



THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

COMMISSION MEETING

May 17, 2023

10:00 a.m. – 12:00 noon

**Prince George's
Parks and Recreation Administration**
Auditorium

6600 Kenilworth Avenue
Riverdale, Maryland 20737

This page intentionally left blank.

**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING AGENDA
Wednesday, May 17, 2023
10:00 am to noon**

		<u>ACTION</u>	
		Motion	Second
1.	Approval of Commission Agenda (10:00 a.m.)	(*)	Page 1
2.	Approval of Commission Minutes (10:05 a.m.) a) Open Session – April 19, 2023	(*)	Page 3
3.	General Announcements (10:05 a.m.) a) National Prevention Week (Mental and/or Substance Use Disorders) May 8-14 b) National Fitness Month/Fitness Days c) Asian Pacific American Heritage Month d) Jewish-American Heritage Month e) Military Appreciation Month		
4.	Committee Minutes/Board Reports (For Information Only) (10:05 a.m.) a) Employees Retirement Association Board of Trustees Regular Meeting – March 7, 2023		Page 11
5.	Closed Session (10:10 a.m.)		
<i>Pursuant to the Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b)(9), a closed session is proposed to consider matters relating to collective bargaining negotiations in order to protect and promote the public interest by preserving privileged and confidential deliberations required to manage ongoing collective bargaining negotiations with the Municipal and County Government Employees’ Organization.</i>			
<i>Open session resumes</i>			
6.	Action and Presentation Items (10:40 a.m.)		
	a) Resolution 23-07 FY24 Wage Adjustments for Employees Represented by the Municipal County Government Employees Association (MCGEO) Collective Bargaining Unit (Chiang-Smith)	(*)	Page 15
	b) Resolution 23-08 FY24 Wage Adjustments for Non-Represented Merit and Term Contract Employees (Chiang-Smith)	(*)	Page 17
	c) Resolution 23-09 FY24 Wage Adjustments for Seasonal-Intermittent Employees (Chiang-Smith)	(*)	Page 19
	d) Resolution 23-10 Recommendation for Approval of the FY2024 Operating Budget for the Employees’ Retirement System (Rose)	(*)	Page 21
	e) Recommendation for the Prince George’s County Public Member and the Montgomery County Public Member of the Employees’ Retirement System for the term ending June 30, 2026 (Rose)	(*)	Page 31
	f) Recommendation to Acknowledge the Bi-County Open Trustee for the Employees’ Retirement System for the term ending June 30, 2026 (Rose)	(*)	Page 33
	g) Resolution 23-11 Disposition of 7800-7810 Wisconsin Avenue, Bethesda, MD (Sandberg)	(*)	Page 35
	h) Resolution 23-12 Disposition of Oak Crest Community Center (Capitol Heights) to the DPW&T (Sun)	(*)	Page 43
	i) End of Federal COVID-19 Public Health Emergency (PHE) Declaration (Borden)		Page 55

7. **Officers' Reports (11:30 p.m.)**

Executive Director's Report

- a) Late Evaluation Report, April 2023 (For Information Only) Page 59
- b) Quarterly Budget Transfers Report (For Information Only) Page 61

Secretary Treasurer

- c) 3rd Quarter Investment Report (For Information Only) Page 63

General Counsel

- c) Litigation Report (For Information Only) Page 69

(*) Vote (LD) Late Delivery (H) Handout (D) Discussion Only



Commission Meeting
Open Session Minutes
April 19, 2023

The Maryland-National Capital Park and Planning Commission met in hybrid, in-person/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

Prince George's County Commissioners

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

Montgomery County Commissioners

Jeffrey Zyontz, Vice Chair
Shawn Bartley
James Hedrick
Mitra Pedoeem
Roberto Piñero

NOT PRESENT

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

ITEM 1 APPROVAL OF COMMISSION AGENDA

ACTION: See item 2

ITEM 2 APPROVAL OF COMMISSION MINUTES

Open Session – March 15, 2023

Motion by Commissioner Geraldo to pass the 4.19.23 Agenda and the 3.15.23 Open Session Minutes

Seconded by Commissioner Bailey

10 approved the 4.19.23 agenda

9 approved the 3.15.23 minutes

1 abstention (Pedoeem)

ITEM 3 GENERAL ANNOUNCEMENTS

a) Stress Awareness Month

b) Alcohol Awareness Month

c) Arab-American Heritage Month

d) Upcoming National Prevention Week (Mental and/or Substance Use Disorders) May 7-13

e) Financial Disclosure Statements due Apr 30

ITEM 4 ACTION/PRESENTATION ITEMS

- a) Resolution 23-06 Disposition of Former WMATA Property through a Land Exchange for the Future of Wheaton Urban Recreational Park (Sandberg/Coppola)

Montgomery County Real Estate Supervisor Brenda Sandberg briefed Commissioners since the former MCPB approved this land exchange in 2019. Ms. Sandberg explained the process

for land transfers/disposition to Commissioners and provided background and history of this land exchange and the original MCPB Resolution 19-103 as included in the packet. She asked for the Commission's support and approval of the disposition and conveyance of the former WMATA property in the Resolution as part of a land exchange to support affordable housing and parks.

Commissioner Bartley asked about the planned building of Moderately Priced Dwelling Units (MPDU) versus non-MPDU units. Acting Director Stern and Ms. Sandberg said the Montgomery Housing Partnership (MHP) Development Project will go through the regulatory review process to be approved by the Montgomery County Planning Board at a future date.

Commissioner Pedoeem asked about the construction schedule for the Parks Department and if it is in the CIP. Ms. Sandberg said it would have been completed by now, but was delayed because of COVID-19. She said the project's development process is now moving forward at a rapid pace. Montgomery Parks Department Director Riley said the department will closely monitor the work of MHP and county government on the project's development. Montgomery Parks will try to time the planning and design process to be ready when the construction site is available. It will be a multi-year process.

Commissioner Pinero noted the size of MHP parcel and the plans for including even more MPDUs. Wheaton has an over-concentration of affordable housing in this area. He was looking for more market housing than affordable housing. There needs to be a better distribution of affordable housing to places that currently lack affordable housing. Acting Director Stern asked Commissioners to bring those concerns up when the matter is before the Montgomery County Planning Board. She will share Commissioner Pinero's concerns with the Regulatory Review team.

Vice-Chair Zyontz asked about the timing and liability issues when the M-NCPPC takes over apartments. Ms. Sandberg said the signed letter of intent between MC Parks and MHP indicates a staggered exchange. After the exchange, we will put the deed in escrow and MHP will continue to own, operate and manage the property until the residents are out and the buildings are demolished. The M-NCPPC will have a clean slate before it takes full ownership. The M-NCPPC will not have any ownership of that parcel while it has any structures on it.

ACTION:

Motion by Commissioner Washington to approve Resolution 23-06 to adopt the Montgomery County Planning Board's findings, accept the Planning Board's recommendations, and approve the disposition and conveyance of the former WMATA property as recommended and imposed in MCPB Resolution 19-103 as part of a land exchange to support affordable housing and parks within the Wheaton CBD.

Seconded by Commissioner Geraldo

10 voted in favor

b) Central Administrative Services Salary Savings Requests (Kroll/Chiang-Smith)

Corporate Budget Director Kroll requested Commissioners' support to efficiently utilize extra resources in the CAS salary budget amounting to approximately \$2.047M. The savings would be used to pay down items in the FY24 budget to meet the expected Montgomery County budget reductions along with certain other requests. Any savings dollars would

directly flow to and pre-pay for FY24 items in the ERP replacement project. The current budget will likely be insufficient for that project and this will be a way to offset the shortfall.

Vice Chair Zyontz asked is the prepaid payment for FY24 maximized or is there anything else we can shift. Mr. Kroll said this is the current savings projection. More funds may become available if people leave before the end of the fiscal year.

ACTION:

Motion by Commissioner Geraldo to approve the requests

Seconded by Commissioner Hedrick

10 voted in favor

c) Annual Legislative Update (Borden)

General Counsel Borden presented the results of the annual legislative work program. The legislative work program lasts for the General Assembly session from January through April to work on legislation that either applies to or impacts the M-NCPPC. The agency needs to monitor the legislative session closely and work with sponsors and legislators to develop position statements, etc. This year, the Legal Department assigned the program to Jordan BaucumColbert, whose public affairs background strongly supports the position of the Government Affairs Liaison. Overall, General Counsel Borden said the legislative session was a great success due to the work of Ms. BaucumColbert.

This year's session dealt with substantial legislative issues. Three Commission-focused legislative bills from Sen. Kramer threatened to be very impactful, particularly the task force bill, which aimed to break apart the agency. The legal department testified, put together position statements, spoke with the sponsor, and identified areas of compromise.

The M-NCPPC proposed substantial changes and concessions to the forest conservation act bill with the help of the agency's environmental planners that were approved. There were extensive negotiations with the sponsors, the Chesapeake Bay Foundation, and the Maryland Association of Counties (MACo).

The Legal Department will now focus on follow-up from any of the bills. As an example, General Counsel Borden cited the employment ramifications of the cannabis bill. They are working to get recommendations on policy changes to make sure the agency's drug policy is adjusted to comply with the changes in the bill. She will come to Department Heads for recommendations, including identifying safety-sensitive exempt jobs.

Chair Shapiro said this approach is the right way to go. Commissioners Washington, Doerner, Pedoeem and Bartley and Directors Tyler, Riley and Stern agreed with the Chair and congratulated the legal team. Several Commissioners added that the new reporting format is terrific – very interactive, intuitive and informative.

Commissioner Doerner asked about the status of HB1057 on the recommendations of the Recreation Blue Ribbon Work group. General Counsel Borden said the report was due after the close of the legislative session. The report was sent 5 days ago, and the panel unanimously agreed they did not recommend a separate sports authority for Prince George's County. Chair Shapiro praised the Parks and Recreation team for transparently providing all the information to the task force saying it was a testament to the effectiveness of the department. Commissioner Doerner this is a testament to the need for a bi-county agency. The M-NCPPC has been mirroring state legislation and aligning policy across county lines,

ensuring the counties do not have two different sets of rules. He commended the Department of Parks and Recreation for making sure they have practices similar to their counterparts adding the agency is doing exactly what it should be doing.

ITEM 5 OFFICERS' REPORTS

Executive Director's Report

- a) Late Evaluation Report (February 2022) (For information only)
Executive Director Chiang-Smith thanked departments for greatly reducing the number of delinquent evaluations.

Secretary-Treasurer's Report

No report scheduled

General Counsel's Report

- b) Litigation Report (For information only)
Commissioner Bartley and General Counsel Borden discussed the circumstances and needs of employing outside counsel to represent the agency to avoid conflicts of interest.

Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (9) and (15) the closed session considered matters relating to collective bargaining negotiations in order to preserve privileged and confidential deliberations required to manage ongoing collective bargaining negotiations; and to discuss cybersecurity matters and personnel items.

The following individuals were also present (in person or via videoconference):

Also present:

Asuntha Chiang-Smith, Executive Director
Gavin Cohen, Secretary-Treasurer
Debra Borden, General Counsel
Suzanne King, Acting Director, Prince George's Planning
Bill Tyler, Director, Prince George's Parks and Recreation
Mike Riley, Director, Montgomery Parks
Tanya Stern, Acting Director, Montgomery Planning

James Adams, Senior Technical Writer, DHRM
Mazen Chilet, Chief Information Officer
Miti Figueredo, Deputy Director, Montgomery Parks
Tracey Harvin, Corporate Policy and Management Operations Director
John Kroll, Corporate Budget Director
Robert Kronenberg, Deputy Director, Montgomery Planning
Alvin McNeal, Deputy Director, Prince George's Parks and Recreation
Dana Philips, Chief of Staff, Prince George's Planning Board
Wanda Ramos, Deputy Director, Prince George's Parks and Recreation
William Spencer, Acting Deputy Executive Director

Chair Shapiro requested a motion to move the meeting into Executive Session. Commissioner Geraldo moved; Commissioner Washington seconded. All Commissioners in attendance voted in favor of moving to closed session. Open session adjourned and re-convened in closed session at 11:20 a.m.

The meeting returned to open session at 12:51 pm.


Commissioners noted the actions taken in closed session:

- Approval of the March 2023 Closed Session minutes.

With no other business to discuss, Chair Shapiro adjourned the meeting at 12:51 pm.



James F. Adams, Senior Technical Writer



William Spencer, Deputy Executive Director,
for 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: 4/19/2023 Time: 11:20 am
Location: Wheaton HQ Auditorium in Wheaton, MD & Via Videoconference

Motion to close meeting made by Commissioner Geraldo. Seconded by Commissioner Washington.

Members voting in favor: Bailey, Bartley, Doerner, Geraldo, Hedrick, Pedoeem, Piñero, Shapiro, Washington, Zyontz

Opposed: N/A Abstaining: N/A Absent: none

**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 the Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b)(1), (7), (9) and (15), a closed session is proposed to (i) consider matters relating to collective bargaining negotiations with the Municipal and County Government Employees' Organization to preserve the Commission's negotiating position and (ii) to discuss cybersecurity matters that pose a risk to: 1. security assessments or deployments relating to information resources technology; 2. network security information; and 3. deployments or implementation of security personnel, critical infrastructure, or security devices, in order to protect a government network's privacy and security; and (iii) to consider personnel matters related to one or more specific individuals and obtain legal advice pertaining to the same.

Topics to be discussed: Collective Bargaining Update Negotiations with the Fraternal Order of Police Collective Bargaining Unit; Cybersecurity update for the agency; and discussion of information that has an impact on personnel matters and related legal advice.

This statement is made by:

Peter Shapiro, Chair, Presiding Officer.

PRINT NAME



May 5, 2023

SIGNATURE & DATE

This page intentionally left blank.



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

BOARD OF TRUSTEES MEETING MINUTES

Tuesday, March 7, 2023; 10:00 a.m.

Kenilworth Office Building, Riverdale, MD

(Virtual Meeting via Microsoft Teams)

The Maryland-National Capital Park and Planning Commission (“Commission”) Employees’ Retirement System (“ERS”) Board of Trustees (“Board”) met virtually through Microsoft Teams with CHAIR SHAPIRO leading the call on Tuesday, March 7, 2023. The meeting was called to order at 10:00 a.m. by CHAIR SHAPIRO.

Board Members Present

Peter A. Shapiro, Board of Trustees Chair, Prince George’s County Commissioner

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

Sheila Morgan-Johnson, Prince George’s County Public Member

Theodore J. Russell III, Prince George’s County Open Trustee

Elaine A. Stookey, Bi-County Open Trustee

Howard Brown, FOP Represented Trustee

Lisa Blackwell-Brown, MCGEO Represented Trustee

Board Members Absent

Vacant, Montgomery County Commissioner

ERS Staff Present

Andrea L. Rose, Executive Director

Jaclyn Harris, Deputy Executive Director

Sheila Joynes, Accounting Manager

Alicia C. Stanford, Administrative Specialist

Presentations

Bradley Baker, Wilshire Advisors, Managing Director

LouAnn Eisenhut, Wilshire Advisors, Assistant Vice President

ITEM 1. APPROVAL OF THE MARCH 7, 2023, CONSENT AGENDA

ACTION: MS. CHIANG-SMITH made a motion, seconded by MR. RUSSELL to approve the Consent Agenda of March 7, 2023. The motion PASSED (10-0) (Motion # 23-10).

ITEM 2. CHAIR’S ITEMS – INTRODUCTION OF DEPUTY EXECUTIVE DIRECTOR

Ms. Rose introduced the new ERS Deputy Executive Director, Jaclyn Harris. Ms. Harris has twenty years of experience in management, research, administration, and performance analysis for institutional investors’ portfolios, including eight years of retirement benefit administration experience. In her previous role as Pensions Administrator for Prince George’s County Pension Plans, she worked with leadership and the Pension Board of Trustees to oversee

more than \$2 billion in pension assets and over \$500 million in defined contribution assets. Ms. Harris has a bachelor's degree in business administration from the University of Richmond and a master's degree in public policy management from Georgetown University.

ITEM 3. MISCELLANEOUS - No items to report.

ITEM 4. CONSULTATION/MANAGER PRESENTATIONS

ITEM 4.A. Wilshire Advisors LLC – Presentation by Bradley Baker, Managing Director and LouAnn Eisenhut, Assistant Vice President

Mr. Baker presented a Quarterly Executive Summary for the quarter ending December 31, 2022 and reported on the fund's performance. The ERS total fund return was 5.6% (net of fees) for the quarter, underperforming by 40 basis points, the target policy index return of 6.0%. For the trailing one, three, five, and ten-year periods ending as of December 31, 2022, the ERS total fund return was -5.4%, 5.8%, 6.1%, and 7.1%, respectively compared to the target policy return of -10.5%, 2.7%, 4.1%, and 5.8%, respectively. While the total fund return was negative for the one-year ending December 31, 2022, the portfolio outperformed the target policy index for the trailing one, three, five, and ten-year periods. The ERS achieved top quartile returns versus other public plans for the last five years ending as of December 31, 2022. This accomplishment was realized by sticking with the fund's long-term asset allocation policy and with less investment portfolio risk than other public funds. As of December 31, 2022, ERS total assets stood at \$1.08 billion.

In terms of market performance, the U.S. equity market was up (+7.1%) and the non-U.S. equity market was down (-19.0%) for the quarter ending December 31, 2022. Consumer discretionary was down (-8.0%), however Energy (+19.9%), Industrials (+16.6%), and Materials (+14.6%) are trending up. Small-cap outperformed large-cap by 86 basis points. Inflation continued to rise in the fourth quarter of 2022, reaching levels not seen in four decades. Geopolitical risks associated with the ongoing war between Russian and Ukraine continue to have a negative impact on capital markets on all segments except for the Energy sector.

ITEM 5. COMMITTEE REPORTS/RECOMMENDATIONS

ITEM 5.A. Investment Monitoring Group

Ms. Rose provided an overview of the Investment Monitoring Group ("IMG") meeting of February 21, 2023. Wilshire Advisors provided a review of the GCM Grosvenor Real Assets and Customized Infrastructure Strategies (CIS) III. As of September 30, 2022, the GCM Grosvenor Real Assets, L.P. produced an IRR and TVPI of 11.2% and 1.3x, respectively, calculated by Wilshire Advisors. The ERS has a commitment value of \$90 million, of which 86% has been called, and a current market value of \$63.8 million. The Real Assets fund focuses equally on private real estate and infrastructure. GCM Grosvenor CIS III, L.P. has an inception date of June 30, 2022, commitment value of \$20 million and market value of \$5.6 million. Currently, it is too early in the investment cycle to determine the IRR and TVPI. The investment strategy is focused on private infrastructure investments. Wilshire Advisors is confident that the ERS's investments in GCM Grosvenor funds are on target to meet mandates.

ITEM 5.B. Administration & Personnel Oversight Committee

Ms. Rose provided an overview of the Administration & Personnel Oversight Committee ("Personnel Committee") meeting of February 21, 2023. The Personnel Committee held its first working session to discuss and consider revisions to the Ethics Policy that will later be incorporated in the Governance Manual. The Committee also reviewed

the Statement of Changes in Fiduciary Net Position, Statement of Fiduciary Net Position at December 31, 2022, and Budget vs. Actual as of December 31, 2022 with no discussion or comments.

ITEM 6. EXECUTIVE DIRECTOR'S REPORT

Ms. Rose presented the Executive Director's Report dated February 27, 2023. Ms. Rose reminded the Board the Bi-County Open Trustee and the Montgomery County and Prince George's County Public Member seats will expire on June 30, 2023. Letters of Interest for the Bi-County Open Trustee seat must be received by April 21, 2023 and on April 7, 2023 for the Montgomery and Prince George's County Public Member seats. Ms. Rose also reminded Trustees that Financial Disclosure Statements for 2022 are due by April 30, 2023.

Staff calculated a Cost-of-Living Adjustment (COLA) using data from the December 2022 Consumer Price Index for All Urban Consumers (CPI-U). The change in the CPI-U for December 2022 was 5.5%. COLAs are applied annually on July 1st based upon the change in the CPI-U at year end. Staff recommended a maximum COLA of 5% for Tier 1 Service and 2.5% for Tier 2 Service effective July 1, 2023 for eligible retirees and beneficiaries in accordance with the Employees' Retirement System Plan Document.

ACTION: MS. CHIANG-SMITH made a motion, seconded by MR. RUSSELL to approve a Cost-of-Living Adjustment of 5.0% for Tier 1 Service and 2.5% for Tier 2 Service effective July 1, 2023 for eligible retirees and beneficiaries in accordance with the ERS Plan Document. The motion PASSED (10-0) (Motion # 23-11).

The Board meeting of March 7, 2023, adjourned at 10:35 a.m.

Respectfully,

Alicia C. Stanford

Alicia C. Stanford
Administrative Specialist

Andrea L. Rose

Andrea L. Rose
Executive Director

This page intentionally left blank.



M-NCPPC Resolution Number 23-07

**Fiscal Year 2024 Reopener Agreement on Wages with the
Municipal and County Government Employees Organization
UFCW, Local 1994**

WHEREAS, the Maryland-National Capital Park and Planning Commission (“M-NCPPC”) submitted its proposed Fiscal Year 2024 operating and capital budget to the Montgomery and Prince George’s County Councils in compliance with §18-105 of the Land Use Article of the Annotated Code of Maryland; and

WHEREAS, on May 11, 2023, the respective County Councils reviewed and approved the Bi-County budget items allocated to both counties and authorized compensation and benefits adjustments within the total dollars proposed by the M-NCPPC;

WHEREAS, §16-201, et. seq., of the Land Use Article of the Annotated Code of Maryland requires the M-NCPPC to engage in collective bargaining for certain employees and under specified circumstances; and

WHEREAS, eligible M-NCPPC employees are organized into the Service/Labor, Trade, and Office Bargaining Units have elected the Municipal and County Government Employees’ Association, United Food and Commercial Workers, Local 1994, (MCGEO) to be their exclusive representative for the purpose of collective bargaining with the M-NCPPC; and

WHEREAS, Article 5.2.3 of the M-NCPPC Collective Bargaining Agreement (“CBA”) with MCGEO, adopted by Resolution 21-16 on September 15, 2021, requires the parties to return to negotiations regarding Fiscal Year 2024 wages and other matters; and

WHEREAS, in Winter 2023 the M-NCPPC’s designated management team began negotiations with MCGEO in good faith; and

WHEREAS, the respective bargaining teams have reached a proposed reopener agreement that is subject to ratification by the M-NCPPC and MCGEO, and otherwise referred to as the Tentative Agreement between the Maryland-National Capital Park and Planning Commission and the Municipal and County Government Employees Organization, UFCW, Local 1994, dated March 31, 2023, is attached hereto and incorporated in this Resolution as Exhibit A; and

WHEREAS, the Tentative Agreement shall be effective July 1, 2023, unless expressly stated otherwise therein.

NOW THEREFORE, BE IT RESOLVED that the Maryland-National Capital Park and Planning Commission approves, and does hereby ratify, the provisions contained in the Tentative Agreement, as signed by the parties’ designated representatives on March 31, 2023, and attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED that the Maryland-National Capital Park and Planning Commission does hereby authorize the Executive Director and other officers to make, enter, and execute such other agreements, instruments, and further assurances, as well as amend any pay schedules as may be necessary to effectuate its decision to approve and ratify the Tentative Agreement.

BE IT FURTHER RESOLVED that upon the effectiveness of the changes, all previous versions of pay schedules shall be rescinded; and

BE IT FURTHER RESOLVED that the M-NCPPC does hereby authorize the Executive Director to take any other action that may be necessary to implement this resolution.

Approved for legal sufficiency:

Ben Rupert

Ben Rupert, Principal Counsel

NOTE: Exhibit A will be made available after the Commission discusses the resolution in Closed Session.



M-NCPPC Resolution Number 23-08

Fiscal Year 2024 Merit Increase/Anniversary Pay Increments, and Other Adjustments for Certain Non-Represented Merit System and Term Contract Employees (Excluding Park Police Command Staff and Park Police Candidates)

WHEREAS, the Maryland-National Capital Park and Planning Commission (“M-NCPPC”) submitted its proposed Fiscal Year 2024 operating and capital budget to the Montgomery and Prince George’s County Councils in compliance with §18-105 of the Land Use Article of the Annotated Code of Maryland; and

WHEREAS, on May 11, 2023, the joint County Councils reviewed and approved, the Bi-County budget items allocated to both counties and authorized compensation and benefits adjustments within the total dollars proposed by the M-NCPPC; and

WHEREAS, the Commission has recently adopted wage Resolution 23-04 for Merit positions covering represented Police Officers and Resolution 23-05 for non-represented Park Police Candidates and for Park Police Officers comprised of the command ranks of Lieutenant, Captain, and Commander, these positions are not covered by this Resolution.

NOW THEREFORE, BE IT RESOLVED that the M-NCPPC hereby adopts specific economic terms for non-represented Merit System employees and Term Contract employees (assigned to the General Service Pay Scale) of a merit increase (anniversary pay increment) of up to 3.5% for Fiscal Year 2024; and

BE IT FURTHER RESOLVED that the Commission hereby adopts for Fiscal Year 2024, a 2.5% Cost of Living Adjustment (“COLA”) effective the first full pay period on or after September 1, 2023, and a 2.5% COLA effective the first full pay period on or after January 1, 2024; and

BE IT FURTHER RESOLVED that the Commission hereby adopts for Fiscal Year 2024 a 0.5% (half percent) lump sum payment for all non-represented Merit System employees, who have reached top-of-grade and are therefore, not eligible for an anniversary (merit) pay increment; and

BE IT FURTHER RESOLVED that upon the effectiveness of the changes, all previous versions of pay schedules shall be rescinded; and

BE IT FURTHER RESOLVED that the Commission does hereby authorize the Executive Director to take any action that may be necessary to implement this resolution.

Approved for legal sufficiency:

Ben Rupert

Ben Rupert, Principal Counsel

This page intentionally left blank.



M-NCPPC Resolution Number 23-09

**Fiscal Year 2024 Pay Increment Adjustments for
Seasonal/Intermittent Contract Employees**

WHEREAS, the Maryland-National Capital Park and Planning Commission (“M-NCPPC”) submitted its proposed Fiscal Year 2024 operating and capital budget to the Montgomery and Prince George’s County Councils in compliance with §18-105 of the Land Use Article of the Annotated Code of Maryland; and

WHEREAS, on May 11, 2023, the respective County Councils reviewed and approved the Bi-County budget items allocated to both counties, and authorized compensation and benefits adjustments within the total dollars proposed by the M-NCPPC; and

WHEREAS, Commission Practice 2-16 (Contract Employment) allows for the award of anniversary pay increments to Seasonal/Intermittent Contract employees assigned to the Seasonal/Intermittent, Tennis Instructor and Specialty Services Pay Plans in accordance with the Performance Evaluation System for Contract Employees; and

WHEREAS, Commission Practice 2-16 provides that Seasonal/Intermittent employees who are assigned to the Seasonal/Intermittent Aquatic Pay Plan or the Revenue Sharing Pay Plan shall not receive anniversary pay increments; and

WHEREAS, Commission Administrative Procedures 00-02 sets the anniversary pay increment at 3.5% for Seasonal/Intermittent employees assigned to Seasonal/Intermittent, Tennis Instructor, or Specialty Services Pay Plans.

NOW THEREFORE, BE IT RESOLVED that the Commission hereby adopts a maximum anniversary pay increment of 3.5% for FY 2024 for all Seasonal/Intermittent Contract employees assigned to the Seasonal/Intermittent, Tennis Instructor or Specialty Services Pay Plans; and

BE IT FURTHER RESOLVED that the Commission does hereby authorize the Executive Director to take action as may be necessary to implement this resolution.

Approved for legal sufficiency:

Ben Rupert

Ben Rupert, Principal Counsel

This page intentionally left blank.


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 2, 2023

Via: Peter A. Shapiro  Peter Shapiro (May 2, 2023 12:08 EDT)
 Chair, Board of Trustees

From: Andrea L. Rose, Executive Director *Andrea Rose*
 Jaclyn F. Harris, Deputy Executive Director *Jaclyn Harris*

Subject: **Resolution 23-10: Recommendation to Approve the FY2024 Operating Budget for the Employees' Retirement System in the amount of \$3,247,000**

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 FY2024 Operating Budget for the ERS in the amount of \$3,247,000, a 16.9% increase from FY2023.

MISSION

The mission of the Maryland-National Capital Park and Planning Commission Employees' Retirement System (ERS) is to prudently manage, protect, diversify, and administer the funds for the sole benefit of the members and beneficiaries to ensure sufficient assets are available to pay the promised benefits.

BACKGROUND

The Commission established the ERS effective July 1, 1972, in accordance with the Trust Agreement between the Commission and the ERS' Board.

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.

FY2023-2024 GOALS & PRIORITIES

In addition to a robust work program for ERS Staff, the Board and Committees, the major goals and priorities are the following:

- Launch a self-service member portal for members to view retirement account information, perform real time benefit calculations, and receive important communications electronically from the ERS.
- Continue training and development of staff to support succession planning efforts.
- Conduct a search, select, and onboard an Opportunistic Credit investment manager.
- Conduct competitive requests for proposal for actuarial auditing and legal consulting services.
- Continue incorporating new and existing policies into the ERS Governance Manual.
- Undertake a comprehensive organizational study of the ERS through a competitive request for proposal process. This study will review the number of staff, roles and responsibilities, titles, salaries, performance evaluation process, systems, and best practices and include an annual goal setting process for the Executive Director.

MAJOR CHANGES IN FY2024 PROPOSED BUDGET

The FY2024 Operating Budget (Attachment 1) is \$3,247,000, representing an increase of 16.9% from FY2023. This increase supports FY2024 goals and priorities, and the ongoing operations administered by the ERS.

Personnel Services

Personnel Services is projected to increase by 23.7% from FY2023 and includes funding for twelve (12) employees, adjustments for compensation, benefit elections, performance and retention bonuses, pension and OPEB costs. This category accounts for a majority of the increase in the FY2024 budget.

Other Services & Charges

The net overall increase of 16.1% includes actuarial, auditing and tax consulting, legal services, education and training, insurance coverages, contractual services, rent, and computer consulting as detailed below.

Actuarial Services

Actuarial Services are estimated at \$92,000 (an increase of 7.2% from FY2023) and includes funding for the annual actuarial valuation, actuarial deficiency calculations for service transfers, annual review of the investment and salary assumption, GASB Statement No. 67, and an actuarial audit as required by the Pension Funding Policy.

Auditing & Tax Consulting Services

Auditing & Tax Consulting Services 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 ERS continues to engage a third party to conduct death audit and location services for members and beneficiaries.

Legal Services

Outside Legal Services include the review of new and existing alternative investment manager documentation, plan member issues, required plan amendments, and maintenance of the ERS' tax qualified status. The robust funding for external legal services provides the ERS with the flexibility to address high priority and specialized issues related to alternative investment structures. The increase of 10% from FY2023 is due to coverage for a pending legal matter. Staff plans to issue a request for proposal for legal services in FY2024.

Education & Training

Education & Training for the Board is important to maintain the highest standards of fiduciary responsibility. For new and existing Staff, training and professional development supports plan administration and continued succession planning efforts. Training includes a reduction in trustee travel given the rise in on-demand and virtual offerings.

Insurance

Overall, insurance rates are expected to be 18.1% higher in FY2024. While fiduciary insurance is expected to increase approximately 5%, cyber insurance is expected to increase up to 15% due to the continued hardening in the market.

Contractual Services

In FY2024, Contractual Services includes funding for a comprehensive organizational study of the ERS and annual goal setting process for the Executive Director.

Rent

The ERS reimburses the Commission for rent which reflects an increase of 12.3% for FY2024 from FY2023. This increase includes an additional 277 square foot of space to accommodate the recent addition of two (2) staff positions.

Maintenance, Licensing & Computer Consulting

Fees for the pension and accounting software are included in Maintenance & Licensing and Computer Consulting. Fees cover maintenance, support, hosting, and software changes. Time and materials and oracle fees are also included to maintain the legacy system for data verification purposes.

Chargebacks

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 Commission's Chief Technology Officer and team provides a full range of technology services to the ERS.

FY2024 Investment Services

Attachment 2 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 ERS's invested assets.

Attachments

1. FY2024 Operating Budget
2. FY2024 Investment Services
3. Organizational Chart

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

FY 2024 Operating Budget

	FY2021	FY2022	FY 2023		FY 2024	Variance		
	Actual as of 30-Jun-21	Actual as of 30-Jun-21	Budget	Actual as of 28-Feb-23	Projected as of 6/30/23	Proposed	Amount	%
PERSONNEL SERVICES:								
SALARIES-FULL TIME	819,345	831,817	1,136,059	621,896	1,075,000	1,343,000	206,941	18.2%
SALARIES-PART TIME	44,300	46,645	48,209	31,529	50,000	70,000	21,791	45.2%
TOTAL SALARIES	863,645	878,462	1,184,268	653,425	1,125,000	1,413,000	228,732	19.3%
EMPLOYEE BENEFITS								
OPEB BENEFITS	275,576	297,570	424,042	254,278	370,000	577,000	152,958	36.1%
RETIREE BENEFITS	24,723	24,458	33,079	33,079	33,079	29,000	(4,079)	-12.3%
TOTAL BENEFITS	22,408	21,492	24,509	-	21,851	24,000	(509)	-2.1%
TOTAL BENEFITS	322,707	343,520	481,630	287,357	424,930	630,000	148,370	30.8%
ACCRUED LEAVE	10,534	35,110	38,797	-	71,573	65,000	26,203	67.5%
TOTAL PERSONNEL SERVICES	1,196,886	1,257,092	1,704,695	940,782	1,621,503	2,108,000	403,305	23.7%
SUPPLIES & MATERIALS:								
OFFICE SUPPLIES & FURNITURE	2,260	7,438	10,000	856	10,000	10,000	-	0.0%
COMPUTER SUPPLIES & EQUIPMENT	-	-	21,525	-	21,525	9,000	(12,525)	-58.2%
TOTAL SUPPLIES & MATERIALS	2,260	7,438	31,525	856	31,525	19,000	(12,525)	-39.7%
OTHER SERVICES & CHARGES:								
PROFESSIONAL SERVICES:								
Actuarial	70,460	65,427	85,800	25,383	85,800	92,000	6,200	7.2%
Auditing & Tax Consulting	28,143	23,443	32,558	12,093	31,800	32,000	(558)	-1.7%
Legal	69,867	158,793	200,000	57,574	200,000	220,000	20,000	10.0%
Computer Consulting	65,084	76,028	84,316	75,316	82,328	84,000	(316)	-0.4%
EDUCATION AND TRAINING	1,500	1,950	31,250	10,137	31,250	30,000	(1,250)	-4.0%
ADVERTISING	-	106	2,000	-	2,000	1,000	(1,000)	-50.0%
COMMUNICATIONS	967	983	1,500	1,200	1,200	1,000	(500)	-33.3%
POSTAGE	362	395	5,000	688	2,500	1,000	(4,000)	-80.0%
INSURANCE	58,280	63,803	74,500	72,710	74,719	88,000	13,500	18.1%
MEMBERSHIPS AND SUBSCRIPTIONS	2,135	1,685	3,000	2,106	3,000	4,000	1,000	33.3%
MISCELLANEOUS SERVICES:								
Contractual Services	6,654	10,634	30,000	2,803	12,213	100,000	70,000	233.3%
Payroll Services	4,480	4,496	4,500	3,247	4,500	7,000	2,500	55.6%
PRINTING & BINDING & IMAGING	-	91,434	500	-	500	1,000	500	100.0%
RENT:								
Office	108,680	113,027	117,548	78,368	117,548	132,000	14,452	12.3%
Copier	2,847	2,847	5,000	3,000	3,000	3,000	(2,000)	-40.0%
MAINTENANCE/LICENSING	118,562	100,714	103,514	98,760	103,514	111,000	7,486	7.2%
OTHER	3,265	2,072	4,500	1,832	4,500	5,000	500	11.1%
TOTAL OTHER SERVICES & CHARGES	541,286	717,837	785,486	445,217	760,372	912,000	126,514	16.1%
CHARGEBACKS-M-NCPPC:								
CHARGEBACKS-IT	137,533	139,596	141,690	94,460	141,690	144,000	2,310	1.6%
CHARGEBACKS-LEGAL	64,200	64,200	64,200	42,800	64,200	64,000	(200)	-0.3%
TOTAL CHARGEBACKS	201,733	203,796	205,890	137,260	205,890	208,000	2,110	1.0%
CAPITAL OUTLAY:	837,330	569,638	50,000	-	50,000	-	(50,000)	-100.0%
TOTAL CAPITAL OUTLAY	837,330	569,638	50,000	-	50,000	-	(50,000)	-100.0%
TOTAL	2,779,495	2,755,801	2,777,596	1,524,115	2,669,290	3,247,000	469,404	16.9%

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

FY 2024 Investment Services

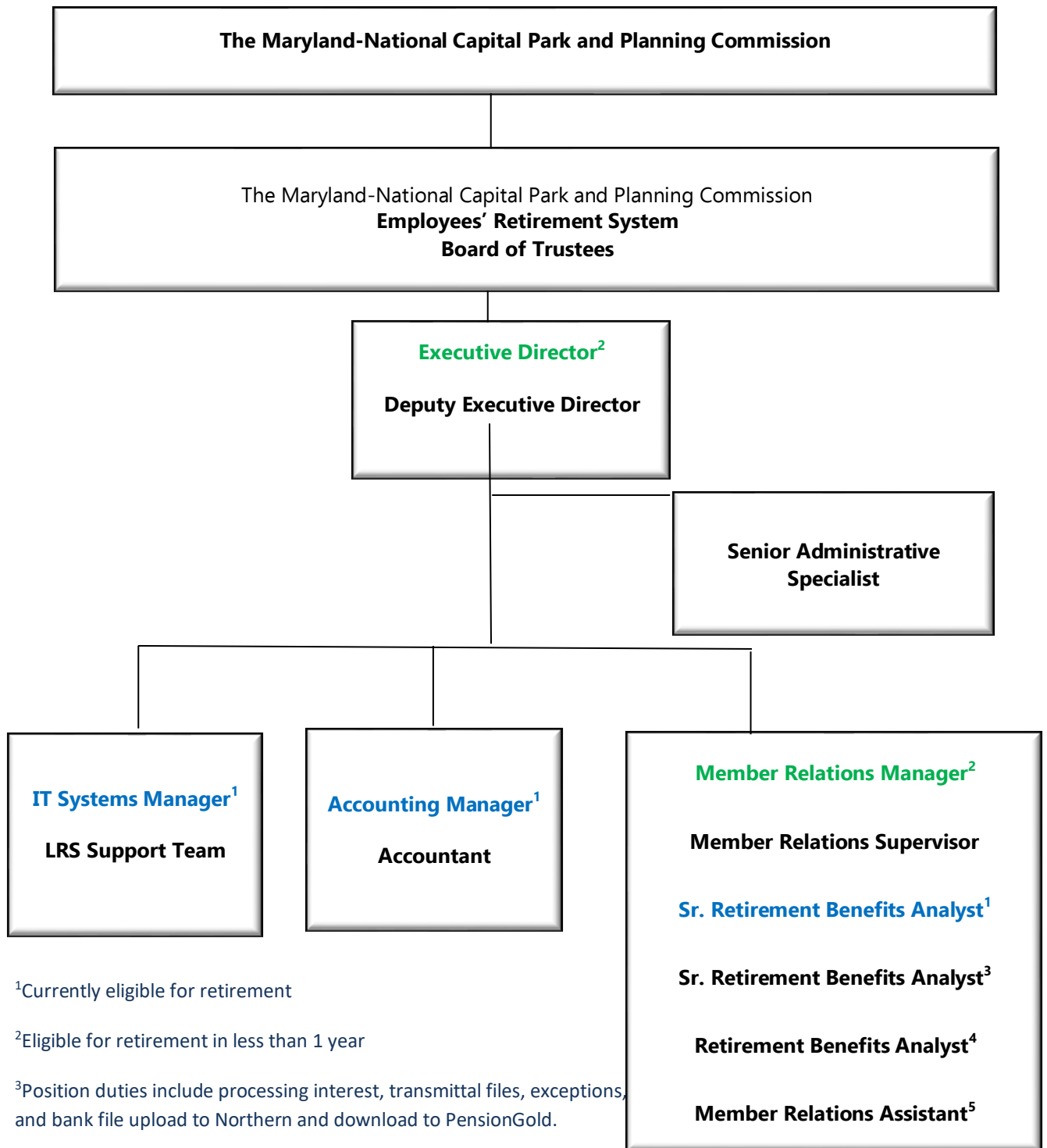
	<u>Actual FY 2020</u>	<u>Actual FY 2021</u>	<u>Actual FY 2022</u>	<u>Estimated FY 2023</u>	<u>Estimated FY 2024</u>	<u>% Increase</u>
Bank Custodial Services	\$ 292,885	\$ 289,658	\$ 277,208	\$ 280,000	\$ 289,000	3.21%
Investment Consulting Services	201,815	\$ 203,127	\$ 214,076	\$ 230,000	\$ 245,000 ⁽²⁾	6.52%
Investment Management Services	\$ 2,621,535	\$ 2,735,368	\$ 2,996,015	\$ 3,068,000	\$ 3,160,000 ⁽¹⁾	3.00%
Total	<u>\$ 3,116,235</u>	<u>\$ 3,228,153</u>	<u>\$ 3,487,299</u>	<u>\$ 3,578,000</u>	<u>\$ 3,694,000</u>	3.24%

⁽¹⁾ Investment manager fees fluctuate based on the market value of the portfolio. The market value per Wilshires' report as of December 31, 2022 was \$1,082,936,902. Estimated fees of 36.0 basis points are based on a 6.75% return assumption for 2022 and a 6.70% return for 2023 with no further assumption rate change for 2023.

⁽²⁾ Investment Consulting services include fees for the primary investment consultant, Wilshire Associates' - Agreed upon new 2023 Fees. The retainer fee shall increase by the prior calendar year's percentage increase of the index known as the "United States Bureau of Labor Statistics Consumer Price Index For All Urban Consumers All Items United States City Average."

ORGANIZATIONAL & REPORTING STRUCTURE

FY2023



¹Currently eligible for retirement

²Eligible for retirement in less than 1 year

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

⁴Position duties will include managing MemberDirect portal and assisting with exception processing.

⁵Position duties now include document imaging.



M-NCPPC NO. 23-10

RESOLUTION

APPROVAL OF THE FY2024 OPERATING BUDGET FOR THE EMPLOYEES' RETIREMENT SYSTEM IN THE AMOUNT OF \$3,247,000

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 ("MOU"); and

WHEREAS, Section 2 of the MOU states that the 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 2, 2023 meeting, the Board of Trustees approved the proposed Operating Budget for FY2024; and

WHEREAS, in accordance with the aforementioned recommendation, the Board of Trustees submits an FY2024 Operating Budget in the amount of \$3,247,000 which is a 16.9% increase from FY2023.

NOW THEREFORE, BE IT RESOLVED, that the Commission as Plan Sponsor approves the FY2024 Operating Budget of \$3,247,000.

BE IT FURTHER RESOLVED, that the Maryland-National Capital Park and Planning Commission does hereby authorize the Executive Director and other officers to take action as may be necessary to implement this resolution.

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of Resolution No. 23-10 adopted by the Maryland-National Capital Park and Planning Commission on motion of _____, seconded by _____, with _____, _____, _____, _____ in favor of the motion, and _____ being absent for the vote at its regular meeting held on _____, via video-conference, and broadcast by the _____.

Asuntha Chiang-Smith, Executive-Director

Ben Rupert

Reviewed for Legal Sufficiency by
Benjamin E. Rupert, Esq.

This page intentionally left blank.


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.mnccppc.org>

To: The Maryland-National Capital Park & Planning Commission Date: May 2, 2023

Via: Peter A. Shapiro, Chair, Board of Trustees  Peter Shapiro (May 2, 2023 12:08 EDT)

From: Andrea L. Rose, Executive Director 

Subject: Recommendation for the Reappointments of Sheila Morgan-Johnson as the Prince George's County Public Member and Pamela F. Gogol as the Montgomery County Public Member for the terms ending June 30, 2026

RECOMMENDATION

On behalf of the Board of Trustees ("Board") of the Maryland-National Capital Park and Planning Commission ("Commission") Employees' Retirement System ("ERS"), we respectfully request the Commission approve the reappointment of Pamela F. Gogol as the Montgomery County Public Member and Sheila Morgan-Johnson as the Prince George's County Public Member for the terms July 1, 2023 - June 30, 2026.

BACKGROUND

The three-year terms for the Montgomery County and Prince George's County Public Members on the Board expires June 30, 2023. The Public Member seats are open to all Prince George's County and Montgomery County residents who have knowledge in public defined benefit systems.

The ERS widely publicized the vacancies on the ERS and Maryland Reporter websites for a two-week period to solicit candidate applications. The ERS received the applications from incumbents, Sheila Morgan-Johnson, and Pamela F. Gogol. No other applications were received by the deadline.

Ms. Morgan-Johnson has served on the Board since 2016. Her experience as the former Executive Director, Chief Investment Officer, Deputy Director of Finance and Chief Operating Office of the District of Columbia Retirement plan has been invaluable to the Board and ERS Administrator. Ms. Morgan-Johnson Chairs the Board's Investment Monitoring Group.

Ms. Gogol has served on the Board since 2014. Ms. Gogol is currently a Principal Risk Analyst for the Federal Housing Finance Agency responsible for analysis and oversight of Fannie Mae's market risk exposure. Ms. Gogol was the former Assistant Treasurer of the Commission and served as the Bi-County Open Trustee on the ERS Board in 2008. Ms. Gogol serves on the Board's Investment Monitoring Group.

At its May 2, 2020 meeting, the Board voted unanimously to recommend the reappointments of incumbents Pamela F. Gogol as the Montgomery County Public Member and Sheila Morgan-Johnson as the Prince George's County Public Member for the terms ending June 30, 2026. Public Trustees are appointed by the Commission and serve at the pleasure of the Commission.

Thank you for your action.

This page intentionally left blank.


MEMORANDUM

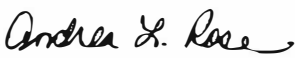


EMPLOYEES' RETIREMENT SYSTEM
 The Maryland-National Capital Park and Planning Commission
 6611 Kenilworth Avenue, Suite 100
 Riverdale, Maryland 20737

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

To: The Maryland-National Capital Park & Planning Commission Date: May 2, 2023

Via: Peter A. Shapiro  [Peter Shapiro \(May 2, 2023 12:08 EDT\)](#)
 Chair, ERS Board of Trustees

From: Andrea L. Rose, Executive Director 

Subject: Acknowledge Elaine Stookey as the Bi-County Open Trustee to the Board of Trustees for the term ending June 30, 2026

RECOMMENDATION

On behalf of the Board of Trustees ("Board") of the Maryland-National Capital Park and Planning Commission ("Commission") Employees' Retirement System ("ERS"), I respectfully request the Commission acknowledge Elaine Stookey as the Bi-County Open Trustee to the ERS Board of Trustees for the term ending June 30, 2026.

BACKGROUND

A Call for Nominations for the Bi-County Open Trustee seat on the Board was posted on the Commission's Intranet site and in the April edition of the Commission's monthly newsletter. Employees interested in the Bi-County Open Trustee seat for the term ending June 30, 2026 were invited to apply by Friday, April 21, 2023.

Elaine Stookey applied, and no other applications were received. Ms. Stookey is determined to have won by acclamation.

Ms. Stookey has worked in the Accounting Division of the Finance Department since July 2014 providing accounting support to both counties specifically in General Accounting and is heavily involved in financial statement preparation for the Commission's Annual Comprehensive Financial Report. Ms. Stookey served as a City Finance Director/Treasurer with prior employers and received certification as a Certified Public Finance Administrator by the Association of Public Treasurers of the U.S. and Canada. Ms. Stookey has served on the Board as the Bi-County Open Trustee since April 2019.

Thank you for your action.

This page intentionally left blank.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC Item 6g
Date: 5 / 17 / 2023

MEMORANDUM

DATE: April 11, 2023

TO: Maryland-National Capital Park and Planning Commission

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

FROM: Brenda Sandberg, Real Estate Management Supervisor, PDD *BFS*

SUBJECT: Land Disposition Recommendation
7800 & 7810 Wisconsin Avenue, Bethesda
11,152 square feet, more or less, improved

STAFF RECOMMENDATION

Montgomery Parks Staff requests that the Maryland-National Capital Park and Planning Commission adopt M-NCPPC Resolution No. 23-11 to:

Adopt the Montgomery County Planning Board's finding that the Property is no longer needed for park purposes; approve the disposition and sale of 7800-7810 Wisconsin Avenue to Crescent Acquisitions, LLC, for \$10,300,000 conditioned on final approval by the Commission's Office of General Counsel for all transaction documents in form and substance; and approve the return of the proceeds of the land sale to the Bethesda Park Impact Payment (PIP) CIP project for expenditure on park acquisition and development within the Bethesda Downtown Sector Plan boundary.

A draft of Resolution numbered MCPB No. 23-051/M-NCPPC No. 23-11 is attached to this memo (see [Attachment A](#)). The Montgomery County Planning Board is holding a public hearing to review this resolution for approval on May 11, 2023; the Planning Board certified resolution will be forwarded to the Commission prior to the May 17, 2023, session.

SUMMARY

The Department of Parks acquired the Goldberg Trusts' properties in 2020-2021 to fulfill the vision for the future Veteran's Park Civic Green in the 2017 Bethesda Downtown Plan. The purpose of the acquisition was to enter negotiations with adjacent and nearby landowners to determine how and

where to provide the Civic Green while supporting redevelopment of adjacent properties through land exchanges or other real estate transactions. After two years of development analysis, coordination with the Planning Department, and negotiation with the adjacent landowners, the Parks Department has determined that it is not physically or financially feasible to create the envisioned Veterans Park Civic Green on this highly constrained urban block. The Parks Department now intends to sell the properties and return the funds to the Bethesda Park Impact Payment CIP to support other priority park projects within the Bethesda Downtown Sector Plan boundary, including other options for this Civic Green. Staff have negotiated a sale to Crescent Acquisitions, LLC, for \$10.3 Million, a price that exceeds the expenditure of Park funds for land acquisition by \$700,000.

Figure 1: Former Charles H. Goldberg Family Trust & The Bettie Goldberg GST Tax Exempt Trust properties



PROPERTY DESCRIPTION

The former Charles H. Goldberg Family Trust & The Bettie Goldberg GST Tax Exempt Trust properties are located at the corner of Norfolk and Wisconsin Avenues in the heart of downtown Bethesda (at 7800 and 7810 Wisconsin Ave.). These properties are zoned CR-3.0 with a maximum building height of 225 feet and located within the Bethesda Overlay Zone which provides additional requirements and incentives for certain types of development. The two properties together total 11,152 square feet, a little over one-quarter of an acre.

The two properties were acquired in 2020 and 2021 for \$9.6 Million using funds from the Bethesda Park Impact Payment project in the CIP.

ACQUISITION RATIONALE SUMMARY

These properties were identified as a negotiating asset to create the Veteran's Park Civic Green, an expansion of the existing Veteran's Park to support the goals and objectives in many adopted policies and master plans, including the 2017 Bethesda Downtown Plan, Vision 2030 Strategic Plan for Parks and Recreation, 2017 PROS Plan, and the Energized Public Spaces Functional Master Plan. The intent of acquiring the Goldberg Trusts' properties was to gain "a seat at the table" during development negotiations for the urban block between Woodmont and Wisconsin Avenues directly across Woodmont Avenue from Veteran's Park. See the attached Land Acquisition Memo for Planning Board Item #5, 3/26/2020, for more information about the acquisition rationale.

PARK IMPLEMENTATION NEGOTIATIONS

After acquisition of the Goldberg Trusts' parcels, the Department of Parks entered negotiations with adjacent property owners and developers. Expert consultants were hired to provide economic and development analysis support, including evaluating development potential for the entire block, outlining options to create the new park to meet Parks' needs, conducting financial analyses of various development options (proformas), and assisting with direct negotiations with adjacent property owners.

Over the past three years, Planning Department and Parks Department staff have negotiated with the development consortium controlling the northern half of the block to determine if there was a financially and physically feasible way to create the desired Veteran's Park Civic Green and appropriate redevelopment on this block. Research, analysis, and negotiation steps taken by staff and the consultants included the following:

- Conducted a market analysis, development feasibility analysis, and site test fits to determine options for the proposed park and development on the block.
- Contacted all property owners within any of the potential park locations regarding future plans for their properties.
- Held bi-weekly internal meetings for two years including significant coordination between Parks and Planning.
- Held multiple meetings with the development team for the northern properties to discuss potential building/park layouts.

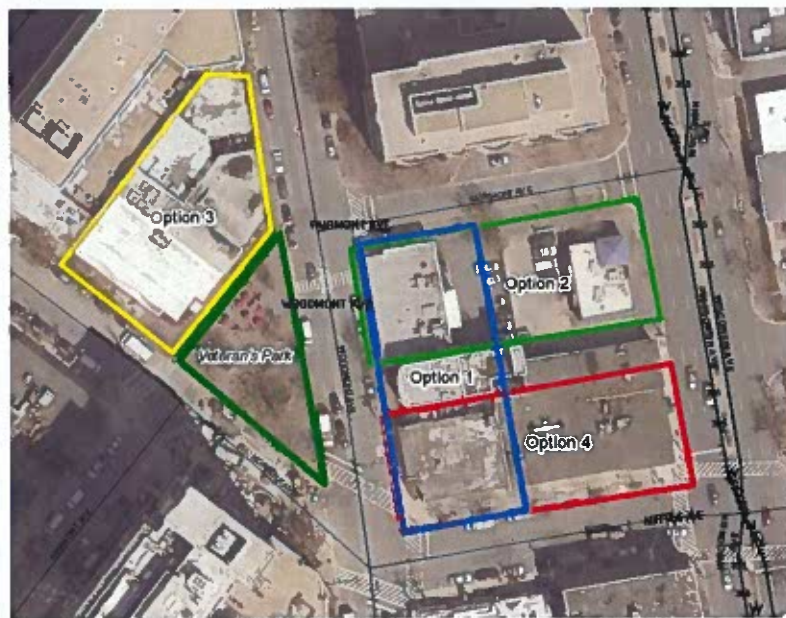
After this extensive period of research, analysis, and negotiation, staff determined that it is not physically or financially feasible to create the envisioned Veterans Park Civic Green on this highly constrained urban block. The Department of Parks recommends that the best path forward is to dispose of the properties to return the investment to Parks for continued pursuit of the envisioned Veterans Park Civic Green and other Bethesda park projects.

IMPACT OF DISPOSITION ON VETERAN'S PARK EXPANSION

The 2017 Bethesda Downtown Plan identifies the expansion of the existing Veteran's Park (managed by Bethesda Urban Partnership on County DOT ROW) to create a true Civic Green as one of the key park recommendations for this growing downtown. The Bethesda Downtown Plan Design Guidelines (July 2017) provide guidance for implementing the proposed Civic Green. The Design Guidelines also indicates that the exact location of the Civic Green is not yet determined and the vision for this park could be realized on several sites. The Design Guidelines identified four potential locations where the Civic Green could be created, mapped on Figure 2.

While the work over the past two years has resulted in a determination that it is infeasible to create the envisioned park on Options 1, 2, 4, or a hybrid location on that block, Option 3 remains a viable alternative for creating a larger Civic Green to serve the Woodmont Triangle district. To implement that option, the Parks Department will pursue acquisition of land to create the Veteran's Park Civic Green at the remaining feasible location.

Figure 2: Potential Locations for Veteran's Park Civic Green, Bethesda Design Guidelines, 2017



DISPOSITION VALUATION

Staff have reached agreement to sell the 7800-7810 Wisconsin parcels for \$10.3 Million to Crescent Acquisitions, LLC, a development group with plans to develop a residential building on several parcels adjacent to the Commission parcels. The negotiated price is a \$700,000 increase over the Commission's purchase price established in 2020 and is in alignment with the current appraised value. This agreement will allow Parks to recoup not only the \$9.6 Million spent to acquire the property but also cover all amounts expended on settlement costs and building maintenance during the Commission's period of ownership. Proceeds from the sale will be returned to the Bethesda Park

Impact Payment (PIP) capital account for use on priority projects within the Bethesda Downtown Plan boundary, including funding acquisition for the Veteran's Park Civic Green on the Option 3 location.

CONCLUSION

The acquisition of these properties was a creative attempt to overcome a difficult real estate situation to implement the envisioned Veteran's Park Civic Green. That attempt has been pursued to the extent possible; it is now time to move on to an alternative route to best support recommendations for new and improved public parks in downtown Bethesda, including pursuing the Veteran's Park Civic Green in the most feasible location.

The Montgomery County Department of Parks seeks Commission approval of M-NCPPC Resolution 23-11 to move forward with disposition of the 7800-7810 Wisconsin Avenue properties.

CC: Darren Flusche
Trish Swann
Darryl McSwain
Kenny Black
Kristi Williams
Shuchi Vera
David Vismara
Megan Chung
Tanya Stern
Robert Kronenberg
Elza Hizek-McCoy

Attachment A

Draft M-NCPPC Resolution 23-11



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

MCPB No. 23-051
M-NCPPC No. 23-11

Disposition of 7800-7810 Wisconsin Avenue, Bethesda MD 20814

RESOLUTION

WHEREAS, the Maryland-National Capital Park and Planning Commission (“**Commission**”) is authorized under the Md. Code, Ann., Land Use, §§ 17-205, to dispose and transfer land held by it when the Commission determines such land is no longer needed for park purposes; and

WHEREAS, the Commission holds fee simple title to two parcels of property known as 7800 Wisconsin Avenue, Bethesda, Maryland 20814, and 7810 Wisconsin Avenue, Bethesda, Maryland 20814, containing approximately 11,152 total square feet of land, improved, recorded among the Land Records of Montgomery County at Liber 59638 folio 257 (Tax Account No. 07-00551018) and at Liber 64233 folio 481 (Tax Account No. 07-00551667) (collectively, the “**Property**”); and

WHEREAS, following review and analysis of the Property and negotiation between the Commission and Crescent Acquisitions, LLC, (“**Buyer**”) for the sale of the Property for a price of \$10,300,000, the said staff issued a memorandum (“**Staff Report**”) to the Montgomery County Planning Board (“**Planning Board**”), dated May 3, 2023, setting forth its analysis and recommendation for the disposal and sale of the Property; and

WHEREAS, on May 11, 2023, the Planning Board held a public hearing at which the Planning Board heard testimony and received evidence submitted for the record and voted to recommend that the Commission approve the disposition and sale of the Property by the vote certified below; and

NOW, THEREFORE, BE IT RESOLVED that, subject to the conditions set forth in the Staff Report, the Planning Board has determined that the Property is no longer needed for park purposes, and that the proceeds from the sale of the Property will be returned to the Bethesda Park Impact Payment CIP project to be used for future parkland acquisition and development purposes; and

BE IT FURTHER RESOLVED that, the Planning Board hereby recommends that the Commission approve the disposition and sale of the Property from the Commission to Buyer conditioned on final approval by the Commission’s Office of General Counsel for all transaction documents, including any sale and purchase agreement, for the disposition and sale of the Property in form and substance (collectively, the “Agreement”).

BE IT FURTHER RESOLVED that, the Commission hereby adopts the Planning Board’s finding, accepts the Planning Board’s recommendation, and approves the disposition and sale of the Property on this 17th day of May, 2023 and the Executive Director is authorized to execute said Agreement on behalf of the Commission.

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner _____, seconded by Commissioner _____, with Commissioners _____, _____, _____, _____, and _____ voting in favor at its regular meeting held on Thursday, May 11, 2023, in Wheaton, Maryland.

Jeffrey Zyontz, Chair
Montgomery County Planning Board

APPROVED AS TO LEGAL SUFFICIENCY:

By: _____
M-NCPPC Legal Department Date

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Maryland-National Capital Park and Planning Commission on motion of Commissioner _____, seconded by Commissioner _____, with a vote of __-__; Commissioners _____ voting in favor of the motion, at its regular meeting held on Wednesday, May 17, 2023, in _____, Maryland.

Asuntha Chiang-Smith
Executive Director



MEMORANDUM

DATE: May 1, 2023

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

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

SUBJECT: **PGCPB Resolution No. 2023-18 (M-NCPPC No. 23-12), for Full Commission**

Attached, please find the above referenced Resolution regarding the disposal of Commission owned property (Oak Crest Community Center located in Capitol Heights) to the Prince George's County Department of Public Works and Transportation (DPW&T).

The Commission agrees to grant this Disposal via the use of and Land Bank agreement that was created with DPW&T. The land will used for DPW&T's CIP project for Marlboro Pike Pedestrian Safety Improvements.

As per the Land Bank agreement, there will be no additional monetary considerations for the conveyance of this portion of our property.

We request that the Prince George's County Planning Board Resolution be scheduled for adoption by the Full Commission in May of 2023.

Thank you for your attention to this matter.

Attachment:

- PGCPB Resolution 2023-18 / M-NCPPC Resolution No. 2023-12



PGCPB No. 2023-18

RESOLUTION

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

WHEREAS, Prince George's County Department of Public Works and Transportation ("DPW&T") and the Commission have created a land bank. In July 2001, DPW&T deeded to the Commission a 28.3682 acre parcel as the "deposit" into the land bank, with the understanding that in the future DPW&T would ask the Commission to convey to DPW&T a number of small pieces of Commission property for DPW&T road improvement projects, and that the acreage of such small pieces would be "debited" against the initial "deposit." The land bank has a current "balance" of 22.85 acres; and

WHEREAS, the Commission owns certain property known as Oak Crest Community Center consisting of Part of Parcel B-1, Election District 18, Tax Act. #3512795, Liber 11994 folio 402, 13.76 ± acres; located in Capitol Heights, and further identified as Tax Map 72, Grid F4 and

WHEREAS, as part of DPW&T's Capital Improvements Project for the Marlboro Pike Pedestrian Safety Improvements, DPW&T has requested that the Commission convey to it in fee simple 13,464 ± square feet (0.3091 ± acres) of Oak Crest Community Center as more particularly shown on DPW&T Plat No. 1828 rev.

NOW, THEREFORE BE IT RESOLVED, that the Prince George's County Planning Board approves the conveyance of such 13,464 ± square feet (0.3091 ± acres) to DPW&T, subject to final approval by the full Commission, and agrees that the land bank will be debited by such amount, leaving a new land bank balance of 22.54 acres.

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

* ~ * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Bailey, seconded by Commissioner Washington,

with Commissioners Washington, Geraldo, Shapiro, Bailey and Doerner voting in favor of the motion, during open session at its regular meeting on Thursday, February 9, 2023.

Adopted by the Prince George's County Planning Board this 13th day of April, 2023.

APPROVED AS TO LEGAL SUFFICIENCY

Kristen O. Maxwell
M-NCPPC Legal Department

Date 4/14/23

Peter A. Shapiro
Chairman

Jessica Jones
By: Jessica Jones
Planning Board Administrator

Prince George's County Planning Board: February 09, 2023

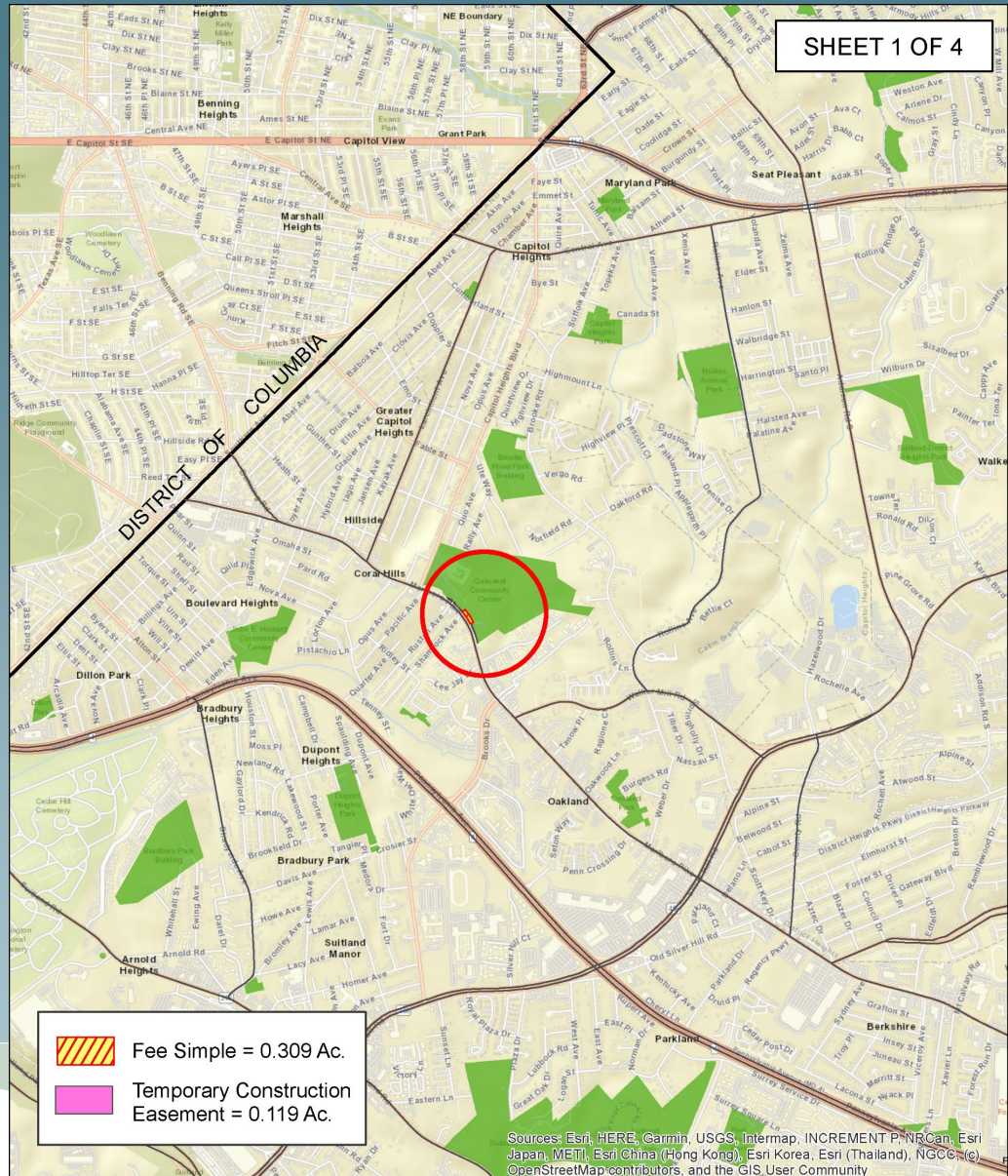
- Land Disposal – Oak Crest Community Center





Land Disposal: Oakcrest Community Center

Property of the Maryland National
Capital Park and Planning
Commission

Tax Map 72 Grid: F 4
Part of Parcel B-1



SHEET 1 OF 4

	Fee Simple = 0.309 Ac.
	Temporary Construction Easement = 0.119 Ac.

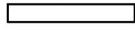
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

Property Map



Part of Parcel B-1
P62 - Oakcrest
Community Center

This information may not be reproduced,
stored in a retrieval system or transmitted
in any form, including electronic or by
photographic reproduction, without the
express written permission of the
Maryland National Capital Park and
Planning Commission.

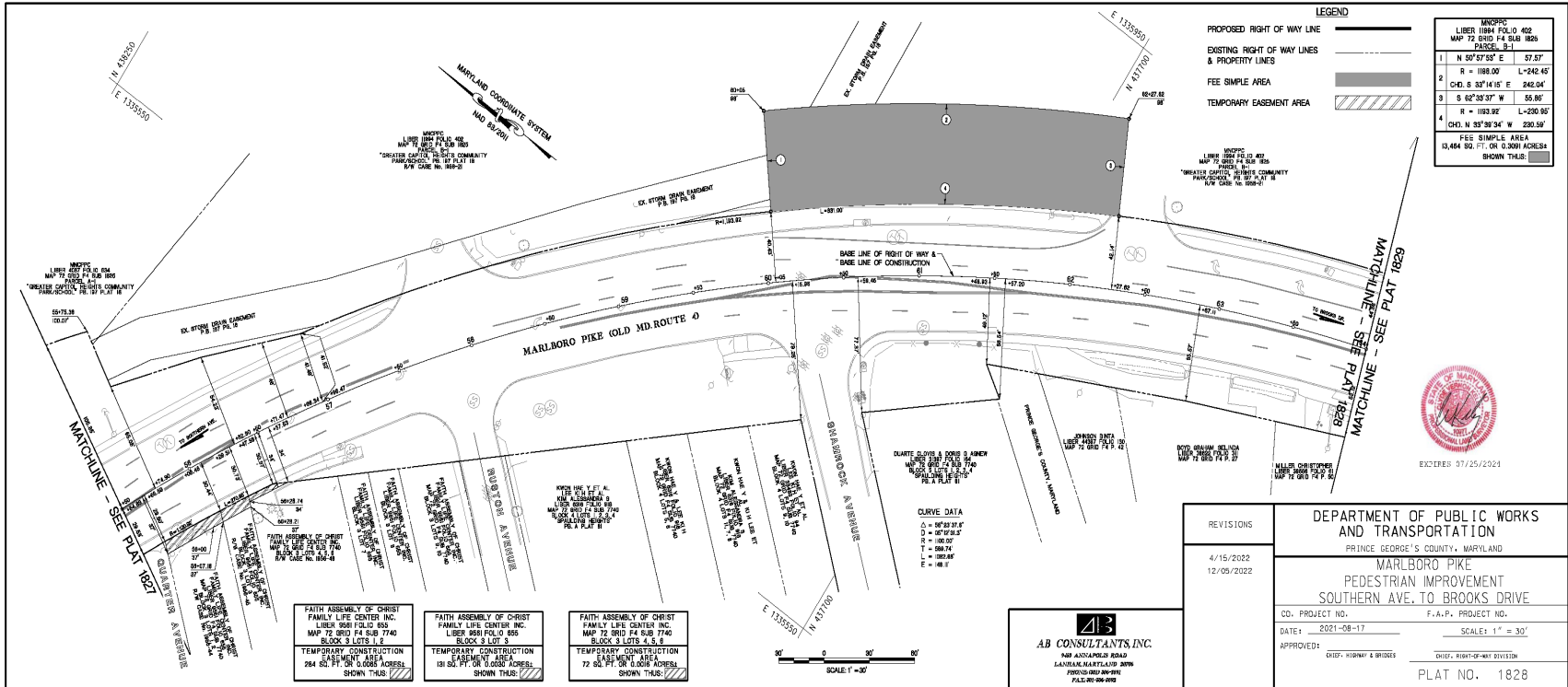
DATE: 10/26/2022
SCALE: 2,000
 Feet



Land Disposal: Oak Crest Community Center

- The Prince George's County Department of Public Works & Transportation (DPW&T) proposes to improve portions of Marlboro Pike from Southern Avenue to Brooks Drive, which includes the frontage along the existing Oak Crest Community Center.
- As part of their associated improvements, there is a need to install bio-retention facilities along the Old Marlboro Pike frontage.
- The community benefits include, improved pedestrian comfort and mobility, improved aesthetics via landscaped medians, upgraded traffic signals, upgraded street lighting, roadway resurfacing, and drainage improvements throughout the project area. The proposed roadway improvements are oriented toward the enhancement of pedestrian safety, along Marlboro Pike and its intersections from Southern Avenue to Brooks Drive, which have a history of high pedestrian related crashes.

Land Disposal: Oak Crest Community Center



Land Disposal: Oakcrest Community Center

Property of the Maryland National
Capital Park and Planning
Commission

Tax Map 72 Grid: F 4
Part of Parcel B-1



Aerial Map

Land Disposal: Oak Crest Community Center

- DPR staff recommends approval of DPW&T's request for the conveyance of 0.39 acres to Prince George's County as a credit to the Prince George's County Land Bank.
- The conveyance of this property would ensure the future maintenance of this proposed storm water management facility.

Land Bank

(Henson Creek S.V.P.)

Total Acreage: 28.3682

Recorded 7/23/2001

Liber 14841 Folio 193

Grantor: Prince George's County

Tax Map 88, Grid D-2

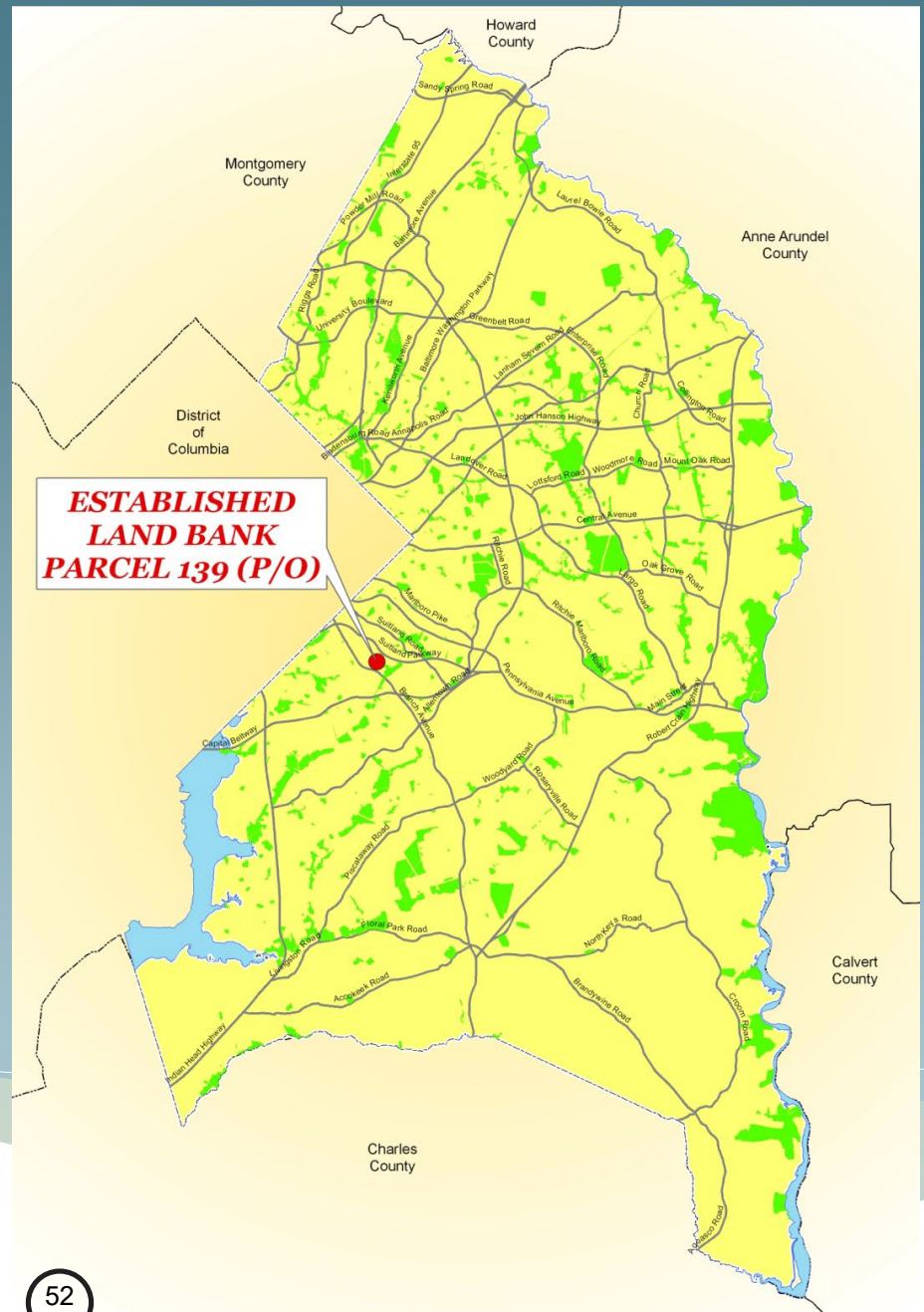
Parcel 139 (P/O)

- Current Balance Available In Land Bank:

22.85 Acres

- New Balance After Disposal:

22.54 Acres



STAFF
RECOMMENDATION

Approval
(Tyler/Stesney/Ewing/Quattrocchi/Sun)

(Subject to final approval by The Full Commission)

End



COVID-19

End of the Federal COVID-19 Public Health Emergency (PHE) Declaration

Updated May 5, 2023

What You Need to Know

- The federal COVID-19 PHE declaration will end on May 11, 2023.
- Most tools, like vaccines, treatments, and testing, will remain available.
- CDC's ability to collect and share certain data will change.
- CDC is updating its guidance to align with data changes.

May 11, 2023, marks the end of the federal COVID-19 PHE declaration. After this date, CDC's authorizations to collect certain types of public health data will expire.

The United States has mobilized and sustained a historic response to the COVID-19 pandemic. As a nation, we now find ourselves at a different point in the pandemic – with more tools and resources than ever before to better protect ourselves and our communities.

CDC has been working for many months to fold the agency's COVID-19 emergency response activities into its existing structure and programs, as part of an ongoing transition to sustainable public health practice. The agency has also been working with partners, including states and local territories, to prepare for the end of the PHE declaration and communicate updated reporting requirements and cadences.

While reporting frequency and source data for some metrics will shift when the PHE declaration ends, CDC will continue to report valuable data to inform individual and community public health actions to protect those at highest risk of severe COVID-19. Our priority remains providing the information necessary to protect the nation's public health.

What Does the End of the PHE Mean for You?

Most tools, like vaccines, treatments, and testing, will remain available. But, some tools, like certain data sources and reporting, will change.



Vaccines will remain available.

Access to COVID-19 vaccines will generally not be affected for now. The U.S. government is currently distributing free [COVID-19 vaccines](#) for all adults and children. To help keep communities safe from COVID-19, HHS remains committed to maximizing continued access to COVID-19 vaccines.





COVID-19 at-home tests may not be covered by insurance.

Insurance providers will no longer be required to waive costs or provide free COVID-19 tests. CDC's [No Cost COVID-19 Testing Locator](#) can help people find current community and pharmacy partners participating in the [Increasing Community Access to Testing \(ICATT\) program](#).



Treatments will remain available.

Medication to prevent severe COVID-19, [such as Paxlovid](#)  , will remain available for free while supplies last. After that, the price will be determined by the medication manufacturer and your health insurance coverage. Check with your healthcare provider if you need [early treatment to prevent severe COVID-19](#).



National reporting of COVID-19 may change.

We have the right data for this phase of COVID-19 that will allow us to understand what's happening with the virus in America in real-time. Simply put, while what we have going forward will be different, it will still allow CDC, local public health officials, and the members of the public to understand COVID-19 dynamics at the community level.

CDC's Data and Surveillance

Monitoring the impact of COVID-19 and the effectiveness of prevention and control strategies remains a public health priority. With the COVID-19 PHE declaration ending, some metrics will remain the same, but some will change in frequency, source, or availability. This is in part because CDC's authority to collect and receive certain types of data will change. CDC will continue to provide sustainable, high-impact, and timely information to inform decision-making.



The following metrics remain available:

COVID-19 hospital admissions.

All hospitals are required to report data through the end of April 2024. This provides a consistent and comprehensive way for weekly tracking of severe COVID-19 at the county level. These data will shift from daily to weekly reporting shortly after May 11.

COVID-19 deaths will remain, but the source of data has changed.

The National Vital Statistics System (NVSS) is the most accurate and complete source of death data, and timeliness of death certificate reporting has improved over the course of the pandemic. A new metric, the percent of deaths that are COVID-19-associated, and other metrics from NVSS will be reported weekly.

Emergency department patient visits with diagnosed COVID-19 will continue to be posted on a weekly basis.

These data cover about three-quarters of the nation's emergency departments and provide information about COVID-19 trends in most states. This is one of the fastest ways to spot changing trends in COVID-19 transmission.

COVID-19 test positivity will remain, but the source of data has changed.

After May 25, CDC will report regional-level test positivity data from the [National Respiratory and Enteric Virus Surveillance System \(NREVSS\)](#), a longstanding system with over 450 labs from across the country that voluntarily submit data. These data can provide early indications of COVID-19 transmission.

Wastewater surveillance and genomic surveillance will remain in place.

This will allow the CDC to track transmission and how the virus is mutating.

Count of COVID-19 vaccines administered will remain for jurisdictions who continue to submit data, but frequency will change.

These data will be updated monthly, instead of weekly.

The following data have been added:

Percentage of COVID-19 associated deaths each week.

Tracking the percentage of deaths caused by COVID-19 provides a timely look at whether the proportion of COVID-19 deaths are increasing or decreasing. This is modeled after a longstanding indicator for flu surveillance.

The following data have been removed:


COVID-19 case and death data are no longer highlighted on COVID Data Tracker.

Throughout the pandemic, case and death counts were reported weekly to the CDC by states. Case data has become increasingly unreliable as some states and jurisdictions may no longer collect case data, testing results are sometimes not reported, or some individuals skip testing all together. CDC continues to receive line-level data on COVID-19 cases through the National Notifiable Disease Surveillance System—a system that CDC uses to regularly collect case data for around 120 notifiable diseases. These data are available to the public for analysis at data.cdc.gov.

National, county-level test positivity data from COVID-19 Electronic Reporting (CELR) are no longer available.

This is because after May 11th [laboratories are no longer required to report results](#) .

The V-safe tracking system for health check-ins after vaccination health check-ins is ending.

CDC will continue to monitor COVID-19 vaccines through its other established vaccine safety monitoring systems. V-safe users or others who get vaccinated can report any possible health problems or adverse events following vaccination to the [Vaccine Adverse Event Reporting System](#) .

CDC has published two articles in the Morbidity and Mortality Weekly Reports which offer a more detailed description of changes to data after the COVID-19 public health emergency declaration expires. Find them here:

- [COVID-19 Surveillance After Expiration of the Public Health Emergency Declaration — United States, May 11, 2023](#)
- [Correlations and Timeliness of COVID-19 Surveillance Data Sources and Indicators — United States, October 1, 2020–March 22, 2023](#)

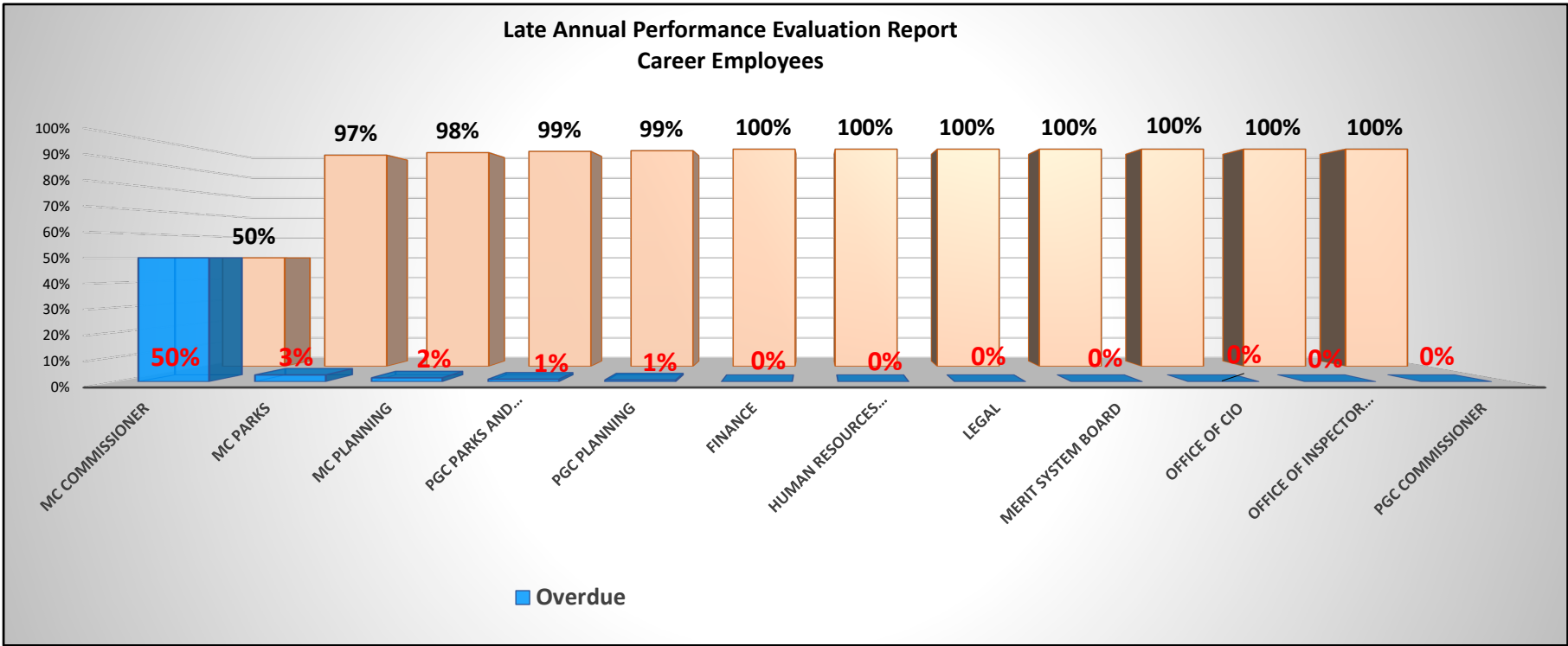
Last Updated May 5, 2023

This page intentionally left blank.

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
BY DEPARTMENT AS OF APRIL 2023**

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	Mar-23	Apr-23	Mar-23	Apr-23	Mar-23	Apr-23	Mar-23	Apr-23
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	0	0	0	0
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	0	0	0	0
LEGAL DEPARTMENT	0	0	0	0	0	0	0	0
FINANCE DEPARTMENT	0	0	0	0	0	0	0	0
PRINCE GEORGE'S PLANNING	1	1	0	0	0	0	1	1
PRINCE GEORGE'S PARKS & RECREATION	8	9	0	0	0	0	8	9
MONTGOMERY COUNTY PARKS	13	14	1	1	1	1	15	16
MONTGOMERY COUNTY PLANNING	1	2	0	0	0	0	1	2
DEPARTMENT TOTAL BY DAYS LATE	23	27	1	0	1	1		
COMMISSION-WIDE TOTAL							25	29

**DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.



*Data as of April 30, 2023

Employee Count	Evaluation Status		Total Employees
	Overdue	Compliant	
Finance		36	36
Human Resources and Mgt		53	53
Legal		22	22
MC Commissioner	1	1	2
MC Parks	16	682	698
MC Planning	2	134	136
Merit System Board		1	1
Office of CIO		19	19
Office of Inspector General		4	4
PGC Commissioner		7	7
PGC Parks and Recreation	9	978	987
PGC Planning	1	165	166
Total Employees	29	2,102	2,131



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

To: Commissioners
From: John Kroll, Corporate Budget Director *JKK*
Date: April 20, 2023
Subject: Report of Budget Transfers

BACKGROUND:

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

REPORT for Information Only – No Action Required:

Report of Operating budget transfers attached for the third quarter of FY23. There were no Capital budget transfers during this period.

Following the requirements of the practice:

BA 23-6 was approved by the Commission.

BA 23-11 was approved by the Prince George’s County Planning Board

BA’s 23-7, 23-8, 23-9, 23-10 and 23-12 were approved by the Secretary-Treasurer

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

Attachment

Operating Budget Adjustment Log

Operating Budget Adjustment Log													
Transfer From						Transfer To							
BA#	Date	Fund #	Fund Name	Department	Division	Amount	Fund #	Fund Name	Department	Division	Amount	Description	Approval
23-6	1/11/2023	202	MC Park	Non-		177,052	202	MC Park	MC Parks	Multiple	177,052	Xfer class/comp marker to divisions	Commission
23-7	1/11/2023	201	MC Admin	MC Planning	Director's Office	50,000	201	MC Admin	MC Planning	Mid-County Planning	50,000	Reversal of BA #23-1	Sec/Treas
23-8	1/11/2023	201	MC Admin	MC Planning	Info Tech & Innovation	68,700	201	MC Admin	MC Planning	Info Tech & Innovation	68,700	Moving salary savings to temp agency fees	Sec/Treas
23-9	1/11/2023	201	MC Admin	MC Planning	Director's Office	39,600	201	MC Admin	MC Planning	Director's Office	39,600	Moving salary savings to temp agency fees	Sec/Treas
23-10	1/31/2023	202	MC Park	MC Parks	Facilities Mgmt	61,382	202	MC Park	MC Parks	Facilities Mgmt	61,382	Moving salary savings to temp agency fees	Sec/Treas
					Info Tech & Innovation	75,400				Info Tech & Innovation	75,400	Moving benefit savings to contracted backfilling	
23-11	2/2/2023	103	PGC Recreation	Non-Departmental		1,500,000	103	PGC Recreation	PGC Parks & Recreation	Northern Recreation & Leisure Service	750,000	Moving funding for Saturday Enrichment Program that was added by Council at the end of FY23 budget adoption process	PGCPB
										Southern Recreation & Leisure Service	750,000		
23-12	3/28/2023	202	MC Park	Non-Departmental		171,016	202	MC Park	MC Parks	Multiple	171,016	Xfer class/comp marker and seasonal medical marker to divisions	
				MC Parks	Southern Parks	428,419			MC Parks	Southern Parks	428,419	Reallocation of non-personnel operating budgets within the division to where actual costs incurred	Sec/Treas
					Park Development	400,000				Park	400,000		
					Info Tech & Innovation	31,873				Info Tech & Innovation	31,873		

The Maryland-National Capital Park & Planning Commission



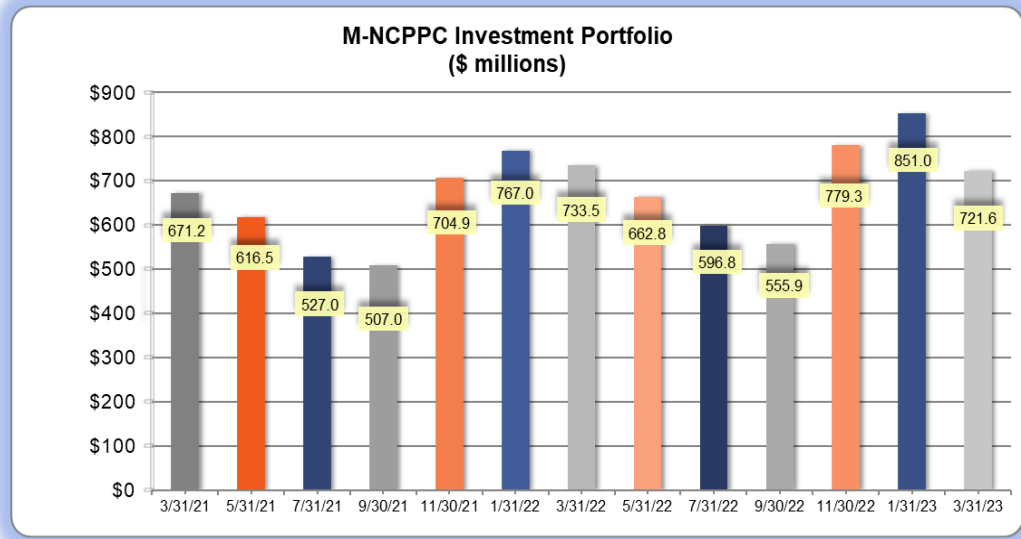
INVESTMENT REPORT
March 2023

Gavin Cohen, Secretary-Treasurer

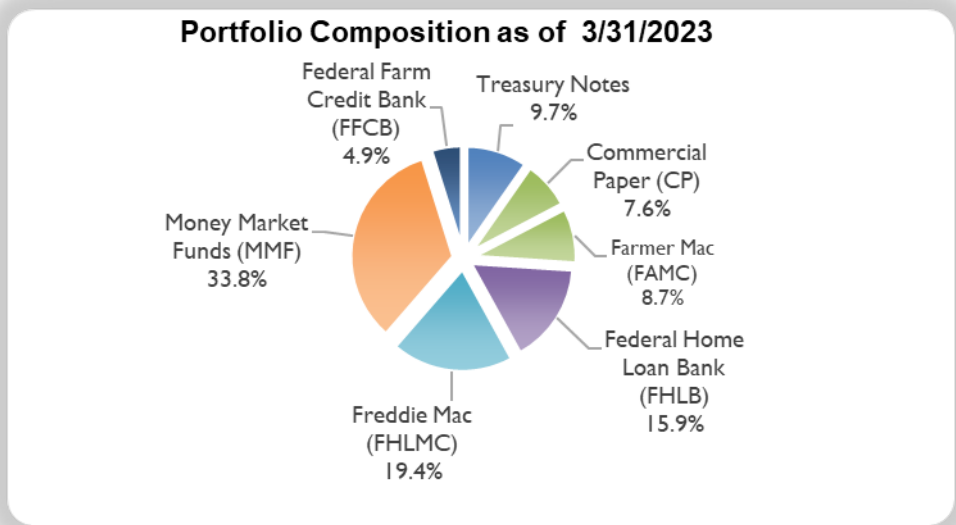
Tanya Hankton, Corporate Treasury & Investment Manager

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION – FY23
INVESTMENT REPORT FOR THE PERIOD MARCH 2023**

The Commission’s pooled cash investment portfolio totaled \$721.6 million as of March 31, 2023, with a 12.8% decrease from February 28, 2023. Details of the portfolio are shown below:



The composition of the pooled cash portfolio as of March 31, 2023, is summarized below:



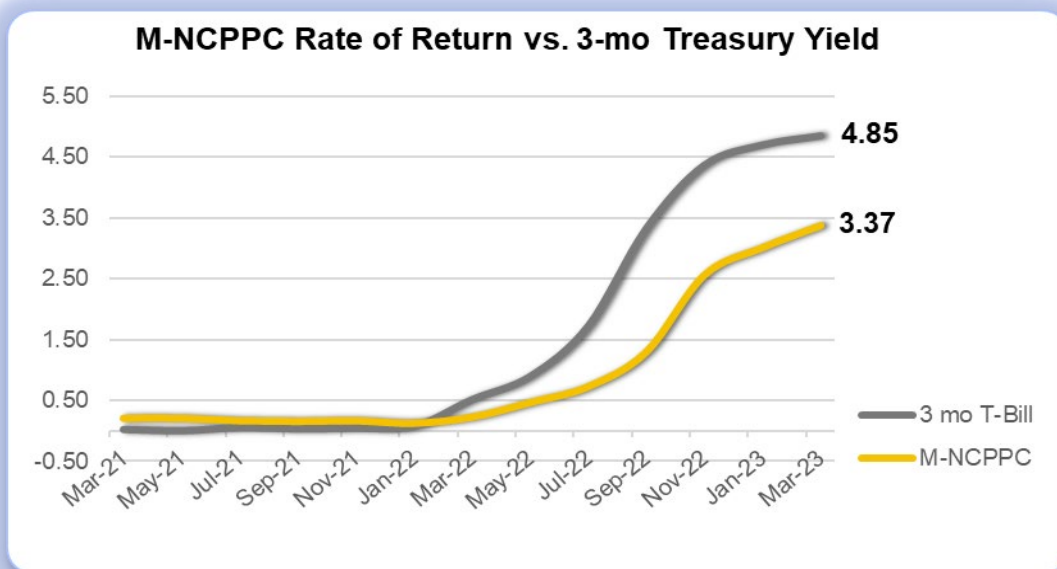
**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION – FY23
INVESTMENT REPORT FOR THE PERIOD MARCH 2023**

Current Investment Portfolio - March 2023					
Instrument	Policy Limit	Actual	Par Value	Wtd. Avg. Return (B/E)	
Money Funds	* 50%	33.8%	\$ 243,680,150	4.68%	
Freddie Mac	20%	19.4%	140,000,000	3.12%	
Federal Home Loan Banks	20%	15.9%	115,000,000	2.91%	
Treasury Notes	100%	9.7%	70,000,000	3.01%	
Farmer Mac	20%	8.7%	63,000,000	1.91%	
Commercial Paper	10%	7.6%	55,000,000	5.10%	
Federal Farm Credit Bank	20%	4.9%	35,000,000	2.42%	
Treasury Bills	100%	0.0%	-	0.00%	
Fannie Mae	20%	0.0%	-	0.00%	
Certificates of Deposit	50%	0.0%	-	0.00%	
Bankers Acceptances	25%	0.0%	-	0.00%	
Repurchase Agreements	50%	0.0%	-	0.00%	
		100%	\$721,680,150	3.15%	

*As of 3/31/2023

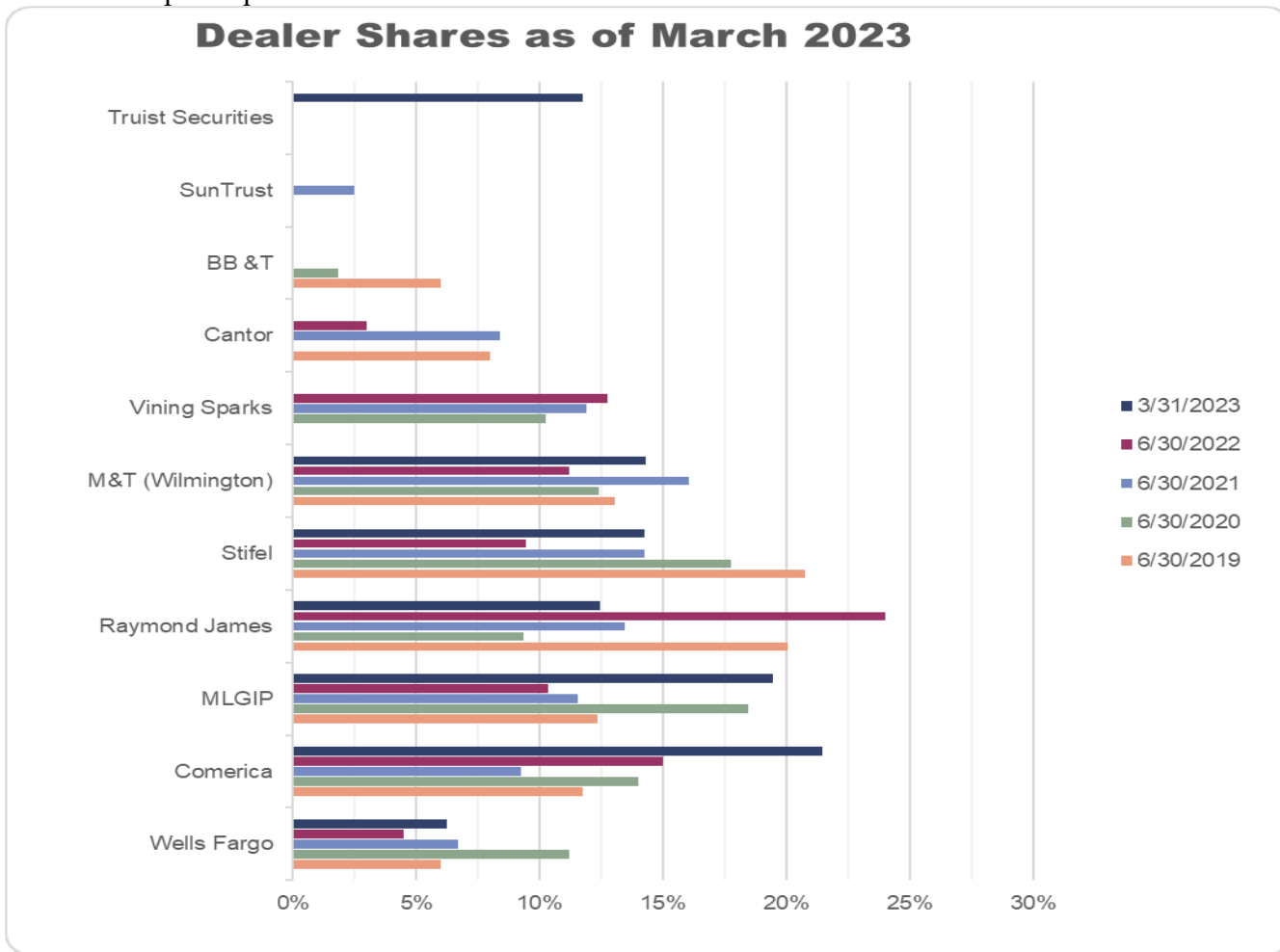
Weighted (Wtd) Average Return measures the effect each asset class as a whole has on the performance of the total portfolio.

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



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION – FY23
INVESTMENT REPORT FOR THE PERIOD MARCH 2023**

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



The total value of securities held by Broker-Dealer are shown below, includes Money Market Funds:

Institution	Current Par Value	% of Portfolio	Policy Limits
Comerica	155,000,000	21.48%	30%
M&T - (Money Market Fund)	103,155,416	14.29%	25%
MLGIP - (Money Market Fund)	140,524,733	19.47%	25%
Raymond James (Morgan Keegan)	90,000,000	12.47%	30%
Stifel Nicolaus	103,000,000	14.27%	30%
Truist Securities, Inc.	85,000,000	11.78%	30%
Wells Fargo	45,000,000	6.24%	30%
Total Value of Securities Held	\$ 721,680,150	100.00%	

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION – FY23
INVESTMENT REPORT FOR THE PERIOD MARCH 2023**

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

Market Value - March 2023		
Bond Series	Amount	Total Return (YTW Nominal)*
Prince George's County (PGC-2022A)	\$ 13,282,400	4.51%
Prince George's County (PGC-2021A)	6,776,135	4.79%
Montgomery County (MC-2022A)	14,340,943	4.54%
Montgomery County (MC-2020A)	2,056,817	4.69%
	\$ 36,456,295	
T. Rowe Price Bond Draws		
Montgomery County last draw date	7/1/2022	7/1/2022
Prince George's County last draw date	6/24/2022	6/24/2022

* Total Returns for each bond issue conservatively calculates the Year to Worst (YTW) Nominal Return throughout the bond tenor.

The Commission had no debt service payments during the month.

Details by issue of debt outstanding as of March 31, 2023, appear below:

Debt Balances - March 2023					
	Initial Par/Refunding Value	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
PGC-2012A (Refunded P-2, M-2, EE-2)	11,420,000	870,000	8%	Jun-12	Jan-24
PGC-2015A (Refunded JJ-2)*	24,820,000	16,630,000	67%	Oct-15	Jan-36
PGC-2017A	33,000,000	23,100,000	70%	Jul-17	Jan-37
PGC-2018A	31,000,000	24,800,000	80%	Nov-19	Nov-38
PGC-2020 (Refunded PGC-2014A)	19,119,615	17,462,964	91%	Oct-20	Jan-34
PGC-2021A	25,100,000	23,845,000	95%	Nov-21	Nov-41
PGC-2022A	12,000,000	12,000,000	100%	Sep-22	Nov-42
Total Prince George's County	\$ 156,459,615	\$ 118,707,964	76%		
Montgomery County					
MC-2016A	12,000,000	8,640,000	72%	Apr-16	Nov-35
MC-2016B (Refunded FF-2,II-2,MM-2)	6,120,000	3,510,000	57%	Apr-16	Nov-28
MC-2016C (Refunded FF-2 ALA of 2004)	1,075,000	240,000	22%	Apr-16	Nov-24
MC-2017A	8,000,000	5,600,000	70%	Apr-17	Nov-36
MC-2018A	12,000,000	9,600,000	80%	Oct-18	Nov-38
MC-2018B	3,000,000	600,000	20%	Oct-18	Nov-23
MC-2020A	10,000,000	9,000,000	90%	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
MC-2022A	13,100,000	13,100,000	100%	Sep-22	Jan-43
Total Montgomery County	\$ 81,712,170	\$ 66,707,170	82%		
Total	\$ 238,171,785	\$ 185,415,134	78%		

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved May 18, 2022
 FISCAL YEAR 2023 – March 31, 2023

OBJECTIVES	Met Objective	Within Limits	Policy
INVESTMENT POLICY SCOPE	Yes	-	Policy applies to all unexpended or surplus funds of the Commission and funds not required for immediate expenditure was invested to preserve capital and in conformity to Maryland statutes
INVESTMENT OBJECTIVES	Yes	-	Primary Objectives met for Investment and Management of Public Funds
Safety of Principal	Yes	-	Protection of investment principal and ensuring preservation of capital while mitigating both credit and interest rate risk
Maintain Sufficient Liquidity	Yes	Yes	Sufficient funds available for all cash requirements during period
Return on Investments	No	-	Attain a market rate of return with consideration for investment risk and liquidity needs. Return on Investment is secondary importance to safety and liquidity needs
Less than market by 1.48 basis points			The pro-rated rates of return for the 3-month benchmark for Treasury Bills and the portfolio were 4.85% and 3.37%, respectively
AUTHORIZED DEALERS AND FINANCIAL INSTITUTIONS	Yes	Yes	All firms must meet defined capital levels and be approved by the Secretary-Treasurer
Pre-qualify financial institutions, brokers/dealers, intermediaries and advisers			
COMPETITIVE BIDDING	Yes	-	Investments competitively bid except for new issue securities
DIVERSIFICATION AND INVESTMENT LIMITATIONS INCLUDING MAXIMUM SECURITIES			
Diversification of Maturities	Yes	Yes	All maturities within limits
The length majority of investments will not exceed 1.5 years and 60% of portfolio. A portion of investments will range from 1.5 years not to exceed 3 years and 40% of the portfolio			
Diversification by Investment Type	Yes	Yes	All securities purchased were within the limits established by the Investment Policy at the time of purchase. This report is prepared for the Secretary-Treasurer to demonstrate compliance with the investment policy and limitations
Diversification by Institution	Yes	Yes	No dealer shares exceeded 30% of the total investment portfolio
Ensures competitive bidding among participants			
COLLATERALIZATION	Yes	-	Collateral maintained in excess of Federal insurance coverage for all Commission bank accounts, certificates of deposits, repurchase agreements and held by an independent third party as a custodian
SAFEKEEPING AND CUSTODY	Yes	-	Require third-party collateral and safekeeping and delivery-versus payment settlement. M&T Investments serves as custodian, monitoring daily compliance. T. Rowe Price invests and manages all bond funds within limits
REPORTING REQUIREMENTS	Yes	-	(a) Investment Manager submits monthly investment reports to the Secretary-Treasurer for review and to the Executive Committee for information; (b) quarterly reports provided to the Commission; (c) annual reports with portfolio's market value consistent with Government Accounting Standards Board (GASB) and (d) Investment manager maintain a record of all transactions
INVESTMENT POLICY ADOPTION	Yes	-	Investment Policy approved by the Commission May 18, 2022 and signed by the Corporate Treasury & Investment Manager, Secretary-Treasurer on 6/1/2022



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

Reply To

May 1, 2023

Debra S. Borden
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
General Counsel

RE: Litigation Report for April 2023 – FY 2023

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, May 17, 2023. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

Table of Contents – April 2023 FY 2023 Report

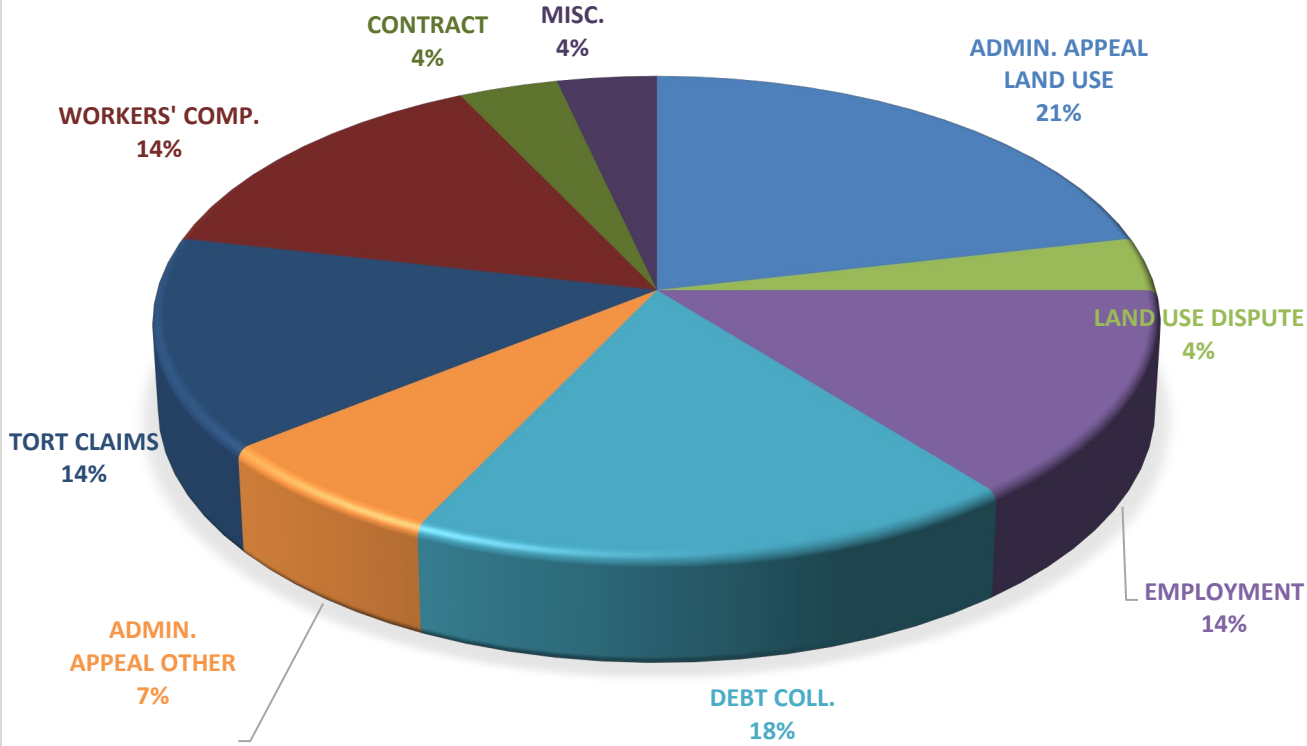
Composition of Pending Litigation.....Page 01
Overview of Pending Litigation (Chart).....Page 02
Litigation Activity SummaryPage 03
Index of New YTD Cases (FY23)Page 04
Index of Resolved YTD Cases (FY23)Page 05
Disposition of FY23 Closed Cases Sorted by DepartmentPage 06
Index of Reported Cases Sorted by Jurisdiction.....Page 10
Litigation Report Ordered by Court Jurisdiction.....Page 11

April 2023
Composition of Pending Litigation

(Sorted by Subject Matter and Forum)

	STATE TRIAL COURT	APPELLATE COURT OF MARYLAND	SUPREME COURT OF MARYLAND	FEDERAL TRIAL COURT	FEDERAL APPEALS COURT	U.S. SUPREME COURT	SUBJECT MATTER TOTALS
ADMIN APPEAL: LAND USE	4	2					6
ADMIN APPEAL: OTHER	2						2
BANKRUPTCY							
CIVIL ENFORCEMENT							
CONTRACT DISPUTE	1						1
DEBT COLLECTION	4						4
EMPLOYMENT DISPUTE				3	1		4
LAND USE DISPUTE	1						1
MISCELLANEOUS	1						1
PROPERTY DISPUTE							
TORT CLAIM	4						4
WORKERS' COMPENSATION	4						4
PER FORUM TOTALS	21	2		3	1		27

OVERVIEW OF PENDING LITIGATION



April 2023 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2023			
	Pending March 2023	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	7		1	7	6	7	6
Admin Appeal: Other (AAO)	1	1			1		2
Bankruptcy (B)							
Civil Enforcement (CE)							
Contract Disputes (CD)	1			7			1
Debt Collection (D)	5		1		1	1	4
Employment Disputes (ED)	3	1		5	4	4	4
Land Use Disputes (LD)	1				1		1
Miscellaneous (M)	1					1	1
Property Disputes (PD)							
Tort Claims (T)	5		1		1	2	4
Workers' Compensation (WC)	2	3	1	2	4	4	4
TOTALS	26	5	4	21	18	19	27

**INDEX OF YTD NEW CASES
(7/1/2022 TO 6/30/23)**

A. <u>New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Commission v. Joseph Cleveland-Cooper (Defendant was not served until August 2022; did not appear on report prior)	MC	Misc.	April 2020
Antawan Williams, et al. v. Prince George's County Planning Board (Did not appear on report prior)	PG	AALU	July 2022
Wilmington Savings Fund Society v. Tomel Burke, Jr., et al. (Commission recently served.)	PG	Misc.	Aug. 2022
English-Figaro v. Planning Board of Prince George's County	PG	AALU	Aug. 2022
Fairwood Community Association, Inc. v. Prince George's County Planning Board	PG	AALU	Aug. 2022
Stewart v. Dorsey, et al.	MC	Tort	Sept. 2022
Commission v. Lindsey	PG	Misc.	Sept. 2022
In the Matter of James Montville	PG	WC	Nov. 2022
In the Matter of Danielle Jones-Dawson	PG	AAO	Nov. 2022
Commission v. Watts	PG	D	Jan. 2023
Deakins v. Commission	MC	ED	Jan. 2023
Izadjoo v. Commission	MC	ED	Jan. 2023
Commission v. Cruz	PG	D	Jan. 2023
Citizen Association of Kenwood, Inc. v. Commission	MC	LUD	Feb. 2023
Simmons v. Commission, et al.	PG	Tort	Feb. 2023
In the Matter of William Dickerson	PG	AAO	Mar. 2023
In the Matter of Jeanne Kavinski (3 separate cases)	PG	WC	April 2023

B. <u>New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Friends of Ten Mile Creek, et al. v. Montgomery County Planning Board	MC	AALU	Aug. 2022
Wolf v. Commission, et al.	PG	AALU	Feb. 2023
Evans v. Commission, et al.	MC	ED	April 2023

**INDEX OF YTD RESOLVED CASES
(7/1/2022 TO 6/30/2023)**

A. <u>Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Friends of Ten Mile Creek, et al. v. Montgomery County Planning Board	MC	AALU	Aug. 2022
Village of Friendship Heights v. Montgomery County Planning Board	MC	AALU	Aug. 2022
Tolson v. Commission	PG	ED	Aug. 2022
Alexander v. Proctor	PG	Tort	Sept. 2022
Melito v. Commission	PG	ED	Sept. 2022
Snyder v. Commission	PG	Tort	Sept. 2022
Commission v. Joseph Cleveland-Cooper	MC	Misc.	Sept. 2022
Stewart v. Dorsey	MC	Tort	Oct. 2022
McGill v. Commission	PG	WC	Oct. 2022
Miles v. Commission	MC	ED	Dec. 2022
Getnet v. Commission	PG	Tort	Jan. 2023
Wolf v. Prince George's County Planning Board	PG	AALU	Jan. 2023
Jackson v. Prince George's County Sports & Learning Complex	PG	Tort	Feb. 2023
Brown v. City of Bowie, et al.	PG	Tort	Mar. 2023
Fricklas v. The Planning Board of Prince George's County	PG	AALU	Mar. 2023
King v. Commission	PG	WC	Mar. 2023
Commission v. Conwell	PG	D	Mar. 2023
B. <u>Appellate Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Heard v. Commission	PG	AALU	Aug. 2022
6525 Belcrest Road, LLC v. Dewey, et al.	PG	AALU	Oct. 2022
Heard v. Commission	PG	AALU	Nov. 2022
Izadjoo v. Commission	MC	ED	Jan. 2023
Wolf v. Prince George's County Planning Board	PG	AALU	Feb. 2023

Disposition of FY23 Closed Cases Sorted by Department		
CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources & Management		
Montgomery County Department of Parks		
Snyder v. State of Maryland, et al.	Tort suit for injuries allegedly sustained when tennis player allegedly tripped in hole of divider net and broke clavicle.	08/15/2022 – Stipulation of Dismissal filed. 9/12/2022 Case dismissed. Parties reached a settlement.
Stewart v. Dorsey, et al.	Injuries resulting from a motor vehicle incident. Vehicle operated by Commission employee.	10/16/2022 – Case settled. 12/09/2022 – Order of Court granting stipulation of dismissal.
Izadjoo v. Commission	In Appellate Court of Maryland, appeal from decision of the Circuit Court affirming the decision of the Merit System Board denying appeal of request for reclassification.	1/20/2023 - Judgment of Circuit Court for Montgomery County Affirmed
Montgomery County Park Police		
Commission v. Joseph Cleveland-Cooper	Forfeiture for cash of \$3,043.00	9/29/2022 – Court ordered monies forfeited.
Montgomery County Planning Board		
Friends of Ten Mile Creek, et al. v. Montgomery County Planning Board	Appeal of decision affirming the Montgomery County Planning Board's approval of Site Plan 820200160 – Creekside at Cabin Branch.	08/02/2022 - Planning Board's Approval of Site Plan Affirmed. Petition for Judicial Review Denied.

Village of Friendship Heights v. Montgomery County Planning Board	Judicial Review of the Montgomery County Planning Board's approval of Sketch Plan 320220010-5500 Wisconsin Avenue.	08/24/2022 - Order of Court. Affirmed ruling of Planning Board.
Miles v. Commission	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.	12/01/2022 – Marginal Order approving Stipulation of Dismissal, pursuant to global settlement.
Prince George's County Department of Parks and Recreation		
Melito v. Commission	Plaintiff seeks to secure administrative meeting or hearing on termination, former employee claims were denied.	09/15/2022 - Case dismissed pending implementation of contingencies allowing for appeal to Merit Board.
McGill v. Commission	Judicial review of Workers' Compensation Commission decision dated July 19, 2021, which determined claimant had not sustained an increase in permanent partial disability and denied further treatment.	10/26/2022 – Case settled and remanded to WCC for approval of settlement.
Getnet v. Commission	Tort suit for injuries allegedly sustained when visitor fell through decking at a historic property not owned by the Commission	01/09/2023 – Case settled.

Jackson v. Prince George's County Sports & Learning Complex	Injury to minor allegedly related to use of equipment at the Sports & Learning Complex.	08/16/2022 - Case settled. Line dismissing not filed until 01/20/2023. Case dismissed 02/10/2023.
Brown v. City of Bowie, et al.	Plaintiff alleges injuries resulted from an event at Prince George's Trap and Skeet Center. Defendants included the individual who discharged a weapon, a Commission volunteer assigned to the group that day, and the Commission.	03/02/2023 – Joint stipulation of Dismissal.
King v. Commission	Claimant seeks judicial review of an order from the Workers' Compensation Commission denying authorization for neck surgery.	03/02/2023 - Order Dismissing Claims and remanding to Workers' Compensation Commission
Commission v. Conwell	Subrogation action to recover losses for damage(s) to Commission property.	03/02/2023 - Judgment entered in favor of the Commission.
Prince George's County Planning Board		
Heard v. Commission	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.	08/05/2022 – Judgment of the Circuit Court for Prince George's County affirmed.
6525 Belcrest Road, LLC v. Dewey, L.C., et al.	Declaratory Judgment Action filed over a dispute involving a parking parcel. Plaintiff contended that Defendants misconstrued prior approvals of the Planning Board regarding the need for parking in a manner that will harm their interests. Plaintiff sought to enjoin the Planning Board from approving a Detailed Site Plan.	10/25/2022 – Order of Appellate Court of Maryland affirming decision of Circuit Court that upheld Planning Board.
Heard v. Commission	Petition for Writ of Certiorari of the Court of Special Appeals decision affirming the Circuit Court's ruling that affirmed 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.	11/22/2022 Petition for Writ denied.

Wolf v. Prince George's County Planning Board	Judicial Review of the Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-18001 (Magruder Pointe).	01/03/2023 - Order Affirming the Decision of the Planning Board.
Fricklas v. The Planning Board of Prince George's County	Challenge to the Planning Board's approval of Preliminary Plan of Subdivision 4-21052 (Suffrage Point).	03/07/2023 – Motion to Dismiss Granted.
Prince George's Park Police		
Tolson v. Commission	Show Cause Action under the LEOBR regarding mandatory COVID vaccination requirements for police officers.	08/08/2022 Show Cause Hearing held. Application for Show Cause Order denied.
Alexander v. Proctor	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) asserted that the stop was without Reasonable Articulate Suspicion/Probable Cause and therefore was unlawful and the amount of force used was excessive.	9/29/2022 – Joint Stipulation of Dismissal filed. Parties settled matter at mediation.
Office of Internal Audit		

INDEX OF CASES

DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND 11

DISTRICT COURT FOR PRINCE GEORGE’S COUNTY, MARYLAND 11

Chambers v. Commission 11

Commission v. Cruz 11

Commission v. Faulk 12

Commission v. Lindsey 12

Commission v. Watts 13

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND 13

Citizen Association of Kenwood, Inc. v. Maryland-National Park and Planning Commission 13

HMF Paving Contractors Inc. v. Maryland-National Park and Planning Commission 14

CIRCUIT COURT FOR PRINCE GEORGE’S COUNTY, MARYLAND 15

English-Figaro v. Planning Board of Prince George’s County 15

Fairwood Community Association, Inc. v. Prince George’s County Planning Board 15

In the Matter of William Dickerson 16

In the Matter of Danielle Jones-Dawson 16

In the Matter of Jeanne Kavinski 17

In the Matter of James Montville 17

Robinson, et al. v. Prince George’s County Planning Board, et al. 18

Simmons v. Commission, et al. 19

Troublefield v. Prince George’s County, et al. 19

Walters v. Commission 20

Williams, et al. v. Prince George’s County Planning Board 20

Wilmington Savings Fund Society v. Tomel Burke, Jr., et al. 21

APPELLATE COURT OF MARYLAND 22

Friends of Ten Mile Creek, et al. v. Montgomery County Planning Board 22

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

SUPREME COURT OF MARYLAND 23

U.S. DISTRICT COURT OF MARYLAND 23

Deakins v. Commission, et al. 23

Evans v. Commission, et al. 24

Izadjoo v. Commission, et al. 26

U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT 27

Evans v. Commission, et al. 27

DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

No Pending Matters.

DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Chambers v. Commission

Case No. 050200212652020 (Tort)

Lead Counsel: Rupert
Other Counsel:

Abstract: Injuries resulting from a motor vehicle incident. Vehicle operated by Commission employee.

Status: Hearing on Plaintiff's Motion to Alter/Amend Judgment and Commission's Opposition set.

Docket:

09/08/2020	Complaint filed
06/06/2022	Commission served
06/27/2022	Notice of Intent to Defend filed
07/19/2022	Motion to continue granted.
01/19/2023	Trial
02/04/2023	Judgment in favor of Commission
02/14/2023	Line Requesting Statement of Judgment
02/14/2023	Motion to Alter and Amend Judgment
02/17/2023	Commission's Opposition to Motion to Amend Judgment
02/27/2023	Plaintiff's Reply to Defendant's Opposition to Alter and Amend the Judgment
03/21/2023	Order of the Court – schedule Motions hearing
05/09/2023	Hearing on Motion set

Commission v. Cruz

Case No. D-05-CV-23-009783 (D)

Lead Counsel: Johnson
Other Counsel:

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

Status: Trial scheduled.

Docket:

01/31/2023	Complaint filed
3/15/2023	Affidavit of service.
05/12/2023	Trial scheduled.

Commission v. Faulk

Case No. 050200086392022 (D)

Lead Counsel: Johnson
Other Counsel:

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

Status: No service. Address vacant.

Docket:

04/25/2022	Complaint filed
10/18/2022	Request for summons renewal filed.
01/23/2023	Affidavit of Non-service filed.
01/23/2023	Post Office request mailed
02/14/2023	Motion for Alternative Service
02/22/2023	Order – Motion for Alternative Service denied
03/29/2023	Second Motion for Alternative Service
04/12/2023	Order – Motion/Request Granted.
04/21/2023	Service upon Maryland MVA pursuant to Court Order

Commission v. Lindsey

Case No. 050200183742022 (D)

Lead Counsel: Johnson
Other Counsel:

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

Status: Complaint out for service. Attempting to find valid address for Defendant.

Docket:

09/12/2022	Complaint filed
12/05/2022	Request for summons renewal filed.
07/28/2023	Trial date pending service

Commission v. Watts

Case No. D-05-CV-23-008262(D)

Lead Counsel: Johnson
Other Counsel:

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

Status: Trial set.

Docket:

01/17/2023	Complaint filed
03/04/2023	Non-est service
04/12/2023	Defendant served
05/16/2023	Trial set

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Citizen Association of Kenwood, Inc. v. Maryland-National Park and Planning Commission

Case No. C-15-CV-23-000378 (LUD)

Lead Counsel: Rupert
Other Counsel: Mills, Foster

Abstract: Complaint to prevent implementation of road diet project relating to Little Falls Parkway in Montgomery County.

Status: Commission's motion to dismiss pending with the court.

Docket:

02/06/2023	Complaint filed
02/22/2023	Commission served
03/24/2023	Commission's Motion to Dismiss and Supporting Memorandum
04/10/2023	Opposition to Motion to Dismiss and Request for Hearing
04/24/2023	Commission's Reply to Opposition to Motion to Dismiss
04/27/2023	Plaintiff's Motion to Compel Discovery

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

Case No. 483255-V (CD)

Lead Counsel: Rupert
Other Counsel: Mills (CCRC)

Abstract: Judicial review of CCRC decision denying HMF's demand that an allowance be made, and additional monies be paid by the Commission to HMF for construction at Greenbriar Local Park.

Status: Oral arguments were held on April 14, 2023. Awaiting decision of Montgomery County Circuit Court.

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.
08/05/2022	Amend Complaint/Petition for Judicial Review
09/06/2022	Notices of Intention to Participate filed by Commission and the CCRC
10/04/2022	Administrative Record received by Court
11/01/2022	Joint Stipulation for Extension of Time
12/07/2022	Memorandum of HMF Paving Contractors
01/05/2023	Stipulation – Modification of Time for Respondent's Memorandum
01/06/2023	Response to Petitioner's Memorandum of Law
01/13/2023	Commission's Answering Memorandum
04/14/2023	Hearing held. Court took matter under advisement.

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

English-Figaro v. Planning Board of Prince George's County

Case No. CAL 22-25639 (AALU)

Lead Counsel: Warner
Other Counsel: Coleman

Abstract: Petition for Judicial Review of Planning Board's approval of Preliminary Plan of Subdivision 4-2104.

Status: Awaiting Petitioners' Memorandum. Parties in settlement discussions.

Docket:

08/26/2022	Petition filed
08/31/2022	Amended Petition filed
09/19/2022	Notice mailed. Response to Petition and Certificate of Compliance filed.
09/29/2022	Motion to Consolidate with Fairwood Community Association, Inc. v. Prince George's County Planning Board – CAL 22-26146
10/03/2022	Voluntary Partial Dismissal
11/10/2022	Record and Transcript filed
11/15/2022	Notice of Record Issued.
12/07/2022	Order Consolidating case with CAL22-26146 – Fairwood Community Association, Inc. v. Prince George's County Planning Board.

Fairwood Community Association, Inc. v. Prince George's County Planning Board

Case No. CAL 22-26146 (AALU)

Lead Counsel: Warner
Other Counsel: Coleman

Abstract: Petition for Judicial Review of Planning Board's approval of Preliminary Plan of Subdivision 4-2104.

Status: Awaiting Petitioners' Memorandum. Parties in settlement discussions.

Docket:

08/29/2022	Petition filed
09/21/2022	Notice mailed. Response to Petition and Certificate of Compliance filed.
10/18/2022	Response to Petition for Judicial Review.
11/10/2022	Record and Transcript filed.
11/15/2022	Notice of Record Issued.
12/07/2022	Order Consolidating case with CAL22-25639 – English-Figaro v. Prince George's County Planning Board.

In the Matter of William Dickerson
Case No. C-16-CV-23-001402 (AAO)

Lead Counsel: Gates
Other Counsel:

Abstract: Claimant seeks judicial review of Employees Retirement System ("ERS") decision dated February 21, 2023, which denied a reconsideration of the COLA calculation.

Status: Petition for Judicial Review filed. Petitioner's memorandum due May 29.

Docket:

03/28/2023	Petition for Judicial Review filed
04/05/2023	ERS served
04/25/2023	Administrative Record received

In the Matter of Danielle Jones-Dawson
Case No. C-16-CV-22-000675 (AAO)

Lead Counsel: Crowe
Other Counsel: Foster

Abstract: Claimant seeks judicial review of Merit Board decision dated October 20, 2022, terminating employment due to non-compliance with Notice 21-07, COVID-19 Vaccination Requirements.

Status: Hearing set.

Docket:

11/20/2022	Petition for Judicial Review filed
11/29/2022	Response to Petition for Judicial Review
02/08/2023	Memorandum for Petitioner
03/09/2023	Commission's Answering Memorandum
12/04/2023	Hearing set.

In the Matter of Jeanne Kavinski

Case No. C-16-CV-23-001821, C-16-CV--23-001826, C-16-23-CV-001827 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant filed the same issues in three claims with overlapping body parts seeking authorization for treatment and causal relationship of a new injury. In addition, the Commission contested whether a compensable injury occurred in a new claim (D/A:4/28/2021). The Commission was successful in defending the authorization for treatment and against the new claim. Claimant has appealed the determination in all three claims.

Status: Petition filed

Docket:

04/18/2023	Petition for Judicial Review filed
------------	------------------------------------

In the Matter of James Montville

Case No. C-16-CV-22-000489 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant seeks judicial review of Workers' Compensation Commission decision dated October 3, 2022, which determined that he has a 12% permanent partial disability. Claimant was seeking an award that was much higher.

Status: Hearing set.

Docket:

11/03/2022	Petition for Judicial Review filed
11/17/2022	Response to Petition for Judicial Review
12/05/2022	Response to Petition for Judicial Review
12/05/2022	Designation of Expert Witnesses
12/05/2022	Cross-Petition for Judicial Review
12/18/2023	Trial set

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

Lead Counsel: Warner
Other Counsel:

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: Awaiting Decision

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.
06/30/2022	Motions hearing held and taken under advisement
07/18/2022	Order of Court. Planning Board's Motion to Dismiss denied. Motion to Supplement the Record granted.
12/07/2022	Oral Argument

Simmons v. Commission, et al.
Case No. C-16-CV-23-000873 (Tort)

Lead Counsel: Rupert
Other Counsel: Crowe

Abstract: Tort suit for injuries allegedly sustained while attending Therapeutic Recreations Programs, Kids' Care After-School Program at Cedar Heights Community Center.

Status: Commission's motion to dismiss is moot because Plaintiff agreed to voluntarily dismiss the Commission. Commission will defend Defendant Chatman. Suit is in pre-discovery phase.

Docket:

02/24/2023	Complaint filed
02/28/2023	Commission served
03/28/2023	Motion to Dismiss filed.
03/30/2023	Prince George's County's Motion to Dismiss
04/14/2023	Stipulation of Dismissal as to Defendant's Prince George's County and Maryland-National Park and Planning Commission
04/20/2023	Answer of Defendant Chatman

Troublefield v. Prince George's County, et al.
Case No. CAL 22-12298 (Tort)

Lead Counsel: Rupert
Other Counsel:

Abstract: Tort suit for injuries allegedly sustained while attending a graduation ceremony at Show Pace Arena.

Status: In discovery.

Docket:

04/11/2022	Complaint filed
04/27/2022	Commission served
05/09/2022	Stipulation/Line of Dismissal as to Prince George's County only
05/20/2022	Commission's Answer filed
11/14/2023	ADR
01/24/2024	Trial

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

Lead Counsel: Johnson
Other Counsel: Rupert

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

Status: Case settled in principle.

Docket:

01/19/2022	Complaint filed
03/25/2022	Commission served
04/06/2022	Commission's answer filed
10/20/2022	Motion to Dismiss filed
11/03/2022	Opposition to Motion to Dismiss
11/16/2022	Order Denying Motion to Dismiss
11/17/2022	Defendant's Reply to Plaintiff's Opposition to Motion to Dismiss
11/18/2022	Order Motion to Dismiss is hereby Moot
05/09/2023	ADR
07/06/2023	Trial

Williams, et al. v. Prince George's County Planning Board
Case No. CAL 22-19650 (AALU)

Lead Counsel: Warner
Other Counsel: Coleman

Abstract: Petition for Judicial Review of Planning Board's approval of Preliminary Plan of Subdivision 4-21056.

Status: Hearing Pending.

Docket:

07/06/2022	Petition filed
07/27/2022	Notice mailed. Response to Petition and Certificate of Compliance filed
08/05/2022	Respondent/Applicant Notice to Participate filed
09/19/2022	Record and Transcript filed
09/29/2022	Notice of Record Issued
10/31/2022	Petitioners' Memorandum in Support of Petition for Judicial Review
11/10/2022	Petitioners' Motion to Stay
11/10/2022	Petitioner's Motion to Add to Record
11/28/2022	Respondent Opposition to Motion to Stay
12/13/2022	Citizen-Petitioner's Reply to Respondents' Opposition to Motion to Stay
12/23/2022	NCBP Answering Memorandum in Opposition to Petition for Judicial Review

03/01/2023	Order Granting Motion to Supplement the Administrative Record
04/17/2023	Hearing set on Petitioner's Motion to Stay
04/17/2023	Voluntary Dismissal with Prejudice

Wilmington Savings Fund Society v. Tomel Burke, Jr., et al.

Case No. CAE20-11813 (Misc.)

Lead Counsel: Rupert
Other Counsel:

Abstract: Lawsuit to quiet title to deed of trust and extinguish the lien and debt associated with that deed, establishing that Plaintiff's deed is in full force and effect and has first priority over the Commission's lien on property owned by Tomel Burke, judgment Debtor.

Status: Commission agreed to consent judgment.

Docket:

04/24/2020	Complaint filed
04/05/2022	Motion for Default as to Commission filed
04/19/2022	Commission's Opposition to Plaintiff's Motion for Default
05/09/2022	Order of Court. Motion for Default as to Commission denied.
11/18/2022	Complaint received
12/07/2022	Amended Motion for Entry of Default
12/30/2022	Commission's Consent to Judgment without Answer
05/23/2023	Ex Parte Hearing set

APPELLATE COURT OF MARYLAND

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

Case No. CSA-REG-1094-2022 (AALU)
(Originally filed under 487649-V in Montgomery County)

Lead Counsel: Mills
Other Counsel:

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

Status: Appeal filed.

Docket:

08/30/2022	Appeal filed
08/31/2022	Notice of Appeal issued by COSA
10/06/2022	Order to Proceed
12/05/2022	Briefing Notice
01/17/2023	Appellant Brief and Record Extract filed.
02/15/2023	Appellee Brief filed
02/16/2023	Notice to Amend/Substitute Party to name proper entity filed by Pulte Home Company, LLC
02/16/2023	Correspondence from Court regarding dates
02/21/2023	Response by Counsel to Conflict Notification letter
02/28/2023	Order substituting proper party, Pulte Home Company LLC
03/07/2023	Reply Brief
03/17/2023	Scheduling Notice

Wolf, et al. v. Planning Board of Prince George's County
Case No. ACM-REG-2099-2022(AALU)
(Originally filed under CAL20-14895 in Prince George's County)

Lead Counsel: Warner
Other Counsel:

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

Status: Appealed

Docket:

02/02/2023	Notice of Appeal
02/23/2023	Show Cause Issued to Appellant. Civil Appeal Information Report due March 10, 2023.
02/28/2023	Motion
03/03/2023	Order
03/08/2023	Motion
03/20/2023	Order to Proceed

SUPREME COURT OF MARYLAND

No Pending Matters

U.S. DISTRICT COURT OF MARYLAND

Deakins v. Commission, et al.
8:23-cv-00138 AAQ (ED)

Lead Counsel: Foster
Other Counsel: Rupert

Abstract: Complaint by former employee relating to Commission's COVID-19 vaccination mandate. Complaint alleges disability discrimination and unreasonable failure to accommodate

Status: Commission served.

Docket:

01/19/2023	Complaint filed
01/24/2023	Case Management Order
01/24/2023	Commission served
01/30/2023	Notice of Intent to file Motion to Dismiss by Defendants Riley and Spencer
02/01/2023	Order – all parties have voluntarily consent to proceed before Magistrate
02/27/2023	Answer to Complaint

03/06/2023	Order regarding Motion to Dismiss
03/20/2023	Joint Status Report
03/20/2023	Order approving briefing schedule
04/19/2023	Commission's Partial Motion to Dismiss filed

Evans v. Commission, et al.
8:19-cv-02651 MJM (ED)

Lead Counsel: Levan
Other Counsel: Foster

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

Status: Summary Judgment in favor of all Defendants.
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
05/03/2022	Reply to Response to Motion to Seal
06/09/2022	Consent Motion for Extension of Time to file Response to Defendants' Joint Motion for Summary Judgment
06/10/2022	Order of Court granting Consent Motion
06/14/2022	Second Motion for Extension of Time to file Response to Defendants' Joint Motion for Summary Judgment
06/14/2022	Order granting Second Motion for Extension of Time to File Response to Defendants' Joint Motion for Summary Judgment
07/15/2022	Plaintiff's Motion for Leave to File Excess Pages
0715/2022	Opposition to Motion for Summary Judgment
0718/2022	Defendants' Response in Opposition to Motion for Leave to File Excess Pages
07/18/2022	Plaintiff's Reply to Response in Opposition to Motion for Leave to File Excess Pages

07/19/2022	Order granting in part and denying in part Plaintiff's Motion for Leave to File in Excess of 35 pages.
07/21/2022	Defendant' Motion for Leave to File Excess Pages
07/21/2022	Order granting Defendants' Motion for Leave to File in Excess of 20 pages
07/25/2022	Defendants' Response to Motion to Seal Opposition to Motion for Summary Judgment
07/26/2022	Defendants Response in Opposition to Motion for Summary Judgment
09/30/2022	Reply to Plaintiff's Opposition to Summary Judgment
10/14/2022	Plaintiff's Motion seeking permission to file a Sur-Reply to Motion for Summary Judgment.
10/20/2022	Defendant's Notice of Intent to Strike
10/26/2022	Motion for Extension of Time to file Response
11/01/2022	Order of Court Plaintiff permitted to file a sur-reply on or before November 8, 2022, and Defendants may file a joint response to the sur-reply on or before November 15, 2022
11/08/2022	Reply to Response to Motion for Summary Judgment
11/15/2022	Response to Reply to Response to Motion for Summary Judgment
01/19/2023	Sealed Response in Opposition to Motion for Summary Judgment
03/31/2023	Summary Judgment on all counts granted in favor of all Defendants.
04/25/2023	Plaintiff's Notice of Appeal

Izadjoo v. Commission, et al.
8:23-cv-00142 TDC (ED)

Lead Counsel: Foster
Other Counsel: Johnson

Abstract: Former Montgomery Parks employee alleging employment discrimination

Status: Complaint filed. Commission served.

Docket:

01/19/2023	Complaint filed
01/25/2023	Case Management Order
02/07/2023	Commission served
02/13/2023	Request for Pre-Motion Conference re: Intent to File Motion to Dismiss

U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT

Evans v. Commission, et al.

Case No.

(Appeal from 8:19-cv-02651) (ED)

Lead Counsel: Foster
Other Counsel: Levan

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

Status: Appeal filed.

Docket:

04/25/2023	Appeal filed
------------	--------------