complaint filed
01/13/2022	Return of Service as to all Defendants
02/23/2022	Voluntary Dismissal of Joseph Bernau
03/14/2022	Clerk error and dismissed entire case. Case reopened and new trial date set.
4/18/2022	Hearing held. Default judgment against Defendant Alan's Outlet entered in the amount of \$8,236 plus court costs of \$160.

**CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND**

**Deakins v. Commission**  
Case No. C-15-CV-22-000918 (ED)

Lead Counsel: Levan  
Other Counsel:

Abstract: Show Cause Action under the LEOBR regarding mandatory COVID vaccination requirements for police officers.

Status: Petition filed.

Docket:

02/24/2022	Petition for Show Cause Order filed
03/28/2022	Commission served
05/12/2022	Show Cause hearing

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

Case No. 487649-V (AALU)

Lead Counsel: Mills  
Other Counsel:

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

Status: Awaiting hearing.

Docket:

10/12/2021	Petition for Judicial Review filed
10/27/2021	Response to Petition
11/02/2021	Response to Petition
11/12/2021	Amended Petition to add Petitioner Norman Mease
01/18/2022	Memorandum in Support of Petition for Judicial Review
02/15/2022	Joint Stipulation to Extend time to file Responsive Memorandum
03/02/2022	Answering Memorandum
03/17/2022	Reply Memorandum in Support of Petition for Judicial Review
06/01/2022	Hearing set.

**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 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.
10/20/2021	Order of Court. Matter stayed until January 10, 2022.
01/24/2022	Pre-Trial hearing statement filed
02/01/2022	Motion to Continue
02/18/2022	Order of Court. Motion Moot. Case has been placed on the Stay Docket.
03/30/2022	Status hearing. Matter reset for July 12, 2022.

**Lopez v. Commission**

Case No. C-15-CV-22-000917 (ED)

Lead Counsel: Levan  
Other Counsel:

Abstract: Show Cause Action under the LEOBR regarding mandatory COVID vaccination requirements for police officers.

Status: Petition filed.

Docket:

02/24/2022	Petition for Show Cause Order filed
03/28/2022	Commission served
05/12/2022	Show Cause hearing

**Village of Friendship Heights v. Montgomery County Planning Board**

Case No. C-15-CV-22-000398 (AALU)

Lead Counsel: Mills  
Other Counsel: Vaias

Abstract: Judicial Review of the Montgomery County Planning Board's approval of Sketch Plan 320220010-5500 Wisconsin Avenue.

Status: Petition filed.

Docket:

01/27/2022	Petition for Judicial Review filed.
2/11/2022	Response filed.
02/22/2022	Response to Petition for Judicial Review.
03/04/2022	Response to Petition for Judicial Review.
03/28/2022	Motion to Extend Time for Transmitting Record
04/15/2022	Administrative Record Received
04/22/22	Motion denied as moot.

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

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

Lead Counsel: Adams  
Other Counsel:

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

Status: In discovery.

Docket:

11/20/2019	Complaint filed
12/06/2019	Proctor served
12/09/2019	Commission served
01/03/2020	Commission’s Motion to Dismiss filed
01/23/2020	Motion to Dismiss denied. Plaintiff to file Amended Complaint on or before 02/07/2020.
02/08/2020	Amended Complaint filed
02/21/2020	Motion to Strike Amended Complaint or in the alternative to Dismiss
03/09/2020	Opposition to Motion to Strike
03/27/2020	Court orders matter to be set in for hearing on Motion
05/06/2020	Motion to Quash and for Protective Order
05/06/2020	Plaintiff’s Opposition to Motion to Quash and for Protective Order
05/22/2020	Order of Court – Motion to Quash and for Protective Order held in abeyance
09/16/2020	Motions Hearing held.
9/23/2020	Order of Court – Motion to Strike or in the alternative Motion to Dismiss denied. Motion to Quash and for Protective Order moot. Case to continue to due course.
9/30/2020	Answer to Amended Complaint filed.
03/14/2022	Plaintiff’s Expert Designation filed
12/02/2022	ADR
01/13/2023	Pretrial Conference
02/09/2023	Jury Selection
02/13/2023	Trial

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

Lead Counsel: Harvin  
Other Counsel:

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

Status: Awaiting trial.

Docket:

11/15/2019	Complaint filed
01/27/2020	Defendant City of Bowie's Motion to Dismiss or in the Alternative for Summary Judgment
02/05/2020	Summons reissued for Commission
02/13/2020	Opposition to City of Bowie's Motion to Dismiss
02/26/2020	Defendant Daughtery's answer filed
03/13/2020	Commission served
04/08/2020	Commission's Answer filed
05/15/2020	Motions Hearing on City's Motion to Dismiss – continued due to pandemic
9/18/2020	Amended Complaint and Jury Trial
9/21/2020	Second Amended Complaint
9/24/2020	Hearing on Defendant City of Bowie's Motion to Dismiss and/or Summary Judgment. Motion to Dismiss is denied. Motion for Summary Judgment is granted based upon governmental immunity.
10/28/2020	Third Amended Complaint filed
12/08/2020	Answer to Complaint by Defendant Knode
02/16/2022	Status Conference Held
02/23/2022	Order of Court. Reset for June 21, 2023, for trial.



**Coakley & Williams Construction v. Commission**

Case No. CAL 20-13593 (CD)

Lead Counsel: Adams  
Other Counsel:

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

Status: Case settled.

Docket:

07/15/2020	Complaint filed
09/15/2020	Commission served
10/08/2020	Motion to Dismiss filed
10/27/2020	Opposition to Motion to Dismiss
01/11/2021	Motion to Quash and for Protective Order
04/02/2021	Order of Court. Motion to Quash denied.
04/02/2021	Order of Court. Motion to Dismiss Granted in part. Plaintiff to amend complaint within 15 days to correct the legal name of Defendant. The remaining issues in the Motion to Dismiss are denied.
04/14/2021	First Amended Complaint filed
05/04/2021	Commission Answer to First Amended Complaint and Jury Demand
07/25/2021	Pretrial Conference held
07/29/2021	Withdrawal of Request for Jury Trial.
09/13/2021	Motion to Strike Second Amended Complaint
09/14/2021	Pretrial Statement filed
09/27/2021	Second Amended Complaint
10/5/2021	Answer to Second Amended Complaint and Line withdrawing Motion to Strike Second Amended Complaint
12/15/2021	Mediation held. Commission seeking budget transfer request to fund settlement.
04/28/2022	Settlement Agreement fully executed.

**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 <sup>nd</sup> Amended Complaint filed
11/06/2020	Defendant Montgomery County's Motion to Dismiss 2 <sup>nd</sup> Amended Complaint
12/03/2020	Case dismissed as to Montgomery County only
03/04/2021	3 <sup>rd</sup> Amended Complaint filed
04/19/2021	Defendant/Cross-Plaintiff, Kadcon Corporation's Crossclaim against Defendants/Cross-Defendants filed
05/19/2021	Robert Stillman Associates Answer to 3 <sup>rd</sup> Amended Complaint and Crossclaim
05/19/2021	Bell Architects Answer to 3 <sup>rd</sup> Amended Complaint and Crossclaim
10/15/2021	Defendant Bell Architects, PC and Robert Silman Associates Motion to Dismiss Plaintiff's Third Amended Complaint
11/01/2021	Plaintiff's Opposition to Motion to Dismiss 3 <sup>rd</sup> Amended Complaint.
11/04/2021	Defendant/Cross-Plaintiff, Kadcon Corporation's Opposition to Defendants/Cross-Defendants, Bell Architects, PC, and Robert Silman Associates, PLLC's, Motion to Dismiss Plaintiff's Third Amended Complaint and Kadcon Corporation's Crossclaim, Request for Hearing and Supporting Memorandum
12/10/2021	Defendant Bell Architects, PC and Robert Silman Associates PLLC's Motion for Leave to file Reply Memorandum in Support of Motion to Dismiss Plaintiff's Third Amended Complaint
12/10/2021	Defendants Bell Architects, PC and Robert Silman Associates PLLC's Motion for Leave to file Reply Memorandum in Support of Motion to Dismiss Kadcon Corporation's Crossclaim
12/10/2021	Defendants Bell Architects, PC and Robert Silman Associates PLLC's Reply to Kadcon Corporation's Opposition to the Pending Motion to Dismiss
12/10/2021	Defendants Bell Architects, PC and Robert Silman Associates PLLC's Reply to Plaintiff's Opposition to the Pending Motion to Dismiss
02/24/2022	Order of Court modifying scheduling order and setting trial for April 5, 2023.
04/08/2022	Motions Hearing
04/13/2022	Motion to Dismiss denied. Motion for Leave to File Reply Memorandum moot. Motion to Dismiss Third Amended Complaint denied.
04/06/2023	Trial

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

Case No. CAL19-21516 (Tort)

Lead Counsel: Harvin  
Other Counsel:

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

Status: In discovery.

Docket:

07/15/2019	Complaint filed
01/22/2020	Commission accepted service
01/27/2020	Complaint to be amended to reflect Commission as party.
02/04/2020	Amended Complaint filed
03/18/2020	Commission served
04/08/2020	Commission's answer filed.
01/26/2022	Order of Court. Trial continued to September 1, 2022.

**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.
02/07/2022	Joint Motion for Continuance
03/18/2022	Order of Court. Trial continued
03/02/2023	Trial

**McGill v. Commission**  
Case No. CAL 21-08946 (WC)

Lead Counsel: Foster  
Other Counsel:

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

Status: Awaiting trial.

Docket:

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

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

Lead Counsel: Johnson  
Other Counsel:

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

Status: In discovery.

Docket:

04/01/2021	Complaint filed
04/22/2021	Commission served
05/20/2021	Motion to Dismiss filed
06/04/2021	Plaintiff's Opposition to Motion to Dismiss filed.
02/17/2022	Order of Court. Motion to Dismiss denied. Matter to continue in due course.
03/03/2022	Commission's Answer filed

**Montague v. Newton White Mansion**

Case No. CAL 20-05753 (Tort)

Lead Counsel: Harvin  
Other Counsel:

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

Status: In discovery.

Docket:

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

**Payne v. Commission, et al.**

Case No. CAL 21-06287 (Tort)

Lead Counsel: Harvin  
Other Counsel:

Abstract: Tort suit for injuries allegedly sustained in 2014 at Clearwater Nature Center while working in summer camp program.

Status: In discovery.

Docket:

06/03/2021	Complaint filed
08/02/2021	Defendant Mock served
08/16/2021	Commission served
09/27/2021	Commission's answer filed
12/09/2021	Motion for Default filed as to Defendant Mock
04/04/2022	Answer of Defendant Mock filed

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

Case No. CAL 21-13945(AALU)

Lead Counsel: Goldsmith  
Other Counsel: Warner

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

Status: Petition filed.

Docket:

11/12/2021	Petition filed
01/05/2022	Commission's Motion to Dismiss filed
01/05/2022	Response to Petition filed by Planning Board
01/05/2022	Motion to Dismiss filed by Planning Board
01/06/2022	Response to Petition filed by Board of Education
01/21/2022	Opposition to Motion to Dismiss
01/27/2022	Memorandum in Support of Petition for Judicial Review
01/31/2022	Motion to Strike Petitioner's Memorandum in Support of Petition for Judicial Review
01/31/2022	Planning Board's Reply to Petitioners' Opposition to Respondent's Motion to Dismiss
02/14/2022	Opposition to Motion to Strike
02/14/2022	Petitioner's Motion to Supplement the Record
02/14/2022	Amended Memorandum in Support of Petition for Judicial Review
02/25/2022	Planning Board's Memorandum
03/16/2022	Reply Memorandum filed.

**Snyder v. State of Maryland, et al.**

Case No. CAL 20-13024 (Tort)

Lead Counsel: Adams  
Other Counsel:

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

Status: In discovery.

Docket:

06/19/2020	Complaint filed.
07/27/2020	Commission's Motion to Dismiss
07/27/2020	Motion to Transfer Venue
08/11/2020	Opposition to Motion to Dismiss

08/25/2020	State of Maryland's Motion to Dismiss
09/10/2020	Amended Complaint.
10/30/2020	2 <sup>nd</sup> Amended Complaint filed
10/14/2020	Order of Court – Motion to Dismiss and Motion to Transfer Venue Moot.
05/04/2021	Commission and L. Gertzog's Answer to 2 <sup>nd</sup> Amended Complaint
08/22/2022	Trial

**Tolson v. Commission**  
Case No. CAL22--05472 (ED)

Lead Counsel: Levan  
Other Counsel:

Abstract: Show Cause Action under the LEOBR regarding mandatory COVID vaccination requirements for police officers.

Status: Petition filed.

Docket:

03/03/2022	Petition for Show Cause Order filed
03/28/2022	Commission served
04/27/2022	Consent Motion for Extension of Time to Respond to Show Cause.

**Walters v. Commission**  
Case No. CAL22-01761 (Tort)

Lead Counsel: Johnson  
Other Counsel:

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

Status: In discovery.

Docket:

01/19/2022	Complaint filed
03/25/2022	Commission served
04/06/2022	Commission's answer filed.
04/27/2022	Scheduling Order filed.

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

Case No. CAL20-14895 (AALU)

Lead Counsel: Goldsmith  
Other Counsel: Warner

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

Status: Awaiting decision on Motions.

Docket:

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



**MARYLAND COURT OF SPECIAL APPEALS**

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

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

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

Lead Counsel: Harvin  
Other Counsel:

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

Status: Appeal from Circuit Court granting Motion to Dismiss.

Docket:

12/14/2021	Appeal filed.
02/28/2022	Briefing Notice issued
04/07/2022	Show cause issued as to Appellant and why matter should not be dismissed for failure to timely file record.

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

Case No. CSA-REG-1563-2021 (AALU)

(Originally filed under CAL 20-14095 in Prince George's County)

Lead Counsel: Warner  
Other Counsel: Goldsmith

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

Status: Appeal filed.

Docket:

12/01/2021	Appeal filed.
03/28/2022	Appellant Brief filed
04/20/2022	Appellee Brief filed

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

Case No. CSA-REG 1795-2021 (ED)

(Originally filed under 486280-V in Montgomery County)

Lead Counsel: Adams  
Other Counsel: Johnson

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

Status: Appeal filed.

Docket:

01/14/2022	Notice of Appeal to Court of Special Appeals
03/29/2022	Briefing Notice issued

**MARYLAND COURT OF APPEALS**

No Pending Cases

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

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

8:19-cv-02651 TJS (ED)

Lead Counsel: Foster  
Other Counsel:

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

Status: In discovery.  
Docket:

09/11/2019	Complaint filed
10/23/2019	Notice of Intent to file Motion for More Definite Statement filed by Defendants Commission, McSwain, and Riley
10/24/2019	Notice of Intent to file Motion for More Definite Statement filed by J. Creed on behalf of Defendant Murphy
10/28/2019	Notice of Intent to File a Motion for More Definite Statement filed by attorney C. Bruce on behalf of Defendant Uhrig
11/26/2019	Status Report filed by Plaintiff agreeing to file Amended Complaint specifying against whom each claim is asserted and dates of alleged events.
12/10/2019	Amended Complaint filed.
12/23/2019	Notice of Intent to file a Motion to Dismiss filed by all defendants
01/09/2020	Order granting Plaintiff leave to file Amended Complaint
01/16/2020	Second Amended Complaint filed
02/14/2020	Joint Motion to Dismiss filed by all Defendants
03/20/2020	Opposition to Motion to Dismiss
03/20/2020	Motion for Leave to file Third Amended Complaint
03/20/2020	Third Amended Complaint
04/17/2020	Plaintiff's Reply to Defendants' joint Opposition to Plaintiff's Motion for Leave to file Third Amended Complaint.
05/07/2020	Order granting Motion for Leave to File Third Amended Complaint; denying as moot Defendants' Joint Motion to Dismiss; granting defendants leave to renew their Joint Motion to Dismiss by May 22, 2020.
06/05/2020	Joint Motion to Dismiss for Failure to State a Claim filed by Commission, McSwain, Murphy, Riley and Uhrig.
07/10/2020	Motion for Leave to File Excess Pages
07/16/2020	Order granting in part and denying in part Motion for Leave to file Excess Pages and directing the Plaintiff to file a brief by 7/23/2020
07/23/2020	Response in Opposition to Joint Motion to Dismiss for Failure to State a Claim
08/06/2020	Response to Motion for Leave to file Excess Pages.

08/06/2020	Reply to Opposition to Joint Motion to Dismiss.
11/13/2020	Defendants' Motion to Dismiss granted in part. Counts 4, 5, part of 6 and 7 -10, part of 11, and 12 dismissed. Counts, 1 -3, part of 6 and 11, 13 -15 will proceed at this stage. Defendants to file an answer to remaining claims.
11/27/2020	Answer filed.
01/11/2021	Order – Case referred to Magistrate Judge Timothy J. Sullivan generally and to Magistrate Judge Jillyn K. Schulze for mediation
01/15/2021	Joint Consent to Proceed before Magistrate
01/28/2021	Order of Court re mediation week of May 17, 2021.
07/26/2021	Commission's Motion for Protective Order.
08/09/2021	Plaintiff's Opposition to Motion for Protective Order.
08/23/2021	Commission's Reply to Opposition for Protective Order.
10/05/2021	Informal Discovery Dispute Resolution Conference was held with the Judge to resolve issues raised in the Motion for Protective Order and Opposition. An Order was issued resolving several matters and requiring additional disclosure of information and/or documents
01/14/2022	Notice of Intent to file a Motion for Summary Judgment filed by Defendants Murphy, Uhrig, McSwain, and Commission.
02/17/2022	Order of Court re scheduling order. Motion for Summary Judgment due April 8, 2022.
04/08/2022	Defendants' Joint Motion to Seal Exhibits Related to Defendants' Motion for Summary Judgment
04/08/2022	Defendants' Joint Motion for Summary Judgment and Supporting Memorandum of Law
04/20/2022	Response in Opposition to Motion to Seal Exhibits

**Miles v. Commission, et al.**  
8:22-cv-00624-CBD (ED)

Lead Counsel: Foster  
Other Counsel:

Abstract: Plaintiff, police officer, filed a complaint against the Commission and individual defendant, alleging hostile work environment, discrimination, retaliation, and violations of 42 USC §1981, 42 USC §1983, Maryland Statutory violations, and County Code violations.

Status: Answer to Complaint due on May 23, 2022.  
Docket:

03/14/2022	Complaint filed
03/16/2022	Commission accepted service
03/23/2022	Waiver of the Service of Summons filed by Commission